

6.9.7 Accessory Uses and Structures.

A. Minor uses or structures which are necessary to the operation or the enjoyment of a permitted principal use and are appropriate, incidental and subordinate to any such uses, shall be permitted in all districts as an accessory use, subject to the following:

1. Such accessory uses or structures shall be permitted only on the same lot as the principal permitted use. The total square footage of all accessory structures combined shall be less than the square footage of the principal structure.
2. Such accessory uses or structures must comply with the front yard setback and with the side street setback on a corner lot except as provided for in Subsection 7.2.3(E).
3. Such accessory structures or uses must comply with side yard requirements contained in Section 6.1.1, (Dimensional Requirements), except as provided in Subsection 6.9.7(A)(4).
4. Detached accessory structures may be located within eight (8) feet of side or rear property lines when located within the established rear yard as defined in [Article 2](#), provided that all other pertinent provisions of this Ordinance are complied with.
5. In R (Residential) Districts no accessory use shall be permitted that involves or requires any construction features not residential in character.
6. Except for detached garages (see Subsection 6.9.7(A)(11)), nonresidential uses allowed by Conditional District, or as otherwise set forth herein, an accessory structure in any R (Residential) District (including, for example a mother-in-law suite), shall not exceed eighteen (18) feet in height. Except for detached garages (see Subsection 6.9.7(A)(11)), no accessory building may exceed 900 square feet of total floor area per building.
7. A detached accessory building in an R (Residential) District shall not be located closer than ten (10) feet to a principal structure.
8. An accessory building, attached to, or which is part of, a principal structure, shall comply with all the yard requirements of a principal structure.
9. Livestock is not permitted to be kept on any property unless (a) the property is a farm or (b) such property is in a single-family residential district and the requirements of this Section are satisfied. Livestock, for noncommercial purposes, may be kept in a single-family dwelling district on a lot having a minimum area of two (2) acres, upon which lot no more than two (2) animals shall be permitted. For each additional one acre of land, one additional animal shall be permitted. Any property upon which livestock is kept shall be maintained in a clean and sanitary manner and shall comply with all health regulations of Mecklenburg County, in addition to the following:
 - a. Any structure housing livestock shall be located a minimum distance of one hundred (100) feet from any street property line or the equivalent thereto as provided in Section 6.1.3 (Measurement of Setbacks or Building Lines), or any interior lot line.
 - b. Refuse removed from any structure housing livestock and stockpiled for future use or disposal shall be located no closer than one hundred (100) feet to any residence. Adequate steps shall be taken to reduce odor and flies attracted to such refuse.

c. All property owners currently violating this provision shall be given until August 4, 2003, to come into compliance with this provision, provided this "grace period" shall not apply to any other zoning violations or other violations of law that are the result of the presence of livestock on a property. Thus, for example, if livestock on a property violates any provision of the Animal Control Ordinance, any action authorized pursuant to the Animal Control Ordinance may be pursued immediately without regard to this paragraph.

10. In the R (Residential) District, a greenhouse shall comply with all the yard requirements herein required for accessory uses. Such structure, or combined area of all such structures, shall be limited to four hundred (400) square feet and shall not be over fifteen (15) feet in height.

11. A detached garage in any residential district shall comply with all yard requirements herein required for accessory uses. Such structure is limited to nine hundred (900) square feet of total footprint floor area and the maximum height allowed in the R District. For detached garages with a floor area footprint over nine hundred (900) square feet, the Administrator may approve if the following requirements can be met:

- a. The site must consist of two (2) or more acres; and
- b. The garage must be located in the rear yard; and
- c. The rear and side setbacks are increased to twenty (20) feet; and
- d. A site plan drawn to scale of the property along with the location of the garage and any other structures must be provided; and
- e. Elevations must be provided that indicate exterior building materials will be compatible with exterior building materials of principal structure; and
- f. The purpose and intended use must be stated on the application; and
- g. No business may be operated in a detached garage except as permitted by a Customary Home Occupation Permit (see Sections 6.9.1 and 8.7.2); and
- h. Buffers or additional screening may be required depending on circumstances of the site.

12. A satellite dish, in any district except residential, shall comply with all the yard requirements herein required for accessory uses.

13. In a residential district, a satellite dish shall comply with all the yard requirements herein required for accessory uses, in addition to the following:

- a. A satellite dish shall not be permitted within the established front yard as defined in [Article 2](#).
- b. A satellite dish shall not be located closer than ten (10) feet to a principal structure with the exception of a satellite dish eighteen (18) inches or smaller which may be mounted on a structure.

14. In a residential district, a swimming pool shall comply with all the yard requirements herein required for accessory uses.

15. In a commercial or industrial district, an automatic car wash shall comply with all the yard requirements herein required for accessory uses, in addition to the following:

a. An automatic car wash shall not be permitted within the "established front yard" as defined in [Article 2](#).

b. In cases where the automatic car wash is adjacent to residential zoning the setbacks will be twenty (20) feet.

c. Such automatic car wash must comply with the provisions of Section 7.1.11.

16. No more than one mother-in-law suite shall be permitted per principal structure.

17. Any accessory building that requires a building permit shall be constructed with the same external materials as the principle structure (e.g., brick, hardi-plank siding, cedar shingles, etc.) on the lot and shall be designed, located and constructed in keeping with the quality and character of the development and surrounding structures. This requirement shall apply to new construction and shall also apply to renovation or adaptive reuse construction for an accessory building (e.g., converting a detached garage to a mother-in-law suite).

(see also 6.1.7 Projection Allowances – below)

6.1.7 Projections into Yards.

- A. The following architectural features and appurtenances in Table 6.1.7-1 may project into the required yards, unless such projections would obstruct a driveway used for service or for emergency purposes.

TABLE 3. PROJECTION ALLOWANCES

| Standard | Projection Allowance |
|---|---|
| Architectural Features and HVAC Encroachment - Placement of Eaves, Gutters, Cornices, Bay Windows, and HVAC Equipment | An eave, bay window or external HVAC equipment may extend into the required front, side or rear yard by no greater than three (3) feet, but in no case closer than five (5) feet to an adjoining property line. |
| Handicap Ramp Encroachment - Placement of Handicap Ramps | A ramp designed to accommodate handicapped persons may extend into a required front, side or rear yard, but in no case be closer than five (5) feet to an adjoining property line. |
| Decks, Stoops, Patios and Terraces | Such decks, stoops, patios and terraces, which are not in any part more than six (6) feet above the finished grade level, shall not project more than twenty-five (25) percent into any required yard setback. |
| At-grade Driveways, Paths, Walks or Uncovered Concrete Slabs | May be placed in any required setback, subject to the covered lot impervious surface percentage maximums set forth in Tables 1 and 2. |
| Other Yard Encroachments | One foot or ten (10) percent of the required yard standard, whichever is less. |
| Accessory Structures | May be placed in any required setback subject to the requirements of Section 6.9.7. |

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