

# CHAPTER 303 ACCESSORY USES AND STRUCTURES

- 303.01 Accessory Uses and Structures Permitted
- 303.02 Development Standards
- 303.03 Swimming Pools

- 303.04 Satellite Dish Antennas
- 303.05 Towers, Antennas, and Similar Structures Excluding Satellite Dish Antennas

### CROSS REFERENCES

Ch. 304 Landscaping and Buffering

---

### 303.01 ACCESSORY USES AND STRUCTURES PERMITTED

Unless otherwise specified, accessory uses and structures shall be permitted on a lot in a residential zoning district and PUD District in association with a residential principal use or structure, except where otherwise noted, provided the accessory use or structure meets the requirements of this chapter and the development standards of the applicable zoning district.

For the purposes of this chapter the following shall apply:

1. Garages, porches, decks, and other similar features that are physically attached to a dwelling structure shall not be considered accessory structures.
2. Decks located within ten (10) feet of the principal building shall not be considered accessory structures, this requirement superseding Sec. 303.02 (A), but must meet all required yard setbacks.

### 303.02 DEVELOPMENT STANDARDS

The following development standards do not apply to swimming pools; satellite dish antennas; and towers, antennas, and similar structures. Please see each section below for appropriate development standards.

- A. Location. Accessory uses and structures shall be located completely to the rear of the principal structure and shall be no closer than ten (10) feet from any part of the principal structure. Accessory uses and structures shall be no closer than five (5) feet to any rear and side property line. Accessory uses and structures shall not be located within a recorded easement.
- B. Quantity. A lot in a residential zoning district and residential portion of a planned district shall not contain more than two (2) accessory structures. ~~No more than one (1) additional accessory structure may be permitted as a conditional use with approval of the Board of Zoning Appeals.~~ **A second accessory structure of the same purpose (i.e., a second storage barn, a second swimming pool, etc.) may not be constructed without first securing Variance approval from the Board of Zoning Appeals. The additional structure may only be permitted as a conditional use with the approval of the Board of Zoning Appeals** <sup>1</sup>The area of accessory structures must meet the area requirements of Subsec. D herein.

Zoning  
Text  
Change  
  
Feb. 15,

---

<sup>1</sup> Text Amendment approved by Board of Trustees on Feb. 15, 2000 in Resolution #2000-28 following hearing and approval by Zoning Commission on January 24, 2000.

C. Exterior. In order to protect property values and encourage neighborhood stability an accessory structure shall have an exterior which meets these standards and is compatible in appearance to the principal residential structure on the parcel or lot. Compatibility shall be determined based upon the following criteria: exterior building materials, color, architecture, roof style, and siding.

D. Area.<sup>2</sup> The maximum permitted area of an accessory structure placed on a lot in a residential zoning district shall be based on the following lot categories on which the accessory structure is to be located.

1. Lot Size Two (2) Acres or Less. An accessory structure shall be no larger than eight-hundred and ~~sixty-four (864)~~ **(1200) square feet**, shall contain no more than one (1) story nor shall it exceed a total height of ~~fifteen (15)~~ **(22') feet** as measured from the floor to the top of the roof **with a minimum roof pitch of 4':1'**, and no door serving the accessory structure shall exceed ~~nine (9)~~ **fourteen (14')** feet in height.

2. Lot Size Over Two (2) Acres But Less Than Four (4) Acres. An accessory structure shall be no larger than ~~one thousand and two hundred (1,200)~~ **(1,400') square feet** and shall not exceed a height of ~~twenty-five (25)~~ **(22') feet** as measured from the floor to the top of the roof **with a minimum roof pitch of 4':1' and no door serving the accessory structure shall exceed 14' feet in height.**

3. Lot Size Four (4) or More Acres. An accessory structure shall be no larger than ~~one thousand and four hundred and forty (1,440)~~ **(2,000') square feet** and shall not exceed a height of ~~twenty-five (25)~~ **(22') feet** as measured from the floor to the top of the roof **with a minimum roof pitch of 4':1" and no door serving the accessory structure shall exceed 14' feet in height..**

E. Maintenance. Accessory uses and structures shall be maintained in good condition and kept secure from the deteriorating effect of natural elements.

Zoning  
Text  
Change  
  
Feb. 15,  
2000

Size of Lot	Maximum Square Footage	Maximum Height to Peak of Roof	Roof Pitch	Maximum Door Height
Under (2)two Acres	1,200 sqft	22' feet	4' : 1'	14' feet
Over (2), under (4)four Acres	1,400 sqft	22' feet	4' : 1"	14' feet
Over (4)four Acres	2,000 sqft	22' feet	4': 1'	14' feet

<sup>2</sup> Text Amendment approved by Board of Trustees on Feb 15, 2000 in Resolution #2000-28 following hearing and approval by Zoning Commission on January 24, 2000.

**303.03 SWIMMING POOLS**

No private swimming pool, above or below ground, shall be allowed in a residential zoning district except as an accessory use, meeting the requirements of Ch. 303.02(B) relative to quantity and unless such private swimming pool has received a Certificate of Zoning Compliance and provided such pool complies with the following conditions and requirements. Portable above ground swimming pools that are less than twelve (12) feet in diameter and one-hundred (100) square feet in area are excluded from these regulations.

1. The pool is intended and used primarily for the enjoyment of the occupants of the principal use of the property.
2. The pool shall be located to the rear of the principal structure and may not be located closer than ten (10) feet to any lot line of the property on which it is located.
3. ~~The pool, or the entire yard in which such pool is located, shall be enclosed by a structure with a minimum height of seventy-two (72) inches with a gate or locking device to prevent uncontrolled access from the street and from adjacent properties. Above-ground pools shall have a ladder that folds up.~~

3. **Controlled Access Required**<sup>3</sup>:

- a. *An in-ground pool, or the entire yard in which such in-ground pool is located, shall be enclosed by a fence with a minimum height of forty eight inches (48") with a gate or locking device to prevent uncontrolled access by means other than through the gate from the street and from adjacent properties.*
- b. *All above-ground pools shall have either the forty-eight inch (48") fencing/ barrier requirements of section 303.03(3a) above or a removable and/or lockable ladder device to prevent uncontrolled access by means other than through the gate or ladder from the street and from adjacent properties.*

Zoning Text Change Dec. 5, 2000 July 16, 2012
---

**Fences generally** - Maximum height of fences shall not exceed six feet (72") in height in the rear yard, and all other fencing shall be decorative not to exceed five feet (60") in height.

4. Any lighting to illuminate the pool area shall be so arranged as to deflect the light away from the adjoining properties.
5. No person, firm or corporation shall construct or install a swimming pool or make any alteration therein or in the appurtenances thereof without having received an approved Certificate of Zoning Compliance from the Zoning Administrator.

In a multi-family or manufactured home development, a pool shall be permitted as an accessory structure and shall meet all of the above requirements.

<sup>3</sup> Text Amendment approved by Board of Trustees on Dec. 5, 2000 in Resolution 2000-182 following hearing and approval by Zoning Commission on Nov. 20, 2000 and Text Amendment approved by Board of Trustees on July 17, 2012 in Resolution 2012-82 following hearing and approval by Zoning Commission July 16, 2012.