

Sec. 17-4.3 Accessory Uses and Structures

(a) General

(1) Purpose and Intent

The purpose of this section is to authorize the establishment and continuation of accessory uses and structures, which are land uses and structures that are incidental and customarily subordinate to principal uses. This section is intended to allow a broad range of accessory uses and structures, so long as they comply with the standards set forth in this section to reduce potentially adverse impacts on surrounding lands.

(2) Organization of this Section

The table in Sec. 17-4.3(b), Accessory Use/Structure Table, identifies the zoning districts in which specific accessory uses and structures are allowed. Sec. 17-4.3(c), General Standards for All Accessory Uses and Structures, sets out general standards applicable to all accessory uses and structures. Sec. 17-4.3(d), Standards for Specific Accessory Uses and Structures, sets out any special standards applicable to particular accessory uses and structures.

(b) Accessory Use/Structure Table

(1) Organization of Accessory Uses and Structures

The Accessory Use/Structure Table in this subsection lists accessory uses and structures alphabetically.

(2) Abbreviations in Use Table Cells

a. Permitted Uses and Structures

A “C” in a cell of the accessory use/structure table indicates that the use or structure is allowed as an accessory use or structure in the corresponding base zoning district on the condition that it complies with the use-specific standards as referenced in the final column of the table. Permitted accessory uses and structures are subject to all other applicable regulations of this Ordinance, including but not limited to those set forth in Article 3: Zoning Districts, Article 5: Development Standards, and Article 6: Land Development (Subdivision) Standards. References refer to 17-4.3(d), Standards for Specific Accessory Uses and Structures. These standards shall apply to a particular use or structure regardless of the base zoning district where it is proposed, unless otherwise specified.

b. Special Exception Uses and Structures

An “S” in a cell of the accessory use/structure table indicates that the use or structure is allowed in the corresponding base zoning district as an accessory use or structure only upon approval of a Special Exception Permit in accordance with Sec. 17-2.5(e), Special Exception Permit, and any use-specific standards referenced in the final column of the table. Accessory uses and structures subject to a Special Exception Permit are subject to all other

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(b) Accessory Use/Structure Table

applicable regulations of this Ordinance, including, but not limited to, those set forth in Article 3: Zoning Districts, Article 5: Development Standards, and Article 6: Land Development (Subdivision) Standards.

c. Prohibited Uses and Structures

A blank cell in an accessory use/structure table indicates that the use or structure is prohibited in the corresponding zoning district.

(3) Unlisted Uses

The Zoning Administrator shall evaluate potential accessory uses or structures that are not identified in Sec. 17-4.3(b), Accessory Use/Structure Table, on a case-by-case basis, as an Interpretation (see Sec. 17-2.5(w), Interpretation – Zoning). In making the interpretation, the Zoning Administrator shall consider the following:

- a. Accessory uses identified in Sec. 17-9.3(a), Principal Use Classification System;
- b. The definition of “accessory use” (see Sec. 17-9.4, Definitions), and the general accessory use standards established in Sec. 17-4.3(c), General Standards for All Accessory Uses and Structures;
- c. The additional regulations for specific accessory uses established in Sec. 17-4.3(d), Standards for Specific Accessory Uses and Structures;
- d. The purpose and intent of the zoning district in which the accessory use or structure is located (see Article 3: Zoning Districts);
- e. Any potential adverse impacts the accessory use or structure may have on other lands in the area, compared with other accessory uses permitted in the zoning district; and
- f. The compatibility of the accessory use or structure, including the structure in which it is housed, with other principal and accessory uses permitted in the zoning district.

(4) Accessory Use/Structure Table for Base Zoning Districts

TABLE 17-4.3(B)(5): ACCESSORY USE/STRUCTURE TABLE FOR BASE ZONING DISTRICTS																														
P = PERMITTED BY RIGHT S = ALLOWED AS SPECIAL EXCEPTION BLANK CELL = PROHIBITED																														
Accessory Use/Structure	Residential Districts											Mixed-Use, Activity Center, and Corridor Districts							Institutional and Campus				Industrial Districts			Use-Specific Standards				
	T/C	LL-R	RSF-1	RSF-2	RSF-3	RD	RD-MV	RM-1	RM-2	MU-1	MU-2	NAC	CAC	RAC	OI	DAC	GC	MC	INS-GEN	INS-U/M	INS-ZOO	INS-T/U	LI	HI	EC					
Accessory dwelling unit	C	C	C	C	C	C	C	C	C	C	C																		Sec. 17-4.3(d)(1)	
Automated teller machine (ATM)		C								C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	Sec. 17-4.3(d)(2)	
Community garden	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	Sec. 17-4.3(d)(3)	
Drive-through facility – Personal Service/Retail Sales											C	C	C	C	C	C	C												Sec. 17-4.3(d)(4)	
Drive-through facility – Other											S			S	C		C				C	C	C	C	C	C	C	Sec. 17-4.3(d)(4)		
Family child care home (as accessory to a single-family dwelling)			C	C	C	C	C	C	C	C																				Sec. 17-4.3(d)(5)
Home occupation	C	C	C	C	C	C	C	C	C	C	C		C	C	C	C	C	C	C	C	C	C						C	Sec. 17-4.3(d)(6)	
Outdoor display of merchandise (as accessory to a retail sales use or wholesale sales)													C	C	C	C	C	C				C		C	C	C	C	Sec. 17-4.3(d)(7)		
Solar energy conversion system (small-scale)	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	Sec. 17-4.3(d)(9)	
Storage, outdoor	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	Sec. 17-4.3(d)(10)	
Swimming pool	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	Sec. 17-4.3(d)(11)	

(c) General Standards for All Accessory Uses and Structures

All accessory uses and accessory structures shall:

- (1)** Directly serve the principal use or structure;
- (2)** Be customarily accessory and clearly incidental and subordinate to the principal use and structure;
- (3)** Be subordinate in area, extent, and purpose to the principal use or structure;
- (4)** Be owned or operated by the same person as the principal use or structure;
- (5)** Be located on the same lot as the principal use or structure;

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(d) Standards for Specific Accessory Uses and Structures

- (6) Together with the principal use or structure, not violate any standards of this Ordinance;
- (7) Not be erected closer than three feet to any side or rear property line;
- (8) Not be erected within five feet of any main building unless proposed structure open on all sides;
- (9) Not be erected within a required front yard;
- (10) Not be constructed or established prior to the time the principal use or structure is constructed or established; and
- (11) Not constitute a combination use, which is the combination of two principal uses (combination uses will not meet the above standards in terms of being subordinate or providing service to the principal use).

(d) Standards for Specific Accessory Uses and Structures

The standards set forth in this subsection for a specific accessory use or structure shall apply to the particular individual accessory use or structure, regardless of the zoning district in which it is located or the review procedure by which it is approved, unless otherwise specified in this Ordinance. This subsection is intended to set forth and consolidate the standards for all accessory uses or structures for which a reference to this subsection is provided in the “Standards for Specific Accessory Uses and Structures” column of the accessory use/structure table in Sec. 17-4.3(b), Accessory Use/Structure Table. These standards may be modified by other applicable standards or requirements in this Ordinance.

(1) Accessory Dwelling Unit

An accessory dwelling unit is allowed only as accessory to, and on the same lot as, a single-family detached dwelling unit, subject to the following standards:

- a. There shall be no more than one accessory dwelling unit on a lot.
- b. Either the principal dwelling unit or the accessory dwelling unit must be the permanent, full-time residence of the owner of the lot.
- c. An accessory dwelling unit may be within or attached to the principal structure (e.g., a downstairs or upstairs apartment), or exist within or as a detached structure (e.g., an apartment above a detached garage or a guesthouse).
 1. If attached, the accessory dwelling unit must be attached to the principal structure and have an operative interconnecting door with the principal structure.
 2. If detached:
 - (i) A distance of at least ten feet shall separate the accessory dwelling unit from the principal structure; and
 - (ii) The accessory dwelling unit must be located in the same base zoning district as the principal structure.

- d. A manufactured home or recreational vehicle, travel trailer, camper, or similar vehicle shall not be used as an accessory dwelling unit.
- e. The floor area of an accessory dwelling unit shall be no more than the lesser of 1,000 square feet or 50 percent of the floor area of the principal dwelling unit (excluding carports, garages, and unfinished basements).
- f. An accessory dwelling unit shall:
 - 1. Have the same street address and mailbox as the principal dwelling
 - 2. Not be subdivided or otherwise segregated in ownership from the principal single-family dwelling unit.
 - 3. Use the same water, sanitary sewer, gas, and electric utilities as the principal dwelling.
 - 4. Use the same driveway as the principal dwelling, unless it is accessed from a right-of-way not used by the principal use (e.g., a rear alley or separate street access on a corner or through lot).
 - 5. Maintain the architectural design, style, appearance and character of the principal dwelling by incorporating design elements of the principal residence like compatible materials, similar façade treatment, colors, window style/treatment and roof design and pitch.
- g. Only one kitchen is allowed per accessory dwelling unit.
- h. At least one off-street parking space shall be provided in addition to those required for the primary dwelling.
- i. An accessory dwelling unit shall not be leased or rented for tenancies of less than 30 days.
- j. Accessory dwelling units shall not count toward the maximum density standards.
- k. Home occupations are not allowed in accessory dwelling units.

(2) Automated Teller Machine (ATM)

- a. An ATM designed for walk-up use and located in the exterior wall of a building or within a parking area shall be designed to avoid obstructions to pedestrian movement along sidewalks, through public use areas, or between parking areas and building entrances, or vehicular movement in front of buildings or through parking areas.
- b. If an ATM is designed for use by customers in their vehicles, it shall comply with the accessory use standards (including zones where permitted) in Sec. 17-4.3(d)(4), Drive-through Facility.

(3) Community Garden

A community garden as an accessory use shall comply with the standards in Sec. 17-4.2(c)(4)a.1, Community Garden.

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(4) Drive-through Facility

A drive-through facility shall comply with the following standards:

- a. Canopies or other features installed over a drive through window shall maintain common roof lines and materials with the principal structure.
- b. Vehicular access to drive-through windows or service areas shall be provided from an arterial or collector street.
- c. The driveway providing access to the drive-through facility shall be at least 25 feet from any other driveway.
- d. Internal traffic circulation patterns on the site shall not cause vehicles to impede vehicular movement external to the site or block access to any required parking spaces located on the site.
- e. Drive-through facilities shall not be located on the front façade of the building they serve.
- f. Drive-through facilities shall be designed so as not to obstruct the movement of pedestrians along sidewalks, through areas intended for public use, or between the building entrance and customer parking spaces.
- g. No portion of a drive-through facility shall be located within 50 feet of a Residential zoning district or a lot containing a residential use.

(5) Family Child Care Home (as accessory to single-family dwelling)

A family child care home is permitted as an accessory use to a single-family dwelling, , provided the family child care home shall:

- a. Not provide care for more than six children;
- b. Be licensed by the State as a Licensed Family Child Care Home;
- c. Comply with standards in Sec. 17-4.3(d)(6), Home Occupation;
- d. Designate an area adjacent to the family child care home and outside the public right-of-way for the loading and unloading of children using the facility, arranged so that children do not have to cross vehicular travel ways to enter and exit the day care facility;
- e. Include a fenced outdoor play area of not less than 500 square feet that is:
 1. Located to the side or rear of buildings;
 2. Completely enclosed by a fence that is at least four feet in height;
 3. Safely segregated from parking, loading, or service areas; and
 4. Not operated for outdoor play activities after 8:00 P.M.;
- f. Screen any outdoor play areas adjacent to a residential lot line by a six-foot solid fence or wall; and

- g.** Locate outdoor play equipment not closer than 20 feet from any residential lot line.

(6) Home Occupation

Home occupations are permitted as an accessory use to a dwelling unit, subject to the following standards:

- a.** Beauty salons and barbershops as home occupations require a Special Exception Permit, in accordance with Sec. 17-2.5(e), Special Exception Permit.
- b.** The principal person conducting the home occupation shall be a full-time resident of the dwelling unit, and the occupation shall employ not more than two people on the premises who are not full-time residents of the dwelling unit.
- c.** The use of the dwelling unit for the home occupation shall be clearly incidental and subordinate to its use for residential purposes by its occupants.
- d.** Not more than 25 percent of the floor area of the dwelling unit or 1,000 square feet, whichever is less, shall be used in the conduct of the home occupation.
- e.** There shall be no sign or change in the residential character or external appearance of the dwelling unit, its associated structures, or its principal residential use.
- f.** The home occupation shall be conducted entirely within the principal structure or within a fully enclosed, lawfully approved structure which is accessory to the residential use, provided:
 - 1.** A home occupation is not allowed in an accessory dwelling unit;
 - 2.** Any portion of an accessory structure that is used to provide a required parking space shall not be used for a home occupation; and
 - 3.** Where a lot is nonconforming as to the number of required parking spaces, an accessory structure or a portion thereof, shall not be used as a home occupation where that accessory structure or portion thereof, could be used to provide the required number of parking spaces.
- g.** Goods shall not be offered for purchase on the premises, except those goods incidental to the provision of a service in connection with the home occupation (e.g., a hairdresser may sell shampoo).
- h.** Any vehicle used to conduct the home occupation shall be of a size that does not disrupt the quiet nature and visual quality of the neighborhood. A maximum of two vehicles used to conduct the home occupation may be stored on the premises or on a public street within 1,200 feet of the premises. Any need for additional parking generated by the conduct of the home occupation shall be met off the street and other than in a required

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front yard, in accordance with Sec. 17-5.2, Off-Street Parking, Bicycle Parking.

- i. The home occupation shall not involve significantly greater volumes or frequencies of deliveries or shipments, vehicular traffic, or pedestrian traffic than normally expected in a residential neighborhood.
- j. No equipment or process shall be used in the home occupation which creates noise, vibration, glare, fumes, odors, or electrical or communications interference, including visual or audible interference with radio or television reception, that can be detected by the normal senses off the lot if the occupation is conducted in a single-family detached residence, or outside the dwelling unit if conducted in other than a single-family detached residence.
- k. No outdoor storage or display of goods shall be allowed in connection with any home occupation.
- l. The manufacture, maintenance, or repair of any type of motorized vehicle shall not be permitted as a home occupation.

(7) Outdoor Display of Merchandise (as accessory to a retail sales use or wholesale sales)

Outdoor display of merchandise is allowed as an accessory use to any retail sales use, commercial services use, or wholesale sales use that is conducted within a building located on the same lot, subject to the following standards:

- a. Merchandise displayed shall be limited to that sold or rented by the principal use;
- b. Merchandise displayed shall not include hazardous and flammable materials, such as gasoline, oil, antifreeze, kerosene, poisons, pesticides and similar items;
- c. All outdoor display of goods shall be located immediately adjacent to the front or side of the principal building, and not in drive aisles, loading zones, fire lanes, or parking lots;
- d. Outdoor display areas shall be located to maintain a clearance area in front of primary building entrances for at least ten feet directly outward from the entrance width; and
- e. An obstruction-free area at least five feet wide shall be maintained through the entire length of the display area or between it and adjacent parking areas so as to allow pedestrians and handicapped persons to safely and conveniently travel between parking areas or drive aisles to the building and along the front and side of the building, without having to detour around the display area.

(9) Solar Energy Conversion System (small scale)

Small-scale solar energy conversion systems are permitted as an accessory use, subject to the following standards:

- a. Solar energy equipment may be located on the roof of a principal or accessory structure, on the side of such structures, on a pole, or on the ground in accordance with Sec. 17-4.3(c), General Standards for All Accessory Uses and Structures. Building-integrated photovoltaic systems are permitted in all districts subject to all necessary permit and Building Code requirements.
- b. Solar collectors may extend up to 18 inches above the maximum building height permitted in the zoning district or the existing roof surface, whichever is higher.
- c. The property owner shall be responsible for negotiating with other property owners in the vicinity to establish any solar easement designed to protect solar access for the system, and for recording any such solar easement with the Register of Deeds.
- d. Solar energy equipment shall not produce unreasonable glare on neighboring properties.

(10) Storage, Outdoor

- a. In residential zoning districts, the following uses are prohibited:
 1. Storage in connection with a trade;
 2. Storage or long term parking of commercial vehicles or industrial storage in excess of one day; and
 3. Storage of building materials except in connection with active construction.
- b. Outdoor storage areas shall be located to the side or rear of the principal structure(s).
- c. Where an outdoor storage area stores goods intended for sale or resale, such goods shall be limited to those sold on the premise in conjunction with the principal use of the lot.
- d. No materials shall be stored in areas intended for vehicular or pedestrian circulation.

(11) Swimming Pool

Swimming pools are allowed as an accessory use, subject to the following standards:

- a. The swimming pool shall be located to the side or rear of the principal structure.