

## SECTION 40            ACCESSORY BUILDING AND USE REGULATIONS

- 40.1     In a single-family or multi-family district, an accessory building is a subordinate or incidental building, detached from the main building, not used for commercial purposes and not rented.
- 40.2     In nonresidential districts, an accessory building is a subordinate building, the use of which is secondary to and supportive of the main building. Accessory buildings shall not be permitted without a main building or primary use being in existence.
- 40.3     Accessory dwelling units in the A, SF-CE and SF-E Districts shall be allowed as an incidental residential use of a building on the same lot as the main dwelling unit and used by the same person or persons of the immediate family, and meet the following standards:
- A.       The accessory dwelling unit must be constructed to the rear of the main dwelling, separate from the main dwelling.
  - B.       The accessory dwelling unit may be constructed only with the issuance of a Building Permit and shall be constructed out of the same material as the main structure.
  - C.       The accessory dwelling unit may not be sold separately from sale of the entire property, including the main dwelling unit, and shall not be sublet.
  - D.       Setback requirements shall be the same as for the main structure.
  - E.       Accessory dwellings are not permitted without the main or primary structure.
- 40.4     Accessory dwellings and units constructed over a garage are permitted by S.U.P. in accordance with the Use Charts, Section 36 and shall conform to the height limitations of the main structure.

### 40.5     **AREA REGULATIONS FOR ACCESSORY BUILDINGS IN RESIDENTIAL AND MULTI-FAMILY DISTRICTS:**

#### A.       **Size of Yards:**

1.       **Front Yard:** Detached accessory buildings shall be prohibited in front of the main building.
2.       **Side Yard:** There shall be a side yard not less than three feet (3') from any side lot line, or alley line for any accessory building provided that such building is separated from the main building by a minimum distance of ten feet (10'). In the case of an accessory building being closer than ten feet (10') to the main building, the minimum side yard requirements for the main building shall be observed. Accessory buildings adjacent to a side street shall have a side yard not less than fifteen feet (15'). Garages or carports located and arranged so as to be entered from the side yard shall have a minimum distance of twenty feet (20') from the side lot line, alley line, or alley easement line. Carports or garages arranged to be entered from the side yard, facing a public street, shall have a minimum distance equal to the required front yard for the main building.
3.       **Rear Yard:** There shall be a rear yard not less than three feet (3') from any lot line or alley line, or alley easement line, except that; a) if no alley exists, the rear yard shall be not less than ten feet (10') as measured from the rear lot line; b) where apartments are permitted, the main building and all accessory buildings shall not cover more than sixty percent (60%) of that portion of the lot lying to the rear of a line erected joining the midpoint of one side lot line with the midpoint of the opposite side lot line; c) carports, garages, or other accessory buildings, located within the rear portion of a lot as heretofore described, constructed closer

than ten feet (10') to the main building, shall have a rear yard equivalent to the rear yard requirement for the main building; d) accessory buildings constructed ten feet (10') or more from the main building shall have a rear yard of three feet (3'). If an alley exists, accessory buildings may be located within three feet (3') of a rear lot line if the height of the building is no greater than eight feet (8') and a solid fence or wall of the same height shall be built on the rear lot line to screen the building from property located to the rear; e) garages or carports arranged so as to be entered by a motor vehicle from an alley or rear alley easement shall be set back from the rear property line or alley easement line a minimum distance of twenty feet (20').

4. Carports shall be designed or used to shelter not more than three vehicles and not to exceed twenty-four feet on its longest dimension. The maximum overhang of the roof beyond the supports shall be four (4') feet in all directions. Carports shall be limited to side or rear entry locations. (See Illustration 4)
5. Accessory buildings are not permitted without a main structure.
6. No accessory building shall exceed two hundred forty (240) square feet. Accessory buildings over two hundred forty (240) square feet may be permitted by S.U.P. and shall meet all of the requirements (setbacks, construction, etc.) set forth for the main or primary structure. Barns over two hundred forty (240) square feet on three (3) acres or more are permitted by right.
  - a. Enclosed detached garages for the purpose of meeting the minimum parking requirements shall not exceed four hundred eighty (480 s/f) square feet. Garages over four hundred eighty (480 s/f) square feet may be permitted by S.U.P. and shall meet all requirements set forth for the main or primary structure.
7. All accessory buildings shall not exceed one story in height. Garage apartments are allowed up to two (2) stories in the A, SF-CE and SF-E Districts. Garage apartments up to two (2) stories may be permitted in certain Districts (see Section 36) by S.U.P. if there is no adverse impact on adjacent properties.
8. Metal accessory buildings less than two hundred forty (240) square feet are permitted but shall not be used as an enclosed parking area or garage.