



**Planning & Zoning
Planner's Report**

TO: Adrienne Senter

FROM: Lynn M. Patterson, Consulting Planner for City of Hapeville

RE: Accessory Buildings Code Sections

DATE: January 8, 2019

BACKGROUND

The Planning Commission requested staff forward the relevant code sections as they related to accessory structures for a discussion on running water to accessory structures.

Chapter 93 – Zoning

Sec. 93-2-5. - Accessory uses, accessory buildings, yard requirements of accessory buildings, outbuildings and fences.

- (1) An accessory building or structure is an uninhabited building detached from the principal dwelling on a lot of record, the use of which is incidental and subordinate to the primary use of the property. Accessory buildings shall comply with the following standards and all other applicable regulations of this zoning ordinance and the architectural design standards. Where a conflict exists, the standards of this section shall control.

Accessory uses and structures on a residential lot shall comply with the following standards and all other applicable regulations of this zoning ordinance:

- (a) The accessory use or structure shall be subordinate in area, extent and purpose to the primary use or structure served. No accessory structure shall have a ground floor area greater than that of the principal dwelling. The floor area of an accessory structure shall include all floor area, that is, each floor of a one and one-half or two story accessory building shall be counted toward the maximum floor area. When more than one accessory building is erected, the "maximum accessory building size" controls the sum of the floor areas of those buildings.
- (b) The accessory use or structure shall contribute to the comfort, convenience or necessity of the occupants of the principal use or structure served.

(c) The accessory use or structure shall not be injurious to the use and enjoyment of surrounding properties.

(d) No accessory building shall be erected or placed on a lot that does not contain a principal dwelling. Building permits may be issued for the principal dwelling and an accessory structure; however, a certificate of occupancy must be issued for the principal dwelling prior to issuance of a certificate of occupancy for an accessory structure.

Special requirements for accessory buildings are as follows:

(a) In residentially zoned areas, no space in an accessory structure can be rented or leased unless the primary structure and accessory structure are rented or leased in their entirety to the same individual.

(b) A building permit shall be required for the construction, erection or set-up of any accessory building in excess of 144 square feet. A separate certificate of occupancy shall be required for the construction, erection or set up of any accessory building in excess of 200 square feet. Accessory structures less than 200 square feet, without HVAC, shall be exempt from obtaining a separate certificate of occupancy, but shall not be exempt from all necessary inspections during the construction process.

(c) Accessory building or outbuilding shall be permitted at the owner's option according to the schedule presented in Table A—Accessory building allowance based on dwelling unit size, or Table B—Accessory building allowance based on lot size.

(d) Outdoor cooking facilities, gazebos, arbors, pool equipment shelters, arbors, fireplaces, and waste receptacle enclosures shall be exempt in calculating the maximum number of accessory structures on a lot. However, such structures shall be subject to the accessory building setback standards and shall not exceed 144 square feet in area.

(e) Exterior materials, roof pitches, and other design elements must comply with the city architectural design standards.

(f) Except as herein provided, the minimum yard requirements of [section 93-22.1-1](#) of this chapter also apply to accessory buildings. However, accessory buildings may be located in rear yards within five feet of a rear or side lot line. In addition to these yard requirements, the horizontal separation of accessory buildings from the dwelling on the same lot and the horizontal separation of accessory buildings from dwelling on adjacent lots shall comply with standards in Table C—Distance from Dwelling for Very Large Accessory Buildings. All distances shall be measured from outside wall to outside wall.

(g) The number of accessory building may vary depending on the size of the lot. Table D—Maximum Number of Accessory Buildings establishes the schedule for number of accessory buildings allowed on a building lot.

(h) Accessory buildings, including detached garages, shall be permitted in an R-0, R-AD, R-1, R-2, R-3, R-4, R-5, R-I, R-SF, V, U-V, RMU or C-R Zone, subject to the following limitations:

Placement.

(a) *Located on a lot with a principal dwelling.* An accessory building shall be located on the same lot as the principal dwelling to which it is accessory.

(b) *Setback dependent on distance from dwelling.* Accessory buildings shall be allowed in rear yards only, **provided that garages may be allowed in front and side yards**. An accessory building located within 20 feet of the principal dwelling shall comply with the setback requirements of the principal dwelling to which it is accessory. Accessory buildings located more than 20 feet from the principal dwelling may be placed five feet from a side or rear lot line. Garages may be located in **the front** or side yard subject to the setback standards for the principal dwelling.

(c) *Setback on corner lot.* Accessory buildings on a corner lot shall comply with the setback for the principal dwelling. No accessory building on a corner lot that adjoins a residentially used or zoned lot to the rear shall be located within 25 feet of the rear property line. This 25-foot setback will not be required when the adjoining yard is a rear yard.

(d) *Distance from dwelling and other accessory buildings.* All accessory buildings must be located a minimum of ten feet from the principal dwelling and all other accessory buildings on the lot or on neighboring lots. This distance shall be measured from outside wall to outside wall.

(e) *Ordinance setbacks otherwise remain in effect.* Except as herein provided, the minimum setback requirements of [section 93-22.1-1](#) of this chapter also apply to accessory buildings.

(f) *Non-complying accessory buildings.* Notwithstanding standards of this chapter to the contrary, nothing shall prohibit the re-construction of accessory buildings that are legal, nonconforming structures that have been in existence for a minimum of 20 years along that established building line. That building line shall be the minimum setback for re-building of the accessory building on the lot. All other standards of the chapter shall remain in effect.

Height.

(a) *Scale of accessory buildings.* The height of an accessory building shall not exceed 25 feet or the height of the principal dwelling measured from the average adjacent grade to the peak or ridgeline of the roof, whichever is less.

Architectural style and exterior finish.

(a) *Compatibility with principal dwelling.* Accessory buildings shall be architecturally compatible with the principal dwelling on the lot. The exterior finish of all accessory buildings shall be identical to the exterior finish of the principal dwelling on the lot. In the case of brick dwellings, the exterior finish of the accessory building may be similar to the trim work or other siding materials of the dwelling. Exterior materials, roof pitches and other design elements shall comply with the architectural design standards.

(b) *Roof design.* Flat or shed roofs shall be prohibited on accessory buildings. Accessory buildings shall have a gable or hip roof design.

Utility services.

(a) *Water supply or discharge prohibited.* No accessory building shall have any plumbing of any kind, including, but not limited to, running water or drainage into any sewer or septic

system. Electrical service is permitted provided the accessory building is served by the same electrical meter that serves the principal dwelling. No separate metering shall be allowed.

Use.

(a) Residential occupancy of any kind prohibited. No accessory building shall be used for human habitation, including, but not limited to, overnight accommodations for any person. Accessory buildings may be used as home offices, recreation rooms or non-commercial storage. No accessory building shall be used for the operation of any business, except as permitted under section 93-1-2, Home occupation that allows home offices. No commercial or industrial use shall be permitted in a residential accessory building.

(b) Evidence of separate dwelling unit. The presence of such facilities or equipment as utility services, utility meters, mailboxes or kitchen equipment such as a sink, stove, oven or cabinets in an accessory building or a portion of a principal dwelling shall be considered prima facie evidence that such accessory building or such portion of a principal dwelling is a separate and distinct dwelling unit and is subject to the regulations of the zoning district in which it is located.

(c) *Temporary buildings.* Temporary buildings may only be used in conjunction with permitted construction work in any zoning district and shall be removed immediately upon the completion of construction.

Permitting schedule.

(a) *Construction or occupancy of an accessory building to follow principal dwelling.* No permit for an accessory building shall be issued until a permit for construction of the principal dwelling has been issued and construction of such dwelling commenced. No certificate of occupancy for an accessory building shall be issued prior to issuance of a certificate of occupancy for the principal dwelling.

Construction standards.

(a) *Building anchoring.* Any accessory building having a floor area greater than 144 square feet shall be secured to the ground with a full perimeter foundation to prevent the structure from being moved or damaged by high winds.

(b) *Life safety codes apply.* Accessory buildings must comply with adopted fire safety and building code regulations.

(c) *Standards for "attached" accessory building.* When an accessory building is attached to the principal dwelling by a breezeway, passageway or similar means, the accessory building shall comply with the setback requirements of the principal dwelling to which it is accessory. In order to qualify as an attached garage or accessory building, therefore eliminating the need for compliance with these accessory building standards, the attached accessory building must share a common wall with the principal dwelling that is a minimum of 80 percent of the wall length of the accessory building or 20 feet, whichever is greater. Such common wall must be an integral part of the principal dwelling. An attached garage or accessory building shall comply in all respects with the standards applicable to the principal dwelling.

(d) *Second story access.* Where applicable, access to the second story of an accessory building must be located within the interior of the ground floor space.

(e) *Prohibited accessory and temporary buildings or structures.* Manufactured homes, mobile homes, shipping containers, freight trailers, box cars, trailers or any other structure or vehicle that was not originally fabricated for use as an accessory building shall be prohibited."

Chapter 81 – Architectural Standards

Sec. 81-1-7. - Neighborhood conservation area.

h. *Outbuildings.* In conventional development, outbuildings are often designed and located as an afterthought. Yet in traditional towns and cities, outbuildings serve to enrich the quality of design through their placement, design and use. In Hapeville, where outbuildings are provided on many residential lots, their design must be to the same high standards found in the community's neighborhoods.

The following standards shall apply to construction of new outbuildings in residential districts.

- i. On lots with one street frontage, set outbuildings back at least 15 feet behind the front facade of the principal building.
- ii. On corner lots, outbuildings should be setback at least 15 feet behind the front facade of the principal building and with a setback greater than or equal to that of the facade along the side lot line.
- iii. Outbuilding may be linked to the principal building with covered walks, trellises or enclosed breezeway.
- iv. Outbuildings shall be of compatible material and architectural style to the principal building.
- v. Outbuildings shall have a minimum height of 14 feet and a maximum height of that of the principal building or 25 feet, whichever is less.
- vi. Outbuildings shall be set a minimum of ten feet from any other outbuilding on adjoining lots.

Red denotes inconsistencies with current zoning code.