

Summary of Code Changes Sept V.1 to Sept V.2 Accessory Building Code

The following changes were made to this version of the Accessory Building Code:

A-1-a. At the end of the sentence, "...from said building." changed to read "...from principal building."

C. Subparagraphs 4 and 5 added.

10-12-5: ACCESSORY BUILDING REGULATIONS:

All accessory buildings shall be built in accordance with the following, except in the CE-2 critical environmental zone (see regulations in chapter 9, article B of this title):

A. Definitions: For the purpose of this section, the following shall be used as definitions:

1. ACCESSORY BUILDING: An accessory building for both residential and nonresidential development is defined as a building that:
 - a. Is detached from the principal building and is more than six (6) feet away from principal building.
 - b. Is clearly a supplementary use to the principal building.
 - c. Is not used as a dwelling or place of residence.
2. ACCESSORY STRUCTURE: A structure that does not provide shelter from the elements. Examples may include swimming pools, pool screening and decking, waterfalls, fountains and barbecue pits with concrete foundations, decorative ponds, or decks. Not included in this section are driveways, fences, walls, curbing, portable fountains, birdbaths, benches, or mobile barbeque pits.
3. BUILDING: A permanent or semi-permanent structure with a roof and walls usually used as a place for people to live, work, play, do activities, or store things.
4. GARAGE-DETACHED: A permanent building with footings that is enclosed on all sides by walls and/or doors, and designed primarily for the shelter of motor vehicles. A detached garage is an accessory building.
5. PORTABLE ACCESSORY BUILDING:
 - a. A building that is two-hundred (200) square feet or less
 - b. A semi-permanent structure with no concrete footings or concrete floor and is on skids or some type of device that will allow for easy relocation
 - c. Does not exceed twelve (12) feet in height from the lowest part of the structure to the top
6. PRINCIPAL BUILDING: Also known as the main building on a lot where most of the activity on that lot is performed. Garages, carports or other buildings attached to the principal building or that are within six (6) feet of the principal building shall be considered as a part of that principal building.
7. ROOF ONLY BUILDING: Consists of a roof and roof support structure. Up to three (3) sides may be covered but the sides must not be part of the support structure for the roof. A roof only building is an accessory building. A conditional use permit is required if a roof only building is larger than seven-hundred (700) square feet.
8. SIDE YARD, FOR DETERMING ANY ACCESSORY BUILDING COVERED AREA: The area between the front wall plane of the principal building and the rear wall plane of the principal building and the area between the side wall plane of the principal building and the side yard property line.

B. Prohibited Accessory Building uses:

1. A dwelling or place of residence.
2. Use as sleeping quarters.
3. Hazardous chemical storage unless specifically permitted by the city.

C. Prohibited Accessory Buildings and Structures:

The following are prohibited:

1. Tents (when used more than 2 weeks in a 2-month period).
2. Trailers and mobile homes (when used as an accessory building).

3. Cargo containers, reefer containers, semi-trailers of any type.
4. Any other object or enclosed space which its intended primary function as constructed or manufactured differs from its proposed purpose as an accessory building.
5. A prohibited item may be approved for use as an accessory building by Planning Commission if the item is modified in such a way that Planning Commission determines that the item is aesthetically consistent with the principle building and surroundings and will continue to be maintained as such.

D. Accessory Building Coverage Area: AA. Combined Total Area: The combined total area of all approved accessory buildings may not cover more than 15% of the combined total area of the rear and side yards noren any one lot shall cover not more than 8% of the total lot area, whichever is less. listed in the table below:

<u>Lot Area (Square Feet)</u>	<u>-</u>	<u>Maximum Combined Area</u>
<u>Not more than 11,000</u>	<u>-</u>	<u>3 percent of lot size</u>
<u>More than 11,000, but not more than 12,000</u>	<u>-</u>	<u>350 square feet</u>
<u>More than 12,000, but not more than 13,000</u>	<u>-</u>	<u>420 square feet</u>
<u>More than 13,000, but not more than 14,000</u>	<u>-</u>	<u>485 square feet</u>
<u>More than 14,000, but not more than 15,000</u>	<u>-</u>	<u>560 square feet</u>
<u>More than 15,000, but not more than 16,000</u>	<u>-</u>	<u>675 square feet</u>
<u>More than 16,000, but not more than 17,000</u>	<u>-</u>	<u>800 square feet</u>
<u>More than 17,000, but not more than 18,000</u>	<u>-</u>	<u>900 square feet</u>
<u>More than 18,000, but not more than 19,000</u>	<u>-</u>	<u>1,000 square feet</u>
<u>More than 19,000, but not more than 20,000</u>	<u>-</u>	<u>1,100 square feet</u>
<u>More than 20,000, but not more than 25,000</u>	<u>-</u>	<u>1,200 square feet</u>
<u>More than 25,000, but not more than 30,000</u>	<u>-</u>	<u>1,565 square feet</u>
<u>More than 30,000, but not more than 35,000</u>	<u>-</u>	<u>1,950 square feet</u>
<u>More than 35,000, but not more than 40,000</u>	<u>-</u>	<u>2,365 square feet</u>
<u>More than 40,000, but not more than 80,000</u>	<u>-</u>	<u>2,800 square feet</u>
<u>More than 80,000, but not more than 200,000</u>	<u>-</u>	<u>6,400 square feet</u>
<u>More than 200,000, but not more than 400,000</u>	<u>-</u>	<u>18,000 square feet</u>
<u>Over 400,000</u>	<u>-</u>	<u>10 percent of lot</u>

(Ord. 01-12-11-22, 12-11-2001, eff. 1-11-2002)

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B. -Accessory Buildings or Structure Setbacks:

 All accessory buildings or structures shall be located in accordance with the following:

 1. Setback From Main Building; Front Setback:

 a. Any Accessory buildings portable or otherwise shall be placed behind the front wall plane of the principal building, the front being defined as the wall plane facing the abutting street.

 b. Any accessory structure except for waterfalls, fountains, or decorative ponds shall be placed behind the front wall plane of the principal building, the front being defined as the wall plane facing the abutting street. (Ord. 02-7-23-14, 7-23-2002, eff. 8-15-2002)

 set back not less than twelve feet (12') to the rear of the closest rear wall of the main building, and not less than twelve feet (12') from the closest side wall of the main building. Accessory buildings which are located twelve feet (12') or closer to a main building shall be considered as part of the main building. Where no main building exists on a lot, a detached accessory building may be permitted following conditional use approval by the planning commission in accordance with section 10-12-33 of this chapter. Following said approval, a detached accessory building shall be set back not less than seventy five feet (75') from the front lot line and set back from the side and rear property lines in accordance with the regulations set forth for the zone in which the property is located. (Ord. 02-7-23-14, 7-23-2002, eff. 8-15-2002)

 2. Side Setback; Corner Lot, Side Abutting Side-Abutting Street:

 a. Any Accessory building portable or otherwise shall be placed behind the side wall plane of the principle building that is set abutting the side back not less than forty feet (40') from the side lot line which abuts on a street. Line of sight shall be maintained at all intersections in accordance with section 10-12-9 of this chapter.

 b. Any accessory structure except for waterfalls, fountains, or decorative ponds shall be placed behind the side wall plane of the principal building that is abutting the side street. (Ord. 01-1-9-3, 1-9-2001, eff. 1-18-2001)

 3. Side And Rear Setback; Interior Lot Line:

 a. An Accessory buildings or an accessory structure shall be located a minimum of eight (8) feet from the property line and not located on a public utility easement set back not less than five feet (5') from the lot line.

 b. Portable accessory buildings may be placed on a public utility easement; but, the owner or successor in interest shall be responsible for moving and for any associated costs for moving the building in the event public utilities need to do work within the public utility easement. (Ord. 01-1-9-3, 1-9-2001, eff. 1-18-2001; amd. 2003 Code)

 4. Setback From Principal Building: Accessory buildings which are located six (6) feet or less from the principal building shall be considered part of the main building. Set backs shall be the same as those for the principal building, and all current building codes shall apply.

F. Accessory Building Maximum Height: An accessory building is not to exceed thirty (30) feet in height from the lowest part of the structure, which is the bottom of the lowest sill plate, to the highest point on the roof. In addition, the accessory building maximum height shall not exceed the maximum height of the principal building. Maximum portable accessory building height is per A-5-c of this section. (Ord. 08-15, 9-23-2008, eff. 9-24-2008)

G. Building Permit Required:

1. Any accessory building or accessory structure not meeting the definition of a portable accessory building as defined in A-5 of this section shall have a building permit issued before work commences.
2. A portable accessory building shall require a permit and inspection if one or more of the following applies:
 - a. Solar panels are permanently installed.
 - b. 120 volt or greater electrical system is permanently installed.
 - c. Connected to any utility such as electric, natural gas, telephone, cable, city culinary water, or sanitary sewer system. The addition of utilities may change the building status from portable accessory building to accessory building and will depend on the utilities connected. The determination of the building status will be made by Elk Ridge city staff.

H. Conditional Use Permit Required: A roof only building exceeding seven-hundred (700) square feet may be permitted following conditional use approval by the planning commission in accordance with section 10-12-33 of this chapter. The roof only building shall conform to the setbacks found in the applicable zone where it will be located.

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4. Drainage: No drainage from the roof of any accessory building or roof only building may will be discharged on to an adjacent lot.

J. Vacant Lot: Where no principal building exists on a lot, an accessory building or roof only building may be permitted following conditional use approval by the planning commission in accordance with section 10-12-33 of this chapter. The accessory building or a roof only building shall conform to the setbacks found in the applicable zone where it will be located and to all other applicable requirements of this section.

K. Nonconforming Uses: All accessory buildings not in compliance at the time of the adoption hereof are hereby grandfathered and are allowed to continue undisturbed. Any subsequent modification to an accessory building or to the use of that building shall require the prevailing code be followed.
Easement: The building will not be placed on land designated as an easement. (Ord. 01-1-9-3, 1-9-2001, eff. 1-18-2001)

C. Height Of Building: The maximum accessory building height shall be twenty feet (20'). Accessory building height shall be the vertical height as measured from the average elevation of the natural grade of the four (4) major corners, where the structure is to be located, to the highest point of the structure. If the measurements used for building height are questioned by city staff, the planning commission will review and make a determination. (Ord. 08-15, 9-23-2008, eff. 9-24-2008)