

ARTICLE 18.
ACCESSORY STRUCTURES, BUILDINGS AND USES

Section 1. PURPOSE:

The purpose and intent of the accessory use and accessory structure, building and use regulations is to:

- A. Maintain neighborhood integrity and preserve the existing character of the neighborhood by encouraging compatible land uses.
- B. Provide the residents of the County the opportunity to use their property to enhance or fulfill personal objectives as long as the use of the property is not incompatible with the land uses or character of the neighborhood.
- C. Establish criteria for operating home occupations in dwelling units within Rural, Planned Rural, Residential and Planned Residential Districts.
- D. Assure that public and private services such as streets, sewers, water and electrical systems are not burdened by accessory uses to the extent that the accessory usage exceeds that which is normally associated with the primary use of the property.

Section 2. GENERAL GUIDELINES FOR INTERPRETATION OF ACCESSORY STRUCTURES, BUILDINGS AND USES:

- A. An accessory structure, building or use shall be commonly associated with or generally necessary to the normal operations of the principal structure, building or use. To be "commonly associated" or "generally necessary" it is not necessary for an accessory to be connected with such principal more times than not, but only that the association of such accessory with such principal takes place with sufficient frequency or is so interrelated yet incidental and insubstantial that there is common acceptance of their relatedness.
- B. A structure or building shall be considered an integral part of the main structure or building when it has any major physical part or a wall in common with the main structure or building, or is under an extension of the main roof and designed as an integral part of the main structure or building.
- C. Structures, buildings or uses that would be accessory to main structures, buildings or uses under some situations may by themselves be main structures, buildings or uses in situations where they are not integral part of or incidental or insubstantial to a main use on a lot.

Section 3. ACCESSORY STRUCTURES, BUILDINGS AND USES PERMITTED:

Structures or buildings may be erected and used and land may be used for purposes which are clearly accessory to the principal or main structure, building or use permitted on the premises. Such accessory structures, buildings and uses shall be so constructed, maintained and conducted as to not produce noise, vibration, concussion, dust, dirt, smoke, odors, noxious gases, fly ash, heat, glare from artificial illumination or from reflection of natural light and shall be on the premises of the principal or main use, structure, or building except as may be specifically provided herein. Accessory uses, structures and buildings shall have an appearance consistent with the character of the neighborhood in which they are located and shall have an appearance consistent with the character of the main structure, building or use on the property. In the RUR, Rural District, new accessory structures or buildings may be built and used without a primary structure on the property.

In all other zoning districts, if there is not a primary structure on the property, new accessory structures or buildings shall not be built or used unless a Conditional Use Permit has been approved for the accessory structures or building(s) as provided in Article 23, Section 4 of these regulations.

Section 4. ELIGIBILITY FOR ACCESSORY STRUCTURES, BUILDINGS AND USES:

Determinations of whether a proposed structure, building or use would be an appropriate accessory shall be made by the Zoning Administrator. Such determinations may be appealed to the Board of Zoning Appeals as provided in Article 3, Section 5 of these regulations.

Section 5. HOME OCCUPATIONS:

Home occupations shall be permitted accessory uses in all Rural, Planned Rural, Residential, and Planned Residential Districts and shall be subject to the following:

A. Restrictions and Limitations:

1. The home occupation shall be carried on wholly within a main building or structure, or within a permitted accessory building or structure, provided that the primary use of the main building or structure is clearly the dwelling used by the person as such person's private residence.
2. No display or storage of equipment or material outside of a building or structure shall be permitted.
3. No alteration of the exterior of the principal residential building shall be made that removes the character of that building as a residence. There shall not be visible evidence of the business from the street or surrounding properties. The appearance of the building as a dwelling or residence shall not be altered to the extent it would appear to be a commercial or business operation. Alterations of building material, size, or color; light fixtures or intensity; parking area; or any other exterior change shall not cause the structure to lose its residential character nor shall it detract from the rural or residential character of the area.
4. Only one (1) non-illuminated ground or wall sign, not more than two square feet in sign area, may be used to identify the home occupation.
5. In zoning districts with a minimum lot size of less than 1 acre, employees or other assistants shall be limited to immediate members of the family residing on the premises.

In zoning districts with a minimum lot size of 1 acre or greater, employees or other assistants shall be limited to immediate members of the family residing on the premises and one (1) other person.

6. No equipment or machine may be used in such activities that is perceptible off the premises by reason of noise, smoke, dust, odor, heat, glare, radiation, electrical interference or vibration.
7. Parking generated by the conduct of a home occupation shall be provided off-street in an area other than the required front yard except that existing driveways may be used.
8. Vehicular or pedestrian traffic or parking demand shall not exceed twelve (12) two-way vehicular or pedestrian trips per day or parking of greater than four (4) customer vehicles at any one time during any 24-hour period.

9. Home occupations shall use no more than 20% of the total dwelling unit floor area. Those home occupations which require occasional meetings using more than 20% of the floor space may be permitted providing such meetings do not occur more frequently than once a month.
 10. The commercial exchange of tangible goods or items constituting a sale between the proprietor of a home occupation and members of the general public shall not be permitted on the premises of a home occupation except on an incidental, occasional and infrequent basis. Members of the general public shall not include persons in the home by prior individualized invitation.
 11. A home occupation may attract patrons, students, or any business related individuals only between the hours of 6 A.M. and 9 P.M. At any time during the day or evening, the parking standards of these regulations shall apply to the activity generated by the home occupation. A home occupation shall not generate more than twelve (12) business related visitations per day which shall constitute twelve (12) arrivals and twelve (12) departures by vehicle. Home occupation Day-Care Centers and Preschools shall not generate more than twelve (12) arrivals and twelve (12) departures per day by vehicle. These standards shall not be construed so as to prohibit occasional group gatherings, recitals, or demonstrations. However, such gatherings shall not occur more frequently than once per month and must be held within the visitation hours specified above in this paragraph.
 12. Any published advertising for the home occupation shall not include the residential street address unless the advertisement states that customers shall be received by appointment only.
- B. Particular Home Occupations Permitted: Permitted home occupations may include, but are not limited to, the following list of occupations, provided, however, that each home occupation is subject to the home occupation restrictions and limitations within these regulations:
1. Teaching or instruction provided not more than three (3) students are taught at any one time and not more than twelve (12) students per day.
 2. Preschools or day-care centers for not more than six (6) children or adults per day, when properly approved by the Johnson County Health Department or other such agencies as may be required by law.
 3. Professional office for accountants, architects, bookkeepers, engineers, lawyers, and similar professions.
 4. Offices for Realtors, insurance agents, brokers, sales representatives, and manufacturing representatives when no exchange of tangible goods is made on the premises.
 5. Home crafts and hobbies such as model making, rug weaving, and the like articles produced or constructed as a hobby activity shall not be sold on the premises except on an occasional and infrequent basis.
 6. Tailoring, alterations, and seamstresses.
 7. Beauty shops.
 8. Medical offices such as physicians, dentists, chiropractors' offices.

9. Repair of items such as small appliances; personal electronic devices such as radios, televisions, stereos, personal computers or calculators provided that the use fully conforms with the performance requirements for home occupations.

C. Particular Home Occupations Prohibited:

1. Retail sales and services such as antiques, second-hand merchandise, groceries, and the like. However, this prohibition shall not apply to garage sales, tag sales, or similar occasional, temporary sales which may otherwise be permitted by County regulations such as the Code of Regulations for Special Events and Activities.
2. Equipment rental.
3. Automobile and other motor vehicle repair services.
4. Tourist homes including bed and breakfast facilities.

Section 6. ACCESSORY BUILDINGS AND STRUCTURES IN GENERAL:

Accessory structures shall comply with the following standards except as may be otherwise specifically provided for in these regulations:

A. Location:

1. Location in Required Setback: Accessory buildings and structures shall not be located in any Required Setback unless either:
 - a. Otherwise allowed by these regulations, or
 - b. Approved by a variance as provided in Article 3 of these regulations.
2. Location in Front Yard - Rural, Planned Rural, Residential and Planned Residential Districts:
 - a. For lots with a lot area of greater than three acres in the Rural or Planned Rural Districts, accessory buildings and structures shall be allowed in the Front Yard.
 - b. For lots meeting the following conditions, accessory buildings and structures shall not be located in the Front Yard, unless authorized by the approval of a Conditional Use Permit as provided in Article 23 of these regulations:
 - 1) Lots with a lot area of three acres or less in the Rural or Planned Rural District, or
 - 2) Lots in a Residential or Planned Residential District, regardless of the lot area.Such a Conditional Use Permit is subject to performance standards, as set forth in Article 23, Section 4(A)(1) of these regulations.

3. Location in Any Yard - Planned Employment and Planned Retail Business Districts: For lots in the Planned Employment and Planned Retail Business Districts, accessory buildings and structures may be allowed in the Front, Side, and Rear Yards as part of an approved Development Plan in accordance with Article 15 of these regulations. In determining whether accessory buildings or structures should be allowed, consideration shall include, but not be limited, to the following criteria:

- a. Construction should be of similar or compatible materials and have an appearance and scale (e.g., height and bulk) compatible with the business on the property and the buildings or structures on nearby properties, so as to not cause substantial adverse visual or other negative impacts to surrounding properties; and
 - b. Accessory building or structures may be required to be screened or landscaped (e.g., fencing, trees, shrubs, berm), if necessary.
- B. Accessory Building Size Limitations: Unless otherwise approved by Conditional Use Permit as provided for in Article 23 of these regulations, accessory buildings and structures shall comply with the following standards on all tracts smaller than 10 acres except in the Planned Retail Business Districts and the Planned Employment Center Districts:
- 1. Floor Area: The accessory building or structure ground floor area shall not exceed the following:
 - a. For any lots 1 acre or smaller, the total main floor area of all accessory buildings and structures shall not exceed nine hundred (900) square feet, provided that such buildings or structures shall not cover more than 30% of the rear yard.
 - b. For any lots larger than 1 acre, the maximum allowed total main floor area for all accessory buildings and structures shall increase from nine hundred (900) square feet by three hundred square feet for each full acre of lot size greater than one (1) acre and the maximum allowed total main floor area for accessory buildings and structures shall be determined on a pro-rata basis for fractions of a full acre.
 - c. For lots with a nominal lot area of 10 acres or larger, the total main floor area of accessory buildings and structures shall not be limited if the structures comply with all setback requirements of these regulations.
 - d. Notwithstanding items a, b, and c, of Section 6, (B)(1) above, tool sheds and pool houses shall be permitted as follows: Tool sheds smaller than 120 square feet and pool houses smaller than 200 square feet are permitted in the Rural, Residential and Planned Residential Districts.
 - e. Notwithstanding the cumulative “total main floor area” limitation for all accessory buildings and structures set forth within this section, an additional three hundred (300) square feet of floor area shall be allowed for open-walled accessory buildings and structures including, but not limited to: (1) unattached carports and picnic shelters, and (2) open-walled, lean-to-roofed areas such as equipment sheds, boat or recreational vehicle shelters.
 - 2. Height: The maximum height of accessory buildings or structures shall not exceed two (2) stories or thirty (30) feet in the RUR, PRUR, RLD, RN-2, PRLD, PRN-2, and PAE districts or two (2) stories or twenty-five (25) feet in the RN-1, PRN-1, PRU-1A, PRU-1B, PRU-2, PRU-3, PRU-4, PRMHP, PRMHS, PRB-1A, PRB-1, PRB-2, PRB-3, PEC-1, PEC-2, PEC-3, and PEC-4 districts unless specifically excepted from this height restriction by Article 17 of these regulations or unless the buildings or structures are accessory to an agricultural use.

- C. Number of accessory buildings or structures: For lots smaller than 10 acres, no property shall have more than 3 accessory buildings or structures unless approved by a Conditional Use Permit as provided in Article 23 of these regulations.
- D. Special Yard Setbacks in the PRU, PRB, PEC and PAE districts:
1. Accessory buildings or structures with a main floor area not larger than 200 square feet and detached private garages with a main floor area not larger than 750 square feet shall be set back at least:
 - a. 10 feet from rear and side property lines,
 - b. however, if the building or structure is taller than sixteen (16) feet, then the yard setbacks shall be at least equal to the building height, but the yard setbacks need not exceed the minimum yard setback requirements for the zoning district in which the accessory buildings or structures they are located unless otherwise required by these regulations. (See especially Sections 6 (E)(F) and (G) of this Article).
 2. Accessory buildings or structures with a main floor area larger than 200 square feet, and detached private garages with a main floor area larger than 750 square feet shall comply with the yard setback requirements for the zoning district in which they are located.
 3. The setbacks required for carports, open-walled lean-to roofed structures shall be the minimum setbacks of the zoning district or the height of the open-walled structure whichever is greater.
- E. Satellite Antennae: Ground-mounted satellite dish receiving or transmitting antennae are permitted. If the antennae dish is larger than forty-two (42) inches in any dimension, in any residential district, in the RUR, Rural District, or in the PRUR, Planned Rural District, on any lot smaller than 10 acres, or, if the antennae dish is larger than eighty-four (84) inches in any dimension in any planned retail business district, planned employment center district, or planned adult entertainment district, the following performance standards shall be met:
1. Ground-mounted satellite dish antenna shall not exceed 13 feet in height from the grade where it is mounted.
 2. Any satellite dish antenna shall be located within the rear yard or in any side yards which does not abut a street, and satellite dish antenna shall be located at least fifteen (15) feet inside the property lines.
 3. All cables and lines serving the satellite dish antenna shall be located underground.
 4. Satellite dish antennae shall only be ground mounted and the above provisions shall apply unless otherwise approved as to location or ground mounting by a Conditional Use Permit as provided in Article 23 of these regulations.
 5. Nothing contained herein shall relieve a person from the necessity of satisfying any and all governmental licenses or permits required for operation, if any.
- F. Solar Collectors: Solar collectors shall be permitted provided that the following performance standards are met:

1. Roof-mounted residential building solar collectors located on front or side building roofs visible from the public right-of-way shall not extend above the peak of the roof plane where it is mounted and no portion of any such solar collector shall extend more than 24 inches as measured perpendicularly to the roof at the point where it is mounted.
 2. Roof-mounted residential building solar collectors located on the rear or interior side building roofs shall not extend above the peak of the roof plane where it is mounted and no portion of any such solar collector shall extend more than four feet as measured perpendicularly to the roof at the point where it is mounted.
 3. Ground-mounted solar collectors shall not exceed 8 feet in total height and shall be located within the rear yard at least 12 feet inside the property lines.
 4. All utility service lines serving a ground-mounted solar system shall be located underground.
 5. Any system incorporated into a nonresidential building shall be integrated into the basic form and main body of the building. If roof mounted, all collector panels shall fit into the form of the roof; if the building's roof is sloped or if "rack" mounting is used on a flat roof, the mounting must be concealed from view at street level. Exposed rack supports and freestanding collectors apart from the main building shall not be permitted.
 6. Roof mounted solar energy systems mounted on "accessory or detached buildings" are allowed on detached garages or swimming pool equipment buildings. Detached "greenhouses" are also acceptable. All such energy systems mounted on accessory or detached buildings shall conform to the requirements outlined in paragraphs F(1) and F (2) above. No freestanding panels or panel racks shall be allowed.
 7. If an active solar or photovoltaic solar system is utilized, all components servicing the collector panels shall be concealed including mechanical piping, electrical conduits, and the like.
 8. All exposed metal, including the framework of active collector panels or exposed mullions and framework of passive systems shall be colored to visually blend into the surroundings.
- G. Additional Accessory Structures: Such additional accessory structures as private swimming pools, television and radio antennae used for domestic purposes, flagpoles, and play equipment are permitted under the following conditions:
1. Television and radio antennae are not permitted in the required front yards.
 2. No additional accessory structure allowed by this subsection shall exceed 60 feet in height unless approved by Conditional Use Permit as provided for in Article 23 of these regulations.
 3. Above ground structures of the type listed in this subsection shall be setback from property lines a distance at least equal to the height of the accessory structure.
 4. Swimming pools are not permitted in the required front yards or in required side yards. Swimming pools, hot tubs, whirlpools, etc. shall be setback from rear and side property lines at least 10 feet and shall be fenced as required by the applicable Johnson County Building Code, (See also Article 16, Sections 2 and 3 of these regulations).
- H. Fences: Allowed as provided in Article 16, Sections 2, 3, and 4 of these regulations.

Section 7. ACCESSORY USES IN GENERAL:

- A. Animals: The keeping of common, ordinary household pets such as dogs, cats, fish, birds or hamsters in quantities less than those which would require a Conditional Use Permit for an animal boarding, breeding or raising facility shall be permitted as an accessory use in any district. Hogs, ruminants, or other similar such animals shall not be kept in the Residential or Planned Residential Districts or in any district on tracts with a nominal lot area smaller than ten (10) acres. However, the keeping of animals or poultry in Residential or Planned Residential Districts or in any district on tracts with a nominal lot area smaller than ten (10) acres as an accessory use shall be permitted in accordance with the following provisions:
1. Horses, ponies, poultry or small domesticated animals other than those commonly kept as household pets may be kept and the total number of such animals or poultry allowed on any lot shall be determined by use of the following formulae:
 - a. One (1) horse or pony on lots no smaller than two (2) acres, and one (1) additional adult horse or pony for each additional one and one-half (1.5) acres of lot area. At least one (1) acre of open lot area shall be made available for each horse or pony kept on any property subject to this provision.
 - b. For lots less than ten (10) acres and not smaller than three (3) acres, fifteen (15) poultry or small domesticated animals other than those commonly kept as household pets for the first three (3) acres of lot area and five (5) additional poultry or small animals other than household pets for each additional one (1) acre of lot area.
 2. Barns, stables, or other such accessory structures sheltering permitted horses or poultry shall not be located in the required front yard nor less than 25 feet from side or rear lot lines.
 3. Any 4-H Project is permitted in accordance with the provisions in Section 7 (A)(1) and (2) above and may be otherwise permitted by Conditional Use Permit as provided in Article 23 of these regulations for situations that would not comply with the above referenced formulae.
 4. The keeping of animal(s) in any manner other than as provided above shall not be allowed in the Residential or Planned Residential Districts or in any other district on tracts with a nominal lot area smaller than ten (10) acres unless a Conditional Use Permit is approved in accordance with the provisions of Article 23 of these regulations.
- B. Storage of Recreational Vehicles: In the Rural, Planned Rural, Residential, and all Planned Residential Districts, storage of recreational vehicles is permitted only in accordance with the following provisions:
1. Recreational vehicles shall not be stored except:
 - a. Within an enclosed building; or
 - b. In the rear yard behind the principal structure or in a side yard other than the street side yard of a corner lot behind the front setback line and at least ten (10) feet from all lot lines.
 2. Such storage shall be permitted for only those recreational vehicles owned by occupants of the premises.

3. No travel trailer, pick-up camper, bus or truck converted into a camper, or motor home, whether owned by the occupant of the premises or owned by others, shall be utilized for living, sleeping or housekeeping purposes for longer than two (2) weeks total during any twelve (12) month period when parked in any location not zoned and approved for such use.
4. No more than one (1) boat and boat trailer and no more than one (1) travel trailer, pick-up camper, bus or truck converted into a camper, or motor home may be stored outside a building.
5. Temporary Parking in the Customary Driveway: A boat, a camping trailer, a pickup camper, a motor home or a recreational vehicle may be parked in the customary driveway for purposes of loading or unloading or trip preparation for a period of time not to exceed 48 hours total cumulatively within a thirty-day period.

C. Vehicle and Equipment Storage:

Storage of Utility Trailers, Farm Equipment, or Vehicles Larger Than Light-Duty Trucks shall be governed by special requirements in certain zoning districts:

1. In the Rural District, RUR and, in the Planned Rural District, PRUR, on any lot larger than three (3) acres; in the Planned Research and Development Park District, PEC-1; in the Planned Research Development and Light Industrial District, PEC-3; and in the Planned Industrial District, PEC-4; such storage shall not have special requirements.
2. In all other districts, such storage shall be permitted only in accordance with the following special requirements:
 - a. Utility trailers or vehicles larger than light-duty trucks shall not be stored except:
 - 1). Within an enclosed building; or
 - 2). In the rear yard behind a building or similar structure or behind the front setback line in a side yard other than the street side yard of a corner lot.
 - b. No such utility trailer or vehicle larger than light-duty truck may be used for storage purposes unless a temporary permit is obtained as provided in Article 16, Section 6 for temporary storage use during construction on the lot.
 - c. Parking for utility trailer and light-duty truck(s) shall not be allowed except that not more than one (1) such vehicle may be parked at any residential property regardless of whether the vehicle is a business-owned vehicle, if it is typically used to commute to work sites at least four (4) times each week.
 - d. In all Residential or Planned Residential Districts no more than two (2) utility trailers may be stored provided that only one such trailer may have a box length greater than eight (8) feet in length or be a utility trailer not normally tow able behind a passenger car. Such trailers shall be either stored in an area not visible from nearby roads or residences or stored in an area screened from nearby roads or residences by a visually opaque fence or densely planted landscaping.
 - e. Farm equipment shall not be stored except:
 - 1). Within an enclosed building; or

Section 9. RESIDENTIAL, PLANNED RESIDENTIAL DISTRICTS, AND PLANNED RURAL DISTRICT:

- A. Permitted Accessory Uses: Home Occupations as provided in Section 5 of this Article and guesthouses.
- B. Accessory Buildings and Structures in General: as provided in Section 6 of this Article.
- C. Accessory Uses in General: as provided in Section 7 of this Article.
- D. On lots not smaller than one (1) acre, Limited Garden Uses, and on lots not smaller than two (2) acres the keeping of animals as provided in Section 7 of this Article.

Section 10. PLANNED RETAIL BUSINESS DISTRICTS AND PLANNED EMPLOYMENT CENTER DISTRICTS:

Subject to development plan approval as required by Articles 11 and 15 of these regulations, accessory uses, buildings, or structures such as the following shall be allowed:

- A. Permitted Accessory Uses: Cooling towers, employee recreation facilities and functions, food service and vending machines inside the building, flagpoles, gatehouse, loading areas, low-level exterior lighting, private garage for motor vehicles, security and screening fencing, signs as permitted by these regulations, storage facilities, radio or television or microwave antennae not exceeding 60 feet in height and setback from the property line a distance at least equal to the height of the structure, private fire stations or private facilities for utility services required by the development, temporary or efficiency living quarters for persons providing security or management services to other facilities on the same site, and other similar uses. Except in PEC-1, Day-Care Centers and Preschools.
- B. In PEC-4 district, retail sales areas if they do not exceed ten percent (10%) of the gross floor area of the main use or five thousand (5,000) square feet, whichever is less.
- C. Accessory Buildings and Structures: as provided in Section 6 of this Article.
- D. Accessory Uses in General: as provided in Section 7 (C) of this Article.

