

## ARTICLE 14

### ACCESSORY USES AND NON-CONFORMING USES

#### 14.1 ACCESSORY USES - DEFINITION

An accessory use is a use or structure which is incidental and subordinate to the principle structure or use on a lot or group of lots. Accessory uses are subordinate in area and purpose and are intended for the convenience or necessity of the occupants, business, or industry in the principle building or use. An accessory building shall not cover more than fifteen percent (15%) of the lot area.

#### 14.2 ACCESSORY USES PERMITTED

Accessory uses and structures may be permitted in any zoning district provided such uses or structures conform with the definition in Section 14.1. Permitted accessory uses and structures include but are not limited to the following:

1. Buildings such as garages, carports, bath houses, gardening sheds, recreation rooms, and similar structures which are customarily used in conjunction with, and incidental to, a principle use or structure.
2. Children's playhouses, provided they shall be in keeping with the principle structure and are located in the rear yard.
3. Swimming pools, gazeboes, green houses, and permanent barbecue stoves, all to be located in the rear yard only.
4. Storage of materials used for construction of a building, including the contractor's temporary office, provided that such use is on the building site or immediately adjacent thereto, and provided further that such use shall be permitted only during the construction period and thirty (30) days thereafter.
5. Flagpoles, fences, walls, trellises, statuary and arbors.
6. Fallout shelters provided that they shall not be used for any other purpose.
7. Off-street parking and loading in conformance with Article 15.
8. Satelllite T.V. reception dish located in rear yards only.
9. Uses incidental to permitted hotels or motels such as clubs, gift shops, restaurants, etc.

#### 14.3 ACCESSORY USE RESTRICTIONS

The following is a list of restrictions on accessory uses and structures:

1. In Residential Zoning Districts there shall be no storage or overnight parking of trucks, buses, or other vehicles with a manufacturer's rating of more than 2 tons.
2. No accessory structure shall be constructed within the front yard setback.
3. In Residential Zoning Districts, no accessory building shall be constructed upon a lot until the construction of the main building is substantially completed and no accessory building shall be used for dwelling purposes.
4. On corner lots, accessory structures and uses shall conform to the setback requirements on both street frontages.
5. Vision clearance areas shall be free of obstructions (See Article 17.14).

#### 14.4 NONCONFORMING USES - DEFINITION

Any building or land lawfully occupied by a use, at the time of the effective date of this Zoning Ordinance or amendments hereto, which does not conform with the regulations of the district in which it is situated.

#### 14.5 NONCONFORMING USES PERMITTED TO CONTINUE

1. The lawful use of land or a structure:
  - a) Existing at the time of the adoption of this Zoning Ordinance,
  - b) Existing at the time of annexation of a particular area of the corporate limits of the City of Rossville, or
  - c) Existing at the time an amendment is made to the Zoning Ordinance so as to transfer the land to a more restricted district, as the case may be, may be continued, although such use does not conform to the provisions of this Zoning Ordinance as amended.

#### 14.6 NONCONFORMING USES TO BE DISCONTINUED

1. Whenever a nonconforming use of a building has been changed to a more conforming use, such use shall not thereafter be changed to a less restricted use.

2. No nonconforming structure may be changed in any way unless such change is necessary to protect life and safety or unless the change results in a structure that is in greater conformity to these resolutions.
3. Any nonconforming use that discontinues operation for a period longer than one (1) year shall thereafter not be continued unless it fully conforms to the district regulations, provided that the Governing Body has shown intent to abandon said nonconforming use.
4. Any use which is accessory to a nonconforming use shall not continue after the principal structure or use ceases or is discontinued.
5. No building which has been damaged by any casualty, fire, flood, wind, act of God, or public enemy, to the extent of more than sixty (60%) percent of the structural value of the building and land upon which it is located, shall be restored unless authorized by the Board of Zoning Appeals in accordance with Article 20.3, Section 3, except in conformity with all Zoning Regulations then in effect as to the land involved, the same as though such land were unimproved and had never been occupied by a nonconforming use. Should there be a question as to the structural value, the same shall be determined by three appraisers, one of whom shall be selected by the Governing Body, one by the owner and a third by the two so appointed and the decision of the appraisers or a majority of them shall be final and conclusive and binding upon all concerned for the purpose of determining whether the damaged property may be restored. The cost of such appraisal shall be paid by the property owner.

#### 14.7 MAINTENANCE AND REPAIR OF NONCONFORMING STRUCTURES

1. Routine maintenance and repair may be permitted. Such repairs shall not be construed to mean major remodeling.
2. Remodeling may be permitted only after authorized by the Board of Zoning Appeals in accordance with Article 20.3, Section 5.