

Memo

To: Community Development Director, Frederic Clark
From: Planning Manager, Mark Meissner *MM*
Date: August 2, 2012
Subject: Interpretation of Municipal Code Section 17.40.040 B, Development Standards by Type of Accessory Structure.

BACKGROUND:

In accordance with Manteca Municipal Code (MMC) §17.04.020 B, Applicability and Authority for Interpretations: "If questions arise concerning the meaning or applicability of the provisions of this Title, it shall be the responsibility of the Community Development Director to review pertinent facts, determine the intent of the provision, and issue an administrative interpretation of said provision(s) as specified in this Chapter.

Staff has determined that there is an ambiguity in the subject zoning code section that requires an official determination from the Community Development Director. Section 17.04.040, A, Record of Interpretation, Official Interpretation, states that: "Whenever the Community Development Director determines that an ambiguity in a zoning regulation exists or when an applicant, property owner, or interested party requests, the Community Development Director shall issue an official interpretation."

ANALYSIS:

Staff finds that an official interpretation of the development standards for accessory structures, in particular the height and setbacks for buildings greater than or less than 120 sq. ft., is necessary to allow for reasonable and logical enforcement of MMC §17.40.040, B (see attached). The code is written to allow accessory structures less than or equal to 120 sq. ft. to be 8-feet in height, and those larger than 120 sq. ft. to be 15-feet in height. The code also allows structures \leq 120 sq. ft. to have zero (0) rear and/or side yard setbacks and those $>$ 120 sq. ft. to maintain 5-foot setbacks for enclosed structures and 3-foot setbacks for open structures. The interpretation is necessary because the code is silent to the height allowance for accessory structures \leq 120 sq. ft. that meet the 3 or 5-foot setback.

Code enforcement and Planning Staff have a difference of opinion on the interpretation of this section of the code, which is prompted by a code enforcement case regarding a shed in a rear yard. Staff needs an interpretation in order to resolve this case and potentially many more in the future. Code enforcement's interpretation is that the code limits smaller shorter accessory structures to 8-feet in height no matter where they are located in the back or side yard; even if they meet the required residential setbacks. In Planning staff's opinion, there is no logic in limiting the height of a structure \leq 120 sq. ft. meeting required setbacks to 8-feet

when a larger accessory structure sitting in the same location would be allowed to be 15-feet in height. The intent and practical application is that smaller shorter accessory structures, like tool sheds, are less intrusive to neighboring properties and are allowed to be within the setback. On the other hand, larger accessory structures greater than 120 sq. ft., like covered open patios, must maintain at least a 3-foot setback from the side and rear property lines but have the added benefit of being taller (max. 15-feet).

RECOMMENDATION:

Staff recommends the official interpretation to be that accessory structures as defined by the municipal code that are less than or equal to 120 sq. ft. and meeting the setback requirements of accessory structures greater than 120 sq. ft. are allowed a maximum height of 15-feet equal to that of the larger structures.

If approved, staff will maintain this official interpretation for public review and shall be clarified by amendment to the Zoning Code as soon as is practical.

APPROVED BY: Frederic Clark DATE: 8-8-12

Frederic Clark, Community Development Director

Manteca Municipal Code

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17.40.040 Development Standards

A. Development Standards for All Accessory Structures. The development standards in this Section shall apply to accessory structures. Primary structures, and any other feature attached to the primary structure (e.g., patio cover) are subject to the setback, height, and other requirements for the Zoning District in which they are located.

1. **Setback Measurement.** Minimum setback distances for accessory structures from property lines and between all structures shall be measured to any portion of the structure(s) (overhangs, projections, and railings).
2. **Construction Phasing.** Accessory structures may be constructed only in conjunction with or after construction of the primary building(s) on the site. However, in agricultural Zoning Districts, accessory structures may be constructed prior to the primary residential dwelling.
3. **Maximum Rear Yard Coverage.** The total size of accessory structure(s) on any lot may not exceed 30 percent of the actual rear yard area.
4. **Separation Between Structures.** All accessory structures shall maintain the minimum separation between other buildings as required under the City-adopted Building Code.

B. Development Standards by Type of Accessory Structure. Table 17.40.040-1 (Development Standards for Accessory Structures) establishes development standards based on the type of accessory structure as defined in Section 17.100.060 (Universal Definitions).

TABLE 17.40.040-1
DEVELOPMENT STANDARDS FOR ACCESSORY STRUCTURES

Accessory Structure	Minimum Setback Distance from Property Line			Maximum Height
	Front	Street Side	Interior (including rear)	
Building, ≤120 sf	Not allowed in required front or street side yard setback		0 ft	8 ft
Building, >120 sf	Not allowed in required front yard setback	10 ft	5 ft	15 ft/ 1 story
<ul style="list-style-type: none"> • Fully Enclosed • Solid Roof Limited/No Enclosure 		10 ft	3 ft	15 ft/ 1 story
Landscape Features	No minimum	10 ft	3 ft	16 ft
Pools/Spas	Not allowed in required front yard setback	5 ft*	5 ft*	15 ft/ 1 story
Deck/Patio	No minimum	No minimum	No minimum	No minimum
Play Equipment	Not allowed in required front yard setback	10 ft	3 ft	16 ft

Note:

* Measurement from water's edge.

C. Special Development Standards for Accessory Structures in the R-3 and R-4 Zones. Accessory structures in multi-family dwelling complexes (e.g., garages, bicycle storage, laundry rooms, car washing areas, recreation facilities) shall incorporate a design similar to the project's dwelling units, in terms of materials and colors. (Ord. 1501 § 1, 2011)