

ARTICLE V. - 63.500. ACCESSORY BUILDINGS

Sec. 63.501. - Accessory buildings and uses.

Accessory buildings, except as otherwise provided in this code, shall be subject to the following regulations:

- (a) When the accessory building is structurally attached to a main building, it shall be subject to, and must conform to, all regulations of this code applicable to main buildings.
- (b) Accessory buildings, structures or uses shall not be erected in or established in a required yard except a rear yard. The following additional standards shall apply to residential parking:
 - (1) Access to off-street parking shall be from an abutting improved alley when available, except where it is determined in the review of a site plan application that there are circumstances unique to the property that make this impractical, unreasonable, or harmful to the public safety. On corner lots, access to parking may be from the side street.
 - (2) Off-street parking spaces shall not be located within the front yard.
 - (3) Garages shall be set back from the front lot line at least as far as the principal structure (in the case of attached garages, this refers to the non-garage part of the structure).
 - (4) Except in the rear yard, garage doors that face a public street shall be no more than nine (9) feet in height and shall not exceed sixty (60) percent of the width of the principal structure facing the same street.
 - (5) Passenger vehicles may be parked on an approved driveway in front or side yards provided the driveway leads to a legal parking space.
- (c) On corner lots, accessory buildings, structures or uses shall be set back from the street a distance equal to that required of the principal structure.

When an accessory building, structure or use is constructed in a rear yard which adjoins a side yard or front yard, the accessory building, structure or use shall be set back from the interior lot line a distance equal to the minimum side yard required of the principal structure.

On all other lots, accessory buildings shall be set back at least three (3) feet from all interior lot lines, and overhangs shall be set back at least one-third ($1/3$) the distance of the setback of the garage wall or one (1) foot, whichever is greater.

- (d) This setback requirement from all interior lot lines for accessory buildings in rear yards shall be waived when a maintenance easement is recorded as to the affected properties, when proof of such recorded easement is provided at the time of application for a building permit and when the accessory building is located at least three (3) feet from any building on an adjoining lot. The recording of the maintenance easement shall be interpreted to mean that the following intents and purposes of this setback requirement are met:
 - (1) Adequate supply of sunlight and air to adjacent property;
 - (2) Sufficient space for maintenance of the building from the same lot; and
 - (3) Prevention of damage to adjoining property by fire or runoff from roofs.

A recorded common wall agreement is permitted in lieu of a maintenance easement if the accessory structure is attached to an accessory structure on an adjoining lot.

- (e) In RL—RM2 residential districts, accessory buildings on a zoning lot with residential use shall not exceed fifteen (15) feet in height; provided, however, that accessory buildings with a flat or shed roof style shall not exceed twelve (12) feet in height. The height of an accessory building containing a dwelling unit shall not exceed of twenty-five (25) feet or the height of the principal structure, whichever is less.

Exception: Accessory building heights shall not apply to property within designated heritage preservation sites and districts. In these cases appropriate building heights for accessory structures shall be determined through the design review process to ensure that heights are acceptable and in keeping with the scale and style of development on the property.

- (f) Accessory buildings on a zoning lot may occupy up to thirty-five (35) percent of the rear yard. Rear yards which adjoin alleys may include half the area of the alley to calculate the area of the rear yard which may be occupied by accessory buildings.

On zoning lots containing one- and two-family dwellings, there shall be a maximum of three (3) accessory buildings, the total of which shall not occupy more than one thousand (1,000) square feet of the zoning lot. On zoning lots containing all other uses, accessory buildings may occupy the same percent of the zoning lot as main buildings are allowed to occupy in the zoning district.

- (g) In those instances where a lot line adjoins an alley right-of-way, the accessory building shall not be closer than one foot to such lot line.
- (h) On through lots, where frontage is clearly established within a given block, rear yard setbacks shall be equal to the side yard setback required of the principal structure.
- (i) Accessory buildings shall be located at least six (6) feet from the principal structure or shall be considered attached for purposes of the zoning code.

(C.F. No. 09-1286, § 3, 12-23-09; Ord 16-13, § 2, 9-14-16)