

**AN ORDINANCE AMENDING SECTION 153.009, Accessory structures on residential lots:
(ADOPTED BY THE DALLAS BOARD OF ALDERMEN 7/12/16)**

153.009 Accessory structures on residential lots:

This section shall apply to any structure 12' or more in any dimension, whether enclosed or open, whether site built or built off-site and brought to the property and/or placed on the property. This section shall also apply to swimming pools.

A. Accessory buildings shall not be located in any front yard. The front yard is determined and defined by "a line that runs along the front wall and extends therefrom in a straight line to either side property line".

B. The total square footage of all accessory buildings shall not exceed 50% of the square footage of the primary structure (house, dwelling) on the property.

C. Accessory structures shall be located a minimum of 5' from side property lines, 5' from rear property lines, 5' from any other building on the same lot and 10' from any building on adjacent lots. If property lines are not clear enough to determine if setback requirements can be met, the Administrator may require a survey of the property prior to issuing permit for accessory structure.

D. Swimming pools (any structure intended for swimming or recreational bathing that contains water over 24" deep, including in-ground, above-ground or on-ground swimming pools, hot tubs and spas) shall be provided with a barrier (a fence, wall, building wall, or combination thereof which completely surrounds the water structure and obstructs access to the water structure) and shall comply with the most current North Carolina Building Code Appendix G.

E. No accessory structure shall be permitted that involves or requires any external construction features which are not primarily residential in nature or character, shall not be made of highly reflective metal materials and shall be finished with an exterior color and texture similar to the primary structure on the property. Some examples of structures that cannot be used as an accessory structure to a residential use include: school buses, manufactured homes, tractor-trailers (with or without wheels), buses, recreation vehicles, cargo containers, etc.

F. No accessory structure shall be constructed or placed on a lot without a permitted principal use or structure on the same lot.

G. No accessory structure for which this section is applicable shall be constructed or placed on a lot without prior issuance of a zoning permit issued by the Town Administrator.

H. Private residential quarters: Private residential quarters shall be permitted as an accessory use to any single-family detached dwelling unit (except manufactured homes) in accordance with the following requirements:

1. The private residential quarters may be attached to or separate from the principal dwelling unit. If it is located in a detached structure, it shall meet the requirements listed in items A, E, F and G referenced in this section.
2. The owner of the principal dwelling unit shall live on-site and the owner of the private residential quarters shall be the same as the owner of the principal dwelling unit.
3. No more than one private residential quarter shall be allowed per lot.
4. The private residential quarters shall be occupied by a disabled or elderly person, family member or occasional guest.
5. The ground floor area of the private residential quarters shall be no greater than 50% of the principal dwelling unit, or 750 square feet, whichever is less.
6. The private residential quarters shall be located in the rear yard only and setbacks shall be at least 15' from the side and rear lot lines.
7. The private residential quarters shall be served by the same driveway as the principal structure and shall have at least two (2) off-street parking spaces dedicated to this use.

(“Grandfather clause” for existing structures) From this day forward (11/15/16), any accessory structures that were previously located in the front yard are considered valid, non-conforming (“grandfathered”). From this day forward, any accessory structures that are installed, placed or built in the front yard will be in violation of this Ordinance.

If the non-conforming structure is damaged (by fire, flood, explosion, earthquake, war, riots or Act of God) or becomes deteriorated such that the cost would exceed 50% of the original cost to rebuild it, the non-conforming structure shall be discontinued, and such building or structure shall thereafter conform with the current provisions of the zone in which it is located.

Should any provision of this Ordinance be declared invalid or unconstitutional by any court of competent jurisdiction, such declaration shall not affect the validity of the Ordinance as a whole or any part thereof which is not specifically declared to be invalid or unconstitutional.