

#### 4.4. - Accessory Structures and Uses

##### 4.4.1. - Purpose

This section authorizes the establishment of accessory uses and structures that are incidental and subordinate to principal uses. The purpose of this section is to allow a broad range of accessory uses and structures, provided they comply with the standards set forth in this section in order to reduce potentially adverse impacts on surrounding lands.

##### 4.4.2. - Procedure for Establishment

Accessory uses or structures may be approved in conjunction with the approval of the principal use or subsequently following the establishment of the principal use. No accessory use or structure shall be approved, established, or constructed before the principal use is approved in accordance with this Ordinance.

##### 4.4.3. - General Standards

- A. **Permitted Accessory Uses and Structures** Permitted accessory uses and structures include those listed in this section and those that the Planning & Development Director determines meet the following:
1. Are clearly incidental to an allowed principal use or structure;
  2. Are subordinate to and serving an allowed principal use or structure;
  3. Are subordinate in area, extent and purpose to the principal use or structure;
  4. Contribute to the comfort, convenience or needs of occupants, business or industry associated with the principal use or structure.
- B. **Located on Same Lot as a Principal Use** All accessory uses and structures shall be located on the same lot as the principal use or structure and not located within any street right-of-way, except as allowed by this Ordinance for specific accessory uses and structures.
- C. **Compliance with Ordinance Requirements** Accessory uses and structures shall conform to the applicable requirements of this Ordinance, including this section, the district standards in Chapter 3: Zoning Districts, the development standards in Chapter 5: Development Standards, and the environmental standards in Chapter 6: Environmental Standards.

D. **Signs** The standards for any allowed signs for accessory uses and structures are established in Section 4.4.4., Standards for Accessory Structures, and Section 4.4.5, Standards for Specific Accessory Uses.

##### 4.4.4. - Standards for Accessory Structures

- A. **Dimensional Standards** Accessory structures, which include accessory buildings, shall meet the applicable zoning district dimensional standards and district standards, except as provided in this section and in Section 10.2.4 G, Setback Encroachments.
- B. **Easements** Accessory structures may not be located in an easement unless the easement or easement holder expressly states the allowance in writing.
- C. **Drive-up Accessory Structures** Drive-up accessory structures, such as automated teller machines, ice vending, coffee stands, and similar accessory structures that provide drive-up or walk-up service and which are located within a surface parking area shall meet the following standards:
1. The accessory structure shall not be placed in any required parking spaces.

2. The location shall be designed so that any access or stacking lanes do not extend into a primary drive aisle.
3. The surface parking area shall be configured and restriped to maintain access and circulation to the principal use(s).
4. Any roof-top mechanical equipment shall be screened from the adjacent streets.
5. All signs must be wall signs and may cover up to a maximum of 50% of the primary facade of the accessory structure, or be a maximum of 25 square feet, whichever is less. All other facades of the accessory structure may cover up to 50% of the allowed maximum coverage area for the primary facade. Signs on accessory structures may be illuminated in accordance with the illumination standards in Section 5.7, Signs.

D. **Residential Accessory Structures** An accessory structure, including an accessory building, for a single-family or duplex dwelling shall meet the following:

1. **Setbacks**

- (a) **Rear and Side** Accessory structures must setback 5 feet from side and rear lots lines.
- (b) **Corner Side** For corner lots, accessory structures must meet the side street setback of the dimensional standards for the applicable zoning district.
- (c) **Through or Reverse Frontage Lots** For through or reverse frontage lots, all accessory structures shall be setback 10 feet from the rear lot line abutting the street.
- (d) **Alleys** For accessory structures that are located along an alley, the structure must setback a minimum of 10 feet from the rear lot line abutting the alley.

2. **Utilities** Utility service, such as water, sewer and electricity, to the accessory structure shall be provided by branching service from the principal structure.

3. **Encroachments** See Section 10.2.4 G, Setback Encroachments, for allowable encroachments into setbacks for specific accessory structures.

4. **Accessory Buildings**

- (a) **Location** In addition to the setback requirements, accessory buildings shall be located behind the front building line of the principal structure, except on lots 2 acres in area or larger, for which 1 accessory building may be located in front of the principal structure provided it meets the street setback.
- (b) **Size**
  - (1) For lots less than 2 acres in area, the maximum total area of all accessory buildings on the lot shall not exceed 50 percent of the gross floor area of the principal structure or 600 square feet, whichever is greater.
  - (2) For lots that are 2 acres or more, but less than 5 acres in area, the maximum total area of all accessory buildings on the lot shall not exceed 200 percent of the gross floor area of the principal structure or 2500 square feet, whichever is greater.
  - (3) For lots that are 5 acres or more in area, there is no maximum total area for accessory buildings.

E. **Local Historic Overlay District** Accessory structures located in a local historic overlay district may be subject to a Certificate of Appropriateness in accordance with Section 2.4.5, Certificate of Appropriateness.

F. **Transitional Office District (TO)** All accessory structures located in a Transitional Office (TO) District shall meet the standards in Section 4.4.4 D. Residential Accessory Structures regardless of whether the structure is accessory to a residential or nonresidential use.

#### 4.4.5. - Standards for Specific Accessory Uses

In addition to the following specific standards, the listed accessory uses shall meet the requirements of Section 4.4.4, Standards for Accessory Structures, except as expressly stated in the specific accessory use requirements.

- A. **Accessory Dwelling Unit** An accessory dwelling unit (ADU) is permitted as accessory to a single-family detached dwelling if it complies with the following standards:
1. **General**
    - (a) No more than 1 ADU shall be located on a lot with a single-family detached dwelling.
    - (b) An ADU shall have a maximum of 2 bedrooms.
    - (c) An ADU and the principal dwelling shall have the same street address and mailbox.
    - (d) An ADU shall not be subdivided or otherwise separated in ownership from the principal dwelling unit.
    - (e) An ADU and the principal dwelling shall utilize the same driveway, unless the ADU is accessed from a right-of-way not used by the principal dwelling (e.g., a rear alley or separate street access on a corner or through lot).
    - (f) An ADU shall be served by water, sanitary sewer, gas and electrical utilities as part of the principal dwelling.
  2. **Design** An ADU shall maintain the architectural design, style, appearance and character of the principal dwelling by incorporating design elements such as similar materials, facade treatment, colors, window style, roof design, and roof pitch.
  3. **Location**
    - (a) **Principal Structure**
      - (1) If an ADU is located within the principal structure, the ADU shall not exceed 30 percent of the gross floor area of the structure.
      - (2) Entrance doors or exterior stairways to the ADU facing streets shall be prohibited; separate access to the ADU shall be by means of a side or rear door in the principal structure.
    - (b) **Accessory Structure** If an ADU is located in an accessory structure, it shall meet the residential accessory structure requirements in Section 4.4.4, Standards for Accessory Structures.
- B. **Caretaker Dwelling** One caretaker dwelling unit is permitted as accessory to a commercial, institutional or industrial use either within the principal building or in an accessory building on the lot.
- C. **Drive-Through** See Chapter 3: Zoning Districts, for the applicable drive-through standards by zoning district.
- D. **Exterior Lighting** See Section 5.10, Exterior Lighting, for the applicable standards.
- E. **Fences** See Section 5.11, Fences, for the applicable standards.
- F. **Helistop** A helistop is permitted as accessory to an institutional, commercial or industrial use if it complies with all applicable Federal Aviation Administration regulations.

- G. **Home Day Care** A home day care is permitted as accessory to a residential dwelling unit if it complies with the following standards:
1. Care is provided within a dwelling unit, for between 3 and 8 children less than 13 years of age, not more than 5 of which are preschool age, or up to 8 adults, who do not reside in the dwelling, for at least once per week for at least four hours, but less than 24 hours per day.
  2. It complies with all applicable home occupation requirements, except the gross floor area requirement.
  3. It is licensed by the State of North Carolina and complies with all applicable State requirements.
- H. **Home Occupation** A home occupation is permitted as accessory to a residential dwelling unit if it complies with the following standards:
1. The home occupation shall be located in the residential dwelling unit and shall not occupy more than 25 percent of the gross floor area of the dwelling unit.
  2. The person operating the home occupation shall reside in the dwelling unit.
  3. No more than 1 person shall work in the dwelling unit that is not a resident of the dwelling unit.
  4. The home occupation shall not change the exterior appearance of the dwelling.
  5. The home occupation shall not create traffic, parking congestion, noise, vibration, odor, glare, vibration, fumes, or electrical or communications interference beyond what normally occurs in the district where located.
  6. No outdoor storage or display of products, materials, or equipment is permitted.
  7. Activities and storage associated with a home occupation shall not take place in an accessory building, such as a detached garage.
  8. No maintenance or repair of commercial equipment may be associated with a home occupation.
  9. Only 1 commercial vehicle with 1 attached trailer associated with the home occupation may be parked or stored on the lot, but neither the truck nor the trailer shall exceed 24 feet in length.
  10. Tutoring and instruction in music, dance, art, yoga, and other subjects shall be limited to no more than 5 students during any single class or instruction period.
  11. ~~There shall be no advertising on the property or other signs of the home occupation, which are visible from outside the dwelling, except for~~ The home occupation is allowed 1 wall sign up to a maximum of 4 square feet. Such wall signs may not be illuminated. 1 sign that complies with the standards in Section 5.7.8, Signs not Requiring a Sign Permit.
- I. **Livestock** The keeping of livestock is allowed as accessory to a single-family detached or duplex dwelling if it complies with the following standards:
1. In the AGR district, the accessory keeping of livestock is allowed, but is exempt from these standards.
  2. The keeping of livestock shall require a lot of at least 5 acres in area.
  3. Animals shall be maintained in a fenced area located at least 100 feet from all lot lines.
  4. Fencing shall be at least 4 feet in height.
  5. For large livestock such as horses, cows and other similar large-sized animals, no more than 1 animal over 6 months in age shall be maintained for every 20,000 square feet of fenced area.

6. For small livestock such as sheep, goats, and other similar-sized animals, no more than 1 animal over 6 months in age shall be maintained for every 10,000 square feet of fenced area.
- J. **Off-Street Parking and Loading** See Section 5.4, Off-Street Parking and Loading, for the applicable standards.
- K. **Outdoor Display** Outdoor display is allowed as accessory for retail sales and wholesale trade uses if it complies with the following standards:
1. The intent of these standards is to allow outdoor display, but not where the display of such goods is unsightly, impedes the flow of pedestrian or vehicular traffic, or creates an unsafe condition.
  2. The outdoor display of non-bulky goods is not subject to the requirements in Section 4.4.4, Standards for Accessory Structures, but shall comply with the following standards:
    - (a) Be located adjacent to the storefront or building sides, except for farmers market, plant nursery, garden center or similar operations;
    - (b) Not located in drive aisles, loading zones, fire lanes, or required landscaping yards; and
    - (c) Maintain at least 5 feet of space along the side of the display free of obstruction to allow for pedestrian and handicap movement, such that handicapped pedestrians and others do not have to enter the drive aisle to walk around the display.
  3. The outdoor display of bulky goods shall comply with the following standards:
    - (a) Portable storage containers, dumpsters and any bulky item for display that exceeds 10 feet in height shall meet the requirements in Section 4.4.4, Standards for Accessory Structures;
    - (b) Not located in drive aisles, loading zones, fire lanes, or required parking spaces or landscaping yards; and
    - (c) Other bulky items that are less than or equal to 10 feet in height are not subject to the requirements in Section 4.4.4, Standards for Accessory Structures, but shall be located at least 10 feet from any public street and shall not be placed within any easements, required parking spaces or landscape yards.
- L. **Portable Storage Containers** Portable storage containers are allowed as accessory to the principal use on the same lot, provided they comply with the following standards:
1. **Residential Districts** Portable storage containers located within any residential district shall comply with the following standards:
    - (a) A portable storage container is not subject to the requirements in Section 4.4.4, Standards for Accessory Structures; however, it must be located on the lot and outside any street right-of-way.
    - (b) No more than 2 portable storage containers may be located on a lot with a single-family or duplex dwelling.
    - (c) The gross square footage of a portable storage container on a lot with a single-family or duplex dwelling shall not exceed 150 square feet.
    - (d) A portable storage container may remain on a lot up to 14 days in duration, except when the container is used in association with construction on the same site, which the container may remain for the duration of the construction project and shall be removed upon completion.

2. **Business and Special Districts** Portable storage containers located within any business or special district shall comply with the following standards:
    - (a) Portable storage containers shall meet the requirements in Section 4.4.4, Standards for Accessory Structures.
    - (b) The number, size and duration of portable storage containers on a lot are not regulated.
    - (c) Portable storage containers shall not be placed between a principal structure and a public street, except in the AGR, LI and HI districts.
  3. **Planned Development Districts** Portable storage containers located within any planned district shall comply with the applicable residential, business or special district requirements of this section.
- M. **Renting of Rooms** The renting of rooms is allowed as accessory to a residential dwelling if it complies with the following standards:
1. An occupant of the dwelling may rent rooms in the dwelling to a maximum of 2 tenants.
  2. The renting of rooms to more than 2 tenants constitutes a rooming house, which is subject to other standards contained in this Ordinance.
- N. **Satellite Dishes, Amateur Radio and Television Antenna Towers** Satellite dishes, amateur radio and television antenna towers are allowed as accessory to any use allowed by this Ordinance if they comply with the following standards:
1. The accessory structure and all supporting cables and anchors shall be contained on the lot.
  2. The accessory structure is prohibited in easements but is not subject to the remaining requirements in Section 4.4.4, Standards for Accessory Structures.
  3. The accessory structure shall not exceed 90 feet in height above grade.
  4. In residential districts, the accessory structure must be located behind the front building line of the principal structure, except for satellite dishes less than 40 inches in diameter which are exempt from this requirement.
  5. Towers attached to a principal structure shall be located on the principal structure's side or rear elevation.
- O. **Small Wind Energy Conversion (WEC) System** A small (WEC) is permitted as accessory to any agriculture, commercial, institutional or industrial use allowed by this Ordinance if it complies with the following standards:
1. There shall be no more than 1 small (WEC) on a lot.
  2. The maximum extended height of a small (WEC) shall be the maximum height allowed in the zoning district plus 70 feet.
  3. The tower shall be set back from all lot lines a distance greater than or equal to the minimum distance necessary to insure the structure will remain on its site following collapse (its fall zone) as certified by a licensed professional engineer. In the absence of such certification, the required setback shall be equal to 80% of the height of the structure.
  4. Sound produced by the WEC shall under normal operating conditions, as measured at the lot line, not exceed 55 decibels. The sound level may be exceeded during short term events that occur, that are beyond the landowner's control, such as utility outages and/or wind storms.

5. The blade tip or vane of any small (WEC) shall have a minimum ground clearance of 15 feet, as measured at the lowest point of the arc of the blades. No blade shall extend over parking areas, public rights-of-way, driveways, or sidewalks.
  6. No illumination of the turbine or tower shall be allowed, unless required by the FAA.
  7. The tower shall be designed to prevent unauthorized climbing.
  8. A small (WEC) shall not include signage visible from a public street other than the manufacturer's or installer's identification, appropriate warning **Signs**, or owner identification.
  9. A small (WEC) intended to connect to the electric utility shall not be installed until evidence is submitted to the Planning and Development Director that the relevant electric utility is informed of the customer's intent to install an interconnected customer-owned generator.
  10. On determining that a small (WEC) is inoperable for 180 days or more, the Planning and Development Director shall send the owner a notice and order requiring restoration of the system. Failure of the owner to restore the system to operating condition shall constitute a violation of this Ordinance.
- P. **Solid Waste Collection Facilities** See Section 5.6, Screening, for the applicable standards.
- Q. **Signage** See Section 5.7, Signage, for the applicable standards.
- R. **Swimming Pools, Spas and Hot Tubs** Swimming pools, spas, and hot tubs with a water depth of 24 inches or greater are permitted as accessory to any use allowed by this Ordinance if they are constructed in accordance with the State Building Code and comply with standards for accessory structures in Section 4.4.4, Standards for Accessory Structures, if applicable.
- S. **Vehicles** The parking, storage, and use of vehicles are allowed as accessory to any use allowed by this Ordinance if it complies with the following standards:
1. **Disabled Motor Vehicles** The parking or storage of disabled motor vehicles shall comply with the following standards:
    - (a) **Residential Uses**
      - (1) One disabled vehicle is allowed on a lot with a single-family dwelling or duplex dwelling, provided the disabled vehicle is parked or stored behind the front building line of the principal structure.
      - (2) Additional disabled vehicles on a single-family or duplex lot and any disabled vehicle parked or stored on lot with any other residential use shall be located within a fully enclosed principal or accessory structure.
    - (b) **All Other Uses**
      - (1) A disabled motor vehicle may be parked or stored on a lot containing an agricultural, institutional, commercial, or industrial use, provided it is totally screened from view from any street or residential zoning district.
      - (2) The disabled vehicle shall be stored within a fully enclosed building or fully screened by a building, opaque fence, wall, or other approved method, to a height of 6 feet above grade level.
  2. **Improved Parking Area**
    - (a) Any vehicle located on a lot with a single-family or a duplex dwelling that is parked, stored, or otherwise located between the principal structure and the street shall be parked, stored, or otherwise located on an improved parking area.

- (b) An improved parking area shall be a portion of the lot that is graveled or paved with an all-weather surface (such as asphalt, concrete, brick, stone or similar material) and provides access to the street.
- 3. **Large Vehicles** The parking of vehicles in excess of 24 feet in length, or 14,000 pounds gross vehicle weight is prohibited in residential zoning districts, with the following exceptions:
  - (a) Temporary loading and unloading;
  - (b) Emergency and disaster service;
  - (c) Recreational vehicles, which includes travel trailers;
  - (d) Large vehicles on a religious institution or school property; and
  - (e) For use in the operation of a permitted principal use or nonconforming use that relies on a large vehicle for standard operation.
- 4. **Recreational Vehicles** The use of recreational vehicles, which includes travel trailers, for living purposes is allowed only in recreational vehicle parks and as a permitted temporary use.
- T. **Wireless Telecommunication Facility** See Section 4.3.3 F.3, Wireless Telecommunication Facility (Major and Minor) for the applicable standards.
- U. **Yard Sales** Yard sales are allowed as accessory to a residential dwelling unit if they comply with the following standards:
  - 1. Yard sales are limited to a maximum of 2 occurrences per dwelling unit per calendar year, and no more than 2 days per occurrence.
  - 2. Items displayed and sold are limited to household items.
  - 3. ~~The location of signs advertising the yard sale is restricted to the lot or site where the yard sale is conducted.~~ One announcement sign is allowed in compliance with the requirements of Section 5.7.7, Signs Allowed Without a Sign Permit.