

74SECTION 18

**ACCESSORY USES AND BUILDINGS**

Section

- 20-18-1: Purpose
- 20-18-2: Accessory Uses and Buildings
- 20-18-3: Outdoor Storage
- 20-18-4: Waste and Recycling Containers
- 20-18-5: Swimming Pools
- 20-18-6: Sales in Residential and Agricultural Zoning Districts

20-18-1: **PURPOSE:** The purpose of this Section is to provide performance standards for the erection, siting and use of accessory buildings, structures and uses that may be allowed within the various zoning districts to ensure compatibility with the principal use and with surrounding properties, as well as to protect the general health, safety and welfare of the community.

20-18-2: **ACCESSORY USES AND BUILDINGS:**

- A. Time of Construction: No detached accessory building or structure shall be constructed on any lot prior to the time of construction of the principal building to which it is accessory.
- B. Exceptions:
  - 1. Accessory buildings used for agricultural purposes as defined by this Chapter are exempt from the area limits, height limits and building type and construction standards of this subsection and are regulated by Section 25 of this Chapter.
  - 2. Accessory buildings, uses, and equipment within the RH-1 District shall be as regulated by Section 68 of this Chapter.
  - 3. For the purposes of this section, decks, gazebos, play equipment and similar unenclosed structures with a footprint less than two hundred (200) square feet and height of less than sixteen (16) feet) are exempt from the accessory building number and area limits.
- C. Detached Single Family and Two Family Uses:
  - 1. No accessory use, building, structure or equipment shall be allowed within a required front yard and, with the exception of an attached garage, no

accessory building may be placed within a front yard within the R-C, R-1, R-2, R-3, R-4A, R-4, R-5, R-6 and R-7 Districts.

2. No accessory building, structure, and/or detached garage for a single family dwelling shall occupy more than ten (10) percent of the area of the required rear yard in the A-1, A-2, R-C, R-1, R-2 and R-3 Zoning Districts or not more than twenty-five (25) percent of the area of the required rear yard in the R-4A, R-4, R-5, R-6, and R-7 Zoning Districts.
3. Setbacks and Encroachment:
  - a. Attached accessory structures shall conform to principal building setbacks required for the zoning district in which the structure is located.
  - b. Detached accessory structures may encroach into required side or rear yard setbacks when located in the rear yard of the lot, but shall not encroach into the required setback for a yard abutting a public street of a corner lot:
    - (1) Detached accessory structures not exceeding two hundred (200) square feet in gross floor area shall be setback at least five (5) feet from side or rear lot lines abutting other lots or ten (10) feet from a rear lot line abutting a public right-of-way in the case of a through lot.
    - (2) Detached accessory structures with a gross floor area larger than two hundred (200) square feet shall be setback at least ten (10) feet from side or rear lot lines abutting other lots or twenty (20) feet from a rear lot line abutting a public right-of-way in the case of a through lot.
  - c. No accessory structure shall be located within a required buffer yard, drainage and utility easement or public right-of-way.
4. Attached Accessory Garages.
  - a. The minimum floor area of an attached garage shall be four hundred eighty (480) square feet.
  - b. The maximum floor area of an attached garage shall be one thousand eighty (1,080) square feet, except as provided for by Section 20-18-4.B.4.c of this Chapter.
  - c. Within the A-1, R-C, R-1, and R-2 Districts, the floor area of an attached garage may exceed one thousand eighty (1,080) square

feet provided that the maximum floor area does not exceed one thousand five hundred (1,500) square feet or sixty-five (65) percent of the building footprint of the principal dwelling (not including the area of the attached garage), whichever is less.

5. Detached accessory buildings and structures within the A-1 and A-2 Zoning Districts:

a. The total floor area allowed for all detached accessory structures shall be as follows:

Lot Area	Maximum Total Floor Area of All Detached Accessory Structures
1.00 ac. or smaller	1,080 square feet
1.01 ac. to 2.00 ac.	1,500 square feet
2.01 ac. to 3.00 ac.	2,000 square feet
3.01 ac. to 4.00 ac.	2,500 square feet
4.01 ac. to 5.00 ac.	3,000 square feet
5.01 ac. to 6.00 ac.	3,500 square feet
6.01 ac. to 7.00 ac.	4,000 square feet
7.01 ac. to 8.00 ac.	4,500 square feet
8.01 ac. to 9.00 ac.	5,000 square feet
9.01 ac. to 10.00 ac.	5,500 square feet
10.01 ac. and larger	6,000 square feet

b. For parcels located within the sewer service district or long range urban service area or those parcels with an area of five (5) acres or less:

(1) In no case shall the floor area of an individual detached accessory building exceed one thousand five hundred (1,500) square feet for parcels with an area of five acres or less.

(2) The total floor area of all accessory structures shall not exceed two hundred (200) percent of the gross floor area of the principal structure, or shall not exceed the maximum combined accessory area allowed based upon lot size, as outlined in this section, whichever is least.

- c. There is to be no more than two (2) detached private garages or accessory structures for each single family dwelling.
6. Detached accessory buildings and structures within the R-C, R-1, R-2, and R-3 Zoning Districts:
- a. The total floor area allowed for all detached accessory buildings shall be as follows:

Lot Area	Maximum Total Floor Area of All Detached Accessory Structures
0.00 to 1.00 ac.	1,080 square feet
1.01 to 2.00 ac.	1,500 square feet
2.01 ac. or larger	2,000 square feet

- b. In no case shall the floor area of an individual detached accessory building exceed one thousand five hundred (1,500) square feet.
  - c. The total floor area of all accessory structures shall not exceed two hundred (200) percent of the gross floor area of the principal structure, or shall not exceed the maximum combined accessory area allowed based upon lot size as outlined in this section, whichever is least.
  - d. There is to be no more than two (2) detached private garages or accessory structures for each detached single or two-family dwelling.
7. Within the R-4A and R-4 Zoning Districts:

- a. The combined gross floor area of attached and detached accessory buildings shall be as follows:

Lot Area	Maximum Total Floor Area of all Attached and Detached Accessory Structures	Maximum Gross Floor Area of a Detached Accessory Structure When an Attached Garage Exists on the Same Lot
0.00 to > 18,000 square feet	1,280 square feet	200 square feet
18,001 square feet or larger	1,440 square feet	360 square feet

- b. In no case shall the floor area of an individual detached accessory building exceed one thousand (1,080) square feet.

c. There shall be no more than one (1) detached accessory structure with a gross floor area larger than two hundred (200) square feet per lot.

8. Within the R-5, R-6, and R-7 Zoning Districts:

a. No accessory detached building shall occupy more than two hundred (200) square feet when accompanied by an attached garage on the same lot, nor shall the combined total floor area of accessory detached structures and/or an attached garage exceed one thousand one hundred fifty (1,150) square feet.

b. There shall be no more than one (1) detached accessory structure with a gross floor area larger than two hundred (200) square feet per lot.

D. Except as was otherwise noted, accessory buildings and uses for all principal uses other than single family detached dwellings shall conform to the setback requirements specified for the respective zoning district in which they are located.

E. Except in the case of single family detached dwellings, accessory buildings shall not exceed thirty (30) percent of the gross floor area of the principal buildings. In those cases where this standard is exceeded, a planned unit development conditional use permit shall be required.

F. Except as expressly allowed by conditional use permit, accessory buildings shall comply with the following height limitations:

1. Zoning District	Maximum Height
A-1	District limit but not higher than the principal building
A-2	District limit but not higher than the principal building
R-C	16 feet
R-1	16 feet
R-2	16 feet
R-3	16 feet
R-4A	16 feet
R-4	16 feet
R-5	16 feet
R-6	16 feet
R-7	16 feet
R-B	16 feet
INS	District limit but not higher than the principal building
B-1	16 feet

- B-2 District limit but not higher than the principal building
- B-3 District limit but not higher than the principal building
- B-4 District limit but not higher than the principal building
- I-1 District limit but not higher than the principal building
- I-2 District limit but not higher than the principal building
- I-3 District limit but not higher than the principal building

- 2. Accessory buildings other than garages shall be limited to ten (10) feet in height on all two-family or townhouse or multiple family lots, except by conditional use permit.

G. Building Type and Standards.

- 1. Except for public uses owned by the City of Otsego or as may be expressly allowed by this Chapter or by conditional use permit subject to Section 20-18-2.H of this Chapter, the same or suitable quality exterior finish building materials used for the principal building and allowed by Section 20-17-3 of this Chapter shall be used in all accessory buildings over one hundred fifty (150) square feet.
- 2. The design of all accessory buildings shall be compatible with that of the principal building on the lot. "Compatible" means that the exterior appearance of the accessory building is similar to the principal building from an aesthetic, building material and architectural standpoint so as not to cause a difference to a degree to cause an incongruity or a nuisance. The City shall also give consideration to the function of the accessory building when evaluating its compatibility with the design of the principal building for the purposes of this section.
- 3. Pole buildings as defined by this Chapter are allowed as a permitted accessory structure within the A-1 and A-2 District provided that:
  - a. The lot or parcel lies within the Rural Service Area or Urban Service Expansion Area, as defined by the Comprehensive Plan.
  - b. The lot or parcel on which the building is to be constructed has an area of five (5) acres or greater.

H. Conditional Use Permits. Application for a conditional use permit under this Section shall be regulated by Section 4 of this Chapter—and may be granted provided that:

- 1. There is a demonstrated need and potential for continued use of the structure and the purpose stated.
- 2. In the case of residential uses, no commercial or home occupation activities, except as expressly permitted by and in accordance with this Chapter, are conducted on the property. This restriction shall include the

storage of materials and equipment which are unrelated to the on-site residential use and activity.

3. The building has an evident re-use or function related to the principal use.
4. Accessory building shall be maintained in a manner that is compatible with the adjacent uses and does not present a hazard to public health, safety and general welfare.

20-18-3: **OUTDOOR STORAGE:**

A. Residential Uses: Except as provided in this Chapter, all outside storage of materials and equipment for residential uses shall be stored within a building or fully screened so as not to be visible from adjoining properties and the public right-of-way, except for the following:

1. Clothes lines pole and wire.
2. Not more than two (2) currently licensed recreational vehicles, trailers and equipment (not including racing cars) provided that:
  - a. In the front yard, provided the recreational vehicles and equipment are located on an established driveway, entirely on the equipment or vehicle owner's property and not upon any public right-of-way.
  - b. In the side yard only when abutting an attached or detached garage, provided that:
    - (1) The recreational vehicles and equipment are not closer than five (5) feet from the side lot line.
    - (2) The area on which the recreational vehicles and equipment are stored shall be surfaced with asphalt, concrete or paving brick.
    - (3) The recreational vehicles and equipment shall not be within the setback required from a public right of way for the side yard of a corner lot, except for a side yard when abutting a major collector or arterial street and then may not encroach into a required bufferyard.
  - c. In the rear yard not closer than ten (10) feet from the rear lot line and/or five feet (5) feet from the side lot lines and then may not encroach into a required bufferyard.
3. Off-street parking of currently registered and operable passenger vehicles as in accordance with Section 21 of this Chapter.
4. Construction and landscaping material currently being used on the premises.

5. Lawn furniture or furniture used and constructed explicitly for outdoor use.
6. Rear or side yard exterior storage of firewood for the purpose of consumption only by the person or persons on whose property it is stored.

B. Other Uses. Outdoor storage for non-residential uses shall be subject to the requirements established within the respective zoning districts in which the use is located.

20-18-4: **WASTE AND RECYCLING CONTAINERS:**

A Except as provided for by this section, all waste and recycling containers shall be stored within the principal structure or within an accessory building or enclosure.

B. Single Family Residential Uses: Exterior storage of waste and recycling containers not stored within the principal structure shall be located in side or rear yards and shall be setback a minimum of five (5) feet from all property lines.

C. Other Uses: All refuse, recyclable materials, and necessary handling equipment including but not limited to waste and recycling containers not stored within the principal structure, or within an accessory building shall be totally screened from view from all neighboring uses and the public right-of-way within an enclosure subject to the following conditions:

1. Exterior wall or fence treatment shall be similar and/or complement the principal building.
2. The enclosed trash and/or recycling receptacle area shall be located in the rear or side yard and shall observe all applicable setback requirements and shall not encroach upon any drainage and utility easements.
3. The trash and/or recycling enclosure must be in an accessible location for pick-up hauling vehicles.
4. The trash and/or recycling receptacles must be fully screened from view of adjacent properties and the public right-of-way by a solid fence or wall of at least six (6) feet in height.
5. All waste and recycling containers and enclosures shall be kept in a good state of repair with tight-fitting lids to prevent spilling and spread of debris.
6. The design and construction of all waste and recycling enclosures shall review and approval of the Zoning Administrator.

20-18-5: **SWIMMING POOLS:**

- A. All above or below ground swimming pools shall be subject to the setback requirements for accessory structures established by Section 20-18-2 of this Chapter.
- B. Administrative Permit. An administrative permit shall be required for all swimming pools that causes or has the capacity to retain water with a depth greater than thirty (30) inches as defined by Section 20-2-2 of this Chapter that do not require a building permit. Each application for an administrative permit to construct or erect a swimming pool shall be accompanied by plans of sufficient detail to show:
  - 1. The proposed location and its relationship to the other buildings and structures on the lot.
  - 2. The size of the pool.
  - 3. Fencing and other fixtures existing on the lot including utility locations and trees.
  - 4. The location, size and types of equipment to be used in connection with the pool, including but not limited to, filter unit, pump, fencing and the pool itself.
  - 5. A plan for drainage of the pool explaining drainage method and location.
  - 6. That the requirements contained in Section 20-18-5.C will be satisfied.
- C. All swimming pools as defined by this Chapter shall be provided with safeguards to prevent children from gaining uncontrolled access. This may be accomplished with fencing or other enclosure of sufficient density as to be impenetrable.
  - 1. Fences. If fences are employed, they shall be at least four (4) feet in height. The opening between the bottom of the fence and the ground or other surfaces shall not be more than four (4) inches. Fences shall be of a non-corrosive material and shall be constructed so as to be not easily climbable. All fencing openings or points of entry into the pool enclosure shall be equipped with gates or doors. All gates or doors to swimming pools shall be equipped with self-closing and self-latching devices placed at a sufficient height so as to be inaccessible to small children. All fence posts shall be decay or corrosion-resistant and shall be set in concrete bases or other suitable protection.
  - 2. Accessory decks. Above ground pools with an accessory deck constructed within three (3) feet of the pool shall install a thirty-six (36) inch guard rail around the deck. All openings shall be equipped with self-closing and self-latching gates.

3. Pool covers. All above ground swimming pools shall be covered when not in use by a cover constructed of a material which prevents uncontrolled access. Pool covers, whether they can be locked or not, do not alone meet public safety requirements if the cover is of the type that can collect and hold natural water.
4. Ladders. For all above-ground swimming pools utilizing a ladder for pool access, ladders shall be removed from the pool area when not in use to prevent uncontrolled access.

20-18-6: **SALES IN RESIDENTIAL AND AGRICULTURAL ZONING DISTRICTS:**

A. Passenger Vehicles, Trailers, Recreational Equipment, and Similar Items.

1. The merchandise sold in residential areas shall be the personal property of the occupant.
2. Sales of such personal merchandise shall be limited to no more than two (2) merchandise items per calendar year, unless approved by the Zoning Administrator.
3. Merchandise items for sale shall not be placed in any portion of the public right-of-way—or required front yard abutting a public right-of-way except upon a designated, improved driveway that complies with the requirements of Section 21 of this Chapter.
4. For sale signs on or in such merchandise shall be limited to four (4) square feet.

B. Garage or Rummage Sales:

1. Merchandise offered for sale shall be the personal property of the occupant.
2. Sales shall be limited to a maximum of four (4) consecutive days and occurring no more than two (2) times within one (1) calendar year per property, unless approved by the Zoning Administrator.
3. Merchandise items for sale shall not be placed in any portion of the public right-of-way, public boulevard, or required front yard except a designated, improved driveway that complies with the requirements of Section 21 of this Chapter.
4. Signs shall be governed by Section 37 of this Chapter.