

**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF OAKLEY ADOPTING TEXT AMENDMENTS TO SECTIONS 9.1.404 (SINGLE FAMILY RESIDENTIAL DISTRICTS), 9.1.1122 (YARDS), AND 9.1.1802 (ACCESSORY STRUCTURE DEVELOPMENT REGULATIONS) OF CHAPTER 1 OF TITLE 9 OF THE OAKLEY MUNICIPAL CODE RELATED TO ACCESSORY STRUCTURES (RZ 01-17).**

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The City Council of the City of Oakley does ordain as follows:

**SECTION 1.** Section 9.1.1802 of the Oakley Municipal Code, titled "Accessory Structures Development Regulations," is hereby amended in its entirety as follows:

**9.1.1802. Accessory Structures Development Regulations.**

**a. Definitions.**

- 1) "Accessory structure" is an attached or detached building, carport, gazebo, shed, playhouse, or other similar above-ground structure, the use and size of which is subordinate and incidental to that of a main building on the same lot.
- 2) "Fully enclosed" (closed on all sides), such as an outdoor room with walls or windows surrounding; subject to main structure setbacks;
- 3) "Partially enclosed" (closed on at least two (2) but no more than three (3) sides) structures, such as an outdoor room (e.g. California room), and covered deck, patio, or porch: four feet into a required rear yard and five feet into required side yard;
- 4) "Unenclosed" (open on at least three (3) sides) covered deck, covered patio, and carport: Subject to Section 9.1.1802 Accessory Structures Development Regulations;
- 5) "Shipping Container" (also referred to as intermodal freight transport, sea container, or cargo container) is typically a 20-40 foot long durable closed steel containers capable of handling large capacity and weight loads over land and sea.

**b. Maximum Size and Height.**

- 1) **Maximum Size.** The maximum size of an accessory structure or combination of accessory structures on any single lot shall be whichever results in a greater allowance of accessory structure square footage between the following two options: 1) as measured in conjunction with all structures on the lot so that the total lot coverage shall not exceed forty percent (40%); or 2) five hundred (500) square feet. Square footage of

structures shall be measured as follows:

- i. For enclosed structures, such as the main house, detached garages, detached guest rooms/pool houses, enclosed patios, etc., floor area (interior walls to interior walls) shall be used to measure square footage;
  - ii. For unenclosed structures, such as gazebos, attached and detached carports, patio covers, trellises, etc., roof area coverage (as measured perpendicular to ground) shall be used to measure square footage.
- 2) Maximum Height. The maximum height for any single accessory structure as measured to the peak of the roof or highest portion of the structure, whichever is higher, shall be as follows:
- i. Fifteen (15) feet in height when the accessory structure or portion thereof is located within any of the required yards for the applicable zoning district.
  - ii. Accessory structures completely located outside of all required yards, subject to the applicable zoning regulations, may exceed fifteen (15) feet in height. All accessory structures exceeding fifteen (15) feet in height shall use materials, design, and colors that compliment and/or match the main structure, subject to the review and approval of the Planning Division.
- c. Minimum Setbacks.
- 1) All Residential Lots.
    - i. Accessory structures shall be located outside of the required front yard (front yard setback) and shall not have any portion closer than the main house to the front property line, except: 1) unenclosed, non-solid roof gazebos, pergolas or similar structures may be located in front of the house, but not within the required front yard setback; 2) decorative landscape trellises and arbors covering no more than 32 square feet and no more than eight (8) feet tall may be located within the required front yard, but not within the public right-of-way; and 3) accessory structures that match the design, materials, and colors of the main house on large lots where the main house is located in the rear half of the lot may be located in front of the main house, but not within the required front yard setback, subject to the review and approval of the Planning Division;
    - ii. Accessory structures that are exempt from a building permit and are no higher than the height of the adjacent fence to which they are to

be placed may be located within the required side or rear yard of any lot, up to the property line, only if the accessory structure maintains a minimum clearance of five feet to any other structure, excluding the fence. No accessory structure may be attached to a shared fence;

- iii. Single unenclosed structures that are one thousand five hundred (1,500) square feet or less shall maintain a minimum setback of three feet to the side and rear property lines. No portion of an accessory structure, its roof, or any other material that is a part of the accessory structure (i.e., overhang, gutter, support beam, etc.) shall project into the minimum setback; and
- iv. Single structures that are greater than one thousand five hundred (1,500) square feet shall maintain the generally applicable setback standards for the relative zoning district.
- v. For partially enclosed and fully enclosed structures, refer to Section 9.1.1122(g).

- 2) Nonresidential Districts. The minimum setbacks for accessory structures in nonresidential districts shall be the generally applicable setback standards for each district.

d. Maximum Coverage in Required Rear and Side Yards.

- 1) Consistent with Section 9.1.404(f)(5), accessory structures shall occupy no more than fifty percent (50%) of a required rear yard. This shall also apply to the maximum coverage of a required side yard as measured from the front setback line to the rear property line. For structures located within both a required rear yard and required side yard, the area of coverage shall apply to the maximum allowable coverage for each required yard separately.

e. Design Standards.

- 1) Accessory structures shall be consistent with the City of Oakley Residential Design Guidelines, which include having matching materials and architectural style to that of the primary unit.
- 2) Accessory structures may consist of pre-built or pre-fabricated sheds, carports, gazebos, etc. that do not match the material of the primary unit so long as the accessory structure's original design, intent, purpose, and placement is as a residential backyard structure.
- 3) Shipping containers are not permitted as residential accessory structures unless the following criteria can be met, subject to the review and approval of the Community Development Director:

- i. The shipping container is redesigned and repurposed to appear and function as a residential accessory structure through the additional of a pitched roof that matches the color of the primary unit's roof, and the addition of texture coating or exterior veneer to disguise the industrial appearance of such structures and that matches the color of the primary unit.
- ii. The shipping container is structurally modified to include at least one residential man door that can be unlocked and opened from inside the container.
- iii. Subject to review and approval of the Community Development Director, exceptions may be made for the standard (i) of this subsection if the shipping container is screened from public and private view by a solid fence as seen from adjacent ground level.

f. Variance Requests.

- 1) Any request for an exception to this article shall be subject to Section 9.1.1602, Variance and Conditional Use Permits.

SECTION 2. Subsection 9.1.1122(g) of the Oakley Municipal Code section 9.1.1122, titled "Yards," is hereby amended in its entirety as follows:

g. Building projections into yards.

- 1) The following projections into yards shall comply with all applicable building code requirements. The following features of permanent structures that are attached to the main building may project into a required yard as follows, except that no projection shall be any closer to three feet from any property line:
  - i. Cornice, eave, overhang and ornamental feature: two and one-half feet;
  - ii. Chimney, fireplace or entertainment media pop-out no more than eight feet wide: three feet into a front or rear yard and two feet into a side yard;
  - iii. Greenhouse and bay window: two and one-half feet into a front or rear yard and one and one-half feet into a side yard;
  - iv. Porch, fire escape, landing and open staircase: four feet into a front or rear yard and two feet into a side yard;
  - v. Awning or canopy: four feet;

- vi. Uncovered deck, patio, porch and steps, and subterranean garage and basement: four feet into front or rear yard and two feet into side yard if over one and one-half feet above adjacent grade; if not more than one and one-half feet above grade, then the object may project to within three feet from all property lines;
- vii. "Unenclosed" (open on at least three (3) sides) covered deck, covered patio, and carport: Subject to Section 9.1.1802 Accessory Structures Development Regulations;
- viii. "Partially enclosed" (closed on at least two (2) but no more than three (3) sides) structures, such as an outdoor room (e.g. California room), and covered deck, patio, or porch: four feet into a required rear yard and five feet into required side yard;
- ix. "Fully enclosed" (closed on all sides), such as an outdoor room with walls or windows surrounding: subject to main structure setbacks;
- x. Decks and balconies located above the first floors, whether supported or unsupported: subject to all setbacks for the main building.

**SECTION 3.** Subsection 9.1.404(f)(5) of the Oakley Municipal Section 9.1.404, titled "Single-Family Residential District (R-6; R-7; R-10; R-12; R-15; R-20; R-40)," is hereby amended, as follows:

**f. Yard Requirements.**

- 5) Accessory Structures in Rear Yards. An accessory structure, or combination of more than one accessory structure, may occupy not more than fifty percent (50%) of a required rear yard.

**SECTION 4.** California Environmental Quality Act (CEQA).

This project is exempt from environmental analysis under the requirements of the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines section 15061(b)(3), because it can be seen with certainty that the proposed amendments will not have a significant effect on the environment.

**SECTION 5.** Effective Date and Posting.

This ordinance shall take effect and be in force thirty (30) days from and after the date of its passage. The City Clerk shall cause the ordinance to be published within fifteen (15) days after its passage in a newspaper of general circulation, or by publishing a summary of the proposed ordinance, posting a certified copy of the proposed ordinance in the City Clerk's Office at least five (5) days prior to the City Council meeting at which the ordinance is to be adopted, and within fifteen (15) days after its adoption, publishing a summary of

the ordinance with the names of the Council Members voting for and against the ordinance.

The foregoing ordinance was adopted with the reading waived at a regular meeting of the Oakley City Council on \_\_\_\_\_, 2017 by the following vote:

AYES:

NOES:

ABSTENTIONS:

ABSENT:

APPROVED:

\_\_\_\_\_  
Sue Higgins, Mayor

\_\_\_\_\_  
Date

ATTEST:

\_\_\_\_\_  
Libby Vreonis, City Clerk

\_\_\_\_\_  
Date