

AN ORDINANCE AMENDING TITLE IX OF THE CITY OF GLADSTONE, MISSOURI, CODE OF ORDINANCES BY REPEALING CERTAIN PROVISIONS CONTAINED THEREIN AND ENACTING IN LIEU THEREOF, NEW PROVISIONS DESIGNATED AS TITLE IX BUILDING AND CONSTRUCTION ORDINANCE RELATING TO THE DETACHED ACCESSORY STRUCTURE REGULATIONS FOR THE CITY OF GLADSTONE, MISSOURI.

LEGISLATIVE FINDINGS:

1. The City has conducted a comprehensive review of Chapter 2300 in Title IX of the Code of Ordinances relating to the Detached Accessory Structure Regulations; and
2. Regulations concerning detached accessory structures within the City have been reviewed by the City for incorporation by reference and such adoption is deemed advisable by the City Council for the health, safety and welfare of the residents of the City; and
3. The City Council of the City of Gladstone, Missouri finds that it is in the best interest of the citizens of the City of Gladstone, Missouri to enact the provisions of the Building and Construction Ordinance set forth herein.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GLADSTONE, MISSOURI AS FOLLOWS:

Section 1. That the following Chapter of the Code of Ordinances of the City of Gladstone, Missouri, regarding detached accessory structures, is hereby repealed.

Chapter 2300 Detached Accessory Structure Regulations

Section 2. That the following Chapter of the Code of Ordinances of the City of Gladstone, Missouri, is amended to read as set for in Exhibit A, attached hereto and incorporated as part of this Ordinance by reference as if fully set forth herein.

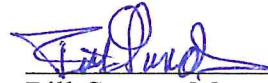
Chapter 2300 Detached Accessory Structure Regulations

Section 3. That the provisions of the Code of Ordinances of the City of Gladstone, Missouri repealed herein shall not be construed to revive any former Ordinances, clause or provisions of the Gladstone Code of Ordinances.

Section 4. That the provisions of this Ordinance are severable and if any provision hereof is declared invalid, unconstitutional or unenforceable, such determination shall not affect the validity of the remainder of this Ordinance.

Section 5. That this Ordinance shall be in full force and effect from and after the date of its passage and approval.

**INTRODUCED, PASSED, SIGNED AND MADE EFFECTIVE BY THE CITY COUNCIL
OF THE CITY OF GLADSTONE, MISSOURI THIS 23RD DAY OF MAY, 2022.**



Bill Garnos, Mayor

Attest:



Kris Keller, City Clerk

First Reading: May 23, 2022

Second Reading: May 23, 2022

EXHIBIT A

CHAPTER 2300

CHAPTER 2300
DETACHED ACCESSORY STRUCTURE REGULATIONS

DIVISION 1
SCOPE AND ADMINISTRATION

PART 1 – SCOPE AND APPLICATION

SECTION 9.2300.101
GENERAL

9.2300.101.1 Title.

These regulations shall be known and cited as the Detached Accessory Structure Regulations of the City of Gladstone, Clay County, Missouri hereinafter referred to as “this chapter”.

9.2300.101.2 Scope.

The provisions of this chapter are to provide general and specific requirements related to the construction, installation, re-installation, alteration, replacement, repair, location, maintenance, and removal of detached accessory structures.

9.2300.101.3 Intent.

The purpose of this chapter is to provide minimum requirements to safeguard life, health, property, and public welfare, by regulating and controlling the construction and location of detached accessory structures to provide aesthetically compatible and pleasing urban environment, and solidify the City of Gladstone’s position as a livable suburban community.

SECTION 9.2300.102
APPLICABILITY

9.2300.102.1 General.

Where there is a conflict between a general requirement and a specific requirement, the specific requirement shall be applicable. Where, in any specific case, different sections of this chapter specify requirements, the most restrictive shall govern.

9.2300.102.2 Other laws.

The provisions of this chapter shall not be deemed to nullify any provisions of local, state, or federal law.

9.2300.102.3 Application of references.

References to division or section numbers, or to provisions not specifically identified by number, shall be construed to refer to such division, section or provision of this chapter.

9.2300.102.4 Partial invalidity.

In the event that any part or provision of this chapter is held to be illegal or void, this shall not have the effect of making void or illegal any of the other parts or provisions.

PART 2 – ADMINISTRATION AND ENFORCEMENT

SECTION 9.2300.103 DUTIES AND POWERS OF BUILDING OFFICIAL

9.2300.103.1 General.

The *building official* is hereby authorized and directed to enforce the provisions of this chapter. The *building official* shall have the authority to render interpretations of this chapter and to adopt policies and procedures in order to clarify the application of its provisions. Such interpretations, policies, and procedures shall be in compliance with the intent and purpose of this chapter. Such policies and procedures shall not have the effect of waiving requirements specifically provided for in this chapter.

9.2300.103.2 Applications and permits.

The *building official* shall receive applications, review construction documents and issue *permits* for the placement and use of detached accessory structures, inspect the *premises* for which such *permits* have been issued and enforce compliance with the provisions of this chapter.

9.2300.103.3 Notices and orders.

The *building official* shall issue all necessary notices or orders to ensure compliance with this chapter.

9.2300.103.4 Inspections.

The *building official* shall make all of the required inspections, or shall accept reports of inspection by *approved* agencies or individuals. Reports of such inspections shall be in writing and be certified by a reasonable officer of such *approved* agency or by the responsible individual. The *building official* is authorized to engage such expert opinion as deemed necessary to report on unusual technical issues that arise, subject to the approval of the appointing authority.

9.2300.103.5 Identification.

The *building official* shall carry proper identification when inspecting *premises* in the performance of duties under this chapter.

9.2300.103.6 Right of entry.

Where it is necessary to make an inspection to enforce the provisions of this chapter, or whenever the *building official* has reasonable cause to believe that there exists upon a *premises* or private property a condition in violation of this chapter, the *building official* is authorized to enter the *premises* at reasonable times to inspect or perform the duties imposed by this chapter, provided that if such *premises* is occupied the *building official* shall present credentials to the *premises* or private property owner and request entry. If

such *premises* or private property is unoccupied, the *building official* shall first make a reasonable effort to locate the *owner*; owner's authorized agent, or other person having charge or control of the *premises* or private property and request entry. If entry is refused, the *building official* shall have recourse to the remedies provided by law to secure entry.

9.2300.103.7 Department records.

The *building official* shall keep official records of all business and activities of the department specified in the provisions of this chapter. Such records shall be retained in the official records for the period required for retention of public records.

SECTION 9.2300.104

PERMITS

9.2300.104.1 Required.

Any *owner* or owner's authorized agent who intends to construct, enlarge, alter, repair, move, demolish or change the occupancy of a detached accessory structure, or to erect, install, enlarge, alter, repair, remove, convert or replace any electrical, gas, mechanical or plumbing system, the installation of which is regulated by this chapter, or to cause any such work to be performed, shall first make application to the *building official* and obtain the required *permit*.

9.2300.104.2 Work exempt from permit.

Exemption from *permit* requirements of this chapter shall not be deemed to grant authorization for any work to be done in any manner in violation of the provisions of this chapter or any other laws or ordinances of this jurisdiction. *Permits* shall not be required for the following:

9.2300.104.2.1 Emergency repairs.

Where equipment replacements and *repairs* must be performed in an emergency situation, the *permit* application shall be submitted within the next working business day to the *building official*.

9.2300.104.2.2 Repairs.

Application or notice to the *building official* is not required for ordinary *repairs* to structures, replacement of lamps or the connection of approved portable electrical equipment to approved permanently installed receptacles. Such *repairs* shall not include the cutting away of any wall, partition or portion thereof, the removal or cutting

of any structural beam or load-bearing support, or the removal or change of any required means of egress, or rearrangement of parts of a structure affecting the egress requirements; nor shall ordinary repairs include addition to, alteration of, replacement or relocation of any water supply, sewer, drainage, drain leader, gas, soil, waste, vent or similar piping, electric wiring or mechanical or other work affecting public health or general safety.

9.2300.104.3 Application for permit.

To obtain a *permit*, the applicant shall first file an application in writing on a form furnished by the Department for that purpose. Such application shall:

1. Describe the land on which the proposed event shall be located by legal description, street address, or similar description that will readily identify and definitely locate the proposed location.
2. Company's name, address, phone numbers and other pertinent information as deemed necessary.
3. Property owner's name, address, phone numbers, and other pertinent information as deemed necessary.
4. Date of delivery.
5. Be accompanied by construction documents and other information as required by Section 9.2300.105.
6. Be signed by the applicant, or the applicant's authorized agent.
7. Be signed by the *owner* or *owner's* representative.
8. Give such other data and information as required by the *building official*.

9.2300.104.3.1 Action on application.

The *building official* shall examine or cause to be examined applications for *permits* and amendments thereto within a reasonable time after filing. If the application does not conform to the requirements or pertinent laws, the *building official* shall reject such application. If the *building official* is satisfied that the application conforms to the requirements of this chapter, codes, laws and ordinances applicable thereto, the *building official* shall issue a *permit* therefore as soon as practicable.

9.2300.104.3.2 Time limitation of application.

An application for a *permit* for any proposed work shall be deemed to have been abandoned 180 days after the date of filing unless such application has been pursued in good faith or a *permit* has been issued; except that the *building official* is authorized to grant one or more extensions of time for additional periods not exceeding 180 days each. The extension shall be requested in writing and justifiable cause demonstrated.

9.2300.104.4 Validity of permit.

The issuance or granting of a *permit* shall not be construed to be a *permit* for, or approval of, any violation of any of the provisions of this chapter or of any other ordinances of the jurisdiction. *Permits* presuming to give authority to violate or cancel the provisions of this chapter or other ordinances of the jurisdiction shall not be valid. The issuance of a *permit* based on information given shall not prevent the *building official* from requiring the corrections of errors in the information given. The *building official* is also authorized to prevent use of *detached accessory structure*, in violation of this chapter or any other ordinances of this jurisdiction.

9.2300.104.5 Expiration.

Every *permit* issued shall become invalid 180 days from the date of issuance. The *building official* is authorized to grant, in writing, one or more extensions of time, for periods not more than 180 days each. The extension shall be requested in writing and justifiable cause demonstrated.

9.2300.104.6 Suspension or revocation.

The *building official* is authorized to suspend or revoke a *permit* issued under the provisions of this chapter wherever the *permit* is issued in error or on the basis of incorrect, inaccurate or incomplete information, or in violation of any ordinance or regulation, or any other provisions of this chapter.

9.2300.104.7 Placement of permit.

The building *permit* or a copy shall be kept on the site of the work until the completion of the project.

9.2300.104.8 Responsibility.

It shall be the duty of every person who performs work for the installation or repair of building, structure, electrical, gas, mechanical or plumbing systems, for which this chapter is applicable, to comply with this chapter.

9.2300.104.9 Preliminary inspection.

Before issuing a *permit*, the *building official* is authorized to examine or cause to be examined buildings, structures and sites for which an application has been filed.

SECTION 9.2300.105 CONSTRUCTION DOCUMENTS

9.2300.105.1 Submittal documents.

Submittal documents consisting of *construction documents*, and other data shall be submitted in two or more sets with each application for a *permit*. The *construction documents* shall be prepared by a *registered design professional* where required by the statutes of the jurisdiction in which the project is to be constructed. Where special conditions exist, the *building official* is authorized to require additional *construction documents* to be prepared by a *registered design professional*.

Exception: The *building official* is authorized to waive the submission of *construction documents* and other data not required to be prepared by a *registered design professional* if it is found that the nature of the work applied for is such that reviewing of *construction documents* is not necessary to obtain compliance with this chapter.

9.2300.105.1.1 Information on construction documents.

Construction documents shall be drawn upon suitable material. Electronic media documents are permitted to be submitted where approved by the *building official*. *Construction documents* shall be of sufficient clarity to indicate the location, nature and extent of the work proposed and show in detail that it will conform to the provisions of

this chapter and relevant laws, ordinances, rules and regulations, as determined by the *building official*.

9.2300.105.1.2 Manufacturer's installation instructions.

Manufacturer's installation instructions, as required by this chapter, shall be available on the job site at the time of inspection.

9.2300.105.1.3 Information on braced wall design.

For buildings and structures utilizing braced wall design, and where required by the *building official*, braced wall lines shall be identified on the construction documents. Pertinent information including, but not limited to, bracing methods, location and length of braced wall panels and foundation requirements of braced wall panels at top and bottom shall be provided.

9.2300.105.1.4 Information for construction in flood hazard areas.

For buildings and structures located in whole or in part in flood hazard areas as established by Table R301.2(1), of the International Residential Code as adopted by the jurisdiction, construction documents shall include:

1. Delineation of flood hazard areas, floodway boundaries and flood zones and the design flood elevation, as appropriate.
2. The elevation of the proposed lowest floor, including basement; in areas of shallow flooding (AO Zones), the height of the proposed lowest floor, including basement, above the highest adjacent grade.
3. The elevation of the bottom of the lowest horizontal structural member in coastal high -hazard areas (V Zone) and in Coastal A Zones where such zones are delineated on flood hazard maps identified in Table R301.2(1), of the International Residential Code as adopted by the jurisdiction, or otherwise delineated by the jurisdiction.
4. If design flood elevations are not included on the community's Flood Insurance Rate Map (FIRM), the building official and the applicant shall obtain and reasonably utilize any design flood elevation and floodway data available from other sources.

9.2300.105.2 Site plan or plot plan.

The *construction documents* submitted with the application for *permit* shall be accompanied by a site plan showing the size and location of new construction and existing structures on the site and distances from lot lines. In the case of demolition, the site plan shall show construction to be demolished and the location and size of existing structures and construction that are to remain on the site or plot. The *building official* is authorized to waive or modify the requirement for a site plan where the application for permit is for alteration or repair or where otherwise warranted.

9.2300.105.3 Examination of documents.

The *building official* shall examine or cause to be examined *construction documents* for code compliance.

9.2300.105.3.1 Approval of construction documents.

Where the *building official* issues a *permit*, the *construction documents* shall be approved in writing or by a stamp that states “REVIEWED FOR CODE COMPLIANCE.” One set of *construction documents* so reviewed shall be retained by the *building official*. The other set shall be returned to the applicant, shall be kept at the site of work and shall be open to inspection by the *building official* or a duly authorized representative.

9.2300.105.3.2 Previous approvals.

This chapter shall not require changes in the *construction documents*, construction or designated occupancy of a structure for which a lawful *permit* has been heretofore issued or otherwise lawfully authorized, and the construction of which has been pursued in good faith within 180 days after the effective date of this chapter and has not been abandoned.

9.2300.105.3.3 Phased approval.

The *building official* is authorized to issue a *permit* for the construction of foundations or any other part of a building or structure before the *construction documents* for the whole building or structure have been submitted, provided that adequate information and detailed statements have been filed complying with pertinent requirements of this chapter. The holder of such *permit* for the foundation or other parts of a building or structure shall proceed at the holder’s own risk with the building operation and without assurance that a permit for the entire structure will be granted.

9.2300.105.4 Amended construction documents.

Work shall be installed in accordance with the *approved construction documents*, and any changes made during construction that are not in compliance with the *approved construction documents* shall be resubmitted for approval as an amended set of *construction documents*.

9.2300.105.5 Retention of construction documents.

One set of *approved construction documents* shall be retained by the *building official* for a period of not less than 180 days from date of completion of the permitted work, or as required by state or local laws.

SECTION 9.2300.106

FEES

9.2300.106.1 Payment of fees.

A *permit* shall not be valid until the fees prescribed by law have been paid, nor shall an amendment to a *permit* be released until the additional fees, if any, have been paid.

9.2300.106.2 Permit fee.

Permit fees shall be in accordance with the adopted schedule of fees and charges; and shall be paid at time permit is issued. *Detached accessory structures* constructed/places prior to obtaining a *permit* shall be assessed a penalty fee equal to the permit fee in addition to the require permit fee.

9.2300.106.3 Related fees.

The payment of the fee for the *permit* shall not relieve the applicant or permit holder from the payment of other fees that are prescribed by law.

SECTION 9.2300.107 INSPECTIONS

9.2300.107.1 Types of inspections.

For on-site construction, from time to time the *building official*, upon notification from the permit holder or his agent, shall make or cause to be made any necessary inspections and shall either approve that portion of the construction as completed or shall notify the permit holder or his or her agent wherein the same fails to comply with this chapter.

9.2300.107.1.1 Foundation inspection.

Inspection of the foundation shall be made after poles or piers are set or trenches or basement areas are excavated and any required forms erected and any required reinforcing steel is in place and supported prior to the placing of concrete. The foundation inspection shall include excavations for thickened slabs intended for the support of bearing walls, partitions, structural supports, or equipment and special requirements for wood foundations.

9.2300.107.1.2 Plumbing, mechanical, gas and electrical systems inspection.

Rough inspection of plumbing, mechanical, gas and electrical systems shall be made prior to covering or concealment, before fixtures or appliances are set or installed, and prior to framing inspection.

9.2300.107.1.3 Floodplain inspections.

For construction in flood hazard areas as established by Table R301.2(1), of the International Residential Code as adopted by the jurisdiction, upon placement of the lowest floor, including basement, and prior to further vertical construction, the *building official* shall require submission of documentation, prepared and sealed by a registered design professional, of the elevation of the lowest floor, including basement, required in Section R322, of the International Residential Code as adopted by the jurisdiction.

9.2300.107.1.4 Frame and masonry inspection.

Inspection of framing and masonry construction shall be made after the roof, masonry, framing, firestopping, draftstopping and bracing are in place and after the plumbing, mechanical and electrical rough inspections are approved.

9.2300.107.1.5 Other inspections.

In addition to inspections in Sections 9.2300.107.1.1 through 9.2300.107.1.4, the *building official* shall have the authority to make or require any other inspections to ascertain compliance with this chapter and other laws enforced by the *building official*.

9.2300.107.1.5.1 Fire-resistance-rated construction inspection.

Where fire-resistance-rated construction is required between dwelling units or due to location on property, the *building official* shall require an inspection of such construction after lathing or gypsum board or gypsum panel products are in place, but before any plaster is applied, or before board or panel joints and fasteners are taped and finished.

9.2300.107.1.6 Final inspection.

Final inspection shall be made after the permitted work is complete and prior to occupancy.

9.2300.107.1.6.1 Elevation documentation.

If located in a flood hazard area, the documentation of elevations required in Section R322.1.10 of the International Residential Code as adopted by the jurisdiction, shall be submitted to the *building official* prior to the final inspection.

9.2300.107.2 Inspection agencies.

The *building official* is authorized to accept reports of *approved* agencies, provided such agencies satisfy the requirements as to qualifications and reliability.

9.2300.107.3 Inspection requests.

It shall be the duty of the permit holder or their agent to notify the *building official* that such work is ready for inspection. It shall be the duty of the person requesting any inspections required by this chapter to provide access to and means for inspection of such work.

9.2300.107.4 Approval required.

Work shall not be done beyond the point indicated in each successive inspection without first obtaining the approval of the *building official*. The *building official*, upon notification, shall make the requested inspections and shall either indicate the portion of the construction that is satisfactory as completed, or shall notify the permit holder or an agent of the permit holder wherein the same fails to comply with this chapter. Any portions that do not comply shall be corrected and such portion shall not be covered or concealed until authorized by the *building official*.

SECTION 9.2300.108

APPEALS

9.2300.108.1 General.

In order to hear and decide appeals or orders, decisions, or determinations made by the *building official* relative to the application and interpretation of this chapter; the Uniform Code Board of Appeals is hereby authorized to conduct said appeals.

9.2300.108.2 Application for appeal.

Persons directly affected by a decision of the *building official* or a notice issued under this chapter shall have the right to appeal to the Uniform Code Board of Appeals, provided that a written application is filed on a form furnished by the Community Development Department for that purpose. The application for appeal shall be submitted to the *building official* within ten (10) days of orders, decisions, or determination therefore made by the *building official*.

9.2300.108.3 Authority on appeals.

See Title I, Chapter 110, Article 4 of the City of Gladstone's Code of Ordinances.

9.2300.108.4 Variance for hardship.

In order to hear and decide appeals or orders, decisions, or determinations made by the *building official* relative to the application and interpretation of this chapter; the Board of Zoning Adjustments is hereby authorized to conduct said appeals.

9.2300.108.5 Application for hardship variance.

Persons directly affected by a decision of the *building official* or a notice issued under this chapter shall have the right to appeal to the Board of Zoning Adjustments, provided that a written application is filed on a form furnished by the Community Development Department for that purpose. The application for appeal shall be submitted to the *building official* within ten (10) days of orders, decisions, or determinations therefore made by the building official.

9.2300.108.6 Authority on hardship variance.

See Title VII, Chapter 190 of the City of Gladstone's Code of Ordinances.

SECTION 9.2300.109

VIOLATIONS

9.2300.109.1 Unlawful act.

It shall be unlawful for any *person*, firm, or corporation to be in conflict with or in violation of any of the provisions of this chapter.

9.2300.109.2 Notice of violation.

The *building official* shall serve a notice of violation or order in accordance with Section 9.2300.110.

9.2300.109.3 Prosecution of violation.

Any *person* failing to comply with a notice of violation or order, served in accordance with Section 9.2300.110, shall be deemed guilty of a misdemeanor or civil infraction as determined by this *jurisdiction*, and the violation shall be deemed a *strict liability offense*. If the notice of violation is not complied with, the *building official* shall institute the appropriate proceeding at law or in equity to restrain, correct, or abate such violation, or to require the removal or termination of the unlawful condition in violation of the provisions of this chapter or of the order or direction made pursuant thereto. Any action taken by this *jurisdiction* on such premises shall be charged against the real estate upon which the violation is located and shall be a lien upon such real estate.

9.2300.109.4 Violation; penalties.

Any *person*, firm, or corporation who violates a provision of this chapter or fails to comply with any order made thereunder, and from which no appeal has been taken, or who shall fail to comply with such order affirmed or modified by the Uniform Code Board of Appeals, or by a court of competent jurisdiction, within the time fixed herein, shall severally, for each such violation and noncompliance respectively, be guilty of a misdemeanor, punishable as provided in Section 1.100.140 of the City of Gladstone, Clay County, Missouri's Code of Ordinances. The imposition of one (1) penalty for any violation shall not excuse the violation, or permit it to continue; and all such person, firm, or corporation shall be required to correct or remedy such violations or defects within a reasonable time; and when not otherwise specified, each day that a prohibited condition is maintained shall constitute a separate offense.

SECTION 9.2300.110 Notices and Orders

9.2300.110.1 Notice to person responsible.

Whenever the *building official* determines that there has been a violation of this chapter or has grounds to believe that a violation has occurred, notice shall be given in the manner prescribed in Sections 9.2300.110.2 and 9.2300.110.3 to the *owner*, owner's authorized agent and/or *person(s)* responsible for the violation as specified in this chapter.

9.2300.110.2 Form.

Such notice prescribed in Section 9.2300.110.1 shall be in accordance with the following:

1. Be in writing.
2. Include a description of the real estate sufficient for identification.
3. Include a statement of the violation or violations and why the notice is being issued.
4. Include a correction order allowing a reasonable time to make the repairs and improvements required to bring the *premises* or private property into compliance with the provisions of this chapter.
5. Inform the property *owner* or owner's authorized agent of the right to appeal.

6. Include a statement of the right to file a lien in accordance with Section 9.2300.109.3.

9.2300.110.3 Method of service.

Such notice shall be deemed to be properly served if a copy thereof is:

1. Delivered personally;
2. Sent by certified or first-class mail addressed to the last known address; or
3. Posted in a conspicuous place in or about the *premises* affected by such notice.

9.2300.110.4 Unauthorized tampering.

Signs, tags, or seals posted or affixed by the *building official* shall not be mutilated, destroyed or tampered with, or removed without authorization from the *building official*.

9.2300.110.5 Penalties.

Penalties for noncompliance with orders and notices shall be as set forth in Section 9.2300.109.4.

9.2300.110.6 Transfer of ownership.

It shall be unlawful for the *owner* of any *premises* or private property thereof, who has received a compliance order upon whom a notice of violation or order has been served, to sell, transfer, mortgage, lease or otherwise dispose of such *premises* or private property thereof to another until the provisions of the compliance order or notice of violation have been complied with, or until such *owner* or the owner's authorized agent shall first furnish the grantee, transferee, mortgagee or lessee a true copy of any compliance order or notice of violation issued by the *building official* and shall furnish to the *building official* a signed and notarized statement from the grantee, transferee, mortgagee or lessee, acknowledging the receipt of such compliance order or notice of violation and fully accepting the responsibility without condition for making the corrections or repairs required by such compliance order or notice of violation.

DIVISION 2 DEFINITIONS

SECTION 9.2300.201 GENERAL

9.2300.201.1 Scope.

Unless otherwise expressly stated, the following words and terms shall, for the purpose of this chapter, have the meaning shown in this division.

9.2300.201.2 Interchangeability.

Words used in the present tense include the future; words stated in the masculine gender include the feminine and neuter; the singular number includes the plural and the plural, the singular.

9.2300.201.3 Terms defined in other codes.

Where terms are not defined in this chapter such terms shall have the meanings ascribed in publications of the International Code Council.

9.2300.201.4 Terms not defined. Where terms are not defined through the methods authorized by this section, such terms shall have ordinarily accepted meanings such as the context implies.

SECTION 9.2300.202 GENERAL DEFINITIONS

ACCESSORY STRUCTURE. A structure, that is accessory to and incidental to that of the dwelling(s) and that is located on the same *lot*.

ACCESSORY USE. A use subordinate to and incidental to the primary use of the main building or to the primary use of the premises.

ADDITION. An extension or increase in floor area, number of stories or height of a building or *structure*.

APPROVED. Acceptable to the *building official*.

BUILDING. Any structure utilized or intended for supporting or sheltering any occupancy.

BUILDING LINE. The line established by law, beyond which a building shall not extend, except as specifically provided by law.

BUILDING OFFICIAL. The officer or other designated authority charged with the administration and enforcement of this chapter, or a duly authorized representative.

CONSTRUCTION DOCUMENTS. Written, graphic and pictorial documents prepared or assembled for describing the design, location and physical characteristics of the elements of a project necessary for obtaining a building *permit*.

COSMETIC REPAIRS. The renewal of any part of the exterior of an existing *accessory structure* for the purpose of its maintenance.

DETACHED ACCESSORY STRUCTURE. Any *accessory structure* of any size detached from the primary structure.

EASEMENT. That portion of land or property reserved for present or future use by a *person* or agency other than the legal fee *owner(s)* of the property. The *easement* shall be permitted to be for use under, on, or above said *lot* or *lots*.

EXISTING BUILDING. A building erected prior to the date of adoption of the appropriate code, or one for which a legal building *permit* has been issued.

EXTERIOR PROPERTY. The open space on the *premises* and on adjoining property under the control of *owners* or operators of such *premises*.

FLOODPLAIN. Any land area susceptible to being inundated by water from any source.

FLOODWAY. The channel of a river, creek, or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height.

IMMINENT DANGER. A condition, that could cause serious or life-threatening injury or death at any time.

LIGHT-FRAMED CONSTRUCTION. Construction whose vertical and horizontal structural elements that are primarily formed by a system of repetitive wood or cold-formed steel framing members.

JURISDICTION. The governmental unit that has adopted this chapter.

LOT. A portion or parcel of land considered as a unit.

LOT LINE. A line dividing one *lot* from another, or from a street or any public place.

OCCUPIED SPACE. The total area of all buildings or *structures* on any *lot* or parcel of ground projected on a horizontal plane, excluding permitted projections as allowed by the International Building Code or International Residential Code as adopted by the *jurisdiction*.

OWNER. Any *person*, agent, firm or corporation having legal or equitable interest in the property.

PERMIT. An official document or certificate issued by the *building official* that authorizes performance of a specified activity.

PERSON. An individual, heirs, executors, administrators or assigns, and a firm, partnership or corporation, its or their successors or assigns, or the agent of any of the aforesaid.

PREMISES. A *lot*, plot, or parcel of land, *easement* or *public way*, including any *structures* thereon.

PUBLIC WAY. Any street, alley or other parcel of land open to the outside air leading to a public street, which has been deeded, dedicated or otherwise permanently appropriated to the public for public use and that has a clear width and height of not less than ten (10) feet.

REGISTERED DESIGN PROFESSIONAL. An individual who is registered or licensed to practice their respective design profession as defined by the statutory requirements of the professional registration laws of the state or *jurisdiction* in which the project is to be constructed.

REPAIR. The reconstruction, replacement or renewal of any part of an existing building for the purpose of its maintenance or to correct damage.

STRUCTURE. That which is built or constructed.

YARD. An open space, on the same lot with a *structure*.

DIVISION 3
RESIDENTIAL DETACHED ACCESSORY STRUCTURES

SECTION 9.2300.301
GENERAL

9.2300.301.1 Scope.

The provisions of this division govern residential zoned districts R-1, R-2, RP-1 and RP-2.

9.2300.301.2 Use.

Residential detached accessory structures are to be used exclusively by the owners or occupants of the house or main building. Residential detached accessory structures are not permitted to be used as sleeping quarters. Also, can't be used to store commercial vehicles.

9.2300.301.3 Residential detached accessory structures.

The following are considered residential detached accessory structures:

1. Garages,
2. Sheds,
3. Storage Buildings,
4. Pergolas,
5. Garden structures,
6. Greenhouses,
7. Private studios,
8. Boathouses,
9. Pool house,
10. Cabanas, and
11. Other similar residential buildings or structures.

SECTION 9.2300.302
REQUIREMENTS

9.2300.302.1 Appearance.

Residential detached accessory structures shall be constructed of quality materials to provide for a sturdy and durable structure. Residential detached accessory structures larger than two-hundred (200) square feet in must be compatible in design and character with the primary residential structure.

9.2300.302.2 Number of.

No more than two (2) residential detached accessory structure are allowed per lot, tract or parcel. Only one (1) detached garage or covered carport is allowed per lot, tract or parcel.

9.2300.302.3 Footing/foundation.

Residential detached accessory structures greater than two-hundred (200) square feet shall have an approved footing/foundation.

9.2300.302.3 Area.

Detached accessory structures shall not exceed the following area limitations.

1. Not more than thirty (30) percent of a lot, tract or parcel shall be covered with the primary structure including appurtenance and *detached accessory structures*.
2. A maximum of 250 square feet of detached accessory structure is permitted for each 3,000 square feet of lot area.
3. All detached accessory structures shall not exceed fifty (50) percent of the dwelling square footage; excluding the basement.
4. The maximum area of all detached accessory structures cannot exceed 1,200 square feet.

9.2300.302.5 Height.

Residential detached accessory structures shall be no taller than twenty-five (25) feet measure from the floor, which incorporates the primary front door; but in no case shall exceed the height of the primary structure.

9.2300.302.5 Setbacks.

Setbacks for Residential Detached Accessory Structures*					
Front Yard	Street Side Yard	Interior Side Yard	Rear Yard	Primary Structure	Adjacent Primary Structure
35' but in no case be located forward of the primary structure	25'	9'	9'	10'	20'

***Note:** Residential detached accessory structures shall not be located within an easement; nor established prior to the primary structure.



Request for Council Action

RES ☐ # City Clerk Only

BILL ☒ # 22-18 ORD # 4.595

Date: 5/10/22

Department: Community Development

Meeting Date Requested: 5/23/22

Public Hearing: Yes ☐ Date: [Click here to enter a date.](#)

Subject: Repeal and Adoption of Chapter 2300 Detached Accessory Structures

Background: The Code Board of Appeals and the Board of Zoning Adjustments asked staff to look into Chapter 2300 Detached Accessory Structure Regulations looking into allowing for more than one (1) detached accessory structure and revise some potential ambiguity in the requirements.

Staff reviewed the current regulations and felt that it was better served to rewrite the entire Chapter, particularly Division 3. Divisions 1 and 2 did not really change, as these are the administrative and definition portions of the regulations. Division 3 was completely rewritten to address the Code Board of Appeals and Board of Zoning Adjustment request to allow for more than one (1) detached accessory structure.

In the current regulations Division 3 Requirements, Section 9.2300.301 Detached Accessory Structures, is broken into three (3) sections: General, Garages, and Accessory Structures. This section is somewhat ambiguous as a detached garage is also an accessory structure, which in this division, accessory structure was never really quantified.

In the new regulations Division 3 Residential Detached Accessory Structures is broken into two (2) Sections General and Requirements; each of which have subsections. The first section, General, breaks down Scope, Use, and Residential detached accessory structures. The second section, Requirements, breaks down the Appearance, Number of, Footing/foundation, Area, Height, and Setbacks. This sections address all Residential Detached Accessory Structures equally. The setbacks in the new regulations are the same as the current regulations.

The revised Regulations were presented to the Code Board of Appeals, 5-0 in favor; Board of Zoning Adjustment, 5-0 in favor; and Neighborhood Commission, 7-0 in favor.

Budget Discussion: Funds are budgeted in the amount of \$ 0.00 from the N/A Fund. Ongoing costs are estimated to be \$ 0.00 annually. Previous years' funding was \$0.00

Public/Board/Staff Input:

Provide Original Contracts, Leases, Agreements, etc. to: City Clerk and Vendor

Alan D. Napoli, C.B.O.
Community Development Administrator | Building Official

JM
City Attorney

SW
City Manager