

For office use only:

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**ACCESSORY USE PERMIT APPLICATION**

**Accessory/Utility Dwelling**

(Please print all information legibly)

Applicant Name: \_\_\_\_\_

Property Address: \_\_\_\_\_ Zip \_\_\_\_\_

Contact Numbers: Home \_\_\_\_\_ Work \_\_\_\_\_ Mobile \_\_\_\_\_

E-mail address: \_\_\_\_\_

**(All correspondence will be e-mailed to this address unless otherwise requested.)**

**Please complete the following information (incomplete applications will be returned):**

1. Dwelling Type:  Accessory Dwelling  Utility Dwelling

**Accessory Dwelling Units** must be located a minimum of five feet from the principle structure. It may not be located in the front setback, corner side setback, or within five feet of the rear or side lot lines. If the lot has a recorded buffer, the building must be 10 feet from the buffer. No accessory buildings may encroach on easements, but may abut easements.

**Utility Dwelling Units** must be located under the same roof as the principal dwelling, connected by covered walkway, or situated within five feet of the principal single-family dwelling located on its own lot. The combination of the utility dwelling unit and the principal single-family structure on the lot continue to meet the minimum setback requirements for a single-family dwelling.

2. Total square feet of the principal residence: \_\_\_\_\_

3. Number of bedrooms in principal residence: \_\_\_\_\_

4. Number of bedrooms in accessory unit: \_\_\_\_\_

5. Total square feet of accessory unit: \_\_\_\_\_  
**(not to exceed 33% of habitable floor area of principal structure or 800 square feet, whichever is less)**

6. Total parking spaces on lot (do **NOT** include on-street parking or adjacent lots): \_\_\_\_\_

**(Note:** All residential dwelling units require a minimum of two parking spaces. Principal structures that are semi-detached and attached dwellings shall provide 0.5 spaces for each bedroom over two. One (1) additional space is required for each bedroom in an accessory dwelling. Principal dwellings that contain a utility dwelling unit are required to provide a minimum of four (4) parking spaces on the subject property).

**Miscellaneous Requirements and Notes:**

- Only one accessory dwelling or utility dwelling unit is permitted per lot.
- Home occupations are not allowed in an accessory dwelling unit.
- Accessory dwelling units are **ONLY** allowed in R-80, R-40 and R-20 or in the Mixed Use Overlay District with an approved plan.
- Utility dwelling units are allowed in all residential zoning districts except Residential Multi-family (RMF).
- Any entrance to the utility dwelling unit from the outside shall not be on the front wall of the principal structure.
- Approval of an accessory building permit is required by the Planning Department.
- A Building Permit **AND** a Certificate of Occupancy are required from the Inspections and Permits Department.
- All uses are required to meet NC State Building Code requirements.

7. I hereby certify that I am making application for myself and that the statements given are true to the best of my knowledge.

\_\_\_\_\_  
Signature of property owner

\_\_\_\_\_  
Date

*(Please read the above application carefully and ensure all sections are completed. Incomplete applications will be returned within **3 days** from receipt. Non-response from applicant after **15 days** will cause the application to be considered **denied** and a new application fee shall be required for future re-submittals.)*

Attachments: Cary Land Development Ordinance ([http://www.amlegal.com/library/nc/cary\\_ldopdf.shtml](http://www.amlegal.com/library/nc/cary_ldopdf.shtml))  
Chapter 5:  
5.3.2. General Standards and Limitations  
5.3.4(A) Accessory Dwelling Units  
5.3.4(B) Utility Dwelling Units

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**NOTE: Please deliver a copy of this approved application to Inspections & Permits Department (Attn: Jeph Allen; 469-4336) prior to beginning the building and/or inspection phase of your project.**

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### **5.3.2 General Standards and Limitations**

#### **(A) Compliance with Ordinance Requirements**

All accessory uses and accessory structures shall conform to the applicable requirements of this Ordinance, including the use regulations of Chapter 5 and the dimensional standards of Chapter 6. The provisions of this section establish additional requirements and restrictions for particular accessory uses and structures.

#### **(B) Approval of Accessory Uses and Structures**

Unless otherwise specified in this Section, any accessory use or accessory structure shall be treated as a permitted use in the zoning district in which it is located. An accessory use or structure may be approved in conjunction with approval of the principal use or structure.

#### **(C) Accessory Use Permit**

Some accessory uses in this Section require the issuance of an Accessory Use Permit consistent with the requirements set forth in Section 3.5 of this Ordinance.

#### **(D) Location of Accessory Buildings, Structures, or Vehicles**

(1) If an accessory structure is located closer than five (5) feet to the principal structure, the accessory structure shall be deemed attached to the principal structure.

(2) Unless otherwise specified, an accessory structure or vehicle shall not be located within a required front setback, the corner side setback, or within five (5) feet of the rear or side lot lines. Any accessory structure shall be located at least five (5) feet from the edge of a required buffer. Accessory uses and structures may not encroach into any easements, but may directly abut easements.

(3) For accessory structures accessory to residential uses, the combined floor area of all detached accessory structures shall occupy no more than thirty-three (33) percent of the total heated floor area of the principal structure, unless otherwise allowed in this Ordinance.

(4) Storage or parking of all boats, recreational vehicles, and utility or travel trailers allowed by this Section shall be located within side or rear yards.

#### **(E) Signs**

All signs shall be governed by the standards set forth in Chapter 9 of this Ordinance.

#### **(F) Temporary Accessory Uses and Structures**

Temporary accessory uses and structures shall be governed by the standards and temporary use permit procedures set forth in Sections 3.7 and 5.4 of this Ordinance.

### **5.3.4(A) Accessory Dwelling Units**

An accessory dwelling unit shall be permitted as an accessory use subject to the following standards:

#### **(1) Districts Allowed**

Accessory dwelling units shall be allowed as accessory uses to principal residential uses as depicted in Table 5.1-1 as well as the following:

- (a) In planned developments where such uses are indicated in the Planned Development Master Plan; and
- (b) In the TC district, as allowed by Section 4.2.2(N).

#### **(2) Where Permitted on Lot**

A permitted accessory dwelling unit shall comply with all applicable site and building design, access, and other standards for principal dwelling units in the zoning district in which the accessory dwelling unit will be located; except that such structures shall only be required to meet the setback requirements for accessory structures. Mobile homes, recreational vehicles, and travel trailers shall not be used as accessory dwelling units.

#### **(3) Size of Accessory Unit**

No accessory dwelling unit shall exceed 33 percent of the size of the habitable floor area of the principal dwelling

**(4) Limit on Number**

There shall be no more than one accessory dwelling unit on a lot in addition to the principal single-family dwelling.

**(5) Off-Street Parking**

At least one off-street parking space shall be provided for each bedroom located in an accessory dwelling unit.

**(6) Home Occupations**

Home occupations shall be prohibited within an accessory dwelling unit.

**5.3.4(B) Utility Dwelling Units**

A utility dwelling unit shall be permitted within a single-family dwelling, provided the following conditions are met that insure the use is consistent with such a unit:

- (1)** The utility dwelling unit is within, connected by covered walkway, or situated within five feet of the principal single-family dwelling located on its own lot;
- (2)** The combination of the utility dwelling unit and the principal single-family structure on the lot continue to meet the minimum setback requirements for a single-family dwelling;
- (3)** The utility dwelling unit shall contain no more than thirty-three (33) percent of the gross livable floor area of the total dwelling, or more than 800 square feet, whichever is smaller. The separate bathroom facilities must include a toilet and bathing facilities;
- (4)** Any entrance to the utility dwelling unit from the outside shall not be on the front wall of the principal structure;
- (5)** Home occupations shall be prohibited within a utility dwelling unit; and
- (6)** A minimum total of four (4) off-street parking spaces shall be provided for the principal dwelling and the utility dwelling unit. An exception to this requirement may be approved by the Planning Department if written verification is given by the property owner that the occupants of the utility dwelling unit, due to age or physical disability, will not have vehicles on-site. No more than two vehicles owned by the occupants of the utility dwelling unit will be permitted and must be parked off-street.