

13.02.68 Specific Accessory Uses

A. Accessory Dwelling Units.

1. Accessory dwelling units shall only be allowed as a new, freestanding structure; as a conversion of an existing, detached garage; or as an addition to an existing, detached garage.
2. Only one (1) accessory dwelling unit is allowed in R-1, R-2 and MU-N Districts.
3. The accessory structure containing the accessory dwelling unit shall have a six (6) foot side yard setback and meet all other required setbacks for an accessory structure. An existing accessory structure may not be converted into an accessory dwelling unit if required setbacks are not met.
4. The accessory dwelling unit must be at least three hundred (300) square feet in size and no more than eight hundred (800) square feet in size.
5. Off-street parking spaces must be available for use by the owner-occupant(s) and tenant(s) with at least two (2) spaces available for the principal residence and one (1) space available for the accessory dwelling unit.
6. Any outside entrance serving the accessory dwelling unit shall be located on the side or rear of the accessory structure, if new.
7. Water and sewer for the accessory dwelling unit shall be connected to the principal residence.
8. An owner of the property must occupy either the principal dwelling unit or the accessory dwelling unit unless there is a bona fide temporary absence approved by the Planning Department.
9. Prior to the issuance of a permit for the construction of the accessory dwelling unit, the owner(s) shall file a deed restriction with the Office of the La Crosse County Register of Deeds stating that the independent sale of the accessory dwelling unit is not allowed.

B. Accessory Structure.

1. An accessory use or structure in any zoning district shall not be established prior to the principal use or structure being present or under construction on the same parcel. Any accessory use or structure shall conform to the applicable regulations of the district in which it is located, except as specifically otherwise provided.
2. Accessory structures greater than twenty-five (25) square feet require a building permit.
3. Retaining walls are allowed as follows:
 - a. No individual retaining wall shall exceed six (6) feet in height and is required to provide a terrace of at least three (3) feet in width between any series of such walls.
 - b. Retaining walls are allowed to be installed on side and rear property lines that are not adjacent to right-of-way.
 - c. Retaining walls must be setback a minimum of three (3) feet from street rights-of-way.
4. Lawn accessories such as walks, drives, paved terraces and purely decorative garden accessories, including ponds, fountains, statuary, sun dials, flag poles, shall be permitted in all setback areas, but not closer than three (3) feet to an abutting property line.
5. **Residential Districts.**
 - a. Accessory structures shall not involve the conduct of any business, trade or industry except for allowed home occupations as defined herein. Accessory structures shall not be used for residential purposes.
 - b. Decks constructed in a manner where the principal structure provides structural support (is load bearing), are considered "attached" and part of the principal structure. In these instances, setbacks for the principal structure apply to attached decks. Decks constructed in a manner where they support themselves, but abut a principal structure are considered detached accessory structures.
 - c. Accessory structures shall be setback a minimum of ten (10) feet from a principal structure, unless one of the following apply:
 - i. The applicable building code regulations in regard to one (1) hour fire resistive construction are complied with.
 - ii. The accessory structure is located in a mobile home park. The minimum separation required for mobile home parks is four (4) feet between any principal structure, accessory structure, and deck on the same lot.
 - d. Accessory structures shall not occupy any portion of the street yard and/or required side yard setback.
 - e. In no event can the accessory structure be forward of the front line of the principal structure.
 - f. Accessory structures shall not exceed twenty (20) feet in height.
 - g. Accessory structures shall not occupy more than twenty-five percent (25%) of the rear yard.
 - h. Accessory structures shall not be located within three (3) feet of any other accessory structure or parcel line, or within five (5) feet of an alley right-of-way line.
 - i. When an accessory structure is located on the rear of a reversed corner parcel, it shall not be located beyond the minimum front yard setback required on the adjacent interior parcel, or closer than three (3) feet to the side parcel line of the adjacent structure.
6. **Non-Residential Districts.**
 - a. Accessory structures in a non-residential district may be established in the rear yard or side yard setback area.
 - b. Accessory structures shall be setback from a principal structure as based on the construction type and classification as required in the International Building Code (Table 602).
 - c. Accessory structures shall be setback a minimum of ten (10) feet from all parcel lines.
 - d. Accessory structures shall not exceed thirty (30) feet in height.
 - e. When an accessory structure is located on the rear of a reversed corner parcel, it shall not be located beyond the minimum front yard setback required on the adjacent interior parcel, or closer than three (3) feet to the side parcel line of the adjacent structure.