

## **CHAPTER 4.3**

### **ACCESSORY DEVELOPMENT REGULATIONS**

#### **Section 4.3.10 - PURPOSE**

These provisions are intended to establish the relationship between Primary and Accessory development and to specify criteria for regulating Accessory developments.

#### **Section 4.3.20 - ACCESSORY USES ENCOMPASSED BY PRINCIPAL USES**

In addition to the designated Primary, Accessory, Special, or Ministerial Development Uses, each zone shall provide for Accessory developments identified in this Chapter. When a proposed Accessory Use is not specified, the Director shall determine the appropriateness of the Use and whether it is customarily associated with, and subordinate to, the Primary development. The Director shall base the decision on the similarity of the proposed Accessory development to those developments specifically identified as Accessory to the Primary developments, and on the relationship between the proposed Accessory development and Primary development. The Director's determination shall be made in accordance with procedures in Chapter 2.16 - Request for Interpretation.

#### **Section 4.3.30 - ACCESSORY DEVELOPMENTS SUBJECT TO CONTROLS**

Accessory developments shall be subject to the same requirements as the Primary Uses within each zone, except as otherwise provided below:

- a.** Accessory development involving Nonconforming Uses and Nonconforming Structures is subject to the requirements of Chapter 1.4 - Nonconforming Development;
- b.** In a residential zone, a side and/or rear yard may be reduced to three ft. for an Accessory Structure erected more than 60 ft. from property lines adjacent to streets other than an alley;
- c.** In a residential zone, the rear yard of a corner lot may be reduced to eight ft. for an Accessory Structure and its projections, when the Accessory Structure is erected more than 25 ft. from property lines adjacent to streets;
- d.** Fences shall be considered Accessory Structures and are subject to the requirements of Chapter 4.2 - Landscaping, Buffering, Screening, and Lighting;

- e. An Accessory Structure shall not exceed a height of 14 ft. nor occupy more than 35 percent of a required yard; and
- f. Patios and decks not exceeding 30 in. in height from grade and open to the sky are considered Accessory Structures, but shall require review in accordance with Chapter 2.13 - Plan Compatibility when they are within five ft. of any property line.

#### **Section 4.3.40 - RESIDENTIAL USE TYPES**

- a. Accessory Structures shall not become additional permanent living areas and, with the exception of decks, shall be detached from the primary residence.
- b. Subject to the restrictions and limitations specified in this Code, the following types of Accessory Structures shall be permitted in zones where Residential Use Types are permitted:
  - 1. Private garages;
  - 2. Children's playhouses;
  - 3. Radio and television antennas - personal use;
  - 4. Sheds;
  - 5. Shops;
  - 6. Barns;
  - 7. Kennels for dog and cat keeping;
  - 8. Gazebos;
  - 9. Solar and wind energy systems, including solar collectors, storage facilities, distribution components, and wind generation devices; and
  - 10. Other necessary and customary developments as determined by the Director in accordance with Section 4.3.20 above and Chapter 2.16 - Request for Interpretation.

**Section 4.3.50 - CIVIC, COMMERCIAL, INDUSTRIAL, AGRICULTURAL, OR EXTRACTIVE USE TYPES**

Accessory development customarily associated with, and subordinate to, the Primary Civic, Commercial, Industrial, Agricultural, or Extractive Use Types shall be permitted where these Use Types are authorized.

**Industrial and Agriculture/Open Space Zones**

- a. A single dwelling unit shall be permitted in Industrial zones and the Agricultural/Open Space Zone, provided that the Uses are for the following:**
1. Caretaker or Superintendent - On a lot or building site with a Permitted Industrial Use and occupied exclusively by a caretaker or superintendent of such Industrial Use and his/her family;
  2. Farm Owner or Operator - On a lot or building site having a net area of at least five acres being farmed and occupied exclusively by the owner or operator and his/her family;
  3. Kennel Owner or Operator - On a lot or building site with a kennel, and occupied by the owner or operator; or
  4. Residential Development in a Limited Industrial Zone - On a lot or building site in the Limited Industrial (LI) Zone with residential development in accordance with Section 3.23.20.01.b.2 of Chapter 3.23 - Limited Industrial (LI) Zone.
- b. Retail outlets, cafeterias, and offices accessory to the Primary Use, developed during or following development of the Primary Use.**