

120.410 Accessory Uses or Buildings.

A. Accessory Uses.

Any use which complies with all of the following conditions, may be operated as an accessory use and may be operated in an accessory or principal building which:

1. Is clearly incidental and customary to and commonly associated with the operation of the permitted uses;
2. Is operated and maintained under the same ownership and on the same lot, parcel or building site as the permitted uses;
3. Does not include structures or structural features inconsistent with permitted uses.
4. Accessory buildings may only be established subsequent to the establishment, erection or construction of the principal building on the lot, parcel or building site, except as otherwise permitted and in accordance with the special exception use provisions of the zoning district classification in which the lot, parcel or building site is situated. Where a parcel is 10 or more acres in area, an accessory building may be constructed as the principal building on the parcel without restriction, provided it shall adhere to principal building setbacks.

B. Accessory Buildings.

In addition to the requirements under Section 120.600, an accessory building is subject to the following limitations:

1. One accessory building is permitted for accessory use on a platted lot or building site:
 - a. Lot or building site less than 1 acre:
 - ◆ Maximum square footage – 864 square feet
 - ◆ Maximum side wall height – 10 feet
 - ◆ Maximum overall building height – 16 feet
 - ◆ Maximum building length – 36 feet

b. Lot or building site more than 1 acre but less than or equal to 2.5 acres:

- ◆ Maximum square footage – 1080 square feet
- ◆ Maximum side wall height – 12 feet
- ◆ Maximum overall building height – 20 feet
- ◆ Maximum building length – 36 feet

c. Lot or building site of more than 2.5 acres: There is no limit on the size or number of accessory buildings on a platted lot or building site of more than 2.5 acres in size.

2. One accessory building is permitted for accessory use on unplatted land 2.5 acres or less in size:

- ◆ Maximum square footage – 1280 square feet
- ◆ Maximum side wall height – 12 feet
- ◆ Maximum overall building height – 20 feet
- ◆ Maximum building length – not limited, but subject to the above requirements.

3. There is no limit on the size or number of accessory buildings on an unplatted parcel of more than 2.5 acres in size, subject to the provisions of Section 120.600 of this Ordinance.

4. Accessory buildings may only be established subsequent to the establishment, erection or construction of the principal building on the lot, parcel or building site, except as otherwise permitted and in accordance with the permitted use or special exception use provisions of the zoning district in which the property is situated.

5. Accessory buildings shall be located in the rear or side yard of said lot, parcel or building site, unless the lot is in excess of 2.5 acres, in which case the accessory building may be located in the front of the principal structure so long as the accessory building is set back a distance equal to twice the minimum front yard setback as set forth in the particular zoning district in which they are located.

6. Notwithstanding the foregoing in subsections A and B of this section, if there is no existing attached garage on the lot, parcel or building site, a detached single story garage with side walls not exceeding ten (10) feet, a total height of fourteen (14) feet, nor a total square footage of 768 feet shall be allowed, in addition to the single accessory building provided for above and the same shall not constitute a violation of the limitations placed on the number of accessory buildings as set forth above but the same shall be subject to all other provisions of this Ordinance which are applicable to accessory buildings.
7. A single portable accessory structure not exceeding 200 square feet in area nor exceeding an overall height of 12 feet and which is mobile and not permanently affixed to the ground, shall be allowed, in addition to any other accessory buildings allowed, and the same shall not constitute a violation of the limitations placed on the number of accessory buildings as set forth above. Portable accessory structures include any temporary pavilion, portable garage, portable carport, portable shed, portable yard barn, portable covered metal structure or any other similar accessory structures or buildings. All portable accessory structures must be located in the rear yard. All portable accessory structures shall be located at least 25 feet from any road right-of-way, and at least 5 feet from lot lines. All other lot coverage requirements are waived for a single portable accessory structure subject to this subsection. It is the responsibility of property owners to place a portable accessory structure subject to this subsection at a location on their property that conforms to these requirements. Property lines should be verified by property owners before placement of any structure.
8. Any portable accessory structures exceeding 200 square feet in area and/or exceeding an overall height of 12 feet, which is mobile and not permanently affixed to the ground, will require a building permit per applicable building code requirements. Portable accessory structures exceeding 200 square feet in area shall be subject to the lot coverage requirements and all other provisions of this Ordinance which are applicable to accessory buildings. Portable accessory structures include any temporary pavilion, portable garage, portable carport, portable shed, portable yard barn, portable covered metal structure or any other similar accessory structures or buildings. It is the responsibility of the property owner to place all portable accessory structures on their own property. In accordance with setback requirements, property lines should be verified before placement of any structure by property owners.

9. Any accessory structure may include a bathroom facility, but may not include any kitchen or cooking facilities.
10. Exception for Non-Buildable Lots: Any accessory building may be permitted on a non-buildable parcel subject to the following conditions:
 - a. The non-buildable parcel shall be consolidated with a contiguous parcel, lot or site condominium unit by recording a deed restriction that such consolidation of the non-buildable parcel with a parcel, lot or unit must remain in perpetuity.
 - b. The zoning of the consolidated parcel, lot or unit shall be of the same zoning classification or in a different zoning classification where single-family dwellings are permitted in both districts.
 - c. The buildable parcel, lot or unit must be legal or legal nonconforming (lot of record) and the consolidated non-buildable parcel must be of a contiguous width equal to or greater than the width of the buildable parcel for its entire width.
 - d. That this exception is for accessory buildings only and shall not allow for any consolidation that would allow for a lot or unit to be used for access for a principal building site.
 - e. That the location of the accessory building shall be behind the principal dwelling, using the extended lot width side yard setbacks. This would ensure that the accessory building is not located behind that of an adjoining dwelling (or lot if vacant) and that such area could be split for the benefit of the adjoining lot at some point in the future.

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