



NEW CASTLE COUNTY DEPARTMENT OF LAND USE

# FAQ

## What's an accessory use?

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Uses accessory to a residence including...

Garages, Sheds, Out Buildings, Private Stables, Fences, Satellite Dish or Antenna, Ball Courts, a Private Swimming Pool, a Guest House, a Temporary Roadside Stand or Garage/Yard Sales

A. **Garages, sheds, outbuildings and sheds** are Accessory Uses to a residence (Section 40.03.410) and are considered freestanding structures. They must meet the following criteria:

- They cannot be used for human habitation.
- They are generally not permitted in front of the principal structure or within the street or front yard setback.
- However, *lots two (2) acres or larger* may locate one free standing accessory structure in front of the principal structure, so long as the freestanding structure is not within the front or street yard setback.
- They cannot cover more than thirty (30) percent of the rear yard setback. The thirty (30) percent includes the sum of the area covered by all accessory buildings include any proposed buildings.
- A freestanding structure **may be located only in the rear yard** provided it is placed at least three **(3) feet from the side lot line and rear lot line and is not located in a street yard setback.**
- Freestanding structures cannot be located in any side yard setback or any bufferyard.

- Generally, no freestanding structure can be taller than twenty (20) feet. However, on lots greater than one (1) acre, accessory structures may equal that of the principal building if the proposed structure is not within any setback.
- Where a *garage* is facing an alley, the setback for garage doors facing the alley must be twenty (20) feet to provide a parking space. For **attached housing**, freestanding accessory structures must have a setback from the rear lot line of three (3) feet and be at least two (2) feet from the side lot line.
- **Walled units, patio houses, and atrium houses** must locate all accessory structures within their walls.

#### B. Private Stables.

- Stables are permitted on lots a minimum of two (2) acres, and on lots of record existing as of the adoption date of the UDC (as amended September 22, 1998) which legally had stables located on them.
- Stables must be setback fifty (50) feet from all property lines.

#### C. Yard ornaments, play structures, fountains, flagpoles, clothes lines, and similar objects

- Are permitted in all yards and all yard setbacks.
- However, if the structure or object exceeds six (6) feet in height above the finished ground where it is located, it must be placed at least six (6) feet from the front, street, side or rear lot line.

#### D. Fences

- Fences may be permitted in all yards and all yard setbacks.
- Fences may be placed on a property line but cannot extend into a public right-of-way. The County *recommends* the fence be placed away from the property line so maintenance may be performed from both sides of the fence
- Fences must be constructed of materials specifically designed for fences and cannot include barbed or razor wire.
- Fences that exceed six (6) feet in height are not permitted, except for ball courts.

#### E. Satellite Dish or Antenna.

- Satellite dishes (over three (3) feet in diameter) or antennas, including amateur ham radio antenna, over three (3) feet in diameter can be mounted on the ground in the rear yard.
- If location in the rear yard is not possible, then the structure may be located in the side or front yard, subject to setback requirements.

- Dishes must be screened from view with evergreen hedge or shrub and understory trees.
- The dish must be located so plant screening protects neighboring homes.
- Evergreen trees must be used to block other views from neighboring homes to the dish's front where plantings cannot be placed close to the dish.
- If the satellite dish or antenna is located in a rear yard and would not be visible to neighboring homes, then evergreen trees are not required.

#### **F. Ball Courts.**

- Ball courts are not permitted on lots of less than one (1) acre.
- Ball courts must be set back from side and rear property lines a minimum of six (6) feet.
- Any fence around the court may be over six (6) feet in height, provided it is not within any required minimum yard setback for the residential district.

#### **G. Private Swimming Pool.**

- A private swimming pool may be located only in the rear yard.
- The pool, the decking, pool filter and pump, and storage buildings must be at least six (6) feet from any side or rear property line.
- In the case of a corner lot or multiple frontage lot, the pool cannot be located in the street yard setback.
- All fencing requirements contained in the International Building Code, as adopted by the County and amended from time to time, shall be followed.

#### **H. Temporary Roadside Stand**

- A roadside stand for the sale of agricultural products grown on the premises may be located in the street or front yard.
- Any structure or display area cannot be located in any road right-of-way.
- No permanent structure or building or parking associated with the roadside stand can be constructed or maintained.

#### **I. Garage/Yard Sales**

- Are permitted provided they occur on no more than four (4) occasions per year.
- Are of no more than three (3) consecutive days in duration.

#### **J. Mulching & Composting**

- Conducted by resident using material (both yard waste & kitchen waste) found and generated on-site; and
- Not to include material from other property.

The FAQ series only summarizes or highlights portions of the Unified Development Code (UDC). In all applications, the UDC must be directly consulted. The language in the UDC prevails over the FAQ.

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