

INDEPENDENCE ZONING ORDINANCE

ARTICLE 4 USE REGULATIONS & STANDARDS

4.05 Use-Specific Standards

J. Accessory Structures or Uses, Customary

1. Accessory Uses

- a. All accessory uses must be located on the same lot as the principal use, and shall not be separated from the principal use by a lot line or a public street. Accessory uses on separate lots from the principal use or on a site separated from the principal use by a public street shall be considered principal uses and will be regulated as such.
- b. Customary accessory uses shall not be construed to authorize a use not otherwise permitted in the district where located.

2. Accessory Dwellings

- a. See Section 7.04, Character Standards for additional standards.
- b. Accessory dwellings are included in the cumulative floor area limitations established in Subsection 3 below.
- c. Where permitted, only one accessory dwelling unit may be established per single-family or two-family lot.
- d. Where permitted, accessory dwelling units may only be established on lots with a size equal to or greater than 5,000 square feet.
- e. Accessory dwelling units are exempt from the lot area per unit and maximum density standards of Section 3.04, Zoning District.
- f. Accessory dwelling units may be attached to or detached from the primary dwelling unit.
- g. For attached accessory dwelling units:
 1. Only one entrance is permitted on the front of the primary dwelling unit. An additional entrance is permitted on the side or rear of the primary structure.
 2. The accessory dwelling unit shall conform to the setbacks required for primary structures.
- h. Setbacks for detached accessory dwelling units shall conform to setbacks for other accessory structures.
- i. The maximum size of an accessory dwelling unit is 75 percent of the living area of the primary dwelling unit or 800 square feet, whichever is less.
- j. The accessory dwelling unit shall not exceed the height of the primary structure.
- k. The property owner shall occupy either the primary dwelling unit or the accessory dwelling unit.
- l. Where short term rentals are permitted, accessory dwelling units may be used as short-term rentals subject to the provisions of Section 4.05, F., 2., Short Term Rentals.
- m. Any residential dwelling unit using septic tanks shall comply with Section 8.03, E., Water Quality Buffers.

3. Accessory Structures Except Accessory Dwellings

- a. Accessory structures in all districts:
 1. Cumulative floor area as used in this section includes all accessory buildings and accessory dwellings.
 2. No accessory structure shall be in any front yard or required minimum side yard (on each side of the lot) in any district. Accessory structures and uses may be permitted to extend into the minimum rear yard areas, as defined herein, in all districts, provided that such structures are set back from the rear lot line a minimum of ten (10) feet, and required minimum side yard clearances are maintained.
 3. See [Article 7](#) for additional standards for garages and carports.
- b. Accessory structures in the Residential Rural Estate, Residential Large Lot Subdivision, and Conservation districts:
 1. Shall meet all setback requirements. See Section 5.08 for exceptions for small buildings.
 2. The cumulative floor area of all accessory buildings located in the rear yard shall not exceed 50 percent of the rear yard area.
 3. The cumulative floor area of all accessory buildings located in the side yard (where permitted) shall not exceed 50 percent of the side yard area .
- c. Accessory buildings in the Residential Conventional Subdivision, Residential Compact Subdivision, and Residential Mixed districts:
 1. Shall meet all setback requirements. See Section 5.08 for exceptions for small buildings.
 2. The cumulative floor area of all accessory buildings located in the rear yard shall not exceed 700 square feet or 20 percent of the rear yard, whichever is less.
 3. The cumulative floor area of all accessory buildings located in the side yard (where permitted) shall not exceed 700 square feet or 20 percent of the side yard, whichever is less.
 4. In all cases, the cumulative floor area of all accessory buildings shall not exceed the floor area of the primary structure.
- d. Accessory buildings in the Mobile Home Park district:
 1. Each dwelling site may have one carport and one additional accessory building which shall not exceed 25 percent of the dwelling or 200 square feet, whichever is less.
- e. Accessory buildings in the Residential Multi-Family and non-residential districts (excluding the Agriculture and Conservation districts):
 1. Shall meet all setback requirements.
 2. In the Residential Multi-Family, Mixed-use, and all commercial districts, accessory structures shall use exterior materials and forms similar to the primary structure(s).
 3. In all employment districts, accessory structures shall be compatible with the surrounding non-residential area.

4. **Collection Boxes**

- a. **All Collection Boxes**
 1. Collection boxes must meet applicable setback standards for structures in the district in which they are located.
 2. Collection boxes shall be placed on a hard-surfaced material, such as concrete, asphalt, paver, or comparable material, shall have paved access to them, and shall not be placed within any required parking space.

3. Each collection box shall include the contact information for the collection operator clearly visible on the outside of the container. Contact information shall include at minimum the name of the collecting organization and a valid phone number.
 4. All donations or collection items must be fully contained within a collection box. Collection boxes shall state on their exterior: “No items shall be left outside this box.”
 - b. **Large Collection Boxes**
 1. Collection boxes exceeding 3 feet in width or depth or exceeding 4 feet and 6 inches in height are considered large collection boxes.
 2. Large collection boxes shall not exceed six feet deep by six feet wide, and eight feet in height.
 3. Collection boxes must be located at least 100 feet from any residential district within any jurisdiction.
 4. No more than one large collection box is permitted on a parcel.
 - c. **Small Collection Boxes**
 1. Collection boxes less than 3 feet in width or depth and less than 4 feet and 6 inches in height are considered small collection boxes.
 2. Small collection boxes do not require a zoning permit but are subject to the standards of this section.
 3. No more than four small collection boxes are permitted per parcel.
5. **Home Occupation**
 - a. The home occupation must be clearly incidental to the residential use of the dwelling and must not change the essential residential character of the residential dwelling.
 - b. The home occupation shall not create noise, dust, vibration, odor, glare, fire hazard, or any other nuisance or hazard that disturbs the typical character of the residential area.
 - c. The home occupation shall employ no more than one person who is not a resident of the dwelling including volunteers.
 - d. There shall be no outdoor storage or visible display relating to the home occupation, including materials, stock in trade, or equipment.
 - e. There shall not be external evidence that advertises or alerts the presence of the home occupation excluding signs permitted by [Article 11](#) or signs on the sides of vehicles which are regularly used in the operation of the business.
 - f. Business activity shall be only conducted electronically or by appointment, except Family Child Care Homes.
 - g. The home occupation shall not cause vehicular or pedestrian traffic greater than that traffic normally associated with the residential area in which the home occupation is located. Family Child Care Homes are exempt from this requirement.
6. **Decks and Patios**
 - a. Except as permitted in Section [5.08](#), Permitted Encroachments, decks and patios may not encroach into a required yard.
 - b. Decks and patios shall only be installed on the side or rear of the house. The term “decks and patios” does not include a Front Porch or stoop. This standard is not in any way intended to affect handicap ramps or the use of decking materials in the creation of a traditional front porch.

7. Swimming Pools and Spas

- a. Pools, spas and related equipment are only permitted in the rear yard and may not be located within any required setback.
- b. All pools and spas must meet enclosure and gate requirements of the Kentucky Building Code.

8. Individual Services

- a. Individual service structures, such as freestanding ATMs, movie rental kiosks, vending machines, and ice freezers, are only permitted as accessory structures to principal uses.
- b. The preferred location for such structures is inside the principal structure. When located outdoors, the individual service structure shall be located in a side or rear yard to minimize visibility from the street.
- c. Structures shall not be located in a manner that impedes pedestrian access, blocks parking areas, or creates any unsafe condition. Freestanding ATMs that are drive-up shall require a minimum of three stacking spaces.

9. Outdoor Display and Sales, On-going

- a. The use or structure must comply with all setback requirements for a primary building on the site.
- b. There shall be no outdoor displays that restrict traffic visibility in any way or impede the movement of vehicles on the site.
- c. There shall be no outdoor displays located in or in any way conflicting with or interfering with sidewalks, walkways, off-street parking areas or required landscaping yards.
- d. Outdoor display and sales areas shall be on a hard-surfaced material, such as concrete, asphalt, paver, or comparable material.
- e. Outdoor display and sales areas shall be maintained in an orderly manner.
- f. Outdoor display and sales shall not be located in a front yard unless the display is located abutting a building exterior wall and is less than 8 feet in depth. Except, gas stations may have outdoor display and sales in the front yard if located within the canopy area. Outdoor display and sales located in the side or rear yard must be screened from view of any public right-of-way.