

## ARTICLE 38

### ACCESSORY USES

#### SECTION 3801 PERMITTED ACCESSORY USES – AGRICULTURAL, RESIDENTIAL AND OFFICE

The following accessory uses are permitted in each Agricultural, Residential District and the Residential Office District:

- A. Private garages or carports.
- B. A structure for storage incidental to a permitted use.
- C. A guest house (without kitchen facilities) or rooms for guests in an accessory building, provided such facilities are used for the occasional housing of guests of the occupants of the principal building, and not as rental units or for permanent occupancy.
- D. A swimming pool, bath house and other recreational facilities designed for the use of the occupants of a single-family dwelling and their guests. Swimming pools shall comply with the following conditions and requirements:
  - 1. The pool shall comply with the side yard requirements of the Zoning District in which it is located.
  - 2. The swimming pool, or the entire property on which it is located, shall be walled or fenced to prevent uncontrolled access by children from the street or from adjacent properties. Said fence or wall shall not be less than five (5) feet in height and maintained in good condition with a self-closing gate with latch and lock. Such five (5) foot fence or wall may be the extension of the side walls of the swimming pool.
- E. A child's playhouse, tree house, birdhouse.
- F. Statuary, arbors, trellises, barbecue equipment, flag poles, fences, play equipment, nonmechanical laundry drying equipment, walls and hedges.
- G. Fallout shelters.
- H. Driveways shall comply with the following conditions and restrictions:
  - 1. Driveways shall be limited to one per parcel.
  - 2. Driveways shall not exceed one thousand (1,000) feet in length.
  - 3. Deadend private driveways that exceed five hundred (500) feet in length shall include a turnaround with a recommended minimum radius of forty-five (45) feet or a "T" arrangement with forty (40) feet on each side of the "T."

I. Recreational equipment subject to the following conditions:

1. Outdoor storage shall be limited to operable recreational equipment that is owned, licensed and/or registered to an owner or occupant of the principal structure or use of the lot on which it is parked or stored.
2. Parked or stored camping and recreational equipment as defined by Article 2 shall not be connected to electricity, water, gas or sanitary sewer facilities; and at no time shall this equipment be used for living or housekeeping purposes.
3. If the camping and recreational equipment is parked or stored outside a garage, it shall be parked or stored to the rear of the house.
4. Notwithstanding the provisions of subparagraph 3, camping and recreational equipment may be parked anywhere on the premises for loading or unloading purposes, for a period of not more than forty-eight (48) hours.

J. Garage sales (including patio, basement, yard, block, barn or any such similar sale) subject to the following regulations:

1. May be held between 8 am and sundown.
2. No sale may extend for more than 4 consecutive days.
3. No more than 4 sales per dwelling unit may be held on any zoning lot in any calendar year.
4. The following regulations shall be applicable to signs during a garage sale:
  - a. One (1) on-premises sign, no more than 32 sq. ft. is permitted.
  - b. Two (2) off-premises directional signs, no more than 4 sq. ft. each are permitted.
  - c. No signs are permitted to be placed in any right-of-way or on any street signs or utility poles.
  - d. All signs are to be removed within 24 hours of the garage sale.
  - e. No streamers, special lighting, noise-making devices or any other device which may be a distraction to passing motorists are permitted.
5. No garage sale shall include the selling or offering of any food or beverage for consumption by members of the public attending. Food or beverage may be provided for consumption at no cost to the consumer, but only if a permit is obtained in advance from the Board of Health.

- 6. No fee or other charge shall be imposed upon members of the public attending any such sale.
- K. Estate auctions and/or moving sales shall be permitted not more than one (1) week per calendar year, provided that it is made necessary for settling the estate of the resident of the lot on which it is held, or provided that such moving sale is made necessary when a resident is moving away from that lot to another dwelling.
- L. Any other structure or use customarily found in conjunction with and required for full utilization and enjoyment of the principal use; and which meets the definition of accessory use in Subsection 201.01.

SECTION 3802 PERMITTED ACCESSORY USES - BUSINESS AND INDUSTRIAL DISTRICTS

In a Business or Industrial District, any use which is customarily found in conjunction with and required for the full utilization and economic viability of the principal use which meets the definition of accessory use in Subsection 201.01, and which complies with the applicable standards of the district in which it is located is permitted.

SECTION 3803 ACCESSORY USES NOT PERMITTED - RESIDENTIAL, AGRICULTURAL, BUSINESS AND OFFICE DISTRICTS

None of the following shall be permitted as an accessory use in a Residential, Agricultural, Business or Office District:

- A. Overnight parking or outdoor storage of non-farm trucks over one (1) ton rated capacity, buses, or mobile homes, semi-trailers, construction trailers, carnival trailers, rides, exhibit trailers, box beds, railroad cars, trolley cars, portable or temporary storage units and any other such similar units.
  - 1. Overnight parking will be allowed for one truck rated over one (1) ton owned by the property owner. The truck may not be parked on the property for more than 72 consecutive hours. The truck may not be parked closer than 50 feet to a neighboring property line.
  - 2. The prohibition for portable storage units or containers shall not apply to the following:
    - a. Temporary construction sites.
    - b. When necessary to facilitate clean-up and/or restoration activities resulting from natural disasters, fire, or flood for a period of not more than one hundred eighty (180) days provided that a permit is obtained from the zoning department.
    - c. Temporary portable storage for a period not to exceed fourteen (14) consecutive days and not more than twice per year, provided that a permit is

obtained from the zoning department, and that the container is not placed in the public street, alley, or public right-of-way.

## SECTION 3804 STANDARDS

- A. An accessory use shall be located on the same lot as the principal structure.
- B. No more than one accessory building 100 sq. ft. or under will be permitted per lot.
- C. No accessory use shall be established prior to the establishment of the principal permitted use.
- D. No existing accessory use may be extended or expanded unless it is in compliance with all applicable provisions of the Zoning Resolution.
- E. An accessory building may be erected as an integral part of a principal building or it may be connected thereto by a breezeway or other similar structure.
- F. An accessory building may be erected, detached from the principal building. Except as provided in Article 39, Section 3905 B, no detached accessory building shall be erected in any required yard or court, except a rear yard, and shall not occupy more than thirty-five (35) percent of the area of the required rear yard.
- G. For computing the percentage of occupancy of a rear yard, as required in Subsection B hereof, if a detached accessory building is connected to the principal building by a breezeway, the ground area of such breezeway shall be considered as a part of the accessory building and be included in the computation.
- H. A detached accessory building shall not exceed twenty-five (25) feet in height.
- I. A detached accessory building shall be at least six (6) feet from the side or rear lot lines, except as provided for by Subsection 3602.01.
- J. On a corner lot abutting in the rear the side lot line of a lot in a Residential District, any accessory building or part thereof within twenty-five (25) feet of the common lot line shall not be closer to the side street lot line than the least depth of the front yard required on such other lot fronting the side street; and in no case shall any part of such accessory building be closer to the side street lot line than the least width of the side yard required for the principal building to which it is accessory.
- K. Except as provided in Article 39, Section 3905B, any accessory building if not located in the rear yard shall be an integral part of, or connected with, the principal building to which it is accessory; and shall be placed as to meet all yard and court requirements for a principal building of the same height and other dimensions as said accessory building.
- L. Under no conditions will a temporary or portable-type construction be permitted in any district. All outer buildings must meet Montgomery County Building standards. All necessary zoning and building permits shall be obtained.