

9.1.5.2 Permissible Encroachment into Required Setbacks

- 9.1.5.2.a** One- and two-family driveways, walkways, fences, retaining or decorative walls, ornaments, furniture, and landscape plantings may be permitted in any setback.
- 9.1.5.2.b** Patios may encroach into required setbacks, provided that the minimum patio setback is ten feet from a rear or side property line and provided that the patio surface is not more than 6 inches above the adjacent grade. Covered patios or patios with shade structures must observe the setback established for the district as set forth in Section 6.3, *Dimensional Requirements*.
- 9.1.5.2.c** Accessory buildings and freestanding accessory dwelling units may encroach into a side yard or rear yard setback not adjacent to a street right-of-way to within 5 feet of the property line, with the following limits:
- (a) For an accessory building with a highest point 12' or more above the ground elevation, an additional setback of 2' for each 1' of elevation above 12' is required until the standard setback is met.
 - (b) The setback being reduced is not part of a land use or stream buffer required elsewhere in this Ordinance, nor a recorded easement for utilities, drainage, or access.
- 9.1.5.2.d** Parking lots and parking spaces are not allowed within setbacks.
- 9.1.5.2.e** Residential mechanical equipment, including but not limited to generators and HVAC units or components, are not required to observe minimum setbacks. These installations for non-residential and multi-family uses are required to observe minimum setbacks, regardless of the zoning district.
- 9.1.5.2.f** For setback provisions that apply to nonconforming lots of record, see Section 7.5, Nonconforming Lots of Record.
- 9.1.5.2.g** Steps, risers and ramps without a roof, awning or similar covering extending from residential structures may encroach in required setbacks, provided that a minimum setback of no less than 10 feet remains along any property line shared with another residential property (not street right of way). Required landings between two runs of risers or ramps may also encroach provided the landing is also without a roof, awning or similar cover. In the case where an existing structure does not observe a 10-foot setback from a property line shared with another residential property or street right of way at the time of application, the maximum possible setback shall be preserved while allowing necessary access to an existing structure.

9.1.5.2.h Projections and cantilevers from residential structures, including but not limited to eaves, overhangs, gutters, bow windows, chimneys, that do not exceed 24" of projection and do not have contact with the ground. Projections in excess of 24" and those that have contact with the ground must meet the applicable setbacks, unless otherwise addressed in this section.

9.1.5.2.i Outdoor, residential, in-and above-ground swimming pools, hot tubs and spas, including all decking, and patios and appurtenant equipment, may be located in side or rear yards not adjacent to a street and no closer than five feet to any property line.

