

## 153.009 ACCESSORY STRUCTURES

- (A) This section shall apply to any detached structure other than the principal structure, whether enclosed or open, whether site built or built off-site and brought to the property and/or placed on the property. This section shall not apply to swimming pools.
- (B) No accessory structure for which this section is applicable shall be constructed or placed on a lot without prior issuance of a zoning permit issued by the Development Services Director. No permit will be issued for accessory structures on lots without a principal structure present.
1. Mailboxes/ Newspaper boxes, flagpoles, pump houses/ covers, wells, birdhouses, doghouses under 15 SF, and grounded satellite dish antenna 3' in diameter or less may be placed in front, side, or rear yards without requiring a zoning permit- no minimum setbacks required.
- (C) Accessory structures shall be required to meet minimum setback requirements.
1. No accessory structures shall be located in any front yard. The front yard is determined and defined by "a line that runs along the front wall and extends therefrom in a straight line to either side property line".
  2. Side and rear setbacks of at least five feet shall be required for residential accessory structures. Accessory structures on lots zoned Business, Industrial, and Office, unless the property is currently being used and occupied as a residence, require side and rear setbacks of at least ten feet, and 20' if adjacent to a residential lot.
  3. Accessory structures shall be located at least five feet from any other building on the same lot and ten feet from any building on adjacent lots.
  4. If property lines are not clear enough to determine if setback requirements can be met, the Development Services Director may require a survey of the property prior to issuing permit for accessory structure.
- (D) Accessory structures shall be limited by all of the following criteria:
1. *Quantity*- The number of accessory structures shall be limited based on lot size. Lots 1 acre or less shall be limited to 2 accessory structures, and lots over 1 acre limited to 3 accessory structures, with the exception of a carport, garage, or any accessory structure listed in B(1) as not requiring a permit.
  2. *Total Allowable Area*-The total allowable area of accessory structures shall be based on a parcel's lot size and dependent on the heated area of the principal structure.
    - i. The total square footage of all accessory structures on lots less than 1/4 acre in size shall not exceed 50% of the square footage of the heated area of the primary structure (house, dwelling) on the property, or 500 SF, whichever is less.

- ii. The total square footage of all accessory structures on lots between  $\frac{1}{4}$  acre and 1 acre in size shall not exceed 50% of the square footage of the heated area of the primary structure (house, dwelling) on the property, or 750 SF, whichever is less.
  - iii. The total square footage of all accessory structures on lots between 1 and 3 acres in size shall not exceed 50% of the square footage of the heated area of the primary structure (house, dwelling) on the property, or 1200 SF, whichever is greater.
  - iv. The total square footage of all accessory structures on lots greater than 3 acres in size shall not exceed 50% of the square footage of the heated area of the primary structure (house, dwelling) on the property, or 1500 SF, whichever is greater.
3. *Oversized Structures*- Any single structure on a lot, other than the primary structure, that is greater than 1000 SF shall require a Conditional Use permit, including but not limited to garages, barns, horse corrals, or agricultural buildings.
- (E) *Private residential quarters*: Private residential quarters shall be permitted as an accessory use to any single-family detached dwelling unit (except manufactured homes) in accordance with the following requirements:
1. The private residential quarters may be attached to or separate from the principal dwelling unit. If it is located in a detached structure, it shall meet all accessory structure requirements.
  2. The owner of the principal dwelling unit shall live on-site and the owner of the private residential quarters shall be the same as the owner of the principal dwelling unit.
  3. No more than one private residential quarter shall be allowed per lot. Private residential quarters are included in the count of total allowable accessory structures per lot outlined in D(1).
  4. The private residential quarters shall be occupied by a disabled or elderly person, family member, occasional guest, or caregiver.
  5. The total square footage of the private residential quarters shall be no greater than 50% of the total heated area of the principal dwelling unit, or 750 square feet, whichever is less. The square footage for private residential quarters is not to be included in calculations for the total allowable area of accessory structures, but is included in the number of allowable accessory structures per lot.
  6. The private residential quarters shall be located in the rear yard only and setbacks shall be at least 15 feet from the side and rear lot lines.
  7. The private residential quarters shall be served by the same driveway as the principal structure and shall have at least two off-street parking spaces dedicated to its use.
- (F) *Appearance*- No accessory structure located on a lot zoned residential shall be permitted that involves or requires any external construction features which are not primarily residential in nature or character. Accessory structures shall not be made of highly reflective metal materials and shall not exceed the height of the principal structure. Some examples of structures that cannot be used as an accessory structure include, but are not limited to: school buses, manufactured homes, tractor-trailers (with or without wheels), buses, recreation vehicles (RVs and campers), and exposed/un-clad cargo containers.

(G) *Non-Conforming Structures*- Accessory structures erected prior to November 15, 2016 that do not comply with this section are considered exempt if all of the conditions outlined below are present:

1. The non-conforming structure does not create a public nuisance as defined by the Town of Dallas Code of Ordinances 92.01 entitled “Property Maintenance, Removal of Trash, Weeds; Lien”.
2. The non-conforming structure is not in a state of disrepair.
  - i. If the structure becomes damaged by fire, flood, explosion, earthquake, wind, storm, hurricane or any other act of God, war or riot, becomes damaged by any third-party by no fault of the owner, or becomes damaged by the owner by accidental means, then the non-conforming structure may be repaired and/or replaced regardless of the cost.
  - ii. If the structure becomes damaged and/or deteriorated due to lack of maintenance, and the cost to repair and restore the non-conforming structure would exceed 50% of the replacement cost, the non-conforming structure shall be discontinued, requiring demolition and removal from the property by the owner.
3. The non-conforming structure has not been moved, altered (other than required maintenance), enlarged, changed, demolished, or discontinued from use.
  - i. Any relocated, replaced, or modified non-conforming accessory structure shall conform to all requirements of this section for new accessory structures.

Example:

➤ A 1250 SF residence on ¼ acre has an existing 750 SF private residential quarters, a 500 SF 2 car garage and a 120 SF shed. Is this allowed? Max # of structures= 2, Max SF of structures=625 SF

- # of accessory structures= 2 (residential quarters and shed- doesn't count garage) allowed
- SF of accessory structures = 500 SF garage + 120 SF shed= 620 SF (doesn't count residential quarters) allowed

➤ The owners would like to add a 300 SF pool to the rear yard of the property. Is this allowed?

Yes- pool must adhere to requirements of Town of Dallas Code of Ordinances 92.06 and 153.017.

➤ Can a 250 SF poolhouse be added later?

# of accessory structures= 3 (res. quarter, garage, and poolhouse)

NOT ALLOWED      max 2 accessory structures on less than 1 acre

SF of accessory structures= 500 SF garage + 120 SF shed + 250 SF poolhouse = 870 SF

NOT ALLOWED      870 SF > 625 SF (50% of 1250 SF)