

ARTICLE 14 BUILDINGS, STRUCTURES, AND USES ACCESSORY TO SINGLE-FAMILY RESIDENTIAL DWELLINGS

Sec. 14.1. Accessory Use or Structure.

(a) Location. Buildings accessory to detached, single-family residential uses except for well houses in residential zoning districts shall be located in a rear yard or side yard.

(b) Relationship to Principal Use. No accessory building, structure, or use shall be erected on a lot until construction of the principal building or establishment of principal use has commenced. Accessory buildings and structures must be constructed in conjunction with, or after, the principal building is lawfully approved and use is established.

(c) Interpretation. When an accessory building is attached to a principal building by a breezeway, passageway, or similar means, the accessory building shall be considered part of the principal building and shall comply with the yard requirements for a principal building.

Sec. 14.2. Customary Residential Accessory Uses and Structures.

Customary residential accessory buildings are permitted in residential zoning districts, subject to permitted use provisions for the zoning district in which the property is located and the requirements of this Article, where applicable. Each of the following uses, as may be more specifically regulated in this or other Articles of this zoning ordinance, is considered to be a customary accessory use to a dwelling and shall be situated on the same lot with the principal use (dwelling) to which it serves as an accessory. This list is not necessarily exhaustive of possible permitted accessory uses and structures on the same lot as a dwelling.

(a) Garage or carport for storing vehicles.

(b) Shed or tool room for the storage of equipment used in grounds or building maintenance.

(c) Children's playhouse and play equipment.

Sec. 14.3. Buildings Accessory to a Dwelling.

Customary residential accessory buildings shall meet the following requirements:

(a) Height. Accessory buildings shall not exceed two stories; provided, however, that agricultural-related accessory buildings (e.g., barns or livestock quarters) where permitted) may be constructed to the maximum height specified for principal buildings in applicable zoning district regulations.

(b) Setback. Single-story accessory buildings shall be set back at least five (5) feet from any side or rear property line. Two-story accessory buildings, where permitted, shall be set back at least ten (10) feet from any side or rear property line. Other setbacks for accessory buildings may apply as specifically provided in this Article.

(c) Area. Accessory buildings or structures shall not exceed the gross floor area (in square footage) of the principal building to which it is accessory, and where more than one accessory building or structure is permitted and provided on a given lot, the total area of accessory buildings and structures shall not exceed the square footage of the principal building or structure to which they are accessory; provided,

however, that an agricultural-related accessory buildings (e.g., barns or livestock quarters) where permitted may exceed the gross floor area (in square footage) of the principal building.

Sec. 14.4. Accessory Apartment.

In zoning districts where permitted, accessory apartments (detached or attached) shall meet the following requirements:

- (a) Number Limited. Only one accessory apartment shall be permitted on a lot. An accessory apartment shall not be permitted on the same lot as a home occupation.
- (b) Dimensional Requirements. Accessory apartments are subject to the height and placement (setback) requirements for buildings accessory to dwellings as specified in this Article.
- (c) Parking. One additional off-street parking space is required and shall be provided, which shall be located in a side or rear yard.
- (d) Floor Area. At least three hundred (300) square feet of heated floor area shall be provided per adult occupant. The heated floor area for an accessory apartment shall be at least 300 square feet and shall not exceed 1,000 square feet or the size of the principal dwelling, whichever is less.
- (e) Entrance to Unit. The entrance to an accessory apartment shall be from a rear or side yard and shall not face the street to which the principal dwelling is oriented.
- (f) Exterior Finish. Accessory apartments, whether attached or detached, shall have exterior finishes or architectural treatments (e.g., brick, wood, stucco, etc.) of an appearance substantially similar to those on the principal dwelling.
- (g) Water and Sewer. The Monroe County Health Department must certify that the septic tank facilities meet applicable countywide health rules; or if served by public water and/or sanitary sewer, the City of Forsyth must certify those utilities are adequate to serve both the principal dwelling and the accessory apartment.
- (h) Occupancy. Either the accessory apartment or the principal dwelling unit shall be owner-occupied.

Sec. 14.5. Amateur Radio Antenna.

Amateur radio antennas and antenna structures are a permitted accessory use to a dwelling in accordance with the following requirements:

- (a) Height. No antenna or antenna structure, including any support upon which it may be constructed, shall exceed a height of seventy (70) feet, except by approval of a conditional use permit.
- (b) Location. Amateur radio antennas and structures shall be setback a distance of at least one-half the height of the tower or structure from all property lines.

Sec. 14.6. Fences and Walls.

- (a) Height. Fences or freestanding walls constructed in a front yard of a residential lot shall not exceed 42 inches in height. Chain-link fencing shall not be permitted in a front yard of a residential lot. Fences

or freestanding walls with a height of greater than six feet, if permitted in locations other than the front yard of a residential lot, shall require a permit issued by the Zoning Administrator.

(b) Setback and Location. No fence or freestanding walls shall be erected in a manner that obstructs visibility at street intersections or driveway. Walls made of masonry, rock, or similar material must be setback one (1) foot from any side or rear property line for purposes of maintenance. Walls may be built on the property line IF there is a written and signed agreement between both the property owner of the lot as well as the owner of the abutting property for purposes of upkeep and maintenance. In such cases, as a part of the permit application process, the zoning administrator may require a letter, plat or deed as evidence of such agreement. Fences must be setback at least one (1) foot from any side or rear property line for purposes of maintenance and upkeep. Fences may also be built on the property line under the same terms and conditions as specified above for walls.

(c) Composition and Materials. Fences shall not be constructed of materials that would be incompatible with the residential character of the lot and neighborhood. Walls or fences composed or constructed of exposed concrete block, tires, junk, or other discarded materials shall not be permitted. Walls and fences in the front yard shall present a finished and attractive surface to the frontage of the property. Barbed-wire strands shall not be permitted except in the case where livestock is lawfully housed on the lot.

Sec. 14.7. Guest House.

Guest houses, as defined, shall be permitted as accessory buildings to a dwelling, subject to the following regulations:

(a) Accessory Use. The guest house must be an accessory use to a single-family detached dwelling already existing on the lot. No more than one guest house may be located on any lot.

(b) Lot Area Requirement. A guest house shall be permitted only on a lot having 15,000 square feet or more in area.

(c) Location. The guest house must be constructed within the rear yard of the residential lot separated by a distance of at least 15 feet from the principal building.

(d) Architecture and Building materials. The guest house shall have an architectural design and exterior building materials that are compatible with the principal building (single-family dwelling).

(e) Maximum Floor Area. The gross building floor area of the guest house may not exceed 60 percent of the floor area of the principal dwelling.

(f) Use. Guest houses shall not be rented or otherwise occupied separately from the principal dwelling, except for non-paying guests or domestic employees residing on the premises and sharing meals in the principal dwelling.

Sec. 14.8. Home Occupation.

Home occupations may be established in a portion of a dwelling as provided in permitted uses requirements for the zoning districts established by this Zoning Ordinance. No more than one home occupation may be established in a single dwelling. In districts where permitted, the following

regulations shall apply to home occupations, and failure to meet one or more of these regulations at any time shall be unlawful and grounds for immediate revocation of business registration:

(a) Physical Limitations. The gross floor area of a dwelling unit devoted to a home occupation shall not exceed 1,000 square feet, or 30 percent of the gross floor area of the dwelling, whichever is less. An accessory building may be used for the home occupation, but in no case shall the total area within the accessory building devoted to such use be greater than 300 square feet. If part of the dwelling unit and an accessory building are devoted to a home occupation, no more than 1,000 square feet of combined gross floor area shall be used for such activity.

(b) Building Alterations. The exterior appearance of the dwelling and any accessory building used for a home occupation must remain that of a dwelling, or accessory use to a dwelling. No external alterations inconsistent with the residential use of the dwelling or accessory building are permitted.

(c) Parking of Vehicles. Vehicles kept on site in association with the home occupation shall be used by residents of the dwelling only. Only vehicles used primarily as passenger vehicles shall be permitted in connection with the conduct of the home occupation. Incoming vehicles related to the home occupation, if any, shall at all times be parked off-street within the confines of the residential driveway or other on-site permitted parking.

(d) Visits by Patrons Limited. Except for family day care homes, there shall not be more than three (3) nonresident persons on the premises at the same time in conjunction with the residential business whether they are students, clients, patients, or customers.

(e) Transportation of Goods and Deliveries. The transporting of goods by a truck larger in size than a customary passenger vehicle, truck, or sport utility vehicle in connection with a home occupation is prohibited. There shall be no goods, products or commodities received on or shipped from the premises; provided, however, that this provision shall not prevent the non-routine delivery or pickup of packages by Federal Express, United Parcel Service, or other commercial carrier.

(f) Equipment, Off-site Impacts, and Nuisances. No home occupation shall generate traffic, sound, smell, vibration, light, or dust that is offensive or that creates a nuisance. There shall be no exterior lighting of the building or property that is not in character with a residential neighborhood. No equipment that interferes with radio and/or television reception shall be allowed. Home occupations must exclude the use of machinery or equipment that emits sound (e.g., saws, drills, musical instruments, etc.) that is detectable beyond the property. Chemical, electrical, or mechanical equipment that is not normally a part of domestic or household equipment and which is used primarily for commercial purposes shall not be permitted if it is detectable in terms of sight, hearing, or smell from a property line.

(g) Signs. There shall be no signs permitted in conjunction with a home occupation, whether placed on the premises or on a vehicle parked on the premises. This Section shall not be construed as limiting a property owner from erecting signs permitted on the lot pursuant to Article 24 of this Zoning Ordinance.

(h) Employees. Only occupants of the dwelling, and one additional worker who does not reside on the lot, shall be authorized to work on the premises in connection with a home occupation.

(i) Licenses. Any occupational licenses, including business registrations, required by state and/or city regulations must be obtained. Proof of state registration, if required for the home occupation, shall be submitted prior to the issuance of a business registration.

(j) Storage and Display. Outdoor storage of materials of any kind associated with a home occupation is prohibited. There shall be no display of merchandise or materials in connection with a home occupation.

(k) Uses Prohibited. The following uses are specifically prohibited as home occupations: auto sales or auto repair; restaurants; animal hospitals, veterinary clinics, kennels, or the keeping of animals; funeral homes; retail or wholesale shops; machine shops; special event facilities; and lodging services.

(l) Approval. All home occupations shall be subject to the Zoning Administrator's approval. The applicant for a home occupation shall file for approval from the Zoning Administrator on forms provided by the Zoning Administrator. Information required by the Zoning Administrator to approve a home occupation shall be as established in a home occupation application and may include but shall not be limited to the following: (1) Address and reference to recorded plat; (2) A site plan of the lot on which a home occupation is proposed, showing the location of the principal building, accessory building if proposed to be used in conjunction with the home occupation, and parking areas. The Zoning Administrator may require the site plan to be based on a boundary survey or on an engineering scaled plat; (3) Written narrative which shall at minimum describes the home occupation (use) and how the home occupation complies with the regulations in this Section.

(m) Modification by Conditional Use. Where an application for home occupation does not meet the strict terms of this Section, the provisions of this Section may be modified or varied by application filed by the property owner and approved by the Governing Body for a conditional use, according to procedures specified in Article 30 of this Zoning Ordinance. The Zoning Administrator may provide a recommendation whether or not the Governing Body should approve the application, and what if any conditions of approval are recommended.

Sec. 14.9. Junk Vehicle or Material.

It shall be unlawful on any residential or vacant lot to park or store abandoned, wrecked, junked or inoperable vehicles, power-driven construction equipment, used lumber or metal, used appliances, or any other miscellaneous scrap material that is visible from a public road or adjacent or abutting property.

Sec. 14.10. Swimming Pool.

This Section shall apply only to said use when it is accessory to a detached, single-family dwelling.

(a) Location. Swimming pools accessory to detached, single-family dwellings shall be located in rear or side yards.

(b) Setbacks. All swimming pools shall be located at least twenty (20) feet from all property lines.

(c) Fencing. Swimming pools must be enclosed by a fence or wall, with a gate, that meets the following specifications: Fences must be at least four (4) feet in height. The distance between the bottom of the fence and ground should be no greater than two (2) inches. The gate leading to the pool should have a lock and/or latch on it, and must open outwards from the pool. Any gaps or spaces in the fence should

be no larger than four (4) inches. If the fence being used to meet the requirement herein is a privacy fence or a fence that attaches to the house, the door leading from the house to the area of the pool must have an alarm installed on it.

Sec. 14.11. Tennis or Other Recreational Court.

This Section shall apply only to said use when it is accessory to a detached, single-family dwelling. A private tennis court shall meet the following regulations:

(a) Location. The tennis court must be constructed within the rear yard of the residential lot separated by a distance of at least 20 feet from the principal building and setback at least 20 feet from any side or rear property line.

(b) Lighting Restrictions. Private tennis courts shall be unlighted, except as may be otherwise approved after application for and approval by the Governing Body of a conditional use permit.

Sec. 14.12. Vehicle Parking.

(a) Location and number of vehicles limited. On lots containing a detached single-family dwelling, the parking of automobiles is permitted in garages, carports, or outdoors. Unenclosed parking shall not exceed four outdoor automobiles in any front yard of a lot. Parking shall be permitted only in designated hard surfaced areas with concrete, asphalt, or gravel surfacing and shall not be permitted outside such surfaced areas (i.e., no parking in yards).

(b) Recreational Vehicles. Parking or storage of such recreational equipment or vehicles shall not take place on any vacant residential lot. On any lot containing a detached, single-family dwelling, vehicles such as boats, boat trailers, travel trailers, recreational vehicles, pick-up campers or coaches, motorized dwellings, motor coaches, tent trailers and other similar vehicles may be parked or stored only in side yards, rear yards, carports, or in an enclosed building. If stored regularly in a side or rear yard, the vehicle and vehicle storage area shall be screened from view from abutting properties. Recreational vehicles may be parked or stored anywhere on residential premises except within a required front yard for a period not to exceed seventy-two (72) hours.

(c) Commercial Vehicles. Parking or storage of commercial vehicles shall not take place on any vacant residential lot. It shall be unlawful to park or store commercial vehicles (including but not limited to dump trucks and delivery trucks) or school buses in front yards of lots containing a detached, single-family dwelling. One commercial vehicle may be parked or stored in a side or rear yard of a lot containing a detached, single-family dwelling, but if stored regularly in a side or rear yard, the vehicle and vehicle storage area shall be screened from view from abutting properties and parked on an area surfaced with gravel, asphalt, or concrete.

Sec. 14.13. Vehicle or Equipment for Sale.

Within a front yard of a lot containing a detached, single-family dwelling, one licensed vehicle, boat, or piece of equipment at any time may be displayed for sale, subject to the following regulations:

(a) Ownership. The property owner or occupant of the dwelling shall hold title to or otherwise own the vehicle, boat or piece of equipment offered for sale.

(b) Limitation in Number. No more than one vehicle, boat, or piece of equipment shall be permitted to be offered for sale at any one point in time.

(c) Sign. There shall only be one sign, unlighted, which must be attached to the item being sold, and which shall not exceed four square feet in area and shall not be placed at a greater height than the tallest point of the item being sold; provided, however, if the item is of a size such that the sign cannot reasonably be attached to the item being sold, it may be secured on the ground within five feet of the item being sold at a height not greater than four feet.

(d) Recurring Sales a Violation. It shall be considered unlawful for a property owner or occupant to offer for sale on a regular basis or in a more-or-less continuous fashion vehicles, boats or other equipment, and the Zoning Administrator may issue notices of violations and citations for recurring or regularized sales described in this Section.