

§ 153.074 ACCESSORY USES AND STRUCTURES.

(A) *Purpose and scope.*

(1) Accessory uses and structures shall be permitted in association with a principal use or structure. Permitted accessory structures shall be subordinate and proportional in area to their location. For smaller residential lots, accessory structures are intended to be proportional in area to the size of the principal structure. For larger residential lots, accessory structures shall be proportional to the size of the property on which they are located. For non-residential districts, accessory uses and structures shall be proportional to the principal use or structure.

(2) *Applicability.* This section shall apply to accessory uses and structures in all zoning districts unless otherwise provided for in the development requirements of the district in which the property is located or the respective planned development text.

(3) *Accessory uses.*

(a) *Residential.* Storage, recreation, child care, home occupations, leisure and gardening/landscaping uses, and others as permitted by the district in which the property is located or as determined by the Administrative Official.

(b) *Non-residential.* As permitted by the district in which the property is located.

(4) *Accessory structures.* Accessory structures include, but are not limited to, the following:

(a) *Residential.* Garages and carports (attached and detached), sheds, swimming pools, hot tubs, sport courts and similar facilities, gazebos, porches/sunrooms, patios, decks, greenhouses, or similar facilities, and other similar structures as determined by the Administrative Official.

(b) *Non-residential.* Dumpster enclosures, sheds, garages/parking structures, greenhouses, and other similar structures as determined by the Administrative Official.

(c) *Temporary.* Construction trailers, portable classrooms, portable non-residential structures, special event tents, and others in accordance with § 153.097.

(d) Landscape features, including but not limited to planting beds, fountains, and other similar features, and play structures shall not be considered accessory structures and are therefore not subject to the regulations of this section.

(B) *Accessory uses and structures in Residential Districts and Residential Planned Development Districts.*

(1) Accessory uses shall comply with any applicable requirements of this Code or approved development text.

(2) *Detached accessory structures.*

(a) 1. This section shall apply to detached accessory structures for residential properties, including but not limited to detached garages, sheds, greenhouses, carports, and other similar structures as determined by the Administrative Official. **ATTACHED**, for the purpose of this section, means that the addition is integrated visually, structurally and architecturally with the principal structure, has an attached roof with similar design to the principal structure, permits access between the principal structure and the addition either internally or under the roof, and/or shares a common wall with the principal structure or is connected to the principal structure by an enclosed space.

2. For purposes of determining attachment, an enclosed space is an area under a roof which has solid walls at least 18 inches in height around its entire exterior, or which is 100% screened, walled, or provided with glass from floor to ceiling, so that the enclosed interior space is completely separated from the outside space.

(b) The following shall not be counted toward the maximum permitted square footage for detached accessory structures: fire pits, sport courts, swimming pools, hot tubs, solar panels, kennels, attached three-season rooms, screened porches, decks, or patios. Gazebos, trellises and arbors or other open and unenclosed structures or similar structures that are 250 square feet in area or less, as determined by the Administrative Official, shall not be counted toward the maximum permitted square footage.

(c) The following shall not be counted toward the number of permitted detached accessory structures: gazebos, trellises, and arbors or other similar structures that are 250 square feet in area or smaller; other similar landscape features, fire pits, sport courts, swimming pools, hot tubs, solar panels, kennels, attached three season rooms, screened porches, decks, patios, or other similar structures as determined by the

Administrative Official.

(d) For the purposes of division (B)(2) of this section, only the gross square footage of ground floor area shall be counted toward the maximum permitted detached accessory structure square footage.

(e) Maximum square footage and number of detached accessory structures.

PROPERTY SIZE	REQUIREMENTS (CUMULATIVE)
Less than 1 acre	840 sq. ft., OR 30% of the livable area of the principal building excluding attached garages, whichever is greater. In no case shall the height of the detached accessory structure exceed 18 feet.
	Not more than two detached accessory structures shall be permitted.
1 - 5 acres	1,000 sq. ft., PLUS 250 sq. ft. per acre or fraction thereof over one acre, up to a maximum of 2,000 sq. ft.
	In no case shall the height of the detached accessory structure exceed 22 feet.
	Two detached accessory structures PLUS one additional detached accessory structure per acre greater than one acre shall be permitted. Not more than five detached accessory structures shall be permitted.
Over 5 acres AND zoned R or R-1	2% of the lot area, not to exceed a cumulative square footage for all detached accessory structures of 3,000 sq. ft.
	Additional setback requirements: For any single detached accessory structure in excess of 2,000 sq. ft. setbacks are as required by the District in which the property is located, PLUS 25 ft. for each 250 sq. ft., or fraction thereof, over 2,000 sq. ft.
	Notwithstanding the provisions of this chapter, detached accessory structures shall be permitted one garage door not greater than 12 feet in height, provided that the structure is located to the rear of the principal structure. The maximum height for accessory structures shall not exceed that permitted for the principal structure.
	Not more than five detached accessory structures shall be permitted.

(f) Except as may otherwise be permitted, no part of any accessory building shall be used as a dwelling for residential purposes.

(3) *Accessory structures in Multiple-Family Residential Districts.*

(a) Multiple-family residential units shall be permitted not more than one two-car garage per unit provided all other applicable development requirements are met.

(b) The exterior façade materials and architectural design of all accessory structures shall be coordinated with those of the principal building.

(c) This section shall not prohibit accessory uses and structures typical of multiple-family residential developments, including but not limited to clubhouses and/or administration offices, pool houses, laundry facilities, gatehouses, mailbox shelters, dumpster shelters or enclosures, recreational facilities, and other similar structures as determined by the Administrative Official, provided all applicable development requirements including but not limited to lot coverage, setbacks, open space, and stormwater management are met.

(d) For detached garages in Multiple-Family Residential Districts, not more than five garage doors are permitted in a single row or plane.

(4) *Garages.* Attached garages shall not be counted toward the maximum permitted square footage for accessory structures. All new and additions to existing front-loaded attached and detached garages or garages that are visible from the street and angled less than 60 degrees to the front lot line or street tangent line must meet the following requirements:

(a) No single garage door opening shall be wider than 18 feet. Only one such garage door is permitted.

(b) No combination of garage door openings shall be wider than 36 feet.

(c) Not more than two garage doors may be located on the same horizontal plane of the principal

structure. Additional garage doors must be located on separate planes with a minimum separation of 16 inches.

(d) Garage door openings totaling 18 feet in width or less shall not make up more than 35% of the linear distance of the front elevation nor project more than 12 feet from the adjacent vertical wall plane. Open and uncovered porches shall not be considered a vertical wall plane.

(e) Garage door openings totaling more than 18 feet up to 36 feet in width shall not make up more than 45% of the linear distance of the front elevation nor project more than ten feet from the adjacent vertical wall plane. Open and uncovered porches shall not be considered a vertical wall plane.

(5) *Required location in residential zoning districts.*

(a) All accessory uses and structures, including swimming pools and associated decking, shall be constructed within the permitted buildable area of a lot, behind all applicable setback lines, and to the rear or side of the principal structure.

(b) No build/no disturb zones shall remain free of all structures including, but not limited to buildings, parking, driveways, sidewalks, sheds, swimming pools, patios, decks, or other accessory structures, fences, antennae, and basketball courts or other sport courts. All other plat requirements shall be met.

(6) *Relationship to principal structure.*

(a) Attached and detached accessory structures that exceed 200 square feet shall be coordinated with those of the principal structure on the lot.

(b) Attached accessory structures must conform to all regulations of this chapter applicable to principal structures.

(C) *Residential swimming pools.*

(1) *Permitted types.*

(a) *Permanent swimming pools.* Only below-grade permanent swimming pools are permitted.

(b) *Temporary pools.* Inflatable or other temporary pools are permitted provided they have a maximum depth of 18 inches and are placed to the side or rear of the primary structure.

(c) *Hot tubs.* Hot tubs are permitted accessory structures, and may be either below or above grade, provided that they do not exceed 100 square feet in total water surface area, or 4.5 feet in depth or height as measured from finished grade. Hot tubs, which exceed these size and height requirements, shall be considered swimming pools and must be placed below the established grade. Hot tubs shall be secured with a lockable cover or shall be entirely enclosed by a permitted barrier with a self-latching and lockable gate.

(2) *Size.* Swimming pools shall not be considered detached accessory structures for the purposes of calculating maximum permitted area based on the size of the principal structure or the lot. All principal structures are permitted a swimming pool if yard space, lot coverage, and other related development standards for the pool and deck or patio area are met.

(3) *Location and setback.* There shall be a minimum separation of ten feet between a swimming pool and the principal structure. Swimming pools shall not be located within the front building setback, forward of any part of the house, or within a required side yard, rear yard, or other restricted area of the lot (e.g., a no-build zone). No swimming pool shall be located, designed, operated, or maintained as to interfere unduly with the enjoyment of the property rights of surrounding property owners. Nuisances shall be pursued according to all applicable city ordinances.

(4) *Swimming pool barriers.*

(a) Swimming pools located within all zoning districts shall be surrounded by open ornamental swimming pool barriers or a solid swimming pool barrier, provided the solid barrier is no higher than four feet and otherwise complies with the regulations herein and this section.

(b) All openings, doorways and entrances into the pool area shall be equipped with gates of equal height and material with the fence, and shall be provided with latches and permanent locks.

(c) In residential districts, swimming pools that are nonconforming by reason of location and setback may be enclosed by an open ornamental or solid swimming pool barrier, not more than four feet high. Swimming pool barriers may be in addition to any other fencing that may exist on the property. Swimming pool barriers may be located within a required setback area, provided that the barrier is located at least ten feet from any other fence on the property or not farther than ten feet from the edge of the pool.

(5) *Accessory equipment.* No swimming pool accessory equipment, including but not limited to pumping equipment, filtering equipment, diving boards, or slides shall be located in any required yard. All accessory equipment shall be screened with evergreen landscaping to the maximum height of the unit. The

maximum permitted height of a diving board or slide shall be ten feet from the established grade, unless otherwise approved by the Administrative Official.

(6) *Permit required.* A building permit is required for permanent swimming pools. The following requirements are to be met:

(a) Submission of a scaled plot plan showing all necessary area, lot coverage, setback, and yard requirements.

(b) Pools shall be graded to contain water on property for which a permit is issued and so as not to harm adjacent property.

(c) Electrical wiring and equipment shall comply with the National Electrical Code; an electrical permit for grounding and other electrical equipment is required.

(d) State Health Board approval is required for community pools.

(e) Fees for a residential/private pool shall be assessed as set forth from time to time by ordinance, per permit.

(f) Fees for commercial public pools shall be calculated under § 150.177.

(g) Swimming pool barrier details are required with the submission of a building permit for permanent residential swimming pools. Swimming pool barrier details shall include the type, height, design, open space dimensions, access gates, and any required door alarms in accordance with the Residential Building Code.

(D) *Non-residential zoning districts.*

(1) Accessory uses and/or structures within non-residential zoning districts shall not exceed 25% of the gross floor area of the principal structure(s) unless otherwise permitted by this chapter.

(2) Required location in non-residential zoning districts or uses. In any zoning district except a residential district, accessory uses or structures shall be on the same lot as the principal use or structure and located subject to the development requirements of the zoning district in which it is located.

('80 Code, § 1183.05) (Ord. 21-70, passed 7-13-70; Am. Ord. 142-99, passed 2-22-00; Am. Ord. 28-05, passed 6-20-05; Am. Ord. 18-07, passed 4-9-07; Am. Ord. 96-07, passed 1-22-08; Am. Ord. 25-10, passed 8-9-10) Penalty, see § 153.999