



Text Amendment to Article 3. Sec. 3.6 – Accessory Use Standards

Applicant: Ashley Hunter

Town Council Meeting
August 12th, 2025

Background

- Applicant: Ashley Hunter
- Reason for the proposed text amendment:
 - The applicant is pursuing this text amendment because they wish to build an accessory structure on their property that is inconsistent with the current ordinance regulations
- The following changes are proposed:
 - Number - To allow larger lots the ability to have more than one accessory structure,
 - Size - Base the size of the accessory structure(s) on the size of the lot instead of the size of the primary structure, and
 - Height - Increase the height allowed for the structures.

Background Continued

- Number of Accessory Structures
 - The ordinance limits accessory structures to one per lot.
 - The applicant desires two separate accessory structures
 - The applicant would like to build a building with garage and office space while keeping their existing storage shed.
- Size of Accessory Structures
 - The ordinance restricts the size of an accessory structure to no more than 25% the size of the primary structure.
 - The applicant has a large lot with a small primary structure which they believe would severely limit the size of the accessory structure they would like to add to the lot.
 - Proposed: Base the size of the accessory structure on the lot size instead of primary structure size, which is more equitable for larger lot owners.
- Height of Accessory Structures
 - The ordinance limits the height of the structure to no taller than 15 feet.
 - The applicant desires to increase the height to 20 feet to be able to match the roof pitch of their single-family home

Proposed Text Amendment – Number of Structures

3.6 ACCESSORY USE STANDARDS

A. ACCESSORY USE OR STRUCTURE, GENERAL STANDARDS

1. These general standards apply to allow accessory uses and structures.
2. ~~In no case shall there be more than~~ one (1) customary accessory ~~building~~ structure shall be allowed for every 5,000 sf of lot area on the lot except for the exemptions provided herein.
 - a) The following shall be exempted from the lot coverage requirements and the limit of the number of accessory structures ~~the one (1) customary accessory building~~:
 - i) Fence.
 - ii) Flagpole.
 - iii) Dog house not to exceed 16 square feet.
 - iv) Pump house not to exceed 16 square feet.
 - v) Playhouse not to exceed 36 square feet nor eight (8) feet in height.
 - vi) Private swimming pools and their associated decks, fencing, and equipment.
 - vii) Structural beach crossover.
 - viii) Marinas.
 - ix) Electric (EV) charging station.

Proposed Text Amendment – Size & Height

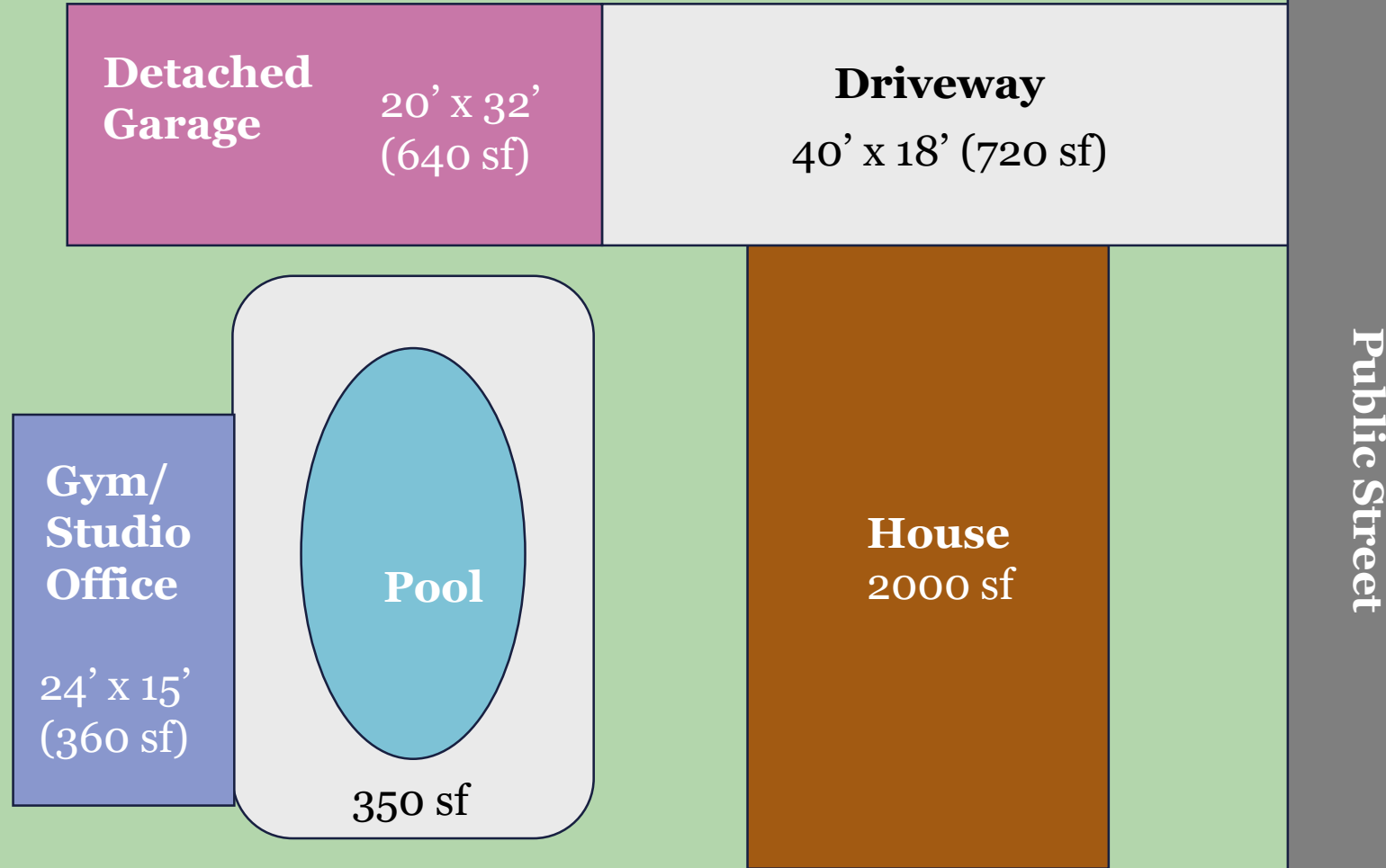
C. ACCESSORY USE OR STRUCTURE, RESIDENTIAL

1. Accessory structures associated with residential uses shall:
 - a) Be included when calculating the total allowable lot coverage and shall not constitute a ~~proportionate~~ cumulative size greater than ~~25~~10% of the ~~principal building's lot coverage, regardless of the~~ lot size, but shall not exceed the size of the lot coverage of the primary structure.
 - b) Be limited to ~~15~~20 feet in height or shall not exceed the building height of the primary structure, whichever is less.
 - c) Not be permitted within any required front or side yard, or within five (5) feet of the rear lot line.
 - d) Not be occupied, leased, rented, or otherwise used for profit, income, or for gain.
 - e) Not be used as a dwelling unit.
 - f) Contain no more than three (3) internal plumbing fixtures (water heater is exempt).
 - g) Meet State Building Code requirements if any dimension is greater than 12 feet.

Lot Size Chart

Lot Size	Typical Zoning Districts	Ratio: 1 structure per 5,000 sf of Lot	Number of Structures
5000 sf	R-1, R-1B, MF, MH, MX, NB, T-1	1.0	1
7,000 sf	R-2	1.4	1
7,500 sf	R-2	1.5	2
10,000 sf	HB, MB- 1	2.0	2
12,000 sf	R-3	2.4	2
15,000 sf	R-3	3.0	3

Example Scenario



Lot Size: 10,000 SF

- Lot Coverage: 40%
- Impervious Surface: 65%

Allowed Number of
Accessory Structures: 2

10% of Lot Size: 1,000 sf

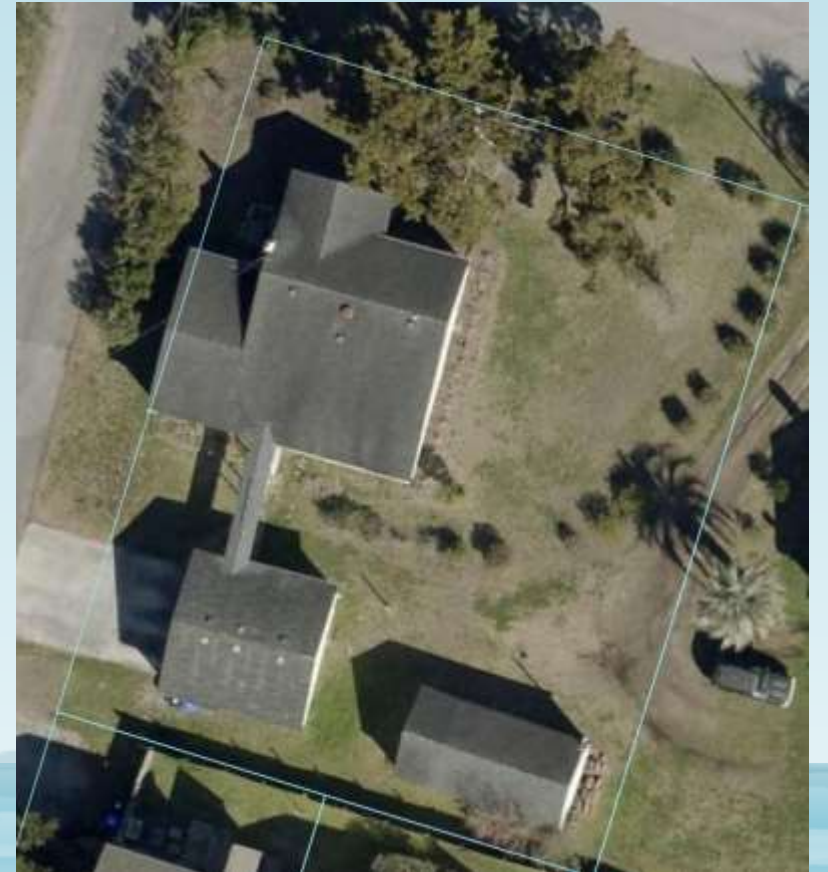
Lot coverage: 30%

Impervious Surface: 40.7%

Under Current ordinance:
Limited to one accessory
Structure & if the primary
structure is 2000 sf, the
accessory structure could
only be 500 sf.

Historic Context – Number of Structures

- At least since 2000, the number of accessory structures has been limited to one structure per lot.



Historic Context – Structure Size

- 2000 - accessory structures were allowed to be up to 25% of the allowable lot coverage.
- 2004 - accessory structures may not constitute a proportionate size greater than 25% of the actual developed area, regardless of lot size.
- 2009 - a text amendment was proposed by staff to require an accessory structure be no larger than 25% the size of the primary structure size.
 - This change was made because the ordinance did not define developed area, but it did define principal structure.

(b) Table 3.9.2 Lot Coverage Standards for Accessory Structures in Residential Districts

(1) Within Residential (R) Districts and the MX-1 Mixed Use District.

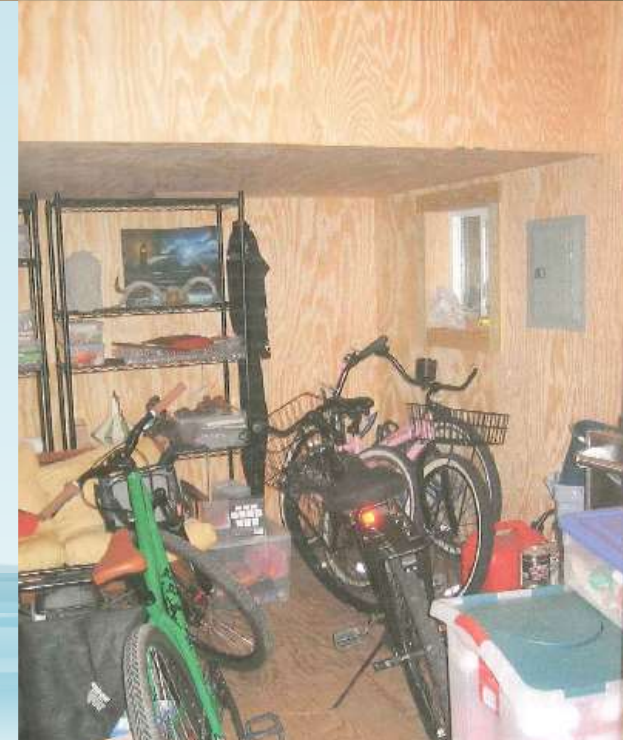
Accessory structures shall conform to the following standards in the designated zone districts:

Zoning District	Lot Size	Maximum Allowable Lot Coverage of Structures	40% Maximum Allowable Lot Coverage	75% of Max. Allowable Lot coverage allocated to Single-Family Dwelling	25% of Maximum Allowable Lot Coverage allocated to Accessory Building*
R-1	5,000 sq.ft.	40%	2,000 sq.ft.	1,500 sq.ft.	500 sq.ft.
R-1B	5,000 sq. ft.	40%	2,000 sq.ft.	1,500 sq.ft.	500 sq.ft.
R-2	7,000 sq. ft.	40%	2,800 sq. ft.	2,100 sq. ft.	700 sq. ft.
R-3	12,000 sq.ft.	40%	4,800 sq.ft.	3,600 sq.ft.	1,200 sq.ft.
C	80,000 sq.ft.	6%	4,800 sq.ft.	3,600 sq.ft.	1,200 sq.ft.
MH	5,000 sq.ft.	40%	2,000 sq.ft.	1,500 sq.ft.	500 sq.ft.
MF	5,000 sq.ft.	40%	2,000 sq.ft.	1,500 sq.ft.	500 sq.ft.
MX	5,000 sq.ft.	40%	2,000 sq.ft.	1,500 sq.ft.	500 sq.ft.

*In any case, accessory structures may not constitute a proportionate size greater than 25% of the actual developed area, regardless of lot size.

Historic Context – Structure Height

- Prior to 2005 - accessory structures were permitted to be one story in height, with no specific maximum height limit.
- 2009 - a request was heard to increase accessory structure heights to 25' to accommodate a loft office on top of a storage shed.
- Staff recommended capping the height at 15 feet, as taller structures could potentially allow for unpermitted improvements.
- Town Council was concerned anything above 15' could create upstairs apartments or mother-in-law suites which could increase residential density.
- Therefore, Town Council removed the one-story restriction and established a 15-foot height limit for accessory structures.



Examples of Accessory Structure Heights



7 Feet



12 Feet

Examples of Accessory Structure Heights



15 Feet



17 Feet

Examples of Accessory Structure Heights



22 Feet



25 Feet

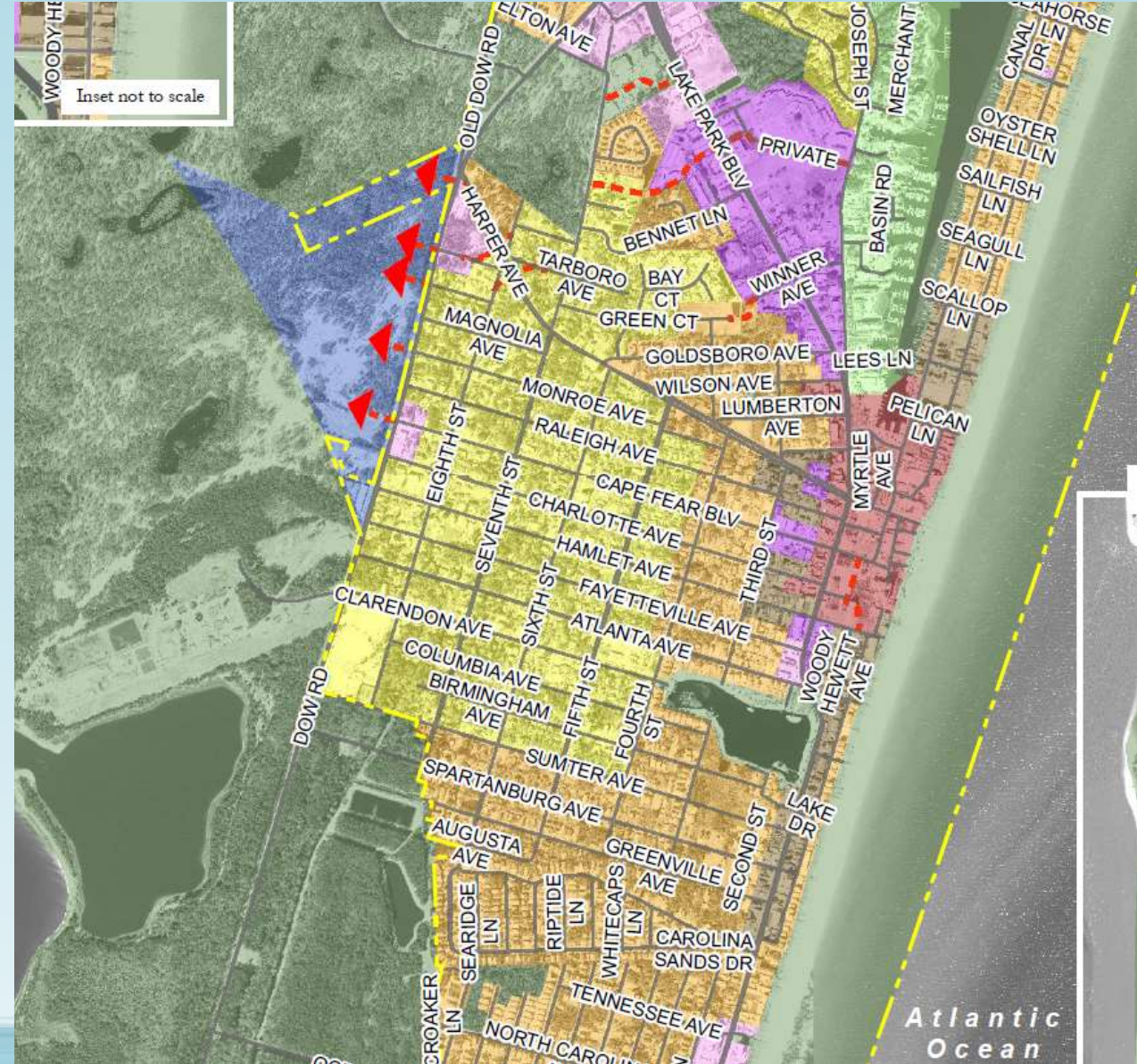
Land Use Plan:

The text amendment is in general conformity with the CAMA Land Use Plan.

The LUP does not specifically touch on specifics related to accessory structures and their height, size, or number.

Goal 4 of the Land Use Plan does state a desire to reduce overall nonconformities in the town but also respect existing uses and entitlements and the rebuilding of structures.

- There are many larger lots in CB which have more than one accessory structure and taller than 15'.
- This text amendment could reduce existing nonconformities.



Staff Comments

Staff is in general in support of the proposed text amendment.

- Staff worked with the applicants on the text amendment and have crafted a language staff is comfortable in regards to the number of structures and the size of the structures.

However, staff has concerns regarding the increase in the height of the accessory structures based on the historical concerns for these taller structures to be illegally converted to additional dwelling units.

P&Z Meeting

- Planning and Zoning denied the proposed text amendment, 6-0, due to the proposed text amendment being inconsistent with the goals and objectives of the adopted Land Use Plan and other long-range plans.

Town Council Options:

1. Approve the applicant's text amendment, or parts of the text amendment.
2. Can modify the amendment at your discretion.
3. Deny, whole or part, of the proposed text amendment.

Motion

Approval

The Town Council, whereas in accordance with the provisions of the NCGS, does hereby find and determine that the adoption of the following text amendment for Article 3. Sec. 3.6 Accessory Use Standards is consistent with the goals and objectives of the adopted Land Use Plan and other long-range plans.

1. Size
2. Number
3. Height

Denial

The Town Council, whereas in accordance with the provisions of the NCGS, does hereby find and determine that the adoption of the following text amendment for Article 3. Sec. 3.6 Accessory Use Standards is inconsistent with the goals and objectives of the adopted Land Use Plan and other long-range plans.

1. Size
2. Number
3. Height