



ACCESSORY STRUCTURES (RESIDENTIAL)

This handout covers requirements relating to detached structures accessory to residential uses in the R-0, R-1, R-1.5, R-1.7/PD, R-2 residential zoning districts, and DSP Blocks 8-12 and Block 17. For additional information, see SMC 19.40. Planning and Building permits may be required to promote attractive and safe neighborhoods.

PLANNING DIVISION REQUIREMENTS

TYPES OF ACCESSORY STRUCTURES

- **Deck.** A roofless, floored structure, with or without a railing.
- **Detached habitable spaces.** An accessory structure which is detached from the main structure and meets the minimum requirements of the building code for human occupancy, such as an office, artist’s studio, or game room. If a detached habitable space has cooking and/or eating facilities, it is regulated as an accessory dwelling unit and must comply with development standards in the Sunnyvale Municipal Code section 19.68.
- **Detached required parking.** An accessory structure which is detached from the main structure and is designed to meet the parking requirements for the property. Garages or carports that are not intended to meet required parking are classified as utility buildings (see below).
- **Open garden feature.** An accessory structure which does not have solid walls, is less than 50% covered, and is primarily intended as a decorative garden feature. Garden features which are 50% covered or more are classified as utility buildings.
- **Open outdoor equipment.** Accessory equipment or structures which are not roofed, do not have solid walls, and are primarily intended for recreation or outdoor cooking. Play houses and other enclosed equipment is classified as utility buildings as defined herein.
- **Temporary utility tents.** These structures are built with lightweight poles, typically plastic or aluminum, and covered with a tarp or other similar temporary materials. They may be freestanding or embedded into the ground and shall not exceed 15 feet in height. Temporary utility tents may not be installed for longer than 90 days in a one-year period.
- **Utility Building.** An accessory structure which cannot be categorized as any of the above. Utility buildings include detached patio covers, tool sheds, storage sheds, workshops, greenhouses, animal shelters, gazebos, enclosed play houses, and other similar uses.

PERMIT REQUIREMENTS

Permit requirements for accessory structures 450 square feet or less are listed below. Any accessory structure greater than 450 square feet requires a Use Permit.

Structure Type	Location	
	Front or Reducible Front Yard (including between the building and street)	All Other Areas Including Side and Rear Yards
Deck	No planning permit	No planning permit
Detached Habitable Spaces, Open Outdoor Equipment, and Utility Buildings 8 ft. tall or less Greater than 8 ft., up to 15 ft.	Prohibited	No planning permit
	Prohibited	MPP with Notice
Detached Required Parking	MPP with Notice	MPP with Notice
Open Garden Feature 8 ft. or less in height Greater than 8 ft., up to 15 ft.	No planning permit	No planning permit
	MPP with Notice	MPP with Notice
Temporary Utility Tents	No planning permit	No planning permit

DESIGN REVIEW

All buildings greater than 120 sq. ft. shall be compatible in exterior appearance with the principal structure on the premises.

PERMIT TYPES

A *Miscellaneous Plan Permit (MPP)* application does not require a public hearing review.

AREA AND HEIGHT

The area of the accessory structure is calculated by measuring from the outside walls. The height is measured from the highest point of the building to the finished grade within 5 ft of the accessory structure or main building, whichever is less.

MULTIPLE STRUCTURES

If multiple accessory structures on a lot exceed the lot coverage or rear yard encroachment, or if they exceed 450 sq. ft. in area, a Use Permit is required. Total accessory structures cannot exceed 800 sq. ft. total.

DEED RESTRICTION

Any enclosed accessory structures 150 sq. ft. or greater on any lots smaller than 8,500 sq. ft. must record a deed restriction with the County Clerk-Recorder’s Office, restricting conversion to accessory dwelling units for 10 years.

SETBACK REQUIREMENTS

Structure Type	Required Setback		
	Front Yard and Reducible Front Yard	Side	Rear Yard
Decks less than 18 in. in height	3 ft.	3 ft.	3 ft.
Decks 18 in. or greater in height	20 ft.	Zoning Setback	10 ft.
Detached Habitable Spaces, Open Outdoor Equipment, and Utility Buildings			
Up to 8 ft. in height and up to 120 sq. ft.	Prohibited	0 ft.	0 ft.
Up to 8 ft. in height and more than 120 sq. ft.	Prohibited	Zoning Setback*	10 ft.
Greater than 8 ft. in height up to 15 ft.	Prohibited	Zoning Setback *	10 ft.
Detached Required Parking Garages	20 ft.	Zoning Setback*	10 ft.
Open Garden Feature			
Up to 8 ft. in height and up to 120 sq. ft.	0 ft.	0 ft.	0 t.
Greater than 8 ft. in height up to 15 ft. or greater than 120 sq. ft.	20 ft.	Zoning Setback	10 ft.
Temporary Utility Tents	20 ft.	Zoning Setback	10 ft.

*ADDITIONAL SETBACKS

Utility buildings over 120 square feet, detached habitable spaces, and detached required parking structures are also required to meet the setback requirements of the building code. When these structures are located less than 5 feet to the property line, a one-hour fire rated wall is required. No fire rating is required when the structure is located 5 feet or more from the property line. Contact the Building Division staff for further information. (CRC R302.1)

BUILDING DIVISION REQUIREMENTS (CRC R105)

A building permit is required for the following: accessory utility buildings greater than 120 square feet; all detached habitable spaces; all detached required parking; and, decks greater than 30" above the finished grade and/or greater than 200 square feet.

PERMIT PROCESS

PLANNING DIVISION REVIEW

1. Check the zoning district for project site at www.E-OneStop.net and review the setbacks (on-line at www.SunnyvalePlanning.com).
2. If required, submit an MPP application or Use Permit application for review.
3. The City will make a decision on the application.
4. The decision may be appealed to the Planning Commission within 15 days of the decision date. The appeal process usually takes 6 to 8 weeks.

BUILDING PERMIT REVIEW

5. Submit for a building permit.
6. Building permits are reviewed at the One-Stop Permit Center between the hours of 8:00 a.m. and 12:00 noon, Monday through Friday.
7. The first inspection for decks, sheds, patio covers, and arbors is typically a footing or foundation inspection. Further required inspections are dependent on the scope of work and will be determined when the building permit is reviewed.

PLANNING REVIEW APPLICATION REQUIREMENTS

- Application signed by the property owner (approval letter from the Homeowners Association if applicable). (1 copy)
- Site plan showing the location of the property lines, existing building(s), and location of the proposed accessory structure. (2 copies)
- Elevation drawings of all sides of the structure showing the proposed design, materials and height (see reverse for height measurement). (2 copies)
- Fee (non-refundable) _____

BUILDING PERMIT APPLICATION REQUIREMENTS

- A Building Permit Worksheet application (available on-line at www.SunnyvaleBuilding.com). (1 copy)
- Site plan showing the location of the property lines, existing building(s), and the proposed accessory structure. (3 copies)
- Construction details and elevation for the proposed structure (i.e., footings, foundation, floor/wall/ceiling framing, etc.). Structural calculations and details may be required. (3 copies)
- A conformed copy of a deed restriction on the property (for accessory enclosed structures 150 sq. ft. or greater only). (1 copy)