



## 7.3.304: ACCESSORY USES

### Review Criteria

Accessory use regulations address not only the uses listed below but also the use related structures.

#### A. General Standards:

1. **Required Setbacks:** Accessory structures or uses are permitted in setbacks only as follows:

a. Accessory structures or uses less than two hundred (200) square feet in gross floor area are allowed in the required rear-yard setback, but the structure or use may not encroach into recorded easements unless the City has granted an easement encroachment.

b. Accessory structures or uses with more than two hundred (200) square feet in gross floor area shall comply with the following setbacks:

(1) In the A, R-E, and R-1 9 zone districts or if garage doors face an alley, ten (10) feet.

(2) In the GI zone district, zero (0) feet.

(3) In all other zone districts, five (5) feet unless otherwise specified in an approved Development Plan.

2. **Height Restrictions:** In the A, R-E, R-1 9, R-1 6, R-2, R-Flex Low, OR, MX-N, and MX-M zone districts, the maximum height of an accessory structure or use that is:

a. Located in a required setback is twelve (12) feet.

b. Not located in a required setback, is sixteen (16) feet with a roof pitch of less than 6:12, or twenty (20) feet with a roof pitch of 6:12 or greater.

#### 3. Dimensional Restrictions:

a. The following dimensional standards apply to all accessory structures except:

(1) Accessory structures used for agricultural purposes in the A zone district;

(2) Secondary industrial buildings in the A, LI, and GI districts; and

(3) Detached Accessory Dwellings, which are subject to Subsection 7.3.304E.2 (Standards for Detached ADUs).

b. The gross floor area of the accessory structure(s) may not exceed the gross floor area of the primary structure.

#### 4. Use Restrictions:

a. No accessory structure shall be constructed and occupied on any lot prior to the time of the completion of the construction of the principal structure to which it is accessory.



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b. Vehicles may not be used as accessory structures.

c. Unless specifically permitted in this Code, accessory structures are not allowed in front yards.

**B. Beehive, Accessory:**

1. General Requirements: Beehives are permitted as an accessory use on any lot, with the number of beehives allowed and permitted location subject to the size of the lot as identified in Table 7.3.3-A.

Table 7.3.3-A Number of Beehives Allowed and Location				
Lot size		Number of Beehives Allowed	Minimum Rear or Side Yard Setback	Minimum Front- Yard Setback
Greater than or Equal to	Less Than			
Table 7.3.3-A Number of Beehives Allowed and Location				
Lot size		Number of Beehives Allowed	Minimum Rear or Side Yard Setback	Minimum Front- Yard Setback
Greater than or Equal to	Less Than			
0 sf	20,000 sf	2	5 ft	Must meet minimum front- yard setback of zone district
20,000 sf	1 acre	4	15 ft	
1 acre	2 acres	5		
2 acres	3 acres	6		
3 acres	4 acres	7		
4 acres	5 acres	8		
5 acres	--	unlimited	50 ft	50 ft

**2. Flyway Barrier:**

a. If the property is less than five (5) acres in size, and the beehive is located within fifty (50) feet of any property line, a flyway barrier located no more than five(5) feet from the entrance of the beehive is required.

b. Each flyway barrier shall be at least six (6) feet in height and constructed of an opaque fence or fast-growing, dense evergreen vegetative material capable of reaching six (6) feet in height at maturity.

3. A fresh water supply shall be provided within five (5) feet of each beehive.

**C. Carport or Garage, Accessory:**

**1. Garages:**



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a. Garages shall be no larger than one thousand, six hundred and fifty (1,650) square feet for a detached single-family dwelling and no more than eight hundred (800) square feet may be dedicated per unit for an attached single-family, two-family, or multi-family dwelling.

b. A detached garage shall have a maximum height of sixteen (16) feet if the roof pitch is less than six (6) to twelve (12), or twenty (20) feet otherwise.

#### 2. Carports:

a. **General Standard:** Carports are allowed in the front yard setback as an accessory use to a single-family detached or two-family dwellings in the A, R-E, R-1 9, R-1 6, R-2, R-4, and single-family PDZ districts only after issuance of a permit in accord with Section 7.5.505 (Front Yard Carport Permit).

b. **Front Yard Carport Criteria:** A front yard carport is permitted in the front yard setback in connection with a single-family dwelling detached or a two-family dwelling in the A, R-E, R-1 9, R-1 6, R-2, R-4, and single-family portions of PDZ districts upon a finding that the application complies with the following standards and criteria:

(1) The front yard carport shall not exceed five hundred (500) square feet, or the maximum allowable parking and maneuvering area pursuant to Subsection 7.4.1008E (Driveways).

(2) The front yard carport shall be set back at least five (5) feet from the near edge of the adjacent sidewalk, if any, and at least ten (10) feet from the near edge of the curb or roadway.

(3) The front yard carport shall meet the same side setbacks as the principal use.

(4) The front yard carport shall not have side panels or screens in the area between existing grade and sixty (60) inches above existing grade.

(5) The front yard carport may have one enclosed side only if the enclosed side is a shared wall with a principal or accessory structure.

(6) The front yard carport shall be architecturally compatible with the primary dwelling unit, in accordance with Subsection c below.

(7) The front yard carport shall not interfere with Site Distance Line set forth in the Engineering Criteria.

(8) The front yard carport may exceed the eight (8) foot height limit set forth in Subsection 7.3.304A.2.a (Height Restrictions) but shall not exceed twelve (12) feet at the highest point.

(9) The front-yard carport shall comply with any applicable HP-O district or neighborhood design standards adopted by the City.

(10) One of the following applies:

(a) The side and rear yards are each inaccessible/unusable due to insufficient width or size or due to steep terrain; or

(b) The Manager determines that use of the side or rear yards for a carport would have a material negative effect on the use and enjoyment of the applicant's property or of adjoining properties.

**c. Architectural Compatibility Standards:** To be architecturally compatible with the primary dwelling unit, a front yard carport shall meet the following standards as determined by the Manager:

- (1) Not be clad in unfinished wood or galvanized metal and shall match the color of the body or trim of the primary structure;**
- (2) Not be made of non-durable or flexible materials, including but not limited to, canvas, plastic, polyester, or other tentlike materials;**
- (3) Have a minimum of four (4) inch wide fascia along the roofline;**
- (4) Have a minimum of four (4) inch roof overhang on all sides; and**
- (5) Not have roof sheeting that continuously extends downward along the sides of the carport.**



**d. Anchoring:** Front yard carports that are exempt from Building Permits shall be anchored according to the manufacturer's specifications. If the manufacturer provides no specifications for anchoring, the carport shall be anchored to concrete piers extending at least thirty (30) inches below existing grade.

#### **D. Drive-through, Accessory:**

**1. In the MX-M zone district, to the maximum extent feasible, drive-through lanes shall not be located between the building façade and the primary street frontage of the lot.**

**2. Accessory drive-through windows shall be located a minimum of one hundred fifty (150) feet from any adjacent lot in a residential zone district or lot designated for residential use in a PDZ district that is developed or designated for a residential use.**



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3. No structures or equipment related to a drive-through facility (such as a speaker box, message board, or pick-up window) shall be located between the drive-through window and any adjacent residential zone district lot designated for residential use in a PDZ district that is developed or designated for a residential use.

**E. Dwelling, Accessory:** A single Accessory Dwelling Unit (ADU) is allowed on a lot that meets the dimensional requirements of Part 7.4.2 (Dimensional Standards) and complies with the following standards as shown on an approved site plan. The ADU may be detached or integrated, pursuant to Part 7.3.2 (Allowed Use Tables).

1. **General Standards:** The following standards apply to detached and integrated ADUs.

a. **Owner-Occupancy:**

(1) **Requirement:** In the R-E, R-1 9, and R-1 6 zone districts, except as otherwise provided in this Subsection 7.3.304E (Dwelling, Accessory), for an ADU to be occupied, the principal dwelling on the site or the ADU must be occupied by the owner of the lot.

(2) **Declaration of Restriction:** The following restrictions apply to an ADU constructed in the R-E, R-1 9, and R 1-6 zone districts.

(a) Before a Building Permit may be issued for an ADU, the owner shall record with the El Paso County Clerk and Recorder a declaration of restrictions in a form prescribed by the Manager.

(b) The declaration of restrictions shall require the property owner to reside on the property in accordance with the definition of "owner occupied" in order to lease one of the two (2) units.

(c) The declaration of restrictions shall lapse upon removal of the ADU. Upon request of the owner and confirmation by the City that the accessory dwelling unit has been removed, the Mayor shall execute a recordable release of the declaration of restrictions and provide the release to the owner. The owner shall be responsible for recording the release and paying all costs of recordation.

(3) **Zoning Enforcement Limitation:** No zoning enforcement action pursuant to Part 7.5.9 (General Enforcement) may be brought against a tenant by the City for a failure of the owner to meet the owner-occupancy requirement.

b. **Waiver of Owner-Occupancy Requirement:**

(1) The Manager may waive the owner-occupancy requirement for temporary absences of up to two (2) years, upon a determination that failure to waive the requirement would create an unreasonable hardship. The Manager may grant an additional one-(1) year extension to the original waiver upon the expiration of the original waiver.

(2) The Manager may determine failure to waive the occupancy requirement creates an unreasonable hardship if:

(a) Enforcement of the requirements would create a temporary economic hardship that could be resolvable within two (2) years;

(b) The property is listed and actively marketed for sale; or

(c) The occupancy requirement is unreasonable due to temporary relocation by the owner for employment (including temporary relocation for military servicemembers) or medical treatment, death of the owner, divorce or legal separation of the owner and a non-owner spouse, or similar circumstances.



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**c. Restriction on Subdivision:** In the R-E, R-1 9, R-1 6, MX-M, MX-L, and LI zone districts and ADU-O district, the ADU shall not be sold separately from the principal dwelling unit, nor shall the lot on which an ADU is situated be subdivided unless subdivision is permissible in accordance with all provisions of Part 7.4.3(Subdivision Standards). The following restrictions apply:

(1) Before a Building Permit may be issued for an ADU, the owner shall record with the El Paso County Clerk and Recorder a declaration of restrictions in a form prescribed by the Manager.

(2) The declaration of restrictions shall prohibit the owner and the owner's heirs or assigns from selling the ADU separately from the principal dwelling unit. Such restriction shall be binding upon and run with the land.

(3) The declaration of restrictions shall lapse upon removal of the ADU. Upon request of the owner and confirmation by the City that the ADU has been removed, the Mayor shall execute a recordable release of the declaration of restrictions and provide the release to the owner. The owner shall be responsible for recording the release and paying all costs of recordation.

**d. Off-Street Parking:** One off-street parking space shall be provided in addition to the minimum parking required for the principal structure.

**e. Access:** All ADUs shall have a thirty-six (36) inch-wide clear access path from the front property line or from the property line where the principal dwelling unit gains its access. The clear access path may be gated. An ADU may share a clear access path with the principal dwelling unit.

**f. Prohibited Units:** A mobile home or recreational vehicle may not be used as an ADU.

**g. Number of Units:** No more than one (1) ADU shall be located on any lot.

**h. Conflicts:** If any provision of this Subsection 7.3.304E is found to be in conflict with any other provision of this UDC or Code, the provision that establishes the higher or more restrictive standard shall apply.

**i. Covenants:** The provisions of this Subsection 7.3.304E do not supersede private covenants regarding ADUs.

**2. Standards for Detached ADUs:** The following standards additionally apply to detached ADUs.

**a. Maximum Floor Area:** The habitable area of a detached ADU shall not exceed fifty (50) percent of the habitable area of the principal structure or one thousand, two hundred and fifty (1,250) square feet, whichever is less; except that where the habitable area of the principal structure is less than one thousand, five hundred (1,500) square feet, the maximum size of the accessory dwelling unit shall be seven hundred and fifty (750) square feet.

**b. Maximum Height:** The maximum height of a detached ADU, or other structure containing a detached ADU, is twenty-five (25) feet with a flat roof or roof pitch of less than 6:12 (measured to top of roof line), or twenty-eight (28) feet with a roof pitch of 6:12 or greater (measured to roof peak).

**c. Setbacks:**

(1) In the rear yard, the ADU shall be setback five (5) feet, or ten (10) feet if the dwelling unit is located above the garage and the overhead door faces an alley.

(2) The ADU shall comply with the front-yard and side-yard setbacks of the zone district.



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**d. Prefabricated Homes:** Prefabricated homes such as manufactured homes are permitted for use as an ADU if placed on a permanent foundation and connected to metered utility services.

**e. Conversion of Existing Detached Garages:** The detached garage shall meet the minimum setbacks for an accessory dwelling unit as required in this Section.

**f. Limitation in LI Zone District:** In the LI zone district, a detached ADU may only be used for the occupancy of a caretaker, security guard, or other person charged with oversight or protection of the principal use on the site.

**g. Limitation in the R-2 Zone District.**

**3. In the R-2 zone district, a detached ADU may only be permitted when developed with a single-family detached unit on a minimum five thousand (5,000) square foot lot. Standards for Integrated ADUs**

The following standards additionally apply to integrated ADUs.

**a. Limited to Single-Family Detached Dwellings:**

(1) Except in the LI zone district, an integrated ADU is only allowed within a detached single-family dwelling and is not permitted in any other structure, including attached single-family dwellings, two-family dwellings, multi-family dwellings, or commercial buildings.

(2) In the MX-M and MX-L zone districts, an integrated ADU is only permitted within a single-family detached dwelling that existed as of the Effective Date.

**b. Maximum Floor Area:** The gross floor area of an integrated ADU shall not exceed fifty (50) percent of the gross floor area of the principal structure.

**c. Maximum Height and Setbacks:** The integrated ADU shall comply with the maximum height and setback requirements of the zone district.

**d. Design Standards:**

(1) In the R-E, R-1 9, and R-1 6 zone districts, an integrated ADU shall not involve design modifications to the exterior of the principal structure that indicate its presence from the front or corner side of the principal structure. Building additions shall be architecturally compatible with the primary dwelling unit. Architectural compatibility shall be determined by reviewing the design, colors, and materials ADU as compared to the primary structure.

(2) External stairs are not allowed to provide access to a second-story accessory dwelling unit unless access into the ADU is from a second-story deck.

**e. Exterior Access:** An integrated ADU may have a separate exterior access that faces the side or rear property line.

**F. Electric Vehicle Charging:** This use shall comply with the following standards:

1. The space must not interfere with vehicular, bicycle, or pedestrian circulation or with fire lanes and emergency access to the site and must not occupy or require vehicle occupancy of any area required for landscaping, buffering, or screening of the site.



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2. When accessory to any residential development, this use is allowed only for the residents and their guests and shall not be offered to the public at large.

3. When accessory to any nonresidential or mixed-use development, this use must be located in a parking structure or parking lot that serves a principal use.

**G. Family Suite, Accessory:** An Accessory Family Suite is permitted as an accessory use to a principal single-family detached dwelling, subject to the following requirements:

**1. General:**

a. An Accessory Family Suite is permitted only within a legally established single-family detached dwelling and is not permitted in any other structure, including attached single-family dwellings, two-family dwellings, multi-family dwellings, or commercial buildings.

b. An Accessory Family Suite cannot be located on the same lot as an Accessory Dwelling Unit.

c. The total number of individuals collectively occupying both the principal dwelling unit and the Accessory Family Suite can be no more than one family. The owner shall complete and record an affidavit assuring the property owner's acknowledgment of the occupancy limitations as listed above. No zoning enforcement action pursuant to Section 7.5.904 (Enforcement) may be brought against a tenant by the City for a failure of the owner to meet the one family requirement.

2. **Off-Street Parking:** One (1) off-street parking space shall be provided in addition to the minimum parking required for the principal structure.

3. **Exterior Access:** An Accessory Family Suite may have a separate exterior access that faces the side or rear property line. An Accessory Family Suite with an exterior access shall have a thirty-six (36) inch wide clear access path from the front property line or from the property line where the principal dwelling unit gains its access. The clear access path may be gated and may be shared with the principal dwelling unit.

4. **Internal Connectivity:** An Accessory Family Suite shall maintain interior access to the principal dwelling unit through either a common doorway, hallway, or stairway. Interior accesses may be locked if an exterior access exists.

5. **Maximum Floor Area:** The gross floor area of an Accessory Family Suite shall not exceed fifty (50) percent of the gross floor area of the principal structure.

6. **Maximum Height and Setbacks:** The Accessory Family Suite shall comply with the maximum height and setback requirements of the zone district.

7. **Design Standards:** An Accessory Family Suite shall not involve design modifications to the exterior of the principal structure that indicate its presence from the front of the principal structure. Building additions shall be architecturally compatible with the primary dwelling unit. External stairs are not allowed to provide access to a second-story Accessory Family Suite unless access into the Accessory Family Suite is from a second-story deck.

8. **Restriction on Subdivision:** An Accessory Family Suite shall not be sold separately from the principal dwelling unit, nor shall the lot on which an Accessory Family Suite is situated be subdivided unless subdivision is





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permissible in accordance with all provisions of Part 7.4.3 (Subdivision Standards). The following restrictions apply:

a. Before a Building Permit may be issued for an Accessory Family Suite, the owner shall record with the El Paso County Clerk and Recorder a declaration of restrictions in a form prescribed by the Manager.

b. The declaration of restrictions shall prohibit the owner and the owner's heirs or assigns from selling the Accessory Family Suite separately from the principal dwelling unit. Such restriction shall be binding upon and run with the land.

c. The declaration of restrictions shall lapse upon removal of the Accessory Family Suite. Upon request of the owner and confirmation by the City that the Accessory Family Suite has been removed, the Mayor shall execute a recordable release of the declaration of restrictions and provide the release to the owner. The owner shall be responsible for recording the release and paying all costs of recordation.

9. PDZ Districts: Accessory Family Suites shall be permitted in PDZ districts unless expressly prohibited by the PDZ ordinance. Accessory Family Suites shall not be included as separate from the single-family detached dwelling when calculating the density of a PDZ district.

10. Covenants: The provisions of this Subsection 7.3.304G do not supersede private covenants regarding Accessory Family Suites.

H. Home Adult or Child Day Care, Accessory: In-home daycare may be provided as an accessory use in dwellings provided all activities comply with all applicable state licensing requirements.

I. Home Occupation, Accessory:

1. Purpose and Intent: The purpose and intent of this Subsection I is to allow owners or occupants of residential dwelling units to operate home occupations in a manner that is compatible with the residential purposes of their neighborhoods and ensure there are no adverse impacts on the residential character of the residential area.

2. Permit Required: A Home Occupation Permit pursuant to Section 7.5.504 (Home Occupation Permit) is required before operation of a home occupation may begin.

3. General Standards:

a. The home occupation shall be secondary to the residential use of the dwelling.

b. The total area used for a home occupation shall not exceed an area equivalent to fifty (50) percent of the total first-floor area of the user's dwelling, excluding porches.

c. The home occupation shall not create noise, dust, vibration, smell, smoke, glare, electrical interference, fire hazard, congestion to traffic flow, parking problems, or any other nuisance or hazard that disturbs the peace and quiet of a residential area.

d. The residents of the dwelling unit shall be the only people engaged in the activity.

e. A maximum of one (1) non-illuminated sign no larger than two (2) square feet in area may be attached to the dwelling to identify the home occupation.



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f. The home occupation shall be conducted only within an enclosed accessory structure, attached or detached garage, or dwelling, excluding porches, and only as indicated on the home occupation permit, except that plants may be grown anywhere on the premises.

g. No storage or display of materials, goods, supplies, or equipment related to the operation of a home occupation or tangible personal property manufactured, or plants grown as a result of the home occupation and removed from the soil, shall be allowed on porches or outside of the enclosed location designated on the home occupation application.

h. Use of the required off-street parking for the principal use shall not be impaired by the home occupation.

i. The receipt or delivery of merchandise, goods, or supplies for use in a home occupation shall be limited to the United States Postal Service, similar parcel delivery service, or private vehicles with a maximum gross vehicle weight rating of ten thousand (10,000) pounds.

j. Interior alterations or additions to the dwelling to accommodate the home occupation are prohibited if they eliminate the kitchen, dining area, bathrooms, living room, or all of the bedrooms of the dwelling. Exterior alterations or additions to accommodate the home occupation are prohibited if they are commercial in appearance.

k. Sales on the premises shall be only by the residents of the dwelling, shall occur only in the location designated on the home occupation application, and shall be limited to tangible personal property manufactured in the location designated on the home occupation application or plants grown anywhere on the premises.

l. A home-based massage therapist must be licensed by the City Clerk's office, and all client visits shall be on an appointment basis with a minimum of fifteen (15) minutes between appointments in order to limit client vehicle traffic.

4. Standards for Cottage Foods Sales: For the sale of cottage foods as authorized by the Colorado Cottage Foods Act, C.R.S. § 25-4-1614, a home occupation permit is required and the standards of this Subsection I apply except where modified as follows:

a. A home occupation may only sell cottage foods or raw, uncut fresh produce that is grown on the premises.

b. Production of cottage foods may only occur in the location designated on the home occupation permit.

c. Display and sales of raw, uncut fresh produce and cottage foods may only occur from April through November between 8 a.m. and dusk in the location designated on the home occupation permit from a temporary stand.

d. A temporary stand may not exceed two hundred (200) square feet in area, and any stand structure and inventory shall be removed and stored indoors during any period when goods are not being sold from the stand.

e. The cottage food temporary stand may include a nonilluminated sign no larger than two (2) square feet in area at the point of sale.

f. The location of any temporary stand shall not pose a traffic sight visibility risk and it may not be located within any public right-of-way.

J. Marijuana, Home Cultivation, Accessory: This use shall comply with the following standards:



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1. No more than twelve (12) marijuana plants or marijuana plants within a one hundred fifty (150) square foot aggregate area shall be used for the indoor growing for propagation or consumption per all single-family and two-family dwellings, regardless of the number of persons who reside in the unit.
  2. No marijuana may be dispensed, except to registered patients in compliance with Article XVIII, Section 14 of the Colorado constitution.
  3. All marijuana plants shall be grown in an enclosed and locked space that is limited in area to one hundred fifty (150) square feet for single-family and two-family dwellings.
  4. The cultivation of marijuana is permitted only in:
    - a. Single-family and two-family zone districts, including R-E, R-1 9, R 1-6, and R-2;
    - b. Single-family and two-family PDZs; and
    - c. Single-family and two-family R-Flex Districts.
  5. No marijuana plants may be cultivated outdoors.
  6. No marijuana or medical marijuana products may be manufactured or sold.
  7. No signs regarding medical marijuana may be displayed.
  8. No more than one caregiver cultivating medical marijuana may reside in the dwelling unit.
  9. The use or facility shall have a ventilation and filtration system that ensures odors from the cultivation activities are not detectible by a person with a typical sense of smell from any adjoining lot, parcel, tract, public right-of-way, building unit, or residential unit.
  10. The person growing, cultivating, or processing marijuana within a residential or accessory structure owned by another person or entity shall be required to obtain the written consent of the property owner. The written consent of the property owner must be furnished to any requesting City official. If the person growing, cultivating, or processing marijuana or medical marijuana does not provide the City official with the written consent of the property owner, the Manager may inform the property owner of the marijuana or medical marijuana related activities occurring on the property.
  11. The use shall comply with applicable standards in the City of Colorado Springs Fire Prevention Code and Standards.
- K. Outdoor Display of Goods, Accessory:** This use is allowed only after Development Plan review, and areas used for outdoor display of goods shall be clearly identified on an approved Development Plan and subject to the following standards:
1. The outdoor display may not be placed in required vehicular parking, maneuvering, or access areas, and its location must be in proximity to the main entrance of the primary structure.
  2. The outdoor display area shall be delineated on required plans.



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3. The outdoor display shall be screened from public rights-of-way and from adjacent land uses that are in a different land use category (as shown on Table 7.3.2-A:Base and NNA-O District Use Table) than the subject property (for example, a Retail Sales, Large use in the Retail Sales and Services use category shall be screened from an Entertainment or Recreation, Outdoor use in the Entertainment and Recreation use category.) Buffer screening is considered adequate regardless of topographic conditions if it includes a screening wall or an opaque fence that is at least seven (7) feet in height, and materials and merchandise may not be stacked or stored higher than the wall or fence. Buffer screening is not required for the display of vehicles for sale or rental if permitted by an approved Development Plan.

4. The display of merchandise adjacent to the entrance of the principal building is allowed if:

- a. It is adjacent to the main structure;
- b. It provides a minimum of five (5) feet of unimpaired sidewalk or pedestrian way width; and
- c. It does not block fire access or impede the traffic flow in front of the building.

5. In the OR and MX-N zone districts, outdoor storage of materials and display of merchandise related to nonresidential uses is prohibited.

#### L. Outdoor Seating or Dining, Accessory:

1. A clear pedestrian access route within the public right-of-way at least five (5) feet in width shall be maintained to allow pedestrians unobstructed passage around the Outdoor Seating or Dining area.

2. A Revocable Permit is required for an Outdoor Seating or Dining area to be placed within public right-of-way.

M. Outdoor Storage, Accessory: Outdoor storage shall be allowed only following Development Plan review, and areas used for permanent storage shall be clearly identified on an approved Development Plan and subject to the following standards:

1. All outdoor storage shall be fully screened from adjacent properties and rights-of-way. Buffer screening is considered adequate regardless of topographic conditions if it includes a screening wall or an opaque fence that is at least seven (7) feet in height, and materials and merchandise may not be stacked or stored higher than the wall or fence. Buffer screening is not required for the storage of vehicles for sale or rental if permitted by an approved Development Plan.

2. The maximum height of stacked materials, stacking height maximums, the proximity of stacked materials to lot lines, and requirements specific to wood products and tires shall comply with any additional requirements of the Fire Code Official.

3. In the OR and MX-N zone districts, outdoor storage of materials and display of merchandise related to nonresidential uses is prohibited.

4. Shipping containers used for storage shall not be stacked.

N. Playhouse, Accessory: A child's playhouse that exceeds six (6) feet in height must meet all of the development standards for the zone district.

#### O. Solar Collector, Accessory:



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1. A solar collector may be located on the roof of a principal or accessory structure, provided that if the solar collector is not flush with the roof, the applicant shall minimize the visibility of the collector from a public street, park, or green space in a manner that does not reduce the efficiency or effectiveness of the collector, to the maximum extent feasible.

2. In residential zone districts (except the A zone district), ground-based solar collectors are only permitted in side and rear yards without street frontage unless the only location on the lot where the solar collectors can function efficiently is in a front yard or a street-facing side yard.

#### P. Transit Shelter, Accessory:

1. Transit shelters within the public right-of-way are regulated by the City's public works standards, regulations, and procedures.

2. Transit shelters on private property that contain benches, shelters, or kiosks that have been placed for the convenience of patrons or transit riders are exempt from requirements of this UDC related to placement and location, but must comply with the requirements of Part 7.4.13 (Signs) regarding permitted signs.

#### Q. Wind Energy System, Accessory:

1. In all residential zone districts (except the A zone district) and all mixed-use zone districts (except the MX-I zone district) ground mounted wind energy systems are permitted only in rear and side yards.

2. In the R-E, R-1 9, R -1 6, R-2, R-4, R-5, R-Flex Low, R-Flex Medium, and R-Flex High, OR, MX-N, and MX-T zone districts, roof-mounted wind energy systems are subject to the maximum height limit for primary buildings in those districts.

3. In the LI, GI, PK, and PF zone districts, roof-mounted wind energy systems are not subject to the maximum height limit for primary buildings in that district.

4. In all other zone districts, roof mounted wind energy systems may extend up to ten (10) feet above the maximum height limit for primary buildings in those districts.

5. If proposed on land within the AP-O district or within two (2) miles of the United States Air Force Academy (USAFA) or Peterson Space Force Base and respective flight training areas, additional reviews to protect air traffic safety may be required. (Ord. 23-03)