

# ACCESSORY USES / STRUCTURES, INCLUDING INCIDENTAL FOOD SERVICE

## DEFINITIONS

### Current:

“**Accessory**” means a use, activity, structure or part of a structure that is subordinate and incidental to the main activity or structure on the subject property.

“**Accessory use**” means a use that is located on the same lot and incidental to a principal use.

### Proposed Addition:

“**Incidental Food Service**” means the on-site retail sale of meals and non-alcoholic beverages that provides an accessory service to a single primary use.

## PROPOSED NEW CHAPTER

### Chapter 18.59

#### Accessory Uses and Structures

##### 18.59.010 General Provisions

A. All accessory uses and structures shall meet the following requirements:

1. Be an allowed use in the zoning classification in which they are located
2. Be operated and maintained under the same ownership and use as the primary use or structure except as provided herein;
3. Be located on the same lot as the related primary use;
4. Not be erected prior to the occupancy of the primary use or structure; and
5. Not be located in a required yard except as provided herein.

B. All residential accessory uses attached to or part of the main structure must meet all minimum requirements established by SMC 18.44.

##### 18.59.020 Residential Garage, Carport, Shop, Covered Areas, And Similar Structures

A. The following standards shall apply to structures accessory to residential and agricultural uses, excluding accessory dwelling units per SMC 18.66 and structures not requiring a building permit per SMC 15.04.025:

1. Lots of one acre and smaller:

a. Ground coverage: Accessory structure coverage shall not exceed eighty (80) percent of the ground coverage area of the primary land use, one thousand (1,000) square feet

in any single structure, and the maximum lot coverage of SMC.18.44.020 for all structures on the property.

b. Setbacks:

- i. Front yard: 20 feet minimum from any front property line;
- ii. Side and rear yards: 5 feet minimum from side and rear property lines, except 10 feet from any street right-of-way or alley;
- iii. Building separation: 10 feet minimum from any building on the same or lot(s).

c. Height: Maximum height no more than twenty-five (25) percent greater than the primary structure but in no case exceeding twenty-five (25) feet in height at any point.

2. Lots greater than one acre:

a. Ground coverage: Accessory structure coverage shall not exceed three thousand (3,000) square feet.

b. Required setbacks:

- i. Front yard: 50 feet minimum from any front property line;
- ii. Side and rear yards: 10 feet minimum from side and rear property lines, 20 feet from any street right-of-way or alley, plus one additional foot of setback for each forty square feet of building coverage over 1,000 square feet;
- iii. Building separation: 10 feet minimum.

c. Height: Maximum height shall not exceed thirty-five (35) feet at any point.

3. Design, all lots: Any garage, storage building or shop structure shall be designed so that it is visually consistent with the character of a single-family residential neighborhood including the following:

- a. Constructed of similar materials as the primary structure;
- b. A roof of equal or greater pitch as the primary structure;

4. Any garage, storage area, or shop that is contained within the principal unit is exempt from the accessory structure dimensional standards of this section.

### **18.59.030 Incidental Food Service**

A. Incidental food service is allowed as an accessory use to a primary use only under the following conditions and limits:

1. The primary use must occupy a gross floor area of not less than 50,000 square feet;
2. The primary use is located within a zone that permits retail use;
3. The total enclosed vendor space for an **outdoor** incidental food service shall not exceed 200 square feet in area;
4. **If the incidental food service is outside the primary use structure**, it shall be immediately adjacent to it;
5. **The signing for any outdoor incidental food service** shall not exceed 20 square feet of wall signs of which none shall be larger than 10 square feet and one portable sign not exceeding six square feet; and
6. The incidental food service shall not occupy required parking spaces or designated circulation lanes.

## **PROPOSED (COROLLARY) CODE REVISIONS**

### **18.44.030 Exceptions.**

The bulk, dimensional and general requirements found in SMC [18.44.020](#) shall apply to specifically permitted and conditional uses ~~tabulated~~listed in Chapter ~~18.6020~~ SMC, excepting the following:

~~A. The side and rear setbacks provided in SMC [18.44.020](#) shall not apply to outbuildings found in residential or agricultural uses such as detached garages, storage sheds or tool sheds, excepting that all buildings shall be a minimum of five feet from side and rear property lines and 10 feet from any street right-of-way or alley and 10 feet from any building on the same or adjacent properties. The standards for accessory uses and structures presented in SMC 18.59 supersede those in 18.44.020.~~

B. The maximum building height provided in SMC [18.44.020](#) shall not apply to towers and antennas; provided that towers and antennas are setback from all exterior property lines at a minimum ratio of one foot of setback for every three feet of vertical height as measured from grade.

C. Antennas, satellite dishes, or other communication devices shall not be located in the front setback area.

~~D. All structures excepting fences, hedges, and berms, shall not be established within the front setback area.~~

E. Maximum building height in the C-II(G), C-III, and MU zones may be exceeded only under the following exceptions:

1. Elevator towers, HVAC equipment, solar and wind energy facilities, building maintenance equipment, and communications antennae or dishes may exceed the height limit of the zone or the greatest height of the finished roof, whichever is less, by up to twelve feet, provided that HVAC equipment and screening and antennae / dishes shall be set back from the roof perimeter a distance equal to the height of these features above the finished roof; and

2. One incidental roof and its supports covering not more than the lesser of 256 square feet or 5% of the total roof area and standing not more than twelve feet high over a single, fully-open roof-top patio is permitted, provided that the roof covering cannot be more than 48” high in cross-section at any point, the covering structure cannot be more than 20 feet in any dimension, and the roof design must be consistent with the building architecture in material and design.