

ACCESSORY STRUCTURES

40-2-2 SELECTED DEFINITIONS.

Accessory Building/Structure/Use: Any building, structure or use which:

- (A) Is subordinate to and serves a principal building or use;
- (B) Is subordinate in area, extent or purpose to the principal building or use (R1 – R2 – R3);
- (C) Contributes to the comfort, convenience or necessity of occupants of the principal building or use served;
- (D) Is located on the same zoning lot as the principal building or use served;
- (E) Does not change the basic character of the premises as determined by its principal use. **(Ord. No. 05-04-02)**

40-3-13 ACCESSORY USES. Any accessory use **(See Section 40-2-2, "Selected Definitions")** shall be deemed permitted in a particular zoning district if such accessory use is:

- (A) Accessory to a principal structure or use that is allowed in that zoning district as of right (permitted) or by virtue of the fact that a special use permit has been granted.
- (B) In compliance with the restriction set forth in **Section 40-3-14.**
- (C) Constructed after or at the same time as the principal structure (exception – agriculture).
- (D) In residential zoning districts (R1-R2-R3) accessory structures shall be subordinate in area, extent, or purpose to the principal building or use.
- (E) Incidental to the principal use established on the same lot, and shall serve no other principal use or purpose.
- (F) Determined to contribute to the comfort, convenience, or necessity of users of the principal use. **(Ord. No. 05-04-02)**

40-3-14 ACCESSORY USE RESTRICTIONS.

- (A) **Height.** No accessory use shall be higher than
 - (1) **seventeen (17) feet** to the peak of any structure in any Residential District;
 - (2) **thirty-five (35) feet** to the peak of any structure in the "AR" or "C" Districts; or
 - (3) There shall be no height limits on any accessory structures in the "A" or "I" Districts.

(B) **Setbacks.**

- (1) In the Commercial or Industrial District, no accessory use shall encroach into any part of any yard (front, side, or rear) that is required by the minimum setback regulations of the particular district.
- (2) In any Residential District, accessory uses are prohibited in any required front yard, but permitted in any side or rear yard provided such accessory uses are not closer than **seven (7) feet** to any side or rear lot line.
- (3) In any Agricultural and "A-R" District, accessory uses are prohibited in any front yard and the setback shall be the same as for principal structures.
- (4) On any lot with an area (which is **one (1) acre** or less) and existed prior to **January, 1991**, accessory uses are prohibited in any required front yard, but permitted in any side or rear yard provided such accessory uses are not closer than **seven (7) feet** to any side or rear lot line.

(C) **Use As Dwelling.**

- (1) Use of any accessory structure as a dwelling is strictly prohibited in every zoning district.
- (2) The use of an accessory structure for a home occupation is prohibited.

(Ord. No. 05-04-02)