

10-12-5: ACCESSORY BUILDING REGULATIONS:

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

ACCESSORY BUILDING: An accessory building for both residential and nonresidential development is defined as a building that:

1. Is detached from the principal building and is more than six feet (6') away from the principal building.
2. Is clearly a supplementary use to the principal building. It may not be a standalone dwelling unit.
3. Is not used as the primary dwelling or place of residence.

ACCESSORY STRUCTURE: A structure that does not provide shelter from 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 barbecue pits.

BUILDING: A permanent or semipermanent structure with a roof and walls usually used as a place for people to live, work, play, do activities, or store things.

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.

PORTABLE ACCESSORY BUILDING:

1. A building that is two hundred (200) square feet or less.
2. A semipermanent structure with no concrete footings or concrete floor and is on skids or some type of device that will allow for easy relocation.
3. Does not exceed twelve feet (12') in height from the lowest part of the structure to the top.

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 feet (6') of the principal building shall be considered as part of that principal building.

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 structures 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.

SIDE YARD FOR DETERMINING 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. The primary dwelling or place of residence.
2. Hazardous chemical storage unless specifically permitted by the city.
3. Sleeping quarters or housing used for short term rentals.

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, semitrailers 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 the planning commission if the item is modified in such a way that the planning commission determines that the item is aesthetically consistent with the principal building and surroundings and will continue to be maintained as such.
6. In a residential only zone, where no principal building exists on a lot, an accessory building or roof only building is prohibited.

D. Accessory Building Coverage Area: Accessory buildings may not cover more than fifteen percent (15%) of the combined total area of the rear and side yards nor more than eight percent (8%) of the total area, whichever is less.

E. Accessory Building or Structure Setbacks: All accessory buildings or structures shall be located in accordance with the following:

1. Front Setback:
 - a. Any accessory building portable or otherwise shall be placed behind the front setback as defined for primary

buildings in Chapter 10 of this code.

b. Any accessory structure except for waterfalls, fountains, or decorative ponds shall be placed behind the front setback as defined for primary buildings in Chapter 10 of this code.

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

a. Any accessory building portable or otherwise shall be placed behind the side setback or the side yard street abutting setback if a corner lot. 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 setback or the side yard street abutting setback if a corner lot.

3. Side and Rear Setback; Interior Lot Line:

a. Any accessory building or an accessory structure shall be located a minimum of eight feet (8') from the property line and not located on a public utility easement.

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.

4. Setback From Principal Building: Accessory buildings which are located six feet (6') or less from the principal building shall be considered part of the main building. Setbacks 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 feet (30') in height from the lowest part of the structure, which is the bottom of the lowest sill plate or top of main floor (nearest ground level), whichever is lower, to the highest point on the roof. Maximum portable accessory building height is per subsection 3 of the definition of "portable accessory building" of this section.

G. Building Permit Required:

1. Any accessory building or accessory structure not meeting the definition of a "portable accessory building" as defined in 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. One hundred twenty (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. (In no case, shall the roof only building area exceed the allowable areas in subsection D of this section.) The roof only building shall conform to the setbacks found in the applicable building zone where it will be located.

I. Drainage: No drainage from the roof of any accessory building or roof only building may be discharged onto an adjacent lot, public street, or right-of-way.

J. Nonconforming Uses: All accessory buildings not in compliance at the time of 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 to be followed. (Ord. 16-5, 9-27-2016; amd. Ord. 20-01, 1-14-2020; Ord. 21-01, 2-9-2021; Ord. 21-11, 12-17-2021; Ord. 22-03, 5-10-2022)

10-12-6: ACCESSORY BUILDING PROHIBITED AS LIVING QUARTERS:

Living and sleeping quarters shall not be permitted in any accessory building unless the quarters are constructed and occupied as an accessory apartment in accordance with this chapter. (Ord. 07-13, 9-25-2007, eff. 9-28-2007; Ord. 21-11, 12-17-2021)