



This handout summarizes setback requirements for accessory structures on single-family residential properties.

## **What is an Accessory Use or Accessory Structure?**

Any use or structure that is located on the same parcel of property as the principal structure, but is clearly incidental to the scale and use of the principal structure.

Examples include:

pavers	satellite dish antennae
accessory swimming pools	screened pool enclosures
BBQ pits	solar energy equipment
concrete equipment pads	stationary generators
concrete patios	storage areas and structures
detached garages and carports	sunrooms
parking and loading areas	utility sheds
residential docks, boathouses and sundecks	windmills

## **How close to my property line can I put an accessory structure?**

Generally speaking, accessory structures can be placed in the side and rear yards at least ten feet away from the property line. They are not permitted in front yards. However, the Town Council has recently approved limited exceptions to this requirement for certain types of structures<sup>1</sup>. The list of structures and setbacks is attached to this sheet for your information.

Additional restrictions apply to waterfront lots. Structures placed between the rear building line and the mean high water line may not exceed 4' in height. On waterfront properties abutting the Atlantic Ocean, no structure may be located east of the "Oceanfront Setback Line" (a.k.a. the "Gordie Preston" line), which is a line drawn from the seaward-most portion of the closest adjacent properties to the north and south.

## **Do I need a permit for my accessory structure?**

Yes. A building permit is needed anytime an accessory structure is built or installed and anytime your property is used in a new or different way. Applications for accessory uses and structures are reviewed by the Building and Planning staff to ensure that they comply with the FL Building Code and the Town's local zoning and setback requirements. You may obtain a building permit application from the Building Division by clicking [here](#) or by visiting the Planning & Development Department at Town Hall.

Please contact a planner at 386-236-2181 if you have specific questions regarding your project.

---

<sup>1</sup> Ordinance No. 2011-22, January 19, 2012

Type of Encroachment	Encroachment Amount
Ancillary equipment, at grade (air conditioners, pool equipment, above ground propane tanks, generators, etc.)	Not to encroach more than 50% into the side, rear, and waterfront yards
Architectural features (awnings, eaves, cornices, canopies, chimneys, sunshades, sills, beam ends, awnings, planters, and other architectural embellishments) with less than a 30-inch vertical thickness	Roof overhangs and eaves may protrude up to four feet into any minimum required yard setback areas.  All other listed elements may protrude no more than two and one-half feet into any minimum required yard setback areas.
Dumpster enclosures in non-residential and multi-family residential zoning districts regulated under Section 62.4.3 of the Code of Ordinances	No closer than 5 feet from side and rear property lines; in waterfront yards, no closer than 10 feet from upland edge of seawall or MHWL, whichever is closer to the building line
Fences and walls	To property line; in waterfront yards, up to the upland edge of seawall or MHWL, whichever is closer to building line
Flag poles, freestanding	No closer than 5 feet from front and rear property lines
Flagpoles, mounted on building façade	May project up to 5 feet from the building façade.
Covered or uncovered porches, decks, and patios (open on three sides)	No closer than 8 feet from front and rear property lines, up to a maximum of ½ of the distance between property line and building line, whichever is farther away from the property line
Second and third story balconies (not to support any enclosure or structures) <sup>1</sup>	May project up to 6 feet into the front and rear yard setback area and 3 feet into side yard setback area.
Paver patios (waterfront properties) <sup>2</sup>	In waterfront yards, to upland edge of seawall or MHWL, whichever is closer to the building line
Play equipment, residential (up to 8' height)	A setback of 1 foot from property line for every 1 foot in equipment height above grade
Unenclosed swimming pools	No closer than 10 feet from rear property line; in waterfront yards, no closer than 5 feet from upland edge of seawall or MHWL whichever is closer to the building line or as permitted by DEP, whichever is more restrictive <sup>3</sup>
Handicap Accessible Ramp not exceeding 4 feet in width	To property lines; in waterfront yards, to the upland edge of the seawall or MHWL, whichever is closer to the building line.
Paver walkways not exceeding 4 feet in width <sup>4</sup>	No closer than 3 feet from front, side, and rear property lines, and, for pervious pavers up to the property line; in waterfront yards, to, or parallel to, upland edge of seawall or MHWL, whichever is closer to the building line.
Steps connecting a raised deck to the adjacent grade	No closer than 5 feet from front, side, and rear property lines; in waterfront yards, steps must terminate no closer than 4 feet from the upland edge of seawall or MHWL, whichever is closer to the building line

See Table Notes next page.

**Table Notes:**

1. Provided the balcony is less than or equal to eight feet in width and six feet in depth and there is a twelve-foot minimum clearance between the balcony any adjacent property building or structure. The balcony shall have a decorative guardrail. Solid guardrails/half walls are not permitted.
2. Paver patios must slope towards the interior of the property and away from the water or adjacent properties. All stormwater runoff must be maintained onsite.
3. Measurement shall be from the outermost edge of the pool deck to the property line,
4. Encroachments of paved walkways using impervious materials (such as impervious concrete) shall be prohibited. Semi-pervious walkways must slope towards the property and not the public right of way, Halifax River or adjacent properties. All stormwater runoff must be maintained onsite.