

# CHAPTER 4: USE REGULATIONS

## 4.1 ACCESSORY USES AND STRUCTURES

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### 4.1.1 Purpose

This section authorizes the establishment of accessory uses that are incidental and customarily subordinate to principal uses. The intent of this section is to allow a broad range of accessory uses, so long as such uses are located on the same site as the principal use, they comply with the standards set forth in this section, and they do not create adverse impacts on surrounding lots or sites.

### 4.1.2 General Standards and Limitations for Accessory Uses

Except for accessory structures exempted in Subsection 4.1.3, Exemptions for Accessory Uses in the AG District, accessory uses or structures shall:

- (1) Directly serve the principal use or structure;
- (2) Be accessory and clearly incidental to the principal use or structure;
- (3) Be clearly 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 or on a contiguous lot;
- (6) Be located at least five feet from all lot lines and ten feet from any other structures (except fences or walls);
- (7) Not take place within required front or side yards or project beyond the front building line of the principal structure (except fences or walls); however, accessory structures may encroach into a side-street setback in Traditional Areas;
- (8) Be limited to a maximum of one accessory building on lots in residential districts, (except the AG District);
- (9) Not be located within platted or recorded easements or over underground utilities;
- (10) Not violate the bulk, density, parking, landscaping, or open space standards of this ordinance when taken together with the principal use or structure;
- (11) Be subject to the design and development standards in Chapter 5;
- (12) Not exceed the height of the principal structure, except for those structures exempt from the height requirements of this ordinance;
- (13) Not be constructed or established prior to the time the principal use or structure is constructed or established; and
- (14) Not constitute a 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.

**4.1.3 Exemptions for Accessory Structures in the AG District**

Accessory structures in the AG District shall be exempt from:

- (1) The location standards in Subsections 4.1.2(6) and (7);
- (2) The maximum number of structures standards in Subsection 4.1.2(8);
- (3) The maximum height standards in Subsection 4.1.2(12); and
- (4) The canopy prohibition standards in Subsection 4.1.2(13).

**4.1.4 Table of Permitted Accessory Uses**

**(1) Listed Accessory Uses**

Table 4-1 lists the allowed types of accessory uses and structures. If a specific accessory use is allowed in a district, the column underneath the district is marked with a "P." If the accessory use or structure is not allowed in a district, the column is shaded. If there is a reference contained in the column entitled "Add'l Req.", refer to the cited section(s) for additional standards that apply to the specific accessory use.

TABLE 4-1: PERMITTED ACCESSORY USES																			
P = Permitted      Shaded Cell = Prohibited																			
Accessory Use or Structure	Base Zoning Districts [1]																Add'l Req.		
	AG	ER	R-1	R-2	R-3	R-6	RX	OR	CI	GO	NC	CC	GC	MN	ML	MR		LI	HI
Automated Teller Machines/Kiosk (ATM)								P	P	P	P	P	P	P	P	P	P	P	Sec. 4.1.6(1)
Canopies	P							P	P	P	P	P	P	P	P	P	P	P	Sec. 4.1.6(2)
Communication Towers or Antennas	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	Sec. 3.2.10
Fences or Walls	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	Sec. 5.6
Home Occupations	P	P	P	P	P	P	P	P				P		P	P	P			Sec. 4.1.6(5)
Indoor Food Sales								P	P	P	P	P	P	P	P	P	P	P	Sec. 4.1.6(6)
Outdoor Sales/ Storage (as an accessory use)	P									P	P	P	P	P	P	P	P	P	Sec. 4.1.6(7)
Produce Stands	P								P		P	P	P	P	P	P			Sec. 4.1.6(8)
Recreational Facilities, (including playground equipment & non-illuminated athletic fields)	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
Recycling Drop-Off Stations	P							P	P	P	P	P	P	P	P	P	P	P	Sec. 4.1.6(9)

**CHAPTER 4: USE REGULATIONS**

Section 4.1: Accessory Uses and Structures

Subsection: 4.1.4: Table of Permitted Accessory Uses

(2) Interpretation of Unidentified Accessory Uses

TABLE 4-1: PERMITTED ACCESSORY USES																				
P = Permitted      Shaded Cell = Prohibited																				
Accessory Use or Structure	Base Zoning Districts [1]																	Addt'l Req.		
	AG	ER	R-1	R-2	R-3	R-6	RX	OR	CJ	GO	NC	CC	GC	MN	ML	MR	LI		HI	
Retail Sales of Goods (as part of a freight or warehouse use)																		P	P	Sec. 4.1.6(10)
Satellite Dish Antennas	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	Sec. 4.1.6(11)
Security or Caretaker Quarters	P									P	P	P	P	P	P	P	P	P	P	Sec. 4.1.6(12)
Stand-Alone Drive-Through Uses									P	P	P	P	P		P	P	P	P	P	Sec. 4.1.6(13)
Storage or Parking of Heavy Trucks or Trailers										P	P		P		P	P	P	P	P	Sec. 4.1.6(14)
Storage or Parking of Major Recreational Equipment	P	P	P	P					P											
Storage Buildings or Equipment Sheds	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	

NOTES:  
 [1] Lots within an overlay district are subject to the district-specific standards in Chapter 3: Zone Districts, Use Tables, and Dimensional Standards, that may prohibit an accessory use otherwise allowed in a base district.

**(2) Interpretation of Unidentified Accessory Uses**

The Codes Department shall evaluate applications for accessory uses that are not identified in Table 4-1 on a case-by-case basis, based on the following standards:

- (a) The definition of “accessory use” in Chapter 8: Definitions, and the general accessory use standards and limitations established in Subsection 4.1.2;
- (b) The additional standards for accessory uses, if applicable, established in Subsection 4.1.6;
- (c) The purpose and intent of the base and overlay districts in which the accessory use is located;
- (d) Potential adverse impacts the accessory use or structure may have on other lots, compared with other accessory uses permitted in the district; and
- (e) The compatibility of the accessory use with other principal and accessory uses permitted in the district.

#### **4.1.5 Procedure**

Accessory uses or structures may be reviewed as part of or subsequent to the review of an associated principal use, in accordance with the following standards:

**(1) In Residential Districts**

Accessory structures on lots in residential districts shall be reviewed by the Codes Department and shall not be required to obtain Site Plan approval.

**(2) In Nonresidential and Mixed-Use Districts**

Accessory structures on lots in nonresidential and mixed-use districts shall be reviewed in accordance with the following requirements:

**(a) Less than 1,000 Square Feet**

Accessory structures smaller than 1,000 square feet shall be reviewed by the Codes Department and shall not be required to obtain Site Plan approval.

**(b) 1,000 Square Feet or Larger**

Accessory structures that are 1,000 square feet or larger shall be subject to Subsection 2.4.3, Site Plan Review.

#### **4.1.6 Additional Standards for Certain Accessory Uses**

**(1) Automated Teller Machines/Kiosks**

**(a)** Structures accommodating stand-alone automated teller machines or kiosks that are not inside or attached to a principal structure shall meet the design standards applied to the principal structure and shall use the same exterior materials, colors, and architectural style as the principal structure.

**(b)** Drive-up or drive-through automated teller machines shall be prohibited in Special Areas 1, 2, and 3 of the CFCO District unless they are located internal to the block and do not result in stacking of vehicles in a public right-of-way.

**(2) Canopies**

**(a)** Canopies shall be attached to a principal structure and shall not be freestanding or attached to an accessory structure unless located to the rear of the principal structure and do not result in the stacking of vehicles in a public right-of-way.

**(b)** Canopies covering a drive-through shall use a similar roof form, pitch, and materials in order to appear as an extension of the roof covering the principal structure.

**(c)** Canopies shall have a maximum height of 15 feet measured from the finished grade to the underside of the canopy.

**(d)** The design of the canopy, including any columns, shall match the design and exterior building materials of the principal building.

**(e)** Canopies covering fuel pumps shall not include signage or advertising.

- (f) In addition to meeting the standards in Section 5.11, Exterior Lighting, canopies shall not be internally illuminated, and any exterior lighting associated with a canopy shall be shielded so that the source of illumination is not visible from off-site areas.

**(3) Communication Towers and Antennas**

Communication towers and antennas serving as accessory uses shall be subject to the review procedures and use-specific standards for such uses in Subsection 3.2.10, Telecommunication Towers.

**(4) Fences and Walls**

Fences and walls shall comply with the standards in Section 5.6, Fences and Walls.

**(5) Home Occupations**

A home occupation shall be permitted as accessory to a principal residential dwelling unit in accordance with the following standards:

**(a) Prohibited Uses**

Examples of the types of uses that provide on-site direct retail or wholesale sales to customers that are prohibited as home occupations include, but are not limited to:

- (i) Barbershop;
- (ii) Beauty shop;
- (iii) Gift shop;
- (iv) Gun sales; and
- (v) Florist shop.

**(b) Allowable Uses**

Examples of the types of uses allowable as a home occupation include, but are not limited to:

- (i) Accountant;
- (ii) Architect;
- (iii) Artist;
- (iv) Author;
- (v) Contractor;
- (vi) Designer;
- (vii) Draftsman;
- (viii) Engineer;
- (ix) Graphic Artist;
- (x) Information Processing;
- (xi) Insurance Agent;
- (xii) Lawyer;

- (xiii) Management and Financial Consultant;
- (xiv) Manufacturer's Representative;
- (xv) Planner;
- (xvi) Real Estate Agent;
- (xvii) Sculptor;
- (xviii) Songwriter;
- (xix) Teacher, including, but not limited to, tutoring in art, dance, and music lessons; and
- (xx) Traveling Salesperson.

**(c) Standards**

Home occupations shall:

- (i) Receive approval from the Codes Department prior to commencement;
- (ii) Be located entirely within the principal structure and not exceed 25 percent of the total floor area of the principal structure;
- (iii) Be owned and operated by the person residing in the principal structure;
- (iv) Employ no more than one person who does not reside on the premises;
- (v) Not consist of storage for another agricultural or nonresidential business occurring elsewhere;
- (vi) Not provide instruction to more than one pupil at a time;
- (vii) Not store material, equipment, or other articles associated with the home occupation outside the primary structure or in a location visible from a public street;
- (viii) Not create traffic or parking congestion, noise, vibration, odor, glare, fumes, or electrical or communications interference that can be detected by the normal senses off the premises, including visual or audible interference with radio or television reception;
- (ix) Cause no change in the external appearance of the existing dwelling or other structures on the premises;
- (x) Not include more than one vehicle not customarily found in a residential district parked on the premises overnight;
- (xi) Not include signs or other means of advertising on the property.

**(6) Indoor Food Sales**

Indoor food sales occurring as an accessory use shall comply with the following standards:

**(a) Size**

The square footage used by food sales operations, including preparation, sales, and storage, but not including dining, shall not exceed 30 percent of the principal use.

**(b) Location**

To the maximum extent practicable, food sales areas shall be internal to the principal use they serve.

**(c) Entrances**

Entrance to the food sales area shall be via the principal use it serves and shall not have dedicated off-street parking areas or signage.

**(7) Outdoor Sales/Storage Areas**

Except where exempted by Subsection 4.1.6(7)(a), storage shall be located inside a building and shall comply with the following standards:

— **(a) Exemptions**

The following forms of outdoor storage shall be located outside of a building, and are not required to be fully covered or screened:

- (i) Outdoor sales areas pursuant to Subsection 4.1.6(7)(f);
- (ii) Vehicles or farm equipment for sale or lease; and
- (iii) The storage of live vegetation provided the location and extent of the area used for such storage is indicated on the Site Plan.

**(b) Location**

- (i) Except where exempted by Subsection 4.1.6(7)(a), or within the LI or HI Districts, storage shall be located inside of a building or fully covered by a canopy, shed, awning, or similar structure.
- (ii) Outdoor storage areas shall be prohibited in front yards, required parking spaces, fire lanes, traffic aisles, or areas intended for pedestrian circulation.
- (iii) Except for vehicles or farm equipment for sale or leased, and outdoor storage associated with a self-storage use, outdoor storage activities shall not take place within required setbacks.

**(c) Screening Required**

Except where exempted by Subsection 4.1.6(7)(a), or where located completely inside a building, outdoor storage areas shall be screened from view in accordance with Section 5.4, Landscape, Buffers, and Screening.

➤ **(d) Prohibited Storage**

The following forms of outdoor storage shall be prohibited:

- (i) Storage truck, trailer, covered container, or similar container, whether on wheels or stationary except during construction of a project;
- (ii) Outdoor storage of trash or other debris;

- (iii) Outdoor storage of wood or other attractive nuisances; and
- (iv) The outdoor storage of unlicensed vehicles, whether operable or otherwise.

**(e) Flammable Liquid or Gas**

Flammable liquids or gases in excess of 1,000 gallons shall be stored underground.

**(f) Outdoor Sales Area**

Outdoor sales areas associated with retail or commercial uses, shall:

- (i) Be depicted on any required application forms or other supporting material in the format required by the Codes Department;
- (ii) Be located immediately adjacent to the front building façade;
- (iii) Be limited to no more than one-half of the length of the front building façade. In the case of a shopping center, the outdoor sales area shall be limited to a maximum of one-half of the storefront associated with the display area;
- (iv) Not encroach into areas used for ingress and egress into the structure;
- (v) Maintain a minimum pedestrian walkway of at least five feet in width along the front of the display; and
- (vi) Take place only on an improved surface such as the sidewalk or pavement.

**(8) Produce Stand**

A produce stand shall:

- (a) Be limited to the retail sale of agriculture and horticulture products;
- (b) Not exceed 750 square feet in area;
- (c) Provide adequate ingress, egress, and off-street parking areas; and
- (d) Be subject to the sign standards in Section 5.12, Signs.

**(9) Recycling Drop-Off Stations**

Recycling drop-off stations shall:

- (a) Be screened by a fence or wall in accordance with Section 5.6, Fences and Walls;
- (b) Not be located within a front yard;
- (c) Be kept free of litter, debris, and residue;
- (d) Be limited to one on-premise freestanding sign no more than four feet high and 16 square feet in area that displays the name and telephone number of a party responsible for management and maintenance of the station.
- (e) Be located no closer than 50 feet to a dwelling;
- (f) Occupy no more than 750 square feet; and
- (g) Not occupy or block access to parking spaces or parking lot aisles.

**(10) Retail Sales of Goods (as part of Freight or Warehouse Use)**

Retail sale of goods as part of permitted freight or warehouse uses shall:

- (a) Be conducted within the same structure housing the principal warehouse or freight use, and no outdoor retail sales activity shall be allowed;
- (b) Limit hours of operation to between 8:00 A.M. and 9:00 P.M., or to the operating hours of the principal use, whichever is more restrictive;
- (c) Include no additional advertising for the retail sales operation;
- (d) Include only sales items manufactured by the principal use or part of the principal warehouse's stock;
- (e) Be limited to either ten percent of the total gross floor area of the principal use or 5,000 square feet, whichever is less; and
- (f) Provide off-street parking in accordance with Table 5-9, Minimum Off-Street Parking Standards.

**(11) Satellite Dish Antennas**

Satellite dish antennas measuring one meter (39 inches) or larger in diameter that are visible from adjacent streets shall be prohibited on lots in the HPO District, and shall be:

- (a) Located to the rear of the principal building, but not within five feet of any side or rear property line or in any required landscape area, and not within ten feet of any property line adjoining a street;
- (b) Screened so that no more than 40 percent of the area of the satellite dish antenna is visible from public rights-of-way. The screen may consist of, but is not limited to, fencing, buildings, plantings, or any other opaque vegetation or structure permanently affixed to the structure; and
- (c) Erected in a secure, wind-resistant manner.

**(12) Security or Caretaker Quarters**

A dwelling unit for security or caretaker quarters shall:

- (a) Be limited to one such dwelling unit per allowed principal use.
- (b) Be inside the principal building (detached dwelling units or mobile homes are prohibited);
- (c) Not exceed 1,500 square feet of gross floor area;
- (d) Provide at least one off-street parking space for each bedroom, in addition to the required parking for the principal use or business.
- (e) Be occupied only by the owner, operator, caretaker, or an employee of the principal building, plus that person's immediate family.

**(13) Stand-Alone Drive-Through**

Stand-alone drive-through structures not attached to a principal structure shall:

- (a) Be prohibited within Special Areas 1, 2, and 3 of the CFCO District unless they are placed internal to the block and do not cause stacking of vehicles in a public right-of-way;
- (b) Be a permanent structure with a fixed foundation;

**(14) Storage or Parking of Heavy Trucks, Trailers, or Major Recreational Equipment**

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- (c) Be limited in size to 30 percent of floor area of the principal structure or 600 square feet, whichever is less;
- (d) Use the same exterior materials, colors, and building style as the principal use;
- (e) Be oriented so that stacking lanes do not extend into primary drive aisles;
- (f) Not be located in primary drive aisles, landscaping areas, required yards, or setbacks; and
- (g) Not use freestanding signs.

**(14) Storage or Parking of Heavy Trucks, Trailers, or Major Recreational Equipment**

**(a) Intent**

It is the intent of this subsection to prohibit the customary or continual parking of certain vehicles and equipment on public streets and within yards adjacent to public streets in residential neighborhoods since the presence of such vehicles runs contrary to the intended residential character of such neighborhoods. It is not the intent of these standards to prevent the occasional or temporary parking of such vehicles or equipment as necessary for the purposes of loading, unloading, or cleaning; however, the continual or customary overnight parking of such vehicles or equipment for a portion of the day followed by removal the following day is prohibited.

**(b) Applicability**

The standards in this subsection apply to heavy trucks with more than two axles or that exceed 20,000 pounds of gross vehicle weight, trailers with more than one axle, or major recreational equipment, including, but not limited to, boats, campers, recreational vehicles, motor homes, and travel trailers.

**(c) Standards**

**(i) Parking on Public Right-of-Way in Residential Districts Prohibited**

Heavy trucks, trailers, or major recreational equipment shall not be parked or stored on public rights-of-way in a residential district for longer than four days within a one-year period.

**(ii) Yard Adjacent to Street in Residential Districts**

No heavy truck, trailer, other major recreational equipment shall be parked or stored for longer than four days in any front yard or side yard immediately adjacent to a public street in a residential district.

**(iii) Agricultural and Other Districts**

The limitations in subsections (i) and (ii) above shall not apply to public streets or lots within the AG District.