

15.04.040 - Accessory Uses and Structures.

- A. **Purpose.** The purpose of this section is to authorize the establishment and continuation of land uses and structures that are incidental and customarily subordinate to principal uses. This section is intended to allow a broad range of accessory uses and structures provided they are listed in Table 4.1, Table of Allowed Uses, and comply with the standards in this section.
- B. **General Standards for All Accessory Uses and Structures.**
1. **Relationship to Principal Use or Structure.**
 - a. Except as otherwise allowed in this development code, an accessory use or structure shall not be established or constructed before the establishment or construction of the principal use or structure.
 - b. If the principal use or structure is destroyed or removed, the accessory use or structure shall be considered nonconforming.
 - c. The total floor area of any one accessory structure to a residential use shall not exceed 50 percent of the floor area of the principal structure(s).
 - d. The total floor area of all accessory structures to a residential use shall not exceed 75 percent of the total floor area of the principal structure(s).
 - e. Accessory uses shall not be permitted as the exclusive use of any property.
 - f. Accessory structures in residential districts shall not be taller than the principal structure(s).
 2. **Location of Accessory Uses and Structures.**
 - a. No accessory structure shall be located within any platted or recorded easement or over any known utility, or in an area designated as a fire lane or emergency access route on an approved site plan.
 - b. No accessory structure shall impede the access to or function of a vehicle use area.
 - c. Accessory structures more than 120 square feet in size shall be located a minimum of five feet from the property line. Accessory structures less than 120 square feet shall not occupy more than 50 percent of the combined required rear and side setbacks and shall be located a minimum of three feet from the property line and located to accommodate lot drainage.
 - d. Accessory structures shall not be located closer to the front property line than the principal structure(s).
 3. **Same Ownership Required.** Accessory uses and structures, and principal uses and structures, shall be under the same ownership.
 4. **Use of Accessory Structures.** Accessory structures, except for accessory dwelling units, shall not be used for living or sleeping quarters and shall not contain plumbing capable of facilitating a bathroom or kitchen. Accessory structures, including garages, shall not be used for the storage of goods, vehicles, or maintenance tools related to another use off-site.
- C. **Standards Applicable to Accessory Uses.**
1. **Accessory Dwelling Unit.** Accessory dwelling units (ADU) are allowed pursuant to Table 4.1 and subject to the following standards:
 - a. **Location and Use.**
 - i. Shall only be permitted as accessory to single-family detached dwellings.
 - ii. An accessory dwelling may be integrated into the principal dwelling structure or located in a detached, accessory structure such as a garage.
 - iii. The accessory dwelling unit shall be located on the same lot as the principal single-family detached dwelling.
 - iv. Mobile homes, recreational vehicles, and travel trailers shall not be used as accessory dwelling units and shall not be used as permanent dwellings in any zoning district pursuant to the Municipal Code.
 - b. **Number and Size of Accessory Units.**

- i. Only one accessory dwelling unit is allowed on a lot in addition to the principal single-family detached dwelling.
 - ii. Accessory dwellings shall not exceed one-half of the finished floor area of the principal dwelling unit.
 - iii. Accessory dwelling units located in detached structures shall not exceed the height of the principal dwelling unit.
 - c. **Setbacks.**
 - i. **New Detached ADU.** New detached ADUs shall comply with the following setbacks from property lines:
 - (A) **Front:** 20 feet; however, no ADU shall be located closer to the front property line than the principal dwelling unit.
 - (B) **Rear:** 10 feet.
 - (C) **Side:** 5 feet.
 - ii. **ADU located in Existing Detached Structure.** Accessory dwelling units located in existing detached structures shall not be required to meet new setback standards unless such structure is expanded.
 - iii. **Attached ADU.** Accessory dwelling units that are attached to the principal structure shall meet setbacks for the principal structure.
 - d. **Limit on Sale, Tenancy and Occupancy.**
 - i. The property owner shall occupy the principal or accessory dwelling unit.
 - ii. Accessory dwelling units shall not be sold separately from the principal dwelling.
 - iii. Accessory dwelling units may be leased or rented for tenancies of less than 30 days as a short-term rental only when the property owner is present.
 - e. **Review Procedures.** Accessory dwelling units shall comply with site plan waiver requirements under subsection 15.02.070.C.
- 2. **Day Care Center.** In the R-SF, R-MN, and R-MF zoning districts, a day care center is permitted only as an accessory to a nonresidential use.
- 3. **Dwelling Unit for Owner, Caretaker or Employee.**
 - a. Except for properties in the R-MH zoning district, these units shall be permitted only as an accessory to a nonresidential use.
 - b. Only one such dwelling unit per property shall be allowed.
 - c. In nonresidential zoning districts, the dwelling unit shall be inside or attached to the principal building.
- 4. **Home Occupations.** It is the intent of this subsection to regulate home occupations so that the average neighborhood resident, under normal circumstances, will not be negatively impacted by and will be minimally aware of their existence. Home occupations shall meet the following standards:
 - a. Home occupations shall only be permitted as accessory to a principal residential use.
 - b. Home occupations shall be conducted entirely within the principal structure or an accessory structure associated with the residential use, and shall be carried on by at least one resident of the principal dwelling as well as no more than one additional non-resident.
 - c. Home occupations shall be clearly incidental and secondary to the use of the dwelling for dwelling purposes and shall not change the residential character of the property.
 - d. Size for home occupation:
 - i. For home occupations not serving the public at the location, the total area used for the home occupation shall not exceed an area representing 50 percent of the gross floor area of the principal dwelling unit.
 - ii. For home occupations engaged in serving the public at the location, the total area used for the home occupation shall not exceed an area representing 15 percent of the gross floor area of the principal dwelling unit unless the area of the home occupation is a live/work unit as defined in the building code as adopted by the City of Longmont.

- e. There shall be no advertising or other display or indications of a home occupation.
- f. There shall be no substantial retailing or wholesaling of stocks, supplies, or products conducted on the premises of a home occupation; however, delivery of retail products to the consumer off the premises, such as in the course of a mail order business, shall be permitted.
- g. There shall be no exterior storage on the premises of supplies or material used in the home occupation, nor of any chemically hazardous, explosive, or combustible material within the dwelling or upon the exterior of the property.
- h. A home occupation shall provide additional off-street parking area adequate to accommodate all needs created by the home occupation, without changing the residential character of the premises.
- i. A home occupation shall not generate or result in nuisances such as traffic, on-street parking, noise, vibration, odor, glare, fumes, electrical interference, or hazards greater than that usually associated with residential uses.

5. Livestock Uses.

- a. **Applicability.** Livestock uses, as specified on the animal unit chart, shall be permitted as accessory uses only by public and private educational agencies and scientific research facilities, provided that the following requirements are met.
- b. **Plan Required.** An operation plan shall be submitted to and approved by the director. The following issues shall be satisfactorily resolved:
 - i. Control of odors, noise, insects, pests and rodents;
 - ii. Waste disposal;
 - iii. Containing and cleaning the runoff from the site;
 - iv. Containing the animals;
 - v. Lighting the facilities;
 - vi. Hours of operation of equipment such as tractors, trucks, feed mills, feed-processing operations and other noise- and dust-producing equipment necessary for operation.
- c. **Setbacks.**
 - i. Livestock uses located within 1,000 feet of a residential lot in a residential zoning district shall require conditional use approval under subsection 15.02.060.C.
 - ii. All buildings associated with the accessory use shall be located a minimum of 50 feet from all property lines.
- d. **Minimum Amount of Open Area.** A minimum area of one acre of open area is required.
- e. **Maximum Number of Animals.** The maximum number of animals must not exceed 1½ animal units per one acre of open area if the animals are to be primarily located outside. Animal units are calculated based on the animal unit chart below. For animals contained within a structure, the maximum number of animals permitted shall be determined by recognized livestock industry standards.

Table 4.3: Animal Unit Chart

Livestock Category	Animals per Animal Unit
Cattle/Buffalo/Horse	1
Swine/Ostrich	5
Goat/Sheep/Llama	5

Poultry	50
Other Livestock	1
Note: Young animals shall not be counted until they are weaned.	

6. **Outdoor Sales, Display of Merchandise, Storage or Other Activity.** Outdoor sales, display of merchandise, storage, or other activity shall be limited to ten percent of the total gross floor area of the principal use, and shall comply with the standards for outdoor service, storage, equipment, loading, and display in section 15.05.130.

7. **Recycling Collection Point.**

- a. Recyclable materials shall be collected and stored in a completely enclosed building unless the director determines that completely enclosed containers located adjacent to or behind a building will be compatible with the surrounding businesses and neighborhood.
- b. No materials shall be left outside of the building or containers.

8. **Retail Sales.**

a. **Retail Sales as Part of Industrial and Warehouse Uses.**

- i. All retail sales shall be conducted within the same structure housing the principal industrial or warehouse use, and no permanent outdoor retail sales activity shall be allowed;
- ii. Items for sale shall either be manufactured by the principal use or part of the principal warehouse's stock;
- iii. Maximum area of the accessory retail use shall be 25 percent of the total gross floor area of the principal use.

b. **Retail Sales as Part of Agricultural Uses.**

- i. Hours of operation shall be limited to 7:00 a.m. to 10:00 p.m.
- ii. Items for sale shall be agricultural goods produced on-site (excluding livestock of any type or form) as part of an allowed agricultural use.
- iii. The maximum area of the accessory retail use shall be 25 percent of the area of all buildings on the parcel.

9. **Storage or Parking of Vehicles or Recreational Equipment.** In the MU-D and N-AG zoning districts, these uses shall be allowed only as accessory to residential uses.

10. **Vehicle Rental Accessory to Self-Storage Warehouse.**

- a. No more than five trucks or trailers available for rent shall be allowed on-site.
- b. Rental trucks and trailers shall be parked when not in use behind or in-between the warehouse buildings and screened according to the standards in this code.

11. **Vehicle Wash Bay** A single-bay car wash shall be allowed only as accessory to a permitted gasoline service station use, public vehicle storage and maintenance facility, or motor vehicle sales and rental use.

12. **Other Accessory Uses, as Determined by the Director.** The director shall have the authority to determine other appropriate accessory uses not otherwise listed as such in Table 4.1, if such uses comply with the general standards in subsection B above, comply with applicable review criteria, and do not adversely impact surrounding properties.

D. **Standards Applicable to Accessory Structures.**

1. Flagpoles, Satellite Dishes and Antennas, Solar Energy Systems, and Wind Turbines.

- a. The height shall not exceed the maximum structure height for the zoning district in which they are located, except that roof-mounted solar energy systems may exceed the structure height per Table 3.19.
- b. Satellite dishes and antennas, solar energy systems, and wind turbines shall not be located in the front setback in a residential zoning district.
- c. Ground-mounted solar energy systems shall represent the lowest profile as technically feasible.

2. Residential Garages and Carports.

- a. **Height.** The maximum height shall not exceed the height of the principal structure.
- b. **Size.** The maximum size shall not exceed half of the size of the gross floor area of the principal dwelling unit. However, a dwelling unit with a gross floor area of less than 1,000 sq. ft. shall be allowed a detached garage or carport up to 500 sq. ft.