

**Sec. 32-572. Accessory buildings, structures, and swimming pools in residential districts.**

In residentially zoned districts, accessory buildings and structures, except as otherwise permitted by this chapter, shall be subject to the following regulations:

- (1) Subject to the limitations identified below, the maximum number of accessory buildings permitted on a given parcel of land shall be computed based upon the size of the parcel, in accordance with the following:
  - a. Two acres or less: One building
  - b. 2.01 acres to 5 acres: Two buildings
  - c. 5.01 acres to 10 acres: Three buildings
  - d. 10.01 acres to 15 acres: Four buildings
  - e. Over 15 acres: Five buildings

Notwithstanding the above, one additional attached or detached private garage shall also be allowed. For the purpose of this section, a private garage shall be defined as a building used primarily for the storage of self-propelled vehicles for the use of the occupants of a lot where such building is located with a maximum floor area of 1,200 square feet.

- (2) Where a previously existing accessory building is structurally attached to a main building, it shall be subject to, and must conform to, all regulations of the ordinance applicable to the main building.
- (3) Except as provided in subsection (10) of this section for detached accessory farm buildings in the R-1-R District, detached accessory buildings shall not be erected in any front yard. When an accessory building or structure is located on a corner lot, the side lot line of which is adjacent to the side street and which is a continuation of the front lot line of the lot to its rear, said building or structure shall not project beyond the front yard line required on the lot in rear of such corner lot.
- (4) In no instance shall an accessory building be located within a dedicated easement or public right-of-way.
- (5) Accessory buildings or structures shall not occupy more than 25 percent of the required rear yard, as well as 40 percent of any non-required rear yard. In no instance shall all such accessory buildings:
  - a. Exceed the total first floor square footage of the primary residence in the R-1, single-family residential district; in addition, such accessory buildings or structures shall be located no closer than ten feet to any side or rear lot line.
  - b. Exceed 2,500 square feet in the R-1-R, rural residential district and in the R-1-S, suburban residential district; in addition, such accessory building or structure shall be located no closer than 25 feet to any side or rear lot line.

- c. Notwithstanding the above, accessory buildings or structures equal to or less than 120 square feet in area may be located up to three feet to either the side or rear lot line in the R-1-R, R-1-S, and R-1 districts.
- (6) No detached accessory building or structure shall be located closer than ten feet to any main building, except for garages meeting the following conditions:
  - a. The foundation shall not be less than the minimum required by the local building code for frost protection.
  - b. A fire partition shall be provided of not less than one hour fire resistance rating on the garage building side on those portions of garages located five feet or less from the main building.
- (7) Unless otherwise provided by this section, no detached accessory building or structure in the R-1 and R-1-S districts located within a platted subdivision, single-family detached (site) condominium, or on individual lots or parcels having less than 1.5 acres, shall exceed 1.5 stories and 20 feet of mean roof height. In the R-1-R district, the height of accessory buildings or structures shall not exceed two stories and 25 feet of mean roof height.
- (8) No accessory building or structure shall be constructed prior to the issuance of a building permit for its principal structure.
- (9) Legal nonconforming accessory buildings located in the R-1-R district as of May 17, 2000, may be restored or structurally altered, without approval of the zoning board of appeals, provided there is no increase in existing height or setback, and there is compliance with the local building code.
- (10) Notwithstanding the above, detached accessory farm buildings in the R-1-R district may be erected in a front yard, subject to the following conditions:
  - a. A main farm barn building shall be set back not less than 150 feet from the front property line. This requirement shall not apply to the alteration or addition to an existing barn or other farm building (except dwellings) which is located closer to the front property line and which existed prior to March 23, 1971.
  - b. For other than a main farm building, the setback shall be at least one-half the front yard setback of the main house building, but not less than the required minimum front yard setback. (Refer to section 32-539.)
- (11) In the R-1-R and R-1-S districts, accessory buildings or structures used for the keeping and raising of horses, fowl, rabbits, or other small animals shall be located no closer than 25 feet from any property line. Such accessory buildings or structures shall also be positioned on the property to minimize nuisance effects on neighboring dwelling units, to the maximum extent practicable. In no instance, however, shall any building or structure used for the keeping and raising of horses, fowl, rabbits, and other small animals be located closer than 50 feet to any dwelling located on or off site, and shall not be located in the front yard.
- (12) Private swimming pools shall also be subject to the requirements of section

32-590.

- (13) Temporary buildings used for the sale of produce raised on the premises by the proprietor or his family shall be subject to the requirements of section 32-129(3).
- (14) In no instance shall accessory buildings be designed or used for habitable living space. For the purpose of this section, habitable living space shall be defined as interior building area offering sleeping quarters, a lavatory (a room with conveniences for washing and with a toilet), and cooking facilities and intended to be occupied as a dwelling unit on a permanent or temporary basis.

(Code 1992, § 19-69; Ord. No. 101, § 4.14, 3-23-1971; Ord. No. A43, § 4, 11-18-1987; Ord. No. A45, § 2, 12-16-1987; Ord. No. 156-A65, §§ 1, 2, 12-15-1993; Ord. No. 156-A68, §§ 1, 2, 8-10-1994; Ord. No. 156-A80, § 1, 10-21-1998; Ord. No. 156-A82, § 1, 5-17-2000; Ord. No. 156-A-111, § 2, 1-19-2005; Ord. No. 156-A-135, §§ 1--3, 4-15-2009)