

## ARTICLE 16

### ACCESSORY BUILDINGS

#### SECTIONS:

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#### **16.010 Accessory Structure- Definitions**

A detached subordinate structure or building located on the same lot as an incidental to the principal structure. Accessory structures are subordinate in area and purpose and are intended for the convenience or necessity of the occupants, business, or industry in the principal building. An accessory structure shall not cover more than thirty percent (30%) cumulative of the total rear yard area.

#### **16.020 Accessory Uses Permitted**

Accessory structures may be permitted in any Zoning District provided such structures conform with the definition in Section 16.010. Permitted accessory structures include but are not limited to the following:

1. Buildings such as garages, gardening sheds, and similar structures which are customarily used in conjunction with and incidental to a principal use or structure.
2. Children's playhouses.
3. Swimming pools.
4. Storage of materials used for construction of a building, including the contractor's temporary office, provided that such use is on the building site or immediately adjacent thereto, and provided further that such use shall be permitted only during the construction period and thirty (30) days thereafter.
5. Satellite dish accessory structure. No satellite dish antenna, antenna or tower greater than 2 feet in diameter or 3 feet in length shall be permitted within the front or side yards. No satellite dish antenna with a dish diameter greater than twelve (12) feet, or height greater than fifteen (15) feet shall be permitted in any R districts, except by special use permit and shall be screened as practical from adjoining residential uses with a six-foot high fence or landscaping.

## **16.030 Accessory Structure Regulations**

Accessory structures shall be erected as provided for in the following paragraphs and in accordance with the bulk regulation requirements of the corresponding zoning district.

1. No accessory structure shall be constructed upon a lot until the construction of the main structure has been commenced, and no accessory structure shall be used if the main structure has been unused for a period of six (6) months or longer.
2. Location and Limits.
  - a. May only be erected in a rear yard.
  - b. When located upon a corner lot, must conform to requirements as outlined in Corner Lots Definition.
  - c. Shall be located outside of any easement.
  - d. The maximum number of accessory structures allowed per lot shall be limited in accordance with Table 16.030 (1). The maximum number of structures must be in compliance with the cumulative area regulations of this chapter.
  - e. Driveway and parking areas to garages or accessory buildings, which are utilized by motorized vehicles licensed for use on public roadways, shall be concrete, asphalt, or similar paved surface. New gravel driveways and parking areas are prohibited. Such driveways may be located within one foot (1') of the property line if constructed at grade level. If surface is elevated above natural grade the setback shall be equal to the total elevated height above grade. Existing drainage shall be maintained or improved, and shall not force water flow onto adjoining property.
3. Setback
  - a. Maintain a minimum distance of (5) feet from any lot lines, alley lines and any adjoining lots.
  - b. Must be erected separately from and a minimum of (6) feet from the principal structure.
4. Building height shall be a vertical distance from grade plane to the average height of the highest roof surface.
5. Exempt Structures

- a. Accessory structures of forty (40) square feet or less, and of a movable design, shall be exempt from permit requirements. These structures must conform to all setback requirements. The square footage of these structures shall be included in the maximum cumulative area requirements of this chapter, and these structures shall count toward the maximum number of accessory structures allowed per lot as outlined in this chapter.
6. No residential garage shall be constructed within 20 feet of any alley line if access is perpendicular to the alley.
  7. Cumulative Area. The cumulative square footage area of all necessary buildings on any lot shall not exceed the following maximum allowances:
    - a. The allowable square footage in Table 16.030 (2)
    - b. Thirty percent (30%) of the total rear yard area.
  8. Maximum Height. Maximum height shall be in accordance with Table 16.030 (3).

Table 16.030 (1)  
Maximum Number of Accessory Structures by Zoning District

Zoning District	A	R-1	R-2	R-3	R-B	PUD	B,1,2,3	MHP	I
Maximum number of accessory structures allowed per lot	5	3					1	1	3
Exceptions		Apartment and Condominium sites within an R-3 District shall be allowed one per dwelling unit.							

Table 16.030 (2)  
Accessory Building Maximum Cumulative Area

Lot Size	Maximum Area (Sq. Ft.) by Zoning District									
	A	R-1	R-2	MHP	R-B	PUD	B,1,2,3	R-3	I	

Less than 1 acre	1600	1400	1024	240 sq. ft. Per dwelling unit	1200
1 acre to less than 3 acres	3600	1800			
3 acres to less than 5 acres	6500	2400			
5 acres to less than 10 acres	6500	3600			
Greater than 10 acres	9600	3600			

Table 16.030 (3)  
Maximum Accessory Building Height

Lot Size	Maximum Height by Zoning District								
	A	R-1	R-2	R-3	PUD	R-B	MHP	B,1,2,3	I
Less than one acre	15'	15'				15'	15'	18'	24'
1 acre to less than 3 acres	24'	18'							
3 acres to less than 5 acres	28'	20'							
5 acres to less than 10 acres	32'	24'							
Greater than 10 acres	35'	24'							

9. Special Exception. The maximum number of accessory structures, the accessory building maximum cumulative area, and the maximum accessory building height, as outlined in this chapter may be modified by the Board of Adjustment as a special exception in accordance with the following:

- a. Prior to the Board's consideration, they shall cause all property owners within 250feet of the boundaries thereof to be notified by ordinary mail.
- b. The Board of Adjustment shall establish guidelines for applications, and consider all evidence presented to it and factors it deems important in its deliberation, and at a minimum prior to approval, conditional approval, or

denial of a special exception, the Board shall find that the applicant has carried the burden of proving the following.

- (1) The need for additional area, height, or number of accessory structures has been demonstrated to the satisfaction of the Board of Adjustment.
- (2) The additional floor area, height, or number of structures will not adversely affect the property value of the subject property or adjoining properties.
- (3) The location of the proposed accessory structure minimizes any adverse effect upon adjacent properties.

c. The Board of Adjustment may not grant a special exception that would allow an accessory structure(s) with an area that would exceed thirty percent (30%) of the total rear yard. Any petition for variance from this limitation must follow normal procedures with the Board of Adjustment, as outlined in this Code of Ordinances.

10. Design Characteristics. Accessory buildings shall be constructed of materials similar to the principal structure, and in character with the surrounding built environment as determined by the Zoning Administrator. Permanent accessory structures shall not be allowed to consist of a fabric material for an exterior. Structures with a fabric exterior shall only be allowed as a temporary structure (six months or less).

#### **16.040 Underground Accessory Structure.**

An accessory structure which is constructed underground (such as an emergency shelter, garage, wine cellar, etc.) may be beneath the ground surface of any yard area; providing said structure shall comply with the following requirements:

1. No portion of the structure shall be located less than two (2) feet, measured horizontally, from any lot line from which a minimum surface yard area is required.
2. The surface area covering the structure shall be finished in a manner natural to the landscape so as to entirely conceal the underground structure within the required yard area.
3. No portion of the finished surface area above the surrounding ground elevation may exceed a two (2) foot height increase above the normal finished elevation of any required yard area.

4. Ingress-egress to the underground structure shall be located within the allowable surface structure area of the lot and shall not be located in any required yard area.

**16.050 Accessory Uses Prohibited**

The following accessory structure shall be prohibited in any Zoning District:

1. Car ports