

## **ATTACHMENT 1**

### **CODE SECTIONS AND STAFF INTERPRETATIONS RELATIVE TO PATIO COVERS**

**RMC Sections** (used in conjunction with applicable site zoning setbacks and lot coverage standards)

#### **17.08.030 - Setback applicability and measurement.**

- C. In all residential zones, the primary structure on any lot may project up to ten feet into the required rear yard setback designated by the regulations of this chapter for those zones or the applicable general development plan for planned development zones: provided, that the square footage lost from the projection is replaced by a yard or court located within the buildable portion of the lot.

#### **17.08.090 - Accessory buildings—Garages—Barns and stables.**

- A. An accessory building in any residential zone shall be located to the rear or side of the main dwelling unit, not less than ten feet there from. Such accessory building shall not be located within five feet of the side property line for interior lots and, in the case of a corner lot, shall not project beyond the required front yard.
- D. A structure which is open on three sides, such as a patio cover, may encroach into the required rear yard setback up to five feet from any rear wall of the principal structure, but in no case may it be closer than five feet from the rear property line nor shall it create a condition where the maximum lot coverage for the zone is exceeded.

### **Code Interpretations**

#### **Accessory Structure Area:**

The determination of whether a structure exceeds 120 square feet and therefore requires a building permit depends on the type of structure which is being proposed. For a structure which is open on at least three sides, such as a **detached patio cover**, the Building Code states that area shall be measured as the total projected *roof area* of the structure, including overhangs from posts.

Like patio covers, decks over 30" high do not count toward lot coverage unless they have a solid water shedding surface (i.e. planks with gaps between that water can pass through would not count toward coverage, a deck with a solid surface that water cannot pass through would count toward lot coverage).

### **Patio Covers, Encroachment, Compensation (Driveway)**

In cases where the garage setback is larger than the front yard setback the driveway area (shaded in green below) can be used for compensation.

9/24/19 BVF/JS/SN



### **Patio Covers, Lot Coverage**

Patio covers, open cover (i.e. lattice) do not count towards lot coverage.

Patio covers, solid cover do count toward lot coverage determination.

### **Patio Covers, Retractable, Movable, and/or Adjustable**

Sherri Abbas determined that any patio cover with retractable or adjustable components such as shade cloths, movable/retractable awnings, and louvered covers would constitute an “open” cover for purposes of lot coverage.

9/27/11

### **Patio Covers, Setback Encroachment**

The Community Development Director, Terry Richardson, determined that in some circumstances patio covers may encroach up to 15 feet into the required rear setback area but never have less than a 5 foot setback from the rear property line, as follows:

In a situation where a homeowner could have applied RMC Section 17.08.030 C. (see below) to allow the house itself to encroach up to 10 feet in to the required rear yard, and then

#### ***17.08.030 Setback applicability and measurement.***

*C. In R1-5, R1-6, R-1-7.5, R1-10 and PD-R zones, the main building on interior lots may project up to ten feet into the required rear yard setback designated by the regulations of this chapter for those zones: provided, that the square footage lost from the projection is replaced by a yard or court located within the buildable portion of the lot.*

Could have subsequently applied RMC Section 17.08.090 D. (see below) to allow a structure open on three sides to encroach a further 5 feet into the rear yard, but not closer than 5 feet to the rear property line.

#### ***17.08.090 Accessory buildings--Garages--Barns and stables.***

*D. A structure which is open on three sides, such as a patio cover, may encroach into the required rear yard setback up to five feet from any rear wall of the principal structure, but in no case may it be closer than five feet from the rear property line nor shall it create a condition where the maximum lot coverage for the zone is exceeded*

In those instances where both of these provisions could have been implemented the Community Development Director determined that a person wishing to construct a structure that is open on three sides could extend the open structure up to the entire 15 foot distance into the rear setback provided that they could comply with all other requirements of these two RMC sections as the actual area under roof would not be changed therefore it did not make sense to penalize homeowners by strictly interpreting *Section 17.08.030. C* as applying only to the habitable structure.