

Section 1. AMC Section 30-2.b Definitions.

Accessory building shall mean a detached subordinate building, ~~any part of which is within a required minimum yard of the subject Zoning District, and the use of which is incidental to that of the main building(s) on the same lot; or to the primary use of the land. For properties within a Residential zone, or with a Residential use, the use of such accessory buildings is restricted to garages, carports, storage sheds, and similar buildings which are found by the Building Official to conform to the "U" (utility) occupancy classification.~~

Section 2. AMC Section 30-5.7.f Accessory Buildings.

f. Accessory Buildings. Accessory buildings may be located within minimum required side and rear yards, and shall conform to the following:

1. Height limits. Accessory buildings ~~located in a required side or rear yard~~ shall not exceed one (1) story, and shall not exceed a height of ten (10') feet at the top of a parapet or at the point where the side elevation intersects with the roof, with the following exceptions:

(a) The height at the ridge of the roof may exceed the above height limitation, up to a maximum height of fifteen (15') feet.

(b) The front and rear elevations may exceed the ten (10') foot height limit up to the fifteen (15') foot height at the ridge of the roof; however, in no case shall the fifteen (15') foot ridge height be extended along the entire front or rear elevation.

(c) The height at the top of the front or rear elevation's parapet may exceed the above height limitation, up to a maximum height of twelve (12') feet.

2. ~~Maximum rear yard coveragesizes permitted.~~ Accessory buildings shall not ~~exceed cover more than~~ four hundred (400) square feet ~~in size, or 40% of the minimum required rear yard as prescribed by the subject Zoning District, whichever is greater. As an exception to the four hundred (400) square foot limit, lots that have a minimum required rear yard of over one thousand (1,000) square feet may have accessory structures that exceed four hundred (400) square feet in size, but may not occupy more than forty (40%) percent of the minimum required rear yard as prescribed by the subject Zoning District.~~ That portion of an accessory building which is outside the minimum required rear yard is subject to maximum main building coverage limitations of the subject zone.

3. Minimum setbacks from side property lines. If located less than seventy-five (75') feet from the front property line, the accessory building shall observe a five (5') foot side yard setback. If the accessory building is to be located seventy-five (75') feet, or more, from the front property line, it may be built up to the interior side property line(s), provided that all construction within three (3') feet of the property line (including eaves and similar architectural features) is one hour fire resistive as required by the A.B.C., as approved by the Building Official.

4. Minimum setback from rear property line. If located within that portion of the minimum required rear yard that adjoins the neighbors' required minimum rear yard(s), the accessory building may be built up to the rear property line, provided that all construction within three (3')

feet of the property line (including eaves and similar architectural features) is one hour fire resistive as required by the A.B.C., as approved by the Building Official. If the proposed accessory building is to be located within that portion of the minimum required rear yard that does adjoin the neighbors' required minimum rear yard(s) (i.e., adjacent to that part of the neighbor's side property line not within his/her minimum required rear yard), a minimum five (5') foot setback from the rear property line shall be maintained.

5. Minimum separation from neighboring structures. There shall be a minimum of six (6') feet separating all construction (including eaves and similar architectural features) of the accessory building(s) from the main building(s) or other accessory building(s). The separation requirements of this paragraph may be reduced by the Planning and Building Director and Building Official if one hour fire resistive construction is utilized and/or occupancy classification of the subject buildings allow for a lesser separation, as specified by the A.B.C.

6. Reconstruction of legally nonconforming buildings. Notwithstanding the limitations prescribed by [Section 30-20](#), Nonconforming Buildings and Uses, legally nonconforming accessory building(s) with conforming residential uses in residential zoning districts may be reconstructed, with an equal or lesser nonconformity to the size, and location requirements of this subsection (i.e., paragraphs 2. through 4.), subject to the approval process for improvements, as outlined in [Section 30-37](#), Design Review Regulations, and allowing for modifications to the height and/or roof configuration, provided that the resulting design does not exceed the height limitation prescribed by paragraph 1. of this subsection. Such reconstruction may occur as part of any duly permitted project to repair, remodel or replace the existing nonconforming structure.

7. Accessory buildings used for off-street parking may be converted to other incidental uses provided an equal number of parking spaces is provided on the same lot in accordance with Section 30-7.3.

8. Accessory buildings may be used as habitable space, including but not limited to a den, study, library, art studio, workshop, home office, sewing room, or recreation room. Accessory buildings shall not include a kitchen unless the use of the accessory building conforms to the standards of a Second Unit per Section 30-4.1.b.9 or is approved with a use permit as part of a home occupation. The Community Development Director may require deed restrictions on lots with accessory buildings used as habitable space.