

## 2.9 ACCESSORY USES AND STRUCTURES

### A. R-1 to R-6 and D-1 to D-2 Districts

All accessory buildings in the R-1 through D-2 zoning districts shall comply with the following:

#### 1. General Requirements

- a. An accessory building may not be used for operation of a business except in association with a home occupation or as a dwelling ~~guest/servants quarters~~ except as permitted in Section 2.9.A.2.
- b. Accessory buildings shall not be used for rental purposes or barter exchange.

#### 2. Guest/Servants Quarters. An accessory building may be used as a dwelling only in an R-1 or R-2 zoning district after approval of a specific use permit for such purpose and subject to the following:

- a. The accessory building may be occupied only by immediate family members, a personal guest and/or full-time domestic service worker or service workers of the owner or lessee of the property in which the accessory building is located. The family of a live-in service worker may reside in the accessory building only if all adult members of the family are employed as full-time domestic service workers by the owner or lessee of the property.
- b. The accessory building must comply with the minimum standards established in the Building Code and the Minimum Housing Code for habitable space.
- c. The accessory building must otherwise comply with the regulations of this Section 2.9.

#### 3. Additional Development Standards. Except as otherwise provided in this Chapter, all accessory buildings shall comply with the following development standards:

- a. Accessory buildings may be furnished with utility sinks and water.
- b. ~~No~~ Accessory buildings ~~shall~~ may be furnished with a bathroom, including those permitted in Section 2.9A.2 ~~kitchen, or cooking and food preparation facilities prior to approval of a specific use permit for such purpose.~~
- c. Gas and/or electricity for an accessory building shall not be served by a separate utility meter from the utility meter(s) through which service is provided to the main structure on the property.
- d. ~~The location of an accessory building adjacent to a side street must with the side yard setback requirements of the main structure.~~
- d. The vehicle ~~entry~~ driveway leading up to of an accessory building used as a garage, carport, or similar vehicle storage structure and designed to be entered from an alley or street must be a minimum of ten feet (10.0') in width.
- e. ~~The appearance, construction and color of a portable or movable accessory building, regardless of size, must be compatible with the adjacent main residence located on the same property.~~

- e. No trailers, containers, commercial boxes or other similar structures shall be used as storage or accessory buildings.
- f. Accessory buildings ~~which are not:~~ shall be limited to one story in height except as provided in Section 2.9A.4.b and 2.9A.5.e
  - ~~i. physically attached to the main structure; and~~
  - ~~ii. located entirely in the rear half of the lot and/or entirely in the rear yard shall comply with the requirements for attached accessory buildings in Section 2.9A.4.~~
- g. The Director may authorize the location of a temporary accessory building or portable building on a property provided such use is solely for construction purposes and such building is removed from the property after completion of construction of the project not later than the date designated by the Director.
- ~~h. Prior approval of a specific use permit shall be required for accessory buildings described as follows prior to installation or construction on any property~~
- h. Accessory buildings constructed with at least one full wall with or without window and/or door openings ~~(other than a detached garage or carport used only for vehicle storage)~~ shall be limited to covering a lot area greater than ~~120~~ 200 square feet per lot or lot of record, including, but not limited to, workshops, storage buildings, pool houses, and similar structures;
- i. Accessory buildings constructed with no full walls (i.e. open on four sides with not more than one 1/2 wall), ~~covering a lot area greater than 200~~ shall be limited to 600 square feet per lot or lot of record, including, but not limited to, open sided gazebos, outdoor kitchens, pergolas, and similar open sided structures.
- j. No accessory building (other than a detached garage, ~~or carport~~ or similar vehicle storage structure ~~used only for vehicle storage~~) covering a lot area ~~greater than 120 square feet (see j.i.) and/or greater than 200 square feet (see j.i.i.)~~ shall be allowed to be installed or constructed on any lot or lot of record property ~~without prior approval of a specific use permit that exceeds Section 3.3J.b regarding maximum lot coverage regardless if allowed by Section 2.9A.3.h or 2.9A.3.i above.~~
- k. An accessory building with a floor area greater than ~~120~~ 100 square feet must be constructed on permanent concrete foundation, designed and constructed with materials similar to the main structure, and be architecturally compatible with the main structure. ~~Additional requirements will be addressed at the building permit level.~~ An accessory structure less than 100 square feet or less does not have to comply with the requirements in Section 2.9A.3.k.
- l. Accessory buildings ~~with a floor area of 120 square feet or less and constructed on a moveable base~~ may be located in easements subject to prior written consent of the owner(s) of the easement(s): provided, however, no such accessory building may be located in a drainage easement prior to

review and approval by the City Engineer or designee of the proposed location.

- m. The roof overhang of an attached or detached accessory building may project no greater than 18 inches into the required side or rear yard setback. Accessory buildings with a floor area of fifty (50) square feet or less which were located in the side yard of a main building on September 22, 1997, shall constitute a non-conforming structure and cannot be replaced if moved or destroyed. A Building Permit shall not be issued for any property which has an accessory building located in the required side yard of the main building.

**4. Attached Accessory Structures** In addition to the provisions of Section 2.9.A.3, attached accessory buildings shall comply with the following development standards:

- a. The location of an attached accessory building shall comply with the front, side, and rear setback requirements of the main building on the property.
- b. The height of an attached accessory structure shall not exceed the allowable height of the main structure to which it is attached.
- c. Attached accessory buildings shall be architecturally compatible with the main building and shall be constructed on a permanent concrete foundation.

**5. Detached Accessory Building Regulations** In addition to the provisions of Section 2.9.A.3, detached accessory buildings shall comply with the following development standards:

- a. Detached accessory buildings shall be located ~~no closer to~~ more than 10 feet from the main structure on the property or the lot or lot of record ~~than the largest minimum distance allowed by the building code and/or fire code.~~ No equipment or appurtenances other than eaves, cornices and other architectural features normally found on the main structure on the property may be located with the area between the main structure and the detached accessory building.
- b. The main building and the detached accessory building may be connected by a breezeway or covered walk provided all structures are in compliance with Section 2.9A.6.
- c. Detached accessory buildings or structures shall observe a side yard setback ~~of not less than three feet (3.0') from an interior side lot line or easement line measured to the wall of the~~ building or structure ~~of: The eave of a detached accessory building may project no greater than 18 inches into the required side setback.~~
  - i. Not less than three feet (3') from an interior side lot line or easement line (except as allowed in Section 2.9A.3.1); or
  - ii. A side yard setback equal to the main structure from a street facing side lot line.
- d. Detached accessory structures shall be set back not less than three feet (3') from the rear property line, alley line or easement line (except as allowed in Section 2.9A.3.1) measured to the wall of the building or structure. ~~The eave of a detached accessory building may project no greater than 18 inches into the required rear setback.~~

- ~~e. The height of the top plate of a detached accessory buildings with a floor area equal to or less than 200 square feet shall not exceed eight feet (8.0') above the average natural grade.~~
- ~~f. The height of the roof of a detached accessory buildings with a floor area equal to or less than 200 square feet shall not exceed twelve feet (12.0') measured to the peak of the roof. For purpose of this paragraph f., roof slopes exceeding a 12:12 pitch shall be considered a vertical wall surface.~~
- ~~g. Detached accessory buildings may exceed twelve feet (12.0') in height and may have roof pitches in excess of 12:12 upon approval of a specific use permit authorizing a greater height and/or roof pitch.~~
- e. Detached accessory buildings used for vehicle storage (i.e. garage, carport or similar vehicle storage structure) with a floor area greater than 200 square feet shall not exceed a height of twenty feet (20') measured to the tallest point of the building or structure. ~~comply with the following additional development regulations:~~
  - ~~i. The top plate shall not exceed ten feet (10.0') above the average natural grade;~~
  - ~~ii. No vertical wall taller than the ten foot (10.0') top plate height shall be located within a distance less than ten percent of the lot width from the side property line;~~
  - ~~iii. No vertical wall above the ten foot (10.0') top plate height, adjacent to the rear property line shall be within a distance less than fifteen feet (15.0') from the rear property line; and~~
  - ~~iv. Roof slopes exceeding a 12:12 pitch shall be considered a vertical wall surface.~~

## 6. Breezeways or Covered Walks

A breezeway or covered walk may connect a main building with a detached accessory building subject to the following:

- a. The breezeway or covered walk is a one story unenclosed passageway not exceeding ten feet (10.0') in height and six feet (6.0') in cross-sectional width (measured between supports) and having eaves or roof overhang not exceeding twenty-four inches (24.0").
- b. The detached accessory building is constructed in compliance with Section 2.9A 5.
- ~~c. The main structure and the accessory structure are constructed not less than fifteen feet (15.0') apart.~~
- d. The breezeway is designed and constructed to be architecturally compatible with the main structure.
- e. The breezeway is constructed with a minimum of two draft stops to prevent fire from transferring from one structure to another.

## 7. Location of Mechanical Equipment

Air conditioning compressors, cooling towers, pool and spa equipment, and other similar accessory equipment shall be located as follows:

- a. At all times behind the front setback line:

- b. If located in the rear half of the lot, not less than three feet from the side lot line and rear lot line;
- c. If located in the front half of the lot, the equipment shall observe the setbacks for attached accessory structures set forth in Section 2.9A.4.
- d. If located in the side yard of a corner lot, adjacent to a side street, or in the front half of the lot, such equipment shall be screened from view by a fence, wall, or shrubbery.

#### **8. Swimming Pools**

All swimming pools and spas shall be located behind the required front building line. No swimming pool, spa or other similar body of water shall be located less than five feet (5.0') from a side or rear property line to the water's edge.

#### **B. MF-1 to MF-4 Districts**

- 1. Accessory buildings located in any MF-1 through MF-4 zoning district shall comply with all of the accessory building regulations established in Sections 2.9A.1 through 2.9A.4.
- 2. The area of the accessory buildings and the area of the main buildings located in the rear half of a lot located in any MF-1 through MF-4 zoning district shall not exceed 50% of the total area of the rear half of the lot.

#### **C. Nonresidential Zoning Districts**

All accessory buildings in any I-RU, O, LR-1, LR-2, C, LI or HI zoning district, or a PD district which does not allow residential uses, shall comply with the following:

- 1. Accessory buildings shall be used solely as an incidental use subordinate to the main use located on the same platted lot or lot of record ~~of the property~~;
- 2. Accessory buildings shall be constructed on a permanent concrete foundation and be designed and constructed to be architecturally compatible with the main building;
- 3. Accessory buildings shall comply with the setback requirements for the main building;
- 4. Portable or movable accessory buildings, regardless of their size, shall not be permitted;
- 5. No trailers, containers, commercial boxes or other similar structures shall be used as storage or accessory buildings; provided, however, the Director may grant permission based on good and satisfactory reasons for the temporary use of shipping containers, commercial boxes or similar containers for a limited time period, provided the temporary use does not adversely affect the adjoining property and no safety or nuisance hazards are created and.
- 6. The Director may authorize the location of a temporary accessory building or portable building provided such use is solely for construction purposes and such building is removed from the property after completion of construction of the project not later than the date designated by the Director.

## 7.2 DEFINITIONS OF WORDS, TERMS, AND PHRASES

All words and their definitions as defined in this Article are applicable throughout the entire zoning ordinance, except as provided for in any amending ordinance, and any reference to words and definitions in any part of this zoning ordinance shall be defined by this Article if needed to be defined otherwise than by their plain and ordinary meaning. Definitions for specific uses are listed in Section 7.3

*Accessory Building* - A separate building or structure from the main building, used for purposes subordinate to and incidental to the main use of the premises.

*Accessory Building (Attached)* - An accessory building that is either physically attached to the main building or that by its location on the lot is ~~required to meet the same setbacks as the main structure~~ closer than or equal to 10 feet from the main building.

*Accessory Building (Detached)* - An accessory building that is located entirely in the rear half of the lot; ~~and located entirely in the rear yard;~~ and is separated more than 10 feet from the main building.

*Guest/Servants Quarters* - An accessory building (either attached or detached) designed and used for the ~~temporary~~ housing of immediate family members, personal guests or the housing of a full-time domestic service worker and may be furnished with a bathroom, kitchen, or cooking and food preparation facilities.