

Introduced: August 25, 2014  
Adopted: September 8, 2014  
Effective: September 28, 2014

## **CITY OF CHARLOTTE**

### **ORDINANCE NO. 2014-04**

AN ORDINANCE TO AMEND SECTION 82-454 OF CHAPTER 82 OF THE CITY CODE OF THE CITY OF CHARLOTTE TO PROVIDE FOR CERTAIN ACCESSORY BUILDINGS TO HAVE A HEIGHT IN EXCESS OF 14 FEET WITHIN THE CITY OF CHARLOTTE.

Councilmember Sanders moved the following:

THE CITY OF CHARLOTTE ORDAINS:

1. Section 82-454 shall be, and is hereby amended to read as follows:

#### **§ 82-454 ACCESSORY BUILDINGS AND USES.**

Accessory buildings, structures and uses, except as otherwise permitted in this chapter, shall be subject to the following regulations.

(1) Where the accessory building is structurally attached to a main building, it shall be subject to, and must conform to, all yard regulations of this chapter applicable to main buildings.

(2) Accessory buildings shall not be erected in any minimum side or front yard setback.

(3) A building accessory to a residential building may occupy not more than 25% of required rear yard, provided that in no instance shall the accessory building exceed 100% of the ground floor area of the main building. On a corner lot all of the land to the rear of the house may be utilized in the computation of percent of lot coverage for accessory buildings.

(4) A detached building accessory to a residential building shall not be located closer than 10 feet to any main building nor shall it be located closer than 3 feet to any side or rear lot line. In those instances where the rear lot line is coterminous with an alley right-of-way, the accessory building shall be no closer than 1 foot to such rear lot line. In no instance shall an accessory structure be located within a dedicated easement right-of-way.

(5) No detached accessory building in R-1, R-2, RT, RM-1, RM-2, MH, OS-1, B-1 and P-1 Districts shall exceed 1 story or 14 feet in height; provided, however, when the detached accessory building is located in a rear yard with a ground elevation lower than that surrounding

the main building, the height of the accessory building shall not exceed the height of a plane parallel to and 14 feet above the first floor of the main building. Accessory buildings in all other districts may be constructed to equal the permitted maximum height of structures in such districts.

(6) When a building accessory to a residential building is located on a corner lot, the side lot line of which is substantially a continuation of the front lot line of the lot to its rear, such building shall not project beyond the front yard line required on the lot in the rear of such corner lot. When an accessory building is located on a corner lot, the side lot line of which is substantially a continuation of the side lot line of the lot to its rear, such building shall not project beyond the side yard line of the lot in the rear of such corner lot. In no instance shall a building accessory to a residential building be located nearer than 10 feet to a street right-of-way line.

(7) Accessory buildings and structures shall be designed and constructed to be compatible with the design and construction of the principal building on the site. Design elements that should be considered in determining compatibility include: exterior building material (which need not be identical to the principal building but compatible in appearance), roof style and pitch, architectural style, and color.

(8) The provisions concerning the size and height in this section shall not apply to accessory buildings on a farm (such as barns and silos).

(9) Satellite dish antennas are subject to the following.

(a) Satellite dish antennas in all residential districts:

1. Roof-mounted antennas shall be located only on the rear one-half of the roof (that portion of the roof furthest from the street upon which the residential building abuts) so that it will be screened from the street side;

2. Roof-mounted antenna shall not project upward beyond the height in feet allowed for the main building within the district in which the satellite dish antenna is being placed;

3. Ground-mounted antennas shall only be located in the rear yard and shall not extend into any rear extension of required side yards;

4. Ground-mounted antennas shall not project upward more than 8 feet.

(b) Satellite dish antennas in all other districts:

1. No ground-mounted antennas shall be permitted;

2. A roof-mounted antenna shall not project upward beyond 10 feet measured from the roof upon which it is mounted. The combined height of the building and antenna shall not exceed

the maximum allowable height for a building designated for that particular district in which the antenna is to be mounted.

(c) Building permits will be required before any satellite dish antenna with a diameter exceeding 24 inches may be installed and the installation of the antenna must conform to all requirements of the city code.

(10) Wireless transmission antennas and towers are subject to the following the requirements of § 82-459.

(a) A maximum height limit of 60 feet for towers and antennas is permitted in residential districts.

(b) No maximum height limit is required in nonresidential districts.

(c) In all districts a tower or antenna shall be located on the parcel or lot in such manner that the base of the tower or antenna is set back from all property lines not less than the height of the tower or antenna.

(11) Recreational equipment owned by residents of the city may be stored on their individual lots and shall be stored only within the confines of the rear yard and shall further respect the requirements of this section applicable to accessory buildings and structures, insofar as distances from principal structures, lot lines and easements are concerned. All recreational equipment parked or stored shall not be connected to sanitary facilities and shall not be occupied. In those instances where a rear yard is not accessible, the Building Official may allow recreational equipment to be parked or stored in a side yard, provided such parking or storage shall be behind the front of the principal building.

(12) The parking of a trailer coach, travel trailer or camper trailer when in use or occupied for periods exceeding 24 hours on lands not approved for such use shall be expressly prohibited, except that the Building Official may extend temporary permits allowing the parking of such trailer coach, travel trailer or camper trailer in a rear yard on private property, not to exceed a period of 2 weeks. All trailer coaches, travel trailers or camper trailers parked or stored shall not be connected to sanitary facilities.

(13) A resident of a dwelling unit may have not more than 1 motorized vehicle for sale on the site of such dwelling unit at any time and in no instance shall vacant residential lots or parcels be utilized for the sale of vehicles. A resident may conduct minor automobile repairs of vehicles of the resident such as oil changes and tune ups between the hours from sunrise to sunset on the property of the resident's dwelling unit; however, in no instance shall a resident repair the vehicle of other than a resident of the dwelling unit on such property. The sale of vehicles from a residential property shall not exceed 2 vehicles in any 1 year for a period not to exceed 2 weeks in any 1 year.

(14) Freestanding solar panels shall be considered an accessory building and shall be subject to the requirements for such, together with all other applicable building codes and ordinances.

(15) Wind generators may be permitted in rear yards when the following conditions are met.

(a) The highest point of any portion of the generator shall not exceed 35 feet above the average grade of the lot.

(b) The generator device shall be placed no closer to any side or rear lot line than the total distance between the grade of the lot at the base of the tower and the highest point of any portion of the generator.

(c) The maximum diameter formed by a circle encompassing the outermost portions of the blades or other wind activated surfaces shall not exceed 30% of the distance between the ground and the highest point of any portion of the wind generator. The generator shall be so located that no portion of the structure would penetrate the vertical plane of any adjacent property line if it were to topple over in its normally assembled configuration.

(d) The construction of the tower, blades, base structure, accessory building and wiring shall meet all applicable local building codes and ordinances.

(16) In all office, service and business districts, rooftop equipment and apparatus shall be screened from ground level by being housed in a penthouse or structure constructed of the same type of building materials used in the principal structure or by building design.

(17) Temporary carport and storage structures shall be under the jurisdiction of the Zoning Board of Appeals.

This ordinance shall become effective 20 days after adoption and that the above ordinance be passed to a second reading.

Second, Cuttle. Carried. ( 7 ) Yeas. ( 0 ) Nays.

Dated: September 8, 2014

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Carrie Burch, Mayor

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Ginger Terpstra, Clerk