

# Accessory Buildings and Structures

## DEFINITIONS PER MUNICIPAL CODE

[www.sanjoseca.gov/municipalcode](http://www.sanjoseca.gov/municipalcode)

**ACCESSORY BUILDINGS** are enclosed structures detached from the main dwelling unit. Examples include garages, sheds, playhouses, and storage units. See [Section 20.200.020](#) of the Municipal Code for more details.

**ACCESSORY STRUCTURES** are open air structures detached from the main dwelling unit. Examples include gazebos and trellises. See [Section 20.200.030](#) of the Municipal Code for more details.

Pools and spas are considered accessory structures for zoning purposes.

**AN INTERIOR LOT** is the common lot fronting one street with a yard behind the house and flanked by other homes on the left and right.

**A KEY LOT** has the backyards of two or more homes backing onto the side of the home. See [Section 20.200.580](#) of the Municipal Code for more details.

## San José Development Services Permit Center

San José City Hall  
200 E. Santa Clara St.  
San José, CA 95113  
408-535-3555

[www.sanjoseca.gov/building](http://www.sanjoseca.gov/building)

Accessory buildings and structures on single-family and duplex properties are subject to the requirements outlined in this bulletin. Depending on size, two types of permits may be needed:

**Building Permit.** If the planned size is greater than 120 square feet, a building permit is required. If the accessory building or structure includes electrical or plumbing improvements, a permit is required regardless of the size of the structure. See page 2 of this bulletin.

**Special Use Permit.** Any size or dimension greater than discussed below will require a Special Use Permit. For this step, call the Development Services Permit Center at 408-535-3555 and request to speak with a planner.

## ZONING AND BUILDING REQUIREMENTS *sf = square feet*

<b>Limitations for accessory buildings</b>	<ul style="list-style-type: none"> <li>▪ Limited to one story</li> <li>▪ Limited to two plumbing fixtures</li> <li>▪ May not contain any living or sleeping spaces</li> <li>▪ Cannot be air conditioned</li> </ul>
<b>Size and dimension requirements</b>	<ul style="list-style-type: none"> <li>▪ Maximum total area coverage by all accessory buildings/structures including a detached garage: 650 sf (unless otherwise allowed by a Special Use Permit)</li> <li>▪ Minimum wall-to-wall distance from any other building: 6 feet</li> <li>▪ Maximum height: 12 feet. If the roof is pitched, the height halfway up any slope may be 12 feet and the roof peak may be 16 feet maximum.</li> </ul>
<b>Rear yard coverage</b>	<ul style="list-style-type: none"> <li>▪ With pool: If the yard includes a pool, the maximum coverage is 60%.</li> <li>▪ Without pool: The maximum total of the rear yard covered by any part of accessory buildings and structures is 40%, of which accessory buildings may not exceed 30%.</li> </ul>
<b>Minimum setback requirements</b>	<p>See Municipal Code <a href="#">Section 20.30.500</a> for details. Swimming pools are not included in these setback requirements:</p> <ul style="list-style-type: none"> <li>▪ Setback from front property line, all types of lots: 60 feet</li> <li>▪ Setback from side and rear property lines, interior lot: no setback required</li> <li>▪ Setback from side and rear property lines, key lot: 4 feet</li> <li>▪ Setbacks on a corner lot: 9 feet from the accessory building/structure to the property line on street sides</li> </ul> <p><b>Need help?</b> You can meet with a planner at the Permit Center to verify size limitations and setback requirements of an accessory building or structure. No appointment is needed; just come to the Permit Center on the first floor of City Hall. The planner will advise you as to the applicable zoning requirements for your project. <b>BRING:</b> A site plan is helpful, and we recommend bringing photographs of the property.</p>
<b>Openings and overhangs</b>	<ul style="list-style-type: none"> <li>▪ Within 3 feet of the property line, openings are not allowed.</li> <li>▪ Between 3-5 feet of the property line, 25% of maximum openings are allowed.</li> <li>▪ Overhangs are not allowed closer than 2 feet to the property line.</li> </ul>

*Continued >*

<p>1-hour fire protection walls</p>	<p>If the accessory building or structure:</p> <ul style="list-style-type: none"> <li>▪ Exceeds 120 sf and is less than 5 feet from the property line, walls parallel to the property line must be built with a 1-hour fire protection.</li> <li>▪ Is less than 120 sf and is at least 6 feet from other structures, it may be built on the property line without firewalls.</li> </ul>
<p>Placement in easements</p>	<p>Accessory buildings and structures are generally not allowed in easements, with the exception of Wire Clearance Easements, where the maximum height stipulated in the easement agreement is not exceeded (typically 15 feet). Overhead wire clearances must be maintained per the National Electric Code (NEC).</p>

**BUILDING PERMIT REQUIREMENTS**

As mentioned on page 1, if the planned size is 120 square feet or greater, a building permit is required. If the accessory building or structure includes electrical or plumbing improvements, a permit is required regardless of the size of the structure. For more information, see [How to Get A Building Permit](#).

Plans must be submitted to obtain a building permit for such projects. Your submittal must include:

- A completed [Building Permit Application](#)
- Three sets of plans drawn to a minimum 1/4" per foot scale. Plans for a typical project should include the items outlined in the table below:

<p>Site plan</p>	<p>Show:</p> <ul style="list-style-type: none"> <li>▪ Shape and dimensions of the lot and any easements.</li> <li>▪ All existing structures and setbacks. Setback dimensions are measured from the face of the accessory structure to the property line or to other adjacent structures on the lot.</li> <li>▪ Measurements of any overhangs.</li> </ul>
<p>Foundation plan</p>	<p>Show:</p> <ul style="list-style-type: none"> <li>▪ Pier footing or continuous footing layout</li> <li>▪ Slab on grade details, if applicable</li> </ul>
<p>Floor plan</p>	<p>Show:</p> <ul style="list-style-type: none"> <li>▪ Dimensions of the structure</li> <li>▪ Door and window sizes and locations, if applicable</li> <li>▪ Fire-resistant construction details, if applicable</li> <li>▪ States use of each area</li> </ul>
<p>Framing plan</p>	<p>Show:</p> <ul style="list-style-type: none"> <li>▪ Sizes, grade of materials, and on-center spacing of the structural members, including studs, posts, girders, headers, joists, and deck material</li> </ul>
<p>Elevation plans</p>	<p>Rear and side elevations are typically required. The elevations show a view of the project looking at it straight ahead, drawn to scale. For example, if you stood across the street from a house and took a photograph of the house, that would be the front elevation view.</p>

**WHO CAN PREPARE THE PLANS?**

Anyone may prepare plans for accessory buildings or structures as long as the intended design meets the conventional construction provisions of the Uniform Building Code (UBC).

If the intended design does not meet the conventional provisions, then plans must be prepared by a licensed architect or engineer. When an architect or engineer prepares plans, the plan submittal package must include two sets of wet-stamped and wet-signed structural calculations.

**San José Development Services Permit Center**

San José City Hall  
 200 E. Santa Clara St.  
 San José, CA 95113  
 408-535-3555

[www.sanjoseca.gov/building](http://www.sanjoseca.gov/building)