

ARTICLE IX

ZONING

9-1 ZONING DISTRICTS

In order to achieve the purposes of this Ordinance as set forth, all property within the jurisdiction of Edgecombe County is divided into districts with the designations and purposes listed in Sections 9-1.1 through 9-1.7. The minimum lot size specified for each zoning district in the descriptions below is the *general* requirement. Where public water and/or public sewer service is not available, a *larger* minimum lot size may be required by the Edgecombe County Health Department, particularly if the lot is located within a designated public water supply watershed. See Article XII for specific requirements for properties located within a watershed protection overlay district.

9-1.1 Residential Agricultural District

(A) A-1 Residential Agricultural District

The A-1 Residential Agricultural District is primarily intended to accommodate uses of an agricultural nature, including farm residences. It also accommodates scattered non-farm residences, including Class A, B, and C manufactured homes, on large tracts of land. The district is established for the following purposes:

- (1) to preserve and encourage the continued use of land for agricultural, forest and open space purposes;
- (2) to discourage scattered commercial land uses;
- (3) to encourage only those industries which are agricultural-related;
- (4) to concentrate urban development in and around identified growth areas, thereby avoiding premature conversion of farmland to urban uses; and
- (5) to discourage any use which, because of its character, would create premature or extraordinary public infrastructure and service demands.

The minimum lot size in the A-1 District is one acre.

9-1.2 Residential Districts

(A) AR-30 Rural Residential District

The AR-30 Rural Residential District is primarily intended to accommodate a variety of low density single-family detached dwellings, Class A, B, and C manufactured homes on large lots, in areas without access to public water and sewer services, and in areas where soil characteristics necessitate low density development. The AR-30 District requires a minimum lot size of 30,000 square feet.

(B) **R-30 Residential District**

The R-30 Residential District is primarily intended to accommodate low density single-family detached dwellings and Class A and B manufactured homes on large lots. The district is established to provide minimum standards for safeguarding rural areas without public water and sewer service, which are developing as residential and to ensure that such residential development will be at a sufficiently low density. The R-30 District requires a minimum lot size of 30,000 square feet.

(C) **R-20 Residential District**

The R-20 Residential District is primarily intended to accommodate low density single-family detached dwellings, Class A and B manufactured homes, manufactured home parks (by Special Use Permit) and two family dwellings in areas which have access to public water or to public sewer service. The R-20 District requires a minimum lot size of 20,000 square feet.

(D) **R-10 Multi-family Residential District**

The R-10 Multi-family Residential District is primarily intended to accommodate low to moderate density single-family detached dwellings, Class A and B manufactured homes, two-family dwellings, and multi-family dwellings in areas with access to public water and sewer services and other urban services which can accommodate moderate residential density. The R-10 District requires a minimum lot size of 10,000 square feet for single-family dwellings and permissible nonresidential uses, 15,000 square feet for two-family dwellings, and 20,000 square feet for the first multi-family dwelling unit and 6,000 square feet for each additional unit.

9-1.3 Office and Institutional District

(A) **OI Office and Institutional District**

The OI Office and Institutional District is primarily intended to accommodate office; public and institutional; business, professional, and personal services; limited support retail; and moderate density residential uses.

9-1.4 Business Districts

(A) **B-1 Neighborhood Business District**

The B-1 Neighborhood Business District is primarily intended to accommodate limited retail, office, service, and moderate density residential uses. The B-1 District is typically located in the intersection area of rural roads and is intended to provide moderate intensity shopping and personal services.

(B) **B-2 General Business District**

The B-2 General Business District is primarily intended to accommodate a wide range of retail, service, office, and high density residential uses. The B-2 District is typically located with access to major thoroughfares and urban services. The B-2 District is intended to accommodate intensive commercial uses such as shopping centers, strip centers, and business parks as well as free-standing, highway-oriented business establishments.

9-1.5 Industrial Districts

(A) **M-1 Light Industrial District**

The M-1 Light Industrial District is primarily intended to accommodate limited manufacturing, warehousing, wholesaling, and related commercial and service activities that have little or no adverse impact upon adjoining properties.

(B) **M-2 General Industrial District**

The M-2 General Industrial District is primarily intended to accommodate a wide range of assembling, fabricating, manufacturing uses, and support retail and service uses. The M-2 District is established for the purpose of providing appropriate locations and development regulations for uses which may require special measures to ensure compatibility with adjoining properties.

9-1.6 Conditional Use Districts

In addition to the general use zoning districts established in Sections 9-1.1 through 9-1.5, a corresponding Conditional Use District, bearing the designation CU, may be established in accordance with the provisions of Section 8-7. Accordingly, the following Conditional Use Districts may be designated upon approval by the Board of Commissioners of a petition by the property owners to establish a Conditional Use District:

A-1(CU), AR-30(CU), R-30(CU), R-20(CU), R-10(CU), OI(CU), B-1(CU), B-2(CU), M-1(CU), and M-2(CU).

All regulations which apply to a general use zoning district also apply to the corresponding conditional use district. All other regulations that may be offered by the property owner and approved by the Board of Commissioners as part of the rezoning process shall also apply.

9-1.7 Overlay Districts

Overlay Districts establish certain area regulations, which are in addition to those of the underlying general use or conditional use districts. Property within a designated overlay district may be used in a manner permitted in the underlying general use or conditional use district only if and to the extent such use is also permitted in the applicable overlay district.

(A) **FHO Flood Hazard Overlay District**

The FHO Flood Hazard Overlay District is intended to set forth regulations that will protect people and property from the hazards of flooding. These regulations are specified in Section 12-2.

(B) **AO Airport Overlay District**

The AO Airport Overlay District is intended to protect the Tarboro-Edgecombe County Airport environs from encroachment of incompatible land uses which present hazards to users of the airport as well as persons residing or working in the airport vicinity. The additional regulations governing development within the AO District are delineated in Section 12-6.

(C) **Watershed Protection Overlay Districts**

The Watershed Protection Overlay Districts are intended to establish regulations for the protection of public drinking water supplies. The watershed protection overlay districts consist of two separate districts: the WCA Overlay District and the WPA Overlay District.

(1) The **WCA Watershed Critical Area Overlay District** consists of that portion of the Tar River public water supply watershed designated by the NC Environmental Management Commission which is located within the Edgecombe County planning jurisdiction and which is located one-half mile upstream from a public water supply intake located directly in the Tar River or the ridge line of the watershed, whichever comes first.

(2) The **WPA Watershed Protected Area Overlay District** consists of those portions of the Tar River public water supply watersheds designated by the NC. Environmental Management Commission which are located within the Edgecombe County planning jurisdiction and which are located within 10 miles upstream from and draining to the public water supply intake on the Tar River or to the ridge line of the watershed, whichever comes first.

The boundaries of the areas included in the watershed overlay districts are delineated on the official Zoning Map as defined in Section 9-2. Supplementary watershed overlay district standards are delineated in Section 12-1.

(D) **TCO-Transportation Corridor Overlay District**

The Transportation Corridor Overlay District is established to provide specific appearance and operational standards for major highway corridors in Edgecombe County while accommodating development along the corridors. The manner in which land uses impact interchange ramps and feeder roads is of particular concern in this overlay district. Within the TCO, landscaping requirements and access control plans are required. Furthermore, utility services necessary to support surrounding development as well as to accommodate the motoring public are required in this overlay district.

The TCO shall include the existing or proposed right-of-way of specified transportation corridors at their interchanges. In general, district boundaries shall follow property lines and identifiable geographic features. Specifically, the district

shall encompass land located within a buffer strip extending one thousand two hundred fifty feet in depth on either side of the corridor, and from feeder roads providing interchange access, as measured from and perpendicular to each side of the right-of-way. Reduction in the depth of district boundaries may be granted when:

- (1) intervening topography or other permanent natural features preclude adjacent development from being visible from the transportation corridor, or
- (2) the adjacent underlying zoning is classified as residential and existing or approved residential development has already defined or substantially altered the natural character of the adjacent land.

Supplementary Transportation Corridor Overlay district standards are delineated in Section 12-7.

9-2 ESTABLISHMENT OF OFFICIAL ZONING MAP

9-2.1 Official Zoning Map

The Edgecombe County Planning and Zoning Jurisdiction is hereby divided into zones, or districts, as established in Section 9-1. The official zoning map is the set of planimetric property tax map overlays as produced and maintained by the Geographic Information System mapping division of the Edgecombe County Tax Department.

9-2.2 Map Certification

The Official Zoning Map shall be identified by the signature of the Chairman of the Board of County Commissioners, attested by the Clerk to the Board, and shall bear the seal of Edgecombe County, together with the effective date of this Ordinance.

9-2.3 Map Changes

If changes are made in district boundaries or other matters portrayed on the Official Zoning Map, such changes shall be entered on the Official Zoning Map. Amendments to the Official Zoning Map shall be made utilizing the same procedures that apply to text amendments, as set forth in Article VIII. Specific public hearing notice requirements are, however, delineated in Article VIII for map amendments.

9-2.4 Unauthorized Changes

No changes in zoning district boundaries shall be made on the Official Zoning Map, except in conformance with the procedures set forth in this Ordinance. Any unauthorized change shall be considered a violation of this Ordinance.

9-2.5 Map Location

Regardless of the existence of purported copies of the Official Zoning Map which may from time to time be made or published, the Official Zoning Map, which shall be located in the Edgecombe County Department of Planning and Inspections, shall be the final authority as to the current zoning of property within the County's planning jurisdiction.

9-2.6 Map Damage and Replacement

In the event that the Official Zoning Map becomes damaged, destroyed, lost or difficult to interpret because of the nature or number of changes and additions, the Board of Commissioners may by resolution adopt a replacement Official Zoning Map which shall supersede the prior Official Zoning Map. Unless the prior Official Zoning Map has been lost, or has been totally destroyed, the prior map or any significant remaining parts thereof, shall be preserved, together with all available records pertaining to its adoption or amendment.

9-2.7 Replacement of Official Zoning Map

The new Official Zoning Map may correct drafting or other errors or omissions in the prior Official Zoning Map, but no such correction shall have the effect of amending the original Official Zoning Map or any subsequent amendment thereof. The replacement Official Zoning Map shall be identified by the signature of the Chairman of the Board of County Commissioners, be attested by the Clerk to the Board, and bear the seal of Edgecombe County.

9-3 PERMITTED USES

9-3.1 Permitted Use Table

(A) **Table of Permitted Uses:** Within each zoning district indicated on the Official Zoning Map and subject to all requirements and conditions specified in this Ordinance, land, buildings, and structures shall only be used and buildings and structures shall only be erected which are intended or designed to be used for uses listed in the Table of Permitted Uses, Table 9-3-1. In the appropriate columns of Table 9-3-1 uses permitted by right in the various districts are indicated by a 'P', uses permitted by right subject to meeting additional development standards as set forth in Article XI (Development Standards) are indicated with a 'D', uses requiring a Special Use Permit from the Board of Commissioners are indicated by an 'S', and uses requiring a Conditional Use Permit from the Board of Adjustment are indicated by a 'C'.

(B) Formulation of Permitted Use Table

- (1) The *Standard Industrial Classification Manual - 1987* was utilized in the preparation of this table and shall be referred to as a guide for purposes of interpretation by the Zoning Administrator. SIC codes are used to refer to SIC Classifications. Entries with 0000 in the Reference SIC column do not correspond to any classification in the *SIC Manual*.
- (2) When a use is not listed in the Permitted Use Table, the Zoning Administrator shall classify it with that use in the table most similar to it. The *SIC Manual* shall serve as a guide in classifying any unlisted use. If the Zoning Administrator should determine that a use is not listed and is not similar to a use in the Permitted Use Table, then said use is prohibited.

Insert Permitted Use Table

Pages 9-7 through 9-19

- (3) Rental and leasing of any commodity shall be permitted under the same classification and in the same districts as are sales of that commodity, unless rental or leasing of that commodity is listed separately in the Permitted Use Table.
- (4) If an industrial plant or facility involves two (or more) manufacturing activities with different SIC codes on the same zone lot, the industrial plant shall be permitted only in those zoning districts where the more restricted activity is permitted. (For example, an industrial plant preparing canned peanuts and also manufacturing the cans is allowed in those zoning districts permitting can manufacturing.)

9-3.2 Permissible Uses Not Requiring Permits

Notwithstanding any other provisions of this Ordinance, no zoning, special use, or conditional use permit is necessary for the following uses:

- (A) Roads.
- (B) Electric power, telephone, telegraph, cable television, gas, water, and sewer lines, wires or pipes, together with supporting poles or structures, located within a public right of way.
- (C) Communication towers located on government facilities and structures (all other communication towers are permitted only in accordance with the requirements of Section 11-4.22 and 11-4.23).

9-3.3 Change in Use

- (A) A substantial change in use of property occurs whenever the essential character or nature of the activity conducted on a lot changes. This occurs whenever:
 - (1) The change involves a change from one principal use category to another.
 - (2) If the original use is a combination use, the relative proportion of space devoted to the individual principal uses that comprise the combination use changes to such an extent that the parking requirements for the overall use are altered.
 - (3) If the original use is a combination use, the mixture of types of individual principal uses that comprise the combination use changes.
 - (4) If the original use is a planned residential development, the relative proportions of different types of dwelling units change.

- (5) If there is only one business or enterprise conducted on the lot (regardless of whether that business or enterprise consists of one individual principal use or a combination use), that business or enterprise moves out and a different type of enterprise moves in (even though the new business or enterprise may be classified under the same principal use or combination use category as the previous type of business). For example, if there is only one building on a lot and a florist shop that is the sole tenant of that building moves out and is replaced by a clothing store, that constitutes a change in use. However, if the florist shop were replaced by another florist shop, that would not constitute a change in use since the type of business or enterprise would not have changed. Moreover, if the florist shop moved out of a rented space in a shopping center and was replaced by a clothing store, that would not constitute a change in use since there is more than one business on the lot and the essential character of the activity conducted on that lot (shopping center-combination use) has not changed.
- (B) A mere change in the status of property from unoccupied to occupied or vice-versa does not constitute a change in use. Whether a change in use occurs shall be determined by comparing the two active uses of the property without regard to any intervening period during which the property may have been unoccupied, unless the property has remained unoccupied for more than 180 consecutive days or has been abandoned.
- (C) A mere change in ownership of a business or enterprise or a change in the name shall not be regarded as a change in use.

9-3.4 Combination Uses

- (A) When a combination use comprises two or more principal uses that require different types of permits (zoning, special use, or conditional use), then the permit authorizing the combination use shall be:
 - (1) A special use permit if any of the principal uses combined requires a special use permit.
 - (2) A conditional use permit if any of the principal uses combined requires a conditional use permit.
 - (3) A zoning permit in all other cases.
- (B) When a combination use consists of a single-family detached residential subdivision that is not a planned unit development and two-family or multi-family uses, the total density permissible on the entire tract shall be determined by having the developer indicate on the plans the portion of the total lot that will be developed for each purpose and calculating the density for each portion as if it were a separate lot.

9-3.5 Prohibited Uses

Within certain overlay districts some uses are specifically prohibited. The following uses are prohibited in the overlay districts listed.

- (A) WCA Watershed Protection Overlay District: The following uses are prohibited:
 - (1) New landfills;
 - (2) New sites for land application of residuals; and
 - (3) New sites for land application of petroleum-contaminated soils.
- (B) WPIV-PA Watershed Protection Overlay District: The following uses are prohibited:
 - (1) No uses are prohibited.
- (C) FHO Flood Hazard Overlay District: The following uses are prohibited in designated floodways:
 - (1) Buildings, including manufactured homes; and
 - (2) Any use that would cause any increase in base flood levels.
- (D) AO Airport Overlay District: *(Reserved)*

9-4 DENSITY AND DIMENSIONAL REQUIREMENTS

Within the zoning districts as shown on the Official Zoning Map all of the following requirements shall be complied with:

9-4.1 Residential Agricultural and Residential Districts

- (A) Density and Dimensional Requirements: The density and dimensional requirements for the Residential Agricultural and Residential Districts are found in Table 9-4-1.
- (B) Cluster Development:
 - (1) Cluster Option: Cluster development may be used in any zoning district which permits single-family uses if the tract to be developed is ten acres or larger in area.
 - (2) Development Standards: The objective of the cluster option is to place the houses in a development closer together and on smaller lots than would normally be permitted by the zoning district in which the development is located, and to place land which would otherwise have been included in private lots into public dedication or common area. The total number of lots permissible within a cluster development shall not exceed the maximum number of lots allowed if the tract were subdivided into the size of lots required by Table 9-4-1.

**Table 9-4-1 Table of Density and Dimensional Requirements
Residential Agricultural and Residential Districts**

	Districts				
	A-1	AR-30	R-30	R-20	R-10
Minimum Lot Size (Sq. Ft.) 1					
Single-Family Dwelling	43,560	30,000	30,000	20,000	10,000
Two-Family Dwelling	--	--	--	20,000	15,000
1 st Multi-Family Dwelling Unit	--	--	--	--	20,000
Each Additional Multi-Family Dwelling Unit After One	--	--	--	--	6,000
Permissible Nonresidential Use	40,000	30,000	30,000	20,000	10,000
Minimum Lot Width (Ft.)					
Single-Family Dwelling	150	125	125	125	125
Two-Family Dwelling	--	--	--	125	125
Multi-Family Dwelling	--	--	--	--	150
Permissible Nonresidential Use	150	125	125	125	125
For Lots Along Major Roads 2	200	200	200	200	200
Minimum Building Setback (Ft.)					
Single-Family Dwelling:					
Road Right-of-Way	50	50	50	50	25
Side Property Line 3	20	12	12	12	12
Rear Property Line	40	35	35	35	20
Two-Family Dwelling:					
Road Right-of-Way	--	--	--	25	25
Side Property Line 3	--	--	--	20	10
Rear Property Line	--	--	--	35	20
Multi-Family Dwelling:					
Road Right-of-Way	--	--	--	--	25
Side Property Line 3	--	--	--	--	12
Rear Property Line	--	--	--	--	20
Permissible Nonresidential Use:					
Road Right-of-Way	50	35	35	35	35
Side Property Line 3	20	15	15	25	15
Rear Property Line	40	35	35	35	30
Maximum Building Height (Ft.)					
All Permissible Uses	35	35	35	35	35
Maximum Built-Upon Area 4	--	--	30%	30%	30%

1 Where public water and/or public sewer service is not available, a greater lot area may be required by the Edgecombe County Health Department. For property located within a watershed protection overlay district, see Section 12-1 for additional minimum lot area requirements.

2 Major Roads will be defined as all Principal Arterials, Minor Arterials, and Major Collectors, as classified in the Edgecombe County, NC Thoroughfare Plan.

3 A corner lot shall be required to provide a road right-of-way setback along all side roads. Through lots shall have two road setbacks but no rear setback.

4 For property located within a watershed protection overlay district, see Section 12-1 for additional maximum built-upon area requirements.

Notes: Setback distances shall be measured from the road right-of-way line or property line to a point on the lot that is the nearest extension of any part of the building that is substantially a part of the building itself and not a mere appendage to it nor a building part allowed to encroach into a setback (see Section 9-6.3).

- (a) When cluster development is employed, all lot size and other dimensional requirements for single-family dwellings are decreased to comply with all requirements of a smaller lot zoning district as delineated in Table 9-4-2.

**Table 9-4-2
Cluster Development**

Zoning District of Proposed Cluster Development	Single-family Lots and Buildings in Cluster Development Must Meet the Density and Dimensional Requirements of This District
A-1	AR-30
AR-30	R-20
R-30	R-20
R-20	R-10
R-10	R-10
	except that the minimum lot area may be decreased to 7,500 square feet

- (b) The sum of those areas placed into common area as open space, or those areas dedicated as public open space in excess of any required dedication for such purposes, shall not be less than fifteen percent of the total area of the development.
- (c) Common areas shall be located within the development to:
- i) Preserve stands of trees, natural vegetation, lakes, steep slopes, historic sites or other significant features;
 - ii) Provide common green space in the development for aesthetic purposes and pedestrian use;
 - iii) Provide space for common recreation facilities and meeting places; or
 - iv) Provide buffering from adjacent land uses of higher intensity.
- (d) Common area for open space shall be of usable dimensions and shall be accessible to all homeowners in the development.
- (e) Homeowners or property owners' associations responsible for the maintenance and control of common access shall be established pursuant to Section 10-5.

- (f) Any open space areas proposed for public dedication shall follow the applicable procedural requirements established by Edgecombe County.
- (3) Cluster Development in Watershed Protection Overlay Districts: Cluster development within all watershed overlay protection districts is allowed provided that the provisions of Section 12-1.6 are met.
- (E) Zero Side Setback:
 - (1) Zero Side Setback Option: Zero side setback development may be used in any district which permits single-family uses if the development contains ten or more contiguous lots and is served by public sanitary sewer.
 - (2) Development Standards:
 - (a) Setbacks of zero feet are permitted only where the lots on both of the affected lot lines are part of a zero side setback development.
 - (b) A wall and roof maintenance easement (five feet along one-story walls, ten feet along two-story walls) shall be provided on the opposite side of the zero setback lot line.
 - (c) Whenever one side setback is zero, the minimum setback on the opposite side of the same lot shall be twice the minimum side setback required by this Ordinance for the zoning district in which the development is located.
- (F) No lot created after the effective date of this Ordinance that is less than the lot width required in Table 9-4-1 shall be entitled to a variance from any building setback requirement.

9-4.2 Nonresidential Districts

- (A) Dimensional Requirements for Non-Residential Districts: Dimensional requirements for non-residential districts are shown in Table 9-4-3.
- (B) No lot created after the effective date of this Ordinance that is less than the lot width required in Table 9-4-3 shall be entitled to a variance from any building setback requirement.
- (C) Whenever a greater building setback is required by the NC Building Code, such greater setback shall be applicable.
- (D) When cluster development is employed in nonresidential districts, all lot size and other dimensional requirements for single-family dwellings are decreased to comply with all requirements of the R-10 zoning district except that the minimum lot area may be decreased to 7,500 square feet.

9-5 ACCESSORY USES, BUILDINGS AND STRUCTURES

The following requirements are for customary accessory buildings and structures. Other accessory buildings and structures containing specific accessory uses listed in Table 9-3-1 (Permitted Use Table) may have additional development requirements found in Section 11-4 (Development Standards for Individual Uses).

**Table 9-4-3
Table of Density and Dimensional Requirements
Nonresidential Districts**

	District				
	OI	B-1	B-2	M-1	M-2
Minimum Development Size (AC) ¹	--	--	--	--	--
Minimum Lot Width (FT)	75	75	75	100	100
Building Setback (FT) ²					
Road Right-of-Way	30	25	25	35	35
Side Property Line ³	12	--	--	10	10
Rear Property Line	20	--	--	20	20
Maximum Built-Up Area ¹	-- ⁴	-- ⁴	-- ⁴	60% ⁴	60% ⁴
Maximum Building Height (Ft) ⁵	5	5	5	5	5

¹For property located within a watershed protection overlay district, see Section 12-1 for minimum lot area and built-upon area requirements.

²Whenever a lot in a nonresidential district has a common boundary line with a lot in a residential district and the property line setback applicable to the residential lot is greater than that applicable to the nonresidential lot, then the lot in the nonresidential district shall be required to comply with the property line setback applicable to the adjoining residential lot.

³A corner lot shall be required to provide a road right-of-way setback along all side roads. Through lots shall have two road setbacks but no rear setback.

⁴If located outside of a watershed protection overlay district and if public water and sewer service is available, there is no maximum built-upon area requirement.

⁵No maximum building height. However, all building setbacks shall increase one foot for every foot in height between 50 feet and 80 feet. No additional setback is required for buildings greater than 80 feet in height.

Notes:

1. Permitted residential uses in nonresidential districts shall comply with the R-10 density and dimensional requirements outlined in Table 9-4-1.
2. Setback distances shall be measured from the road right-of-way line or property line to a point on the lot that is the nearest extension of any part of the building that is substantially a part of the building itself and not a mere appendage to it nor a building part allowed to encroach into a setback (see Section 9-6.3).
3. Whenever a greater building setback is required by the NC Building Code, such greater setback shall be applicable.

9-5.1 Setback Requirements

- (A) Road: No encroachment in the road setback is permitted.
- (B) Side and Rear: If the gross floor area (GFA) of the accessory structure or building is twelve hundred (1200) square feet or less, the structure or building must be located not less than five (5) feet from a side and rear property line. If the GFA is greater than twelve hundred (1200) square feet, the structure or building must be located not less than ten (10) feet from a side and rear property line.

9-5.2 Location

- (A) All Districts: Accessory structures and buildings may be in front of the principal structure but in no case may they encroach in the road building setback.
- (B) All Districts: No accessory structure or building except utility substations shall be erected in any easements.

9-5.3 Height

The height of all accessory structures and buildings shall comply to the zoning district in which it is located.

9-5.4 Accessory Use Area

Any non-residential accessory use in a residential zoning district shall not exceed twenty-five percent of any of the following measures: building volume, floor area, land area, or any other appropriate measure of usage.

9-6 SUPPLEMENTARY DIMENSIONAL REQUIREMENTS

9-6.1 Structures Permitted Above Height Limits

Except as otherwise prohibited by this Ordinance, the height limitations of this Ordinance shall not apply to public buildings, church spires, belfries, cupolas and domes not intended for residential purposes, or to monuments, water towers, observation towers, power transmission towers, silos, grain elevators, chimneys, smokestacks, derricks, conveyors, flag poles, radio, television and communication towers, masts, aerials and similar structures, provided such structures meet the required NC Building Code.

9-6.2 Prevailing Road Setback

Where fifty percent or more of the lots in a recorded subdivision on the same side of the road as the lot in question are developed with less than the required road setbacks, the average setback of the two principal buildings nearest that lot shall be observed as the required minimum setback.

9-6.3 Encroachments into Required Setbacks

- (A) Encroachments Permitted in Required Setback: The following are permitted in required setbacks provided there is no interference with any sight area:
- (1) Landscaping features, including but not limited to, ornamental pools, planting boxes, sculpture, arbors, trellises, and birdbaths;
 - (2) At grade patios, play equipment or outdoor furniture, ornamental entry columns and gates, flag poles, lamp posts, address posts, HVAC equipment, mailboxes, outdoor fire places, public utility wires and poles, pumps or wells, and fences or retaining walls;
 - (3) Handicapped ramps.
- (B) Structures Permitted in Required Setbacks: The following structures may encroach into any required setback:
- (1) Cornices, steps, overhanging eaves and gutters, window sills, bay windows or similar architectural features, chimneys and fireplaces, fire escapes, fire balconies, and fire towers may project not more than two and one-half feet into any required setback, but in no case shall be closer than three feet to any property line; and
 - (2) Porches and decks may encroach into the required road and rear setbacks as follows:

Porch or Deck Type	Yard	Maximum Encroachment	Maximum Area
Covered or Uncovered	Road	3 feet	35 Sq. Ft.
Uncovered only	Rear	50% of setback	-

- (C) Canopy Projections: Gas station and convenience store pump island canopies may be located in the road setback provided that no equipment or part of a canopy is located closer than fifteen feet to a road right-of-way line if the pump island is parallel to the road right-of-way or 50 feet if the pump island is perpendicular to the road right-of-way.

9-6.4 Easement Encroachments

- (A) Utility Easements: In addition to the lines, boxes, structures, and substation buildings for which utility easements are intended, fences without foundations may be located within utility easements.
- (B) Drainage Maintenance and Utility Easements: Water-related improvements, such as boat docks, may be placed or constructed within drainage maintenance and utility easements with the approval of the utility provider having jurisdiction over the easement.

9-6.5 Setbacks from Thoroughfares

Where proposed road alignments have been established, in accordance with an adopted Thoroughfare Plan, building setbacks shall be measured from the future right-of-way line of the proposed road.

9-6.6 Setbacks from Private Roads

Building setbacks from approved private roads shall be the same distance as specified in Table 9-4-1 or Table 9-4-3 but shall be measured from the private road right-of-way, private road easement, or the boundary line of the common area reserved for the private road.

9-6.7 Setbacks on Flag Lots

Flag Lots: In the case of a flag lot, the lot line at the end of the flag pole lying generally parallel to the road to which the flagpole connects shall be considered to be the front lot line for road setback purposes. The 'flagpole' portion of this type of lot shall not be used to calculate building setbacks [See also Section 10-7.2 (F)(3)].

9-7 GENERAL LOT REQUIREMENTS

9-7.1 Principal Buildings Per Lot

Every building hereafter erected or moved shall be located on a buildable lot; and in no case shall there be more than one principal residential building and its accessory buildings on a buildable lot except as provided below.

- (A) **Nonresidential Group Development:** Two or more principal nonresidential buildings are permitted on a lot pursuant to a site plan approved by the Planning Board, provided that an access driveway is maintained to each building in passable condition for service and emergency vehicles.
- (B) **Residential Group Development:** Two or more principal buildings are permitted in a multi-family development pursuant to a site plan approved by the Planning Board, provided that an access driveway is maintained to each building in passable condition for service and emergency vehicles.
- (C) **Manufactured Home Park:** Five or more principal buildings are permitted in a manufactured home park pursuant to a site plan approved in accordance with the provisions of Section 11-4.49.

Every principal residential structure shall be situated on a buildable lot that contains the minimum lot area, lot width, and building setbacks that are required for the zoning district in which located. A site plan, submitted to and approved by the Planning Director, shall be required whenever two or more principal structures are proposed to be located on a single parcel or tract.

9-7.2 Road Access Requirements

- (A) **Access to Public Road Required:** Every lot shall abut and have direct access to a publicly maintained road or to a private road, except as provided for in this Section. No building or structure shall be constructed, erected, or placed on a lot that does not abut and have direct access to a publicly maintained road, except as provided in this Section.
- (B) **Dead-End Roads:** For purposes of this Section the terminus of a dead-end road does not provide the required access to a publicly maintained road unless that terminus is a circular turnaround or other turnaround approved and constructed in conformance with Article X (Subdivisions: Procedures and Standards).
- (C) **Single-Family Detached Cluster Development:** Private roads may be used to meet access requirements for lots in single-family detached cluster developments and for single-family lots in planned unit developments, provided the development as a whole abuts and has direct access to a publicly maintained road.
- (D) **Townhouse Developments:** Individual parcels shall have right of access through common areas containing private roads and/or private drives at least twenty-four feet in width leading to a publicly maintained road. Individual parcels may have direct access to a publicly maintained road with Planning Board approval.
- (E) **Manufactured Home Park:** Manufactured home park lots or spaces developed in accordance with Section 11-4.49.
- (F) **Nonresidential Unified Development:** Individual parcels, whether leased or sold, in a unified development shall have shared rights of access along private roads and/or along private drives at least twenty-four feet in width leading to a publicly maintained road. Maintenance of all private roads and private drives shall be a mandatory responsibility, running with the land, exercised by a single entity which shall be composed of one landowner, an Owners' Association, or all owners acting collectively pursuant to a binding agreement.
- (G) **Exceptions:** Special-purpose lots may provide access via easement in accordance with Section 9-9 (Special-Purpose Lots) and lots meeting the access requirements of Section 10-7.2 (F).

9-7.3 Unified Development

- (A) **Parking and Landscaping:** A nonresidential unified development shall be treated as a single lot for purposes of providing required off-road parking and required planting yards, even if outparcels for sale are included within the development.
 - (1) If the entire development meets the total off-road parking requirement, it is not required that each parcel provide all the required parking for the use thereon.
 - (2) If required buffer yards are provided along the development perimeter, including road frontages, and requirements for parking lot planting are met,

buffer yards are not required along property lines and lease lines between two parcels within the unified development.

- (B) **Plat and Notice Requirements:** If the owner of a development elects to organize it in a unified development, a plat shall be recorded displaying a prominent note identifying it as such and explaining that the property must be developed with common driveways and off-road parking and be subject to a common signage plan and a common landscaping plan. The note shall further state that should the property cease function as a unified development, the property will then be in violation of this Ordinance and shall be retrofitted with conventional parking and landscaping, even if doing so requires the removal of previously installed improvements.

9-7.4 Water and Sewage Disposal Requirements

Every lot shall be served by a water supply system and a sewage disposal system that (i) is adequate to accommodate the reasonable needs of the proposed use of the lot and (ii) complies with all applicable health regulations.

9-8 LOT SIZE REDUCTION PROHIBITIONS

9-8.1 Single Lot

No lot shall be reduced in size so that noncompliance with respect to any frontage, building coverage, area, built-upon area, width, setback, parking, buffer yard, or signage requirement of this Ordinance is created, nor shall any existing nonconformity or violation be increased.

9-8.2 Buildable Lot

Where two or more contiguous lots in one ownership collectively form a buildable lot, that lot shall not be reduced in size so that noncompliance with respect to any frontage, building coverage, area, built-upon area, width, setback, parking, buffer yard, or signage requirement of this Ordinance is created, nor shall any existing nonconformity or violation be increased. An Instrument of Combination (or similar document or procedure) shall be prepared and recorded where two or more contiguous lots in one ownership collectively form a buildable lot.

9-8.3 Exemption

These prohibitions shall not apply to county, municipal or state acquisition of land.

9-9 SPECIAL PURPOSE LOTS

Requirements of this Article with respect to road frontage, minimum lot area, and minimum lot dimensions shall not apply to lots for family or church cemeteries, sewer lift stations, and similar utility uses. Such lots shall comply with the requirements below.

9-9.1 Minimum Size

The special purpose lot shall be permitted only after the Technical Review Committee has determined that the proposed lot has sufficient dimensions to accommodate the intended use and, where required by this Ordinance, buffer yards.

9-9.2 Access Easement

If the special purpose lot does not have direct access to a public road, an easement for ingress and egress with a minimum width of ten feet shall be platted.

9-9.3 Platting

The subdivision to create the lot shall be approved in accordance with Article X (Subdivisions: Procedures and Standards). The Final Plat shall label the lot as a 'Special Purpose Lot for use as _____.'

9-10 PLANNED UNIT DEVELOPMENT

A planned unit development is an area of land under unified ownership or control to be developed and improved as a whole under a unified development plan in accordance with the requirements of this Section. The planned unit development regulations are designed to provide flexibility, consistent with the public health and safety and without increasing overall density, to the developer who subdivides property and constructs buildings on the lots created in accordance with a unified and coherent plan of development.

9-10.1 Relationship to Other Applicable Regulations

A planned unit development shall be subject to all of the applicable standards, procedures and regulations of this Ordinance except as varied or changed by the express terms of this Section and Section 11-4.62.

9-10.2 Dimensional Requirements

The minimum lot area requirements for individual lots may be reduced, but in no case may an individual lot area be reduced such that it is less than 75 percent of the minimum lot size delineated in Table 9-4-1 for the underlying zoning district in which the planned unit development is located. For planned unit developments in the OI district, minimum lot sizes for residential uses shall not be reduced to less than 7,500 square feet in area. Each lot created within a planned unit development shall be of sufficient size and dimensions that it can support the structure proposed to be located on it, consistent with all other applicable requirements of this Ordinance.

The overall residential density of a PUD shall not exceed that normally permitted in the underlying zoning district. Building setback requirements are waived except that lots and structures within 150 feet of the perimeter of the planned unit development shall be in harmony with development on adjacent lands. No commercial use shall be permitted within 150 feet of the perimeter of the planned unit development unless the same or a similar use exists adjacent to the perimeter at the time of approval of the planned unit development.

9-10.3 Review and Approval Procedures

The procedure for approval of a planned unit development shall combine the special use permit review process and the subdivision plat review process. A master site plan for the

entire development shall be prepared and submitted along with a preliminary plat of those portions of the PUD which will be subdivided. Submission and review procedures for special use permit requests are described in Section 4-7. Specific development standards for a PUD are delineated in Section 11-4.61. A final approved plat is necessary prior to issuance of a certificate of zoning compliance.