



# Franklin County Communique to the Planning Board

## REQUEST FOR UDO AMENDMENTS 16-UDO-01

### STAFF ANALYSIS

#### 16-UDO-01

#### Staff Discussion

At the November 23, 2015 Board of Adjustment Meeting, Mr. Robert Carlson suggested that Planning Staff look at amending the Ordinance to allow for flexibility for accessory buildings on corner lots. The Board has heard a number of variance requests for accessory buildings on corner lots in recent months that have subsequently been passed. It is a common practice that if several variance requests are received and subsequently approved that there is a deficiency within the UDO. Over the past year there have been three variance requests of this nature that have been granted. Additionally, staff has received several calls with similar situations that would require variances.

The Board of Adjustment is recommending that the Planning Board consider recommending to the Board of Commissioners amending current regulations to allow for an accessory structure to be placed past the front or corner façade of the principal structure provided that the accessory structure does not exceed half the heated floor area of the principal structure, does not exceed the height of the principal structure, and is no closer than the required front setback of the underlying zoning district. Planning Staff has researched surrounding counties ordinances and found the following results:

- Nash County and Pitt County: Accessory structures and buildings may be in front of the principal structure but in no case may they encroach in the road building setback in all districts.
- Wake County: No accessory building or structure may be located in front of the front building line.
- Granville County: Freestanding structures shall be located in the side or rear yard of all lots, except that accessory structures shall only be permitted in the rear yard of corner lots.
- Warren County: The accessory building or use shall be placed in the rear yard only of corner lots, and in the rear or side yard of other lots; except water front lots where accessory buildings shall be allowed on the side or in the front yard (being the road front side).

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#### **Section 3-2 Permit Exemptions.**

(A) *Zoning Permit Exemptions.* The following are exempt from zoning permit regulations:

- (1) Farm buildings (other than residences) used for bona fide farm purposes;
- (2) Any accessory building containing 144 square feet or less; and
- (3) Portable lightweight aluminum or canvas type carports not exceeding four hundred (400) square feet or twelve (12) feet mean roof height are exempt from this Ordinance.

- (4) Facilities (other than buildings ) of a public utility or an electric or telephone membership corporation.

**Section 6-2: Notes to the Table of Permitted Uses**

Note 4. Accessory Uses, Buildings, Structures. Accessory uses are permitted in any zoning district in accordance with the following regulations.

- (A) An accessory building, structure, or use is a building, structure, or use on the same lot or site with, of a nature customarily incidental or subordinate to, and of a character related to the principal structure.
- (B) Accessory uses to single and two-family dwellings, and multi-family dwellings may not include commercial uses, except as permitted as home occupations or for multi-family dwellings, as allowed by the Board of Adjustment.
- (C) Residences for watchmen and caretakers are permitted accessory uses to research and industrial areas.
- (D) ~~No accessory building shall exceed thirty five (35) feet in height, nor shall any accessory building exceed the principal building in height.~~ Accessory structures shall not exceed the maximum height of structure as noted in Article 8. Table of Area Height, and Yard Requirements of this Ordinance.
- (E) An accessory building sharing one (1) or more common walls with the principal building shall be considered part of the principal building for purposes of the ordinance and must meet all yard requirements applied to the principal building.
- (F) No detached accessory building or use shall be located closer than (10) feet to any other building or mobile home.
- (G) ~~Accessory buildings or uses~~ Swimming Pools shall be placed in the rear yard only on corner lots, and in the rear or side yard of other lots.
- (H) One Accessory building structure may be placed past the front or side façade of the principal structure provided that the accessory structure does not exceed half the heated floor area of the principal structure, does not exceed the height of the principal structure, and is no closer than the required front setback of the underlying zoning district.
- (I) No accessory building or recreational structure may extend within ten (10) feet of a lot line, nor within twenty (20) feet of a street right-of-way line.

~~(J) AR, R 30, & R 40 Districts. Accessory structures or buildings may be located in front of the principal structure if the parcel is five (5) acres or more in size and the accessory structure is set back two hundred (200) feet from any right-of-way. In no case may the accessory structure encroach into any building setback.~~

(K) No accessory structure or building except utility substations shall be erected in any easements.

(L) Class A, B, or C manufactured homes or recreational vehicles may not be used for accessory structures.

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### **PLANNING STAFF RECOMMENDATION TO THE PLANNING BOARD**

Review requested UDO amendment, solicit comments and make a recommendation to the Board of Commissioners unless additional information is needed before making a recommendation to the Board of Commissioners.