

## Article 16

# Accessory Buildings, Structures and Uses

### Section 16.01 Accessory Structures

(a) The following accessory uses are permitted in any yard and any district:

- (1) Arbors or trellises,
- (2) Air conditioning equipment shelters,
- (3) Boardwalks,
- (4) Driveways,
- (5) Fences and hedges,
- (6) Flagpoles,
- (7) Growing of farm and garden crops in the open,
- (8) Lampposts,
- (9) Landscaping,
- (10) Lawn furniture, such as benches, sundials, birdbaths, and similar architectural features,
- (11) Mailboxes,
- (12) Ornamental light standards,
- (13) Play equipment playhouses and open-sided summer houses,
- (14) Public utility installations for local service (such as poles, lines, hydrants, pump enclosures, and telephone booths),
- (15) Retaining walls,
- (16) Sidewalks,
- (17) Signs and nameplates as herein regulated,
- (18) Steps,
- (19) Streets,
- (20) Terraces, patios, and outdoor fireplaces,
- (21) Tennis courts, private, and
- (22) Trees, shrubs and flowers.

(b) Other accessory buildings, structures, and uses shall be permitted based upon the regulations of this article.

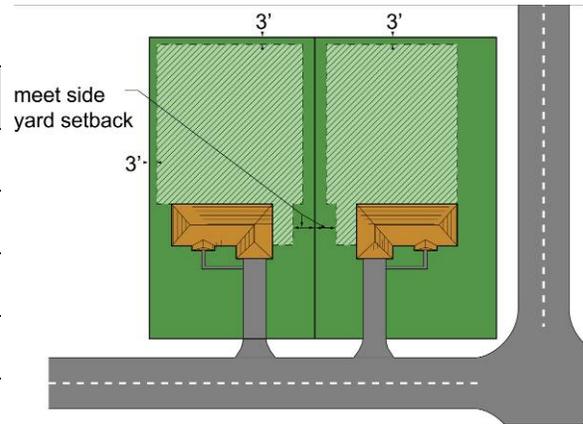
### Section 16.02 Residential Accessory Buildings

The following regulations shall apply to buildings accessory to residential use, such as garages, storage sheds, pole barns, gazebos, pavilions and other roofed buildings. These regulations do not apply to agricultural, commercial, office, institutional or industrial accessory buildings (See 16.11.).

- (a) **Relation to Principal Building.** Detached garages, storage buildings, gazebos or other accessory structures shall not be constructed on a lot unless a residence already exists on the lot. An accessory building may be located on an adjacent lot that is under the same ownership and contiguous with the lot containing the residence. An accessory building may be located on a lot that is across the street within 100 feet of the lot containing the residence.
- (b) **Number of Buildings.** There shall be no more than one (1) detached accessory building per lot, including adjacent lots or lots across the street. One (1) gazebo and one (1) shed less than 144 square feet may be permitted in addition to the accessory building.
- (c) **Locations for Detached Accessory Buildings.** Detached accessory buildings, storage sheds and gazebos shall only be located as follows:

**Table 16.02**  
**Accessory Building Locations and Setbacks (1, 2)**

Locations Permitted	Minimum Setback from Lot Line
Front Yard	Not permitted (3)
Side Yard	District setback
Rear Yard	3 feet from rear lot line 3 feet from side lot line (4)
Waterfront Yard	Meeting average shoreline setback (3)
Corner lot side-street yard	Front yard setback of zoning district



- (1) Accessory buildings shall not be located within a dedicated easement or right-of-way.
- (2) Detached accessory buildings shall be setback a minimum of 10 feet from the principal residential building.
- (3) On lakefront lots, an accessory building may be located in the street-front yard, provided it meets the front and side yard setbacks of the district applicable to principal buildings. Accessory buildings in the waterfront yard shall meet the shoreline setback applicable to principal buildings.
- (4) In the A1, A2, R1A and R1B districts, accessory buildings in the rear yard shall be setback a minimum of 10 feet from the side and rear lot lines.
- (d) **Height Limitations.** The maximum height of detached accessory buildings shall be one (1) story and 18 feet. Attic storage shall be permitted, provided the space shall only be utilized for storage. For residential lots located in the A1 and A2 agriculture districts, the maximum height of accessory buildings shall be the same as permitted for principal buildings.
- (e) **Use.** Accessory buildings shall not be occupied for dwelling purposes. Accessory buildings shall not have plumbing for sewer or water.
- (f) **Attached Garages.** Garages that are structurally attached to a principal building by connection of walls or a roof shall be subject to, and must conform to, all regulations of this Ordinance applicable to the principal building, including setbacks and lot coverage.
- (g) **Maximum area limitations.** The maximum area enclosed or covered by any detached accessory building (the footprint) shall be no more than seven hundred twenty-one (721) square feet.

**Section 16.03 Porches, Decks and Patios**

- (a) **Front Yard.** An open, unenclosed porch, patio or terrace may project into a required front yard setback for a distance not exceeding 10 feet, including side streets on corner lots. The porch may

have a roof and railing; however, a porch that is enclosed by walls or windows shall be subject to the front yard setback applicable to the principal building, as set out in the applicable zoning district.

- (b) **Side Yard.** Decks and porches must not be closer to an interior side lot line than the minimum required side yard setbacks that apply to the principal structure on the property, as set out in the applicable zoning district.
- (c) **Rear Yard.** Decks, open, unenclosed and uncovered porches, patios and terraces may project into a required rear yard setback for a distance not exceeding 10 feet.
- (d) **Waterfront Yard.** Decks, open, unenclosed and uncovered porches, patios and terraces may project into a required waterfront yard setback for a distance not exceeding 10 feet.
- (e) **Second-Story Decks.** Second story decks, including any walkway connecting the second story deck to a first story deck, a ground-level deck, or a deck located above a walk-out basement, may extend into the rear yard setback, provided it does not extend more than 10 feet from the rear of the dwelling.
- (f) **Privacy Fences and Screens.** Any privacy fence or privacy screen attached to a deck or porch shall be permitted in the side or rear yard, not exceeding six (6) feet in height, measured from the ground.

#### Section 16.04 Pools, Spas and Hot Tubs

- (a) **Location.** Swimming pools, spas, hot tubs and similar devices shall not be located in any front yard. Swimming pools, spas, hot tubs and similar devices shall be setback at least 10 feet from the rear lot line and meet the waterfront and side yard setback of the district.
- (b) **Security Fencing.** All outdoor swimming pools, as defined by the Indiana Swimming Pool Code (675 IAC 20), shall be enclosed by a fence as follows:
  - (1) Swimming pools below the surface of the surrounding land shall be completely enclosed by a fence that meets the Indiana Swimming Pool Code as set out in 675IAC14-4.3-296 as it now exists or as it may be amended from time to time. Swimming pools above the surface of the surrounding land, if not surrounded by a fence, as provided in subsection (1) above, shall be built where access to the pool may be had only by a ladder that can be removed or raised and locked in place or steps equipped with a gate at the top with a self-closing and self-latching device. The wall of the pool and any fence surrounding the platform around the pool must together be at least four (4) feet in height.

#### Section 16.05 Fences and Walls

##### (a) All Districts

- (1) Fences located in the front yard shall not be erected or maintained in such a way as to obstruct the vision of motorists exiting driveways or at intersections in accordance with Section 15.06.
- (2) All exposed posts of a fence shall be located on the inside of the property they are intended to fence with the finished side of the fence facing out.
- (3) Fences and walls shall not be erected within any public right-of-way.

##### (b) Fences in Residential Districts

- (1) Fences and walls located within the front yard shall not exceed three and a half (3½) feet in height and shall not be in excess of forty-nine percent (49%) solid or opaque.
- (2) Fences and walls located within the side or rear yard shall not exceed a height of six and a half (6½) feet.

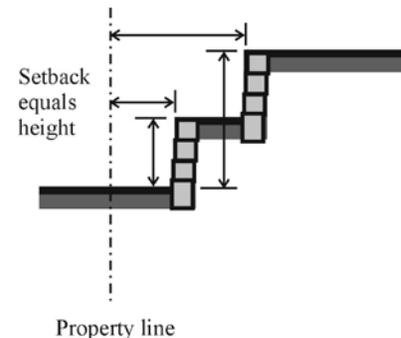
- (3) Fences and walls shall be constructed of materials such as wood, metal (ornamental or chain link), brick, stone or vinyl having the appearance of wood. The finished side of the fence shall face outward towards the street or neighboring property.
- (4) Fences shall not contain barbed wire, electric current or charge of electricity.
- (5) This subsection (b) shall not apply to security fences surrounding utility, institutional or public uses.

**(c) Non-Residential Districts**

- (1) Fences and walls shall be permitted in the front, side and rear yard in any agricultural and nonresidential district.
- (2) Fences and walls in the nonresidential district shall not exceed eight (8) feet in height; provided in the M1, M2 and AP districts, fences may be up to 10 feet in height.
- (3) Fences and walls up to eight (8) feet in height shall be permitted along all property lines on farms in all districts.
- (4) Fences and walls shall be constructed of materials such as wood, metal, brick, stone or vinyl having the appearance of wood. Poured concrete, concrete block or other similar materials may only be used for walls not facing a street or residential district. The finished side of the fence shall face outward towards the street or neighboring property.

**(d) Retaining Walls**

- (1) Retaining walls shall not be located closer than two (2) feet to any property line. Grades at the property line shall not be changed.
- (2) The maximum height of any retaining wall shall be four (4) feet. Where taller walls are required, the retaining wall shall be stepped or tiered.
- (3) Retaining walls shall be setback from all lot lines and shorelines a distance equal to their height. For stepped or tiered retaining walls, each tier shall be setback so that the cumulative total height of all tiers equals the setback of the top tier.



- (4) The board of zoning appeals may approve taller retaining walls than allowed in paragraph (2) above and reduce the setbacks from that which is required in paragraph (1) or (3) above. The board of zoning appeals may grant approval for such retaining wall, following a public hearing under section 28.07, based upon the following criteria:
  - a. Steep topography on the site prevents development of the lot within the limits set for the retaining wall height and setback. The decrease in setback or increase in height shall be the minimum possible to provide for a reasonable building site on the lot.
  - b. Views from adjacent property shall not be obstructed as a result of the increased retaining wall height or decreased setback, above and beyond the obstruction that would be caused by alternative construction methods.
  - c. The impact to topography and woodlands shall be no more than the impact from development of the site with a greater number of lower, tiered retaining walls or other alternative construction methods.

- d. Stormwater drainage and soil erosion will be properly managed in accordance with article 20 and there will not be an increase in stormwater runoff to adjacent property.
  - e. Adequate emergency access is provided around the building site.
- (5) Retaining walls shall be constructed of stone, brick, interlocking decorative concrete block, wood or other similar quality material approved by the enforcement official. The use of broken concrete for retaining walls shall not be permitted.

### **Section 16.06 Restrictions along Lakes & Streams**

No structures other than docks, seawalls, retaining walls, sidewalks, boardwalks, and patios will be permitted within the waterfront setback of the district or areas designated as buffer zones or setbacks in the Natural Resource Preservation Guidelines.

### **Section 16.07 Reception Antennas**

Television and radio antennas including satellite dish antennas and transmission or reception antennas, may be permitted as an accessory structure in any district. All antennas shall meet the setback requirements for principal buildings in the zoning district. The height shall be limit as set forth in section 15.04.

### **Section 16.08 Recreational Vehicles and Equipment**

- (a) On a residential lot, a resident may store recreational vehicles and equipment, such as motor homes, trailers, snowmobiles and watercraft, in garages or other accessory structures. Recreational vehicles or equipment may be stored outdoors in the side or rear yard; provided the recreational vehicle or equipment is owned by the resident of the dwelling on that lot and the vehicle or equipment is located a minimum of five (5) feet from the side or rear lot line.
- (b) Temporary parking and use of a recreational vehicle or equipment shall be permitted in the front driveway, provided it is not parked in the front driveway more than two (2) days in any consecutive 30-day period.
- (c) In a residential district, recreational vehicles and equipment may only be stored outdoors on the same lot as the owner's principal dwelling. Recreational equipment may not be stored outdoors on an adjacent lot under the same ownership that contains an accessory building.
- (d) Recreational vehicles and equipment may not be stored in a waterfront yard, except for watercraft.
- (e) Recreational vehicles and equipment shall not be parked or stored on a public right-of-way.
- (f) Recreational vehicles and equipment shall not be permanently affixed to the ground as a principal or accessory structure on a lot in any district. All recreational equipment parked or stored shall not be connected to sanitary facilities. Mobile homes, travel trailers, or camping trailers shall not be occupied for dwelling purposes, except in a lawfully established mobile home park or tourist camp.
- (g) Tents shall not be erected, used, or maintained on any lot, except small tents that are customarily used for recreation purposes and are located on the same lot as a dwelling. Temporary use of tents for religious, amusement and recreation, business, or manufacturing purposes shall be permitted when a permit has been issued by the enforcement official in accordance with provisions set forth in article 26.

- (h) Boats may be parked or stored in the open when customary in the operations of a lawfully established principal use, and one boat may be stored or parked on a lot containing a dwelling provided that it shall be located in side, rear or waterfront yard setback a minimum of five (5) feet from all lot lines. There shall be no major repair, disassembly, or rebuilding operations conducted on the lot.

### **Section 16.09 Parking of Semi-Trucks, Shipping Containers and Construction Equipment**

- (a) The storage or parking of semi tractor trucks and/or semi trailers, bulldozers, earth carriers, cranes or any other similar equipment or machinery in an agricultural or residential district is prohibited with the exception of the following:
- (1) Parking and storage of larger vehicles for farming operations is permitted, provided such vehicles are used for an agricultural use.
  - (2) Parking of one (1) semi-tractor without a trailer is permitted on a residential lot with an area of at least 24,000 square feet where the operator of the semi-truck resides within the principal dwelling on that lot. The semi-tractor may only be parked in the side or rear yard a minimum of five (5) feet from the side or rear lot line and shall be parked in a location that will not have an adverse impact on the aesthetic character of the surrounding area. Semi-trucks shall not be running in idle for more than 15 minutes. Semi-trailers, shipping containers and other types of storage units may not be parked or stored in a residential zoning district, except when a resident is moving into or out of a dwelling.
  - (3) Construction vehicles may be parked while in use for approved construction on the property only while a current building permit is in effect or during other site landscaping or utility work not subject to a building permit. Such vehicles shall only be parked on the property while in use for a construction project that is being diligently carried on toward completion.
- (b) In all nonresidential districts, semi-trailers may not remain on any property longer than 30 days while being parked, stored, repaired, or sold. Only one (1) such semi-trailer may be parked, stored, repaired, or sold in any 12 month period. Only properly approved semi-trailer dealers operating in properly zoned districts are exempt from this requirement. Storage of semi-trailers, shipping containers and other types of storage units shall only be permitted in the industrial districts as an accessory use to an approved industrial use.

### **Section 16.10 Entranceways**

In all zoning districts, entranceway structures, including but not limited to walls, columns and gates marking entrances to one-family subdivisions, multiple-family housing projects, business centers and industrial and office parks may be permitted and may be located in a required yard.

### **Section 16.11 Non-Residential Accessory Buildings**

Storage buildings and other buildings that are accessory to a non-residential use shall be permitted subject to the same restrictions as the principal use and building. Accessory buildings for commercial, office, institutional or industrial uses shall be subject to the same district dimensional requirements (setbacks and height) as the principal building.

**Section 16.12 Agricultural and horticultural fairs**

Agricultural and horticultural fairs shall be permitted as an accessory use on an agricultural parcel located in the A1 and A2 Agricultural Districts.