

Sec. 125-323. - Accessory structures.

(a) *Agriculture district standards.*

- (1) Accessory structures shall not be located within 20 feet of the side and rear lot lines.
- (2) Accessory structures associated with active agricultural activities on properties greater than ten acres in size shall not be limited in size or number allowed but must follow all other provisions herein.
- (3) In agriculture zoning districts, an administrative site plan shall accompany all requests for accessory structures but construction shall be exempt from building permit fees for all structures for the use of legitimate farming operations, including sheltering animals, agricultural machinery and storage of agricultural products, but this exemption is not intended to include horse barns, commercial stables, or other activities not qualifying as active farming. Administrative review of the application and site plan is required.
- (4) Maximum size of detached accessory structures:

Agriculture Detached Structure Size Allowance	
Acreage	Square Feet
1.00—1.99	800
2.00—3.99	1,300
4.00—4.99	1,700
5.00—6.99	1,900
7.00—7.99	3,150
8.00—8.99	3,600
9.00—9.99	3,900
10.00+	4,200

(b) *Rural residential district standards.*

- (1) One private garage or accessory structure on parcels of three acres or less.
- (2) Up to two private garages or accessory structures on parcels greater than three acres.

- (3) An accessory structure shall be considered attached to the principal building if it is within six feet or less from the principal building.
- (4) No portion of the accessory structure shall be closer than six feet to another structure or building on the same property.
- (5) The following criteria shall be used to determine the maximum square footage for accessory structures:
 - a. When determining lot size, wetlands and lakes shall not be included in the lot area.
 - b. Attached garages shall not be considered as part of the maximum accessory building square footage.
 - c. Lean-tos, car ports and open wall structures are to be included in the calculation of total square footage, except gazebos.
- (6) Accessory structures may be located in the side or rear yard but shall not be located within 20 feet of the rear lot line.
- (7) Accessory structures may exceed the height of the principal building, with the approval of a conditional use permit.
- (8) No detached accessory structure, including storage sheds, shall be located closer to the road right-of-way than the principal building unless all the structure is at least 200 feet from the road right-of-way on a lot of five acres or more; and all other setbacks are met.
- (9) All detached accessory structures are to be used for personal use only. No commercial use or commercial related storage is allowed in residential zoning without a conditional or interim use permit.
- (10) Maximum size of accessory structures in RE-2 zoning district:

Residential Detached	
Structure Size Allowance (RE-2)	
Acreage	Square Feet
1.00—1.99	800
2.00—3.99	1,300
4.00—4.99	1,700
5.00—6.99	1,900
7.00—7.99	2,100
8.00—8.99	2,400
9.00—9.99	2,600

10.00+	2,800
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(11) Maximum size of accessory structures in RE-5 zoning district:

Residential Detached	
Structure Size Allowance (RE-5)	
Acreage	Square Feet
1.00—1.99	800
2.00—3.99	1,300
4.00—4.99	1,700
5.00—6.99	1,900
7.00—7.99	3,150
8.00—8.99	3,600
9.00—9.99	3,900
10.00+	4,200

(c) *Urban residential standards.*

- (1) One detached accessory structure is allowed per lot.
- (2) No detached accessory storage type building shall be located in any yard other than a rear yard except by conditional use permit.
- (3) In the event the accessory structure is movable, the structure may be placed in the side or rear yard but not closer than five feet to the lot line.
- (4) No accessory structure shall exceed ten percent of the available rear yard measured from the rear of the residence (extending in straight lines) to the side lot lines.
- (5) No accessory structure shall exceed the height of the principal building.

- (6) An accessory structure shall be considered an integral part of the principal building if it is connected to the principal building by a covered, enclosed passageway built on a slab or other suitable foundation.
 - (7) No detached accessory structure shall be located closer than six feet from the principal structure.
 - (8) No private garage used or intended for the storage of passenger automobiles shall exceed 950 square feet of gross area. One-family and two-family dwellings constructed after November 1, 1989, are required pursuant to section 125-313 to have two enclosed spaces per unit attached to the dwelling.
 - (9) When a private garage is oriented so as to face onto a public street, it shall not be less than 20 feet from the front lot line.
 - (10) No detached accessory structure, excluding decks not enclosed and covered shall be greater than 528 square feet.
 - (11) In no case shall a detached accessory structure be located in a required front yard or a required side yard paralleling the depth of the principal structure.
 - (12) An accessory structure shall not be a pole barn nor of pole barn type construction. As used in this subsection, pole barn is defined as a structure, the basic support and framework of which is provided by wooden poles inserted vertically into the ground similar to telephone poles. A permitted accessory structure exceeding 200 square feet in size shall be an on-site custom-made stick-built structure, and is to mean a structure which is wholly constructed on the lot. A structure shall be deemed constructed on the lot if 90 percent of the value of the structure is constructed on the lot from individual block, board, plywood, siding, roofing, finishing and other individual construction materials. Value shall be measured on the basis of the cost of the materials used in the construction of the structure.
- (d) *In commercial and industrial districts.*
- (1) No accessory structure shall exceed the height of the principal building except by conditional use permit.
 - (2) Accessory structures may be located any place in the rear yard of the principal building subject to the building code and the fire zone regulations.
 - (3) Accessory structures shall not exceed ten percent of the gross floor area of the principal structure except after obtaining a conditional use permit authorizing the same.
- (e) *In all districts.*
- (1) No accessory structure or use shall be constructed or developed on a lot prior to construction of the principal building, except as approved by the city council.
 - (2) Where the natural grade of a lot at the building line is eight feet or more above the established curb level, a private garage may be erected within any yard provided one-half or more of its height is below grade level and it is not located less than ten feet from any street line.
 - (3) Accessory structures located on lake or stream frontage lots may be located between the public road and the principal structure provided it is clearly demonstrated that physical conditions require such a location. In no event, however, shall the structure be located closer than 20 feet to the public road right-of-way. The more restrictive of requirements shall apply for all properties located in the shoreland overlay district.
 - (4) A site plan shall be submitted with all requests for detached accessory structures. Accessory structures in excess of 120 square feet, or on a permanent foundation, shall require the issuance of a building permit and subject to all requirements in this section. Site plans must include the following information (and other information required by zoning officials):
 - a. Existing buildings and their relationship to property lines.

- b. Indication of location for well, septic system and driveways.
 - c. Any easements.
 - d. Property lines and setback requirements.
 - e. Rural or agricultural lots requiring an on-site septic system area by the building inspector, shall include the location of a certified alternate septic system area in accordance with the applicable codes for on-site sewage treatment.
- (5) All detached accessory structures shall be both designed and constructed to meet minimum standards as required for residential accessory structures under the state building code, compatible with the principal building and general neighborhood environments, including, but not limited to, exterior finish, materials, overhangs, soffets and fascia.
- (6) All accessory structures shall be constructed to comply with the following side wall height, eaves and overhang restrictions:

Side Wall Heights* (feet)	Eaves (inches)	Overhang (inches)
10 or less	12	12
12 or less	12	18

*A sidewall height greater than 12 feet shall not be constructed except after obtaining a conditional use permit authorizing the same.

- (7) Accessory structures shall not be placed within the setback or buffer areas of delineated wetlands.
- (f) *Interpretation; abrogation and greater restrictions.* It is not the intention of this section to interfere with, advocate or annul any covenant or any other agreement between any parties; provided, however, where this section imposes a greater restriction upon the use of the premises for detached accessory structures than are imposed or required by other ordinances, rules or regulations or permits, or by covenants or agreements, the provisions of this ordinance shall govern.
- (g) *Setbacks.*
- (1) Accessory structures may encroach into required side and rear yards provided such structures are no closer than 10 feet from side and rear property lines.
 - (2) Accessory structures located within side yards which abut public streets shall meet principal building setback requirements of the applicable zoning district.

(Ord. No. 2011-02, § II, 4-26-2011; Ord. No. 2013-06, § 5, 6-11-2013; Ord. No. 2013-09, § 15, 7-9-2013; Ord. No. 2015-14, 7-28-2015)

Editor's note— Ord. No. 2011-02, § II, adopted April 26, 2011, repealed former § 125-323, and enacted a new § 125-323 as set out herein. Former § 125-323 pertained to the accessory buildings and structures and derived from Ord. No. 80-4, § 716, adopted July 1, 1980; Ord. No. 93-9, § 1, adopted Sept. 28, 1993 and Ord. No. 93-11, § 1, adopted Nov. 9, 1993.