

4.5 ACCESSORY USES AND STRUCTURES

4.5.1 Purpose

This Section authorizes the establishment of accessory uses and structures that are necessary and clearly incidental and subordinate to permitted uses and approved special uses. Additional performance criteria are set forth in this Section for particular uses and structures in order to reduce potentially adverse impacts on surrounding properties.

4.5.2 Generally

Accessory uses and activities shall be subject to the same regulations as apply to principal uses in each district, unless otherwise expressly stated. Accessory uses and structures shall comply with the following:

- A) **Size**
In no case shall an accessory use exceed 25% of the total square footage of the building(s) or 25% of the total land area used.
- B) **Time of Establishment**
No accessory use shall be established and no accessory structures shall be allowed until approval of all required permits for the principal use or activity.
- C) **Operation**
Accessory uses shall be constructed, maintained and conducted to avoid production of noise, vibration, concussion, dust, dirt, smoke, odors, noxious gases, heat and glare from artificial illumination or from reflection of natural light.
- D) **Location**
Accessory uses and structures shall be located on the same property as the principal use or structure served.

4.5.3 Accessory Structures

- A) **Non-Residential Zoning Districts.**
 - 1) Accessory structures located in non-residential zoning districts shall be constructed of the same materials and colors as used for the main building.
 - 2) Portable storage containers, such as but not limited to PODS, are prohibited as a permanent use, unless the portable storage container is located within the rear yard behind the principal building and meets all other requirements of Sec. 4.1.2 *Outside Storage and Sales*. In no case shall the portable storage container be allowed in the side or front yards.

B) Residential Zoning Districts.

- 1) Accessory structures located in residential zoning districts shall be constructed of similar materials and colors as used for the main dwelling unit; however, accessory structures that are 12' by 12' or smaller are exempt from this requirement.
- 2) Portable storage containers, such as but not limited to PODS, are prohibited as a permanent use.

4.5.4 Single-Family Recreational Accessory Use

A single-family recreational accessory use shall be located on a single-family lot and clearly be accessory to the principal residential use. Typical facilities include, but are not limited to, playgrounds, swimming pools, hot tubs, spas, tennis courts, badminton courts, volleyball courts, and basketball courts. A single-family recreational accessory use must meet the State of North Carolina Building Code; Section 5.2.7 "Dimensional Standards for Detached Accessory Structures"; Section 4.5.3 "Operation"; Section 8.2.7(A)(4) "Fences, Walls, and Berms - Materials"; and Section 8.2.7(B)(1) "Fence/Wall Height". Lighting of single-family recreational accessory use by anything other than typical residential lighting is subject to regulation under Section 8.6 "Exterior Lighting". Tennis courts and basketball courts shall install and maintain a 10' Type A Buffer (ref. Section 8.2.6(B)(5)(a)) around the perimeter of the court(s) to be located anywhere between the court(s) and the property lines.

4.5.5 Home Occupation

A home occupation shall comply with the following standards:

A) Incidental

The home occupation shall be clearly incidental and secondary to the residential use of the building and shall be confined to no more than 25 percent of the total floor area of the dwelling, or 500 square feet, whichever is less;

B) Specialized Services

- 1) No specialized service, such as but not limited to, dance instruction, crafts, or music lessons may be provided for a group larger than five persons;
- 2) Family Child Care Homes shall be consistent with NC General Statutes and the policies of the North Carolina Department of Health and Human Services. The number of children cared for in the home shall not exceed the number allowed by the North Carolina Division of Child Development and Early Education for licensing of Family Child Care Homes;
- 3) No goods, products, or commodities bought for the express purpose of resale shall be sold at retail or wholesale on the premises; homemade items, foodstuffs, and crafts made in the home may be offered for sale on the premises in the RA Rural Agricultural and RR Rural Residential districts only;

C) Enclosed Building

A home occupation shall be conducted within the principal dwelling or an enclosed accessory structure, and shall not be conducted within any open porch that is attached to and part of the principal structure;

- D) **Essential Character**
The home occupation shall not change the essential residential character of the use;
- E) **Immediate Family**
A home occupation use shall be conducted by a member of the immediate family residing in the dwelling unit;
- F) **Employees**
Members of the immediate family residing in the dwelling unit may be employed to work for the home occupation. In addition, one employee who does not reside at the premises may be employed to work at the dwelling unit;
- G) **No External Evidence**
Signs shall be limited to those permitted by Section 8.7.1(B) *Home Occupation Signs*. No further external evidence or sign shall advertise, display, or otherwise indicate the presence of the home occupation, nor shall the street address of the home occupation be advertised through signs, billboards, television, radio, or newspapers;
- H) **Sales**
A home occupation shall not involve the sale of any stock in trade, supplies, products or services on the premises;
- I) **No Displays**
No equipment or materials used in the home occupation shall be stored or displayed outside of the dwelling;
- J) **Vehicle**
Only one vehicle used in connection with the home occupation shall be stored on the premises. The vehicle shall fit in a standard 9' x 18' parking space and shall not be a commercial truck or vehicle, such as but not limited to a dump truck, a fuel oil truck, delivery truck, or a wrecker; and
- K) **No Mechanical, Electrical or Other Equipment Which Causes Nuisance**
No home occupation shall involve the use of any mechanical, electrical or other equipment, materials or items which produce noise, electrical or magnetic interference, vibration, heat, glare, smoke, dust, odor or other nuisance outside the residential building. There shall be no storage of hazardous or noxious materials on the site of the home occupation.

4.5.6 Accessory Apartment

Accessory apartment means a secondary dwelling unit either (1) in or added to an existing single-family dwelling, (2) in an accessory structure on the same lot as the principal single-family dwelling or (3) on all but the ground floor of a commercial use in the B1 Neighborhood Business District, B2 Downtown Business District, MEC-CZ Major Employment Center District, TND-CZ Traditional Neighborhood District, PUD-CZ Planned Unit Development District, MORR Mixed Office-Residential-Retail District, or SD-CZ Sustainable Development District. An accessory apartment is a complete, independent living facility equipped with a kitchen and with provisions for sanitation and sleeping. An accessory apartment use shall comply with the following standards:

- A) **General**
A maximum of one apartment may be permitted as an accessory use to a principal single-family dwelling unit. The accessory apartment may be attached to the principal dwelling unit or may be freestanding. Accessory apartments may also be

developed on all but the ground floor of commercial uses in the B1 Neighborhood Business District, the B2 Downtown Business District, the MEC-CZ Major Employment District, the PUD-CZ Planned Unit Development District, SD-CZ Sustainable Development District, and the TND-CZ Traditional Neighborhood District;

B) Accessory to Single Family

- 1) In single-family homes or lots outside of the Small Town Character Overlay District where the parcel is less than ten acres, the following shall apply:
 - a) Accessory apartments shall contain no more than one (1) bedroom; and
 - b) Be no larger than 1,000 heated square feet in size.
- 2) In single family homes or lots outside of the Small Town Character Overlay District where the parcel is 10 or more acres, accessory apartments shall be no larger than 40% of the heated square footage of the principal single-family dwelling;
- 3) In the Small Town Character Overlay District the following shall apply:
 - a) Accessory apartments shall contain no more than one (1) bedroom; and
 - b) Be no larger than 50% of the heated square footage of the principal single-family dwelling or be larger than 1,000 heated square feet in size, whichever is smaller;

C) Similar Materials

The accessory apartment shall be constructed of materials substantially equivalent to either the principal dwelling unit or other permanent accessory structure on the lot, provided that such materials comply with all other applicable standards of the building code;

D) Compatible Character

The accessory apartment shall be compatible in character and subordinate in size to the principal dwelling unit or the commercial uses in which they are located in the B1 Neighborhood Business District, the B2 Downtown Business District, the MEC-CZ Major Employment Center District, the PUD-CZ Planned Unit Development District, SD-CZ Sustainable Development District, Small Town Character Overlay District; and the TND-CZ Traditional Neighborhood District;

E) Yard Setbacks

If attached, the accessory apartment shall comply with the minimum yard setbacks applicable to the district in which it is located. If detached, the accessory apartment shall meet the requirements of UDO Sec. 5.2.7 *Dimensional Standards for Detached Accessory Structures*.

F) Ownership

The accessory apartment in the residential districts shall remain accessory to and under the same ownership as the principal single family dwelling unit. The accessory units in the B1 Neighborhood Business District, the B2 Downtown Business District, the MEC-CZ Major Employment District, the PUD-CZ Planned Unit Development District, the SD-CZ Sustainable Development District, and the TND-CZ Traditional Neighborhood District may be under separate ownership.

G) *Reserved*