

ARTICLE 5 DIMENSIONAL STANDARDS

Section 5.1 Dimensional Standards

Section 5.1.1 Applicability

Unless otherwise provided in these regulations, the minimum standards and requirements established in this Division shall apply to all uses. Special development standards and requirements for certain uses are located in Article 6, Conditional Use Standards, may exceed the minimum requirements listed below.

Section 5.1.2 Schedule of Dimensional Standards by Residential Zoning District

Dimensional Standards – Residential Districts

	Dimensional Elements	RA	R-40	R-20	R-30S R-30	R-15	R-10	R-7	R-7S
1	Min. Lot Size* (square feet) Single Family & Permissible Nonresidential Uses	40,000	40,000	20,000	30,000	15,000	10,000	7,000	7,000
		40,000		40,000	40,000	40,000	20,000	20,000	20,000
2	Min. Lot Size (sq. ft.) Two family attached (duplex)	----	45,000	----	----	25,000	15,000	10,500	10,500
3	Min. Lot Size (sq. ft.) Multi-family – 1 st dwelling unit	----	----	----	----	----	----	10,000	10,000
4	Min. Lot Size (sq. ft.) Each Additional Multi- family Unit	----	----	----	----	----	----	3,500	3,500
5	Min. Lot Size (sq. ft.) if Water and/or Sewer are Available - Single Family	30,000	30,000	20,000	20,000	15,000	10,000	7,000	7,000
6	Min. Lot Width (feet) Single Family & Permissible Nonresidential Uses	120	110	100	100	80	65	60	60
		175	150	150	150	150	80	80	80
7	Min. Lot Width (feet) Two family attached (duplex)	----	120	----	----	100	95	85	85
8	Min. Lot Width (feet) Multi-family	----	----	----	----	----	----	150	150

	Dimensional Elements	RA	R-40	R-20	R-30S R-30	R-15	R-10	R-7	R-7S
9	Min. Front Yard Setback ¹ Resident. Permissible Nonresidential (feet)	30	50	25	25	30	25	20	20
		35	60	35	35	30	30	30	30
10	Min. Side Yard Setback Res. (feet) Permissible Nonresidential	20	15	15	15	10 ³	10 ³	10 ⁴	10 ⁵
		25	20	20	20	20	15	15	15
11	Min. Corner Lot Side Yard Setback (ft.) from Rd. R-O-W Permissible Nonresidential (feet)	30	25	20	20	30	20	20	20
		35	60	35	35	30	30	30	30
12	Min. Rear Yard Setback ² (feet) Permissible Nonresidential (feet)	30	30	30	30	25	25	25	25
		40	40	40	40	30	30	30	30
13	Maximum Height (ft): SF & Dup. Multi-Family Structures	35	35	35	35	35	35	35	35
								50	50
14	Minimum Separation Between Detached Principle Structures	20	20	20	20	20	20	20	20

TABLE NOTES: Residential District Dimensional Standards Footnotes:

* Lots/parcels not served by public water or sewer, must meet the minimum lot size required by Wilson County Health Dept.

¹ Front yard setback is the setback from road right-of-way providing primary access.

² Through lots shall have two front yard setbacks in lieu of the rear yard requirement.

³ Side yard setback for two-family is 20 feet in R-12 & R-10.

⁴ Side yard setback for two-family is 15 feet in R-7.

⁵ Side yard setback in RMF zoning district for two-family is 15 feet and for multi-family is 20 feet.

Section 5.1.3 Schedule of Dimensional Standards by Nonresidential Zoning

Dimensional Standards – Nonresidential Districts

	Dimensional Elements	O&I	B-1	B-2	B-3	LI
1	Minimum Development Size * (square feet)	8,000	----	30,000	20,000	20,000
2	Minimum Lot Size and Other Dimensional Requirements for Residential Uses Single-Family & Duplex Units Multi-Family Buildings	See R-12 See RMF	See RMF	----	----	----
3	Minimum Lot Width (feet)	60	----	60	60	75
4	Minimum Front Yard Setback (ft.)	25	----	25	25	40
5	Minimum Side Yard Setback (ft.)	10**	0***	10***	10***	25***
6	Minimum Corner Lot Side Yard Setback from abutting street (ft.)	25	0	25	25	40
7	Minimum Rear Yard Setback (ft.)	25	0*^	25*^	25*^	30*^
8	Maximum Height (ft.) Nonresidential Use Single-Family & Duplex Units Multi-Family Buildings	# 35 50	# 50	# 20	# 20	# 20
9	Minimum Separation Between Detached Principle Structures	20	20	20	20	20

TABLE NOTES: Non Residential District Dimensional Standards Footnotes:

- * Lots/parcels not served by public water or sewer, must meet the minimum lot size required by Wilson County Health Dept.
- ** For each full story of structural height above the first story, add three additional feet to each side yard.
- *** When the nonresidential lot/parcel abuts a residential district, then 30 feet setback is required from the property line.
- *^ When the nonresidential lot/parcel abuts a residential district, then 50 feet setback is required from the property line.
- # No maximum height limit; 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 building height greater than 80 feet.

Section 2.2 Modifications and Special Standards

Section 5.2.1 Exception for New Building on Existing Developed Block

In the Residential Districts, where the average setback distance for existing buildings on all lots located wholly or partly within two hundred (200) feet of any lot, and within the

same zoning district and fronting on the same side of the same street as such lot, is less than the minimum setback required in said zoning district, the setback on said lot may be less than the required setback, but not less than the existing average setback distance for all lots within the two hundred (200) feet, or a distance of ten (10) feet from the street right-of-way line, whichever is greater. When lots within the two hundred (200) feet are vacant, said vacant lots shall be considered as having the average setback for the purpose of computing an average setback distance.

Section 5.2.2 Measuring Setbacks

- A. Corner lot side yard and street setbacks represent the minimum distance required between the nearest exterior finished wall of all structures and any adjacent street right-of-way line.
- B. Front, side, and rear setbacks represent the minimum distance required between the nearest exterior finished wall of all structures and the adjacent front, side, or rear property lines.
- C. Setbacks from the principal building represent the minimum distance required between the nearest exterior finished wall of an accessory building and the nearest exterior finished wall of the principal structure on the lot.

Section 5.2.3 Lot Frontage Requirements

- A. Unless otherwise provided, no principal and/or accessory building, structure, or use shall be erected, expanded, enlarged, increased, or initiated on any lot that does not abut a public street with a right-of-way in conformity with provisions within this Ordinance and the Subdivision Regulations.
- B. Single Family Exemption. A single-family dwelling may be constructed on a lot that does not abut a public street pursuant to exceptions permitted by the town's Subdivision Regulations as set forth in Section 11.2.4.C in Article 11. Otherwise, streets must meet the requirements of subsection "A" above.
- C. Multi-Family Development Exemption. A permit for construction or use within any multifamily development may be allowed on a lot that does not abut directly on a public street, provided such development is platted pursuant to the access requirements of the Subdivision Ordinance and where the original development tract or lot met the minimum lot frontage requirement. If the internal streets are private, said streets shall be maintained by a homeowners association or a management agency.
- D. Planned Development Exemption. A permit for construction or use within any Planned Residential Development, Planned Village Development, Planned Office/Commercial Development or Planned Industrial Development may be allowed

on a lot or tract that does not abut directly on a public street, provided such development is platted pursuant to the Subdivision Ordinance meeting private road standards, which are maintained by the property owner association. The original development tract or lot shall meet the minimum lot frontage requirement. All Private roads shall be maintained by a Home Owners Association or a management agency.

- E. All portions of each building erected in accordance with this section shall be located within five hundred (500) feet of an approved public or private street.

Section 5.2.4 Multi-family Conversions Density

With respect to lots where multi-family conversions are proposed and allowed, the lot must contain at least the number of square feet equal to 150% of the minimum required for single family residency if a conversion into three dwelling units is proposed and 200% of the minimum required for single family residency if a conversion into four dwelling units is proposed.

Section 5.3 Accessory Uses, Buildings or Structures

Section 5.3.1 General Standards for Accessory Uses, Buildings and Structures in all Zoning Districts

The Table of Permissible Uses in Section 4.4.3 classifies different principle uses according to their different impacts. Whenever an activity (which may or may not be separately listed as a principal use in this table) is conducted in conjunction with another principal use and the former use constitutes only an incidental or insubstantial part of the total activity that takes place on a lot, or is commonly associated with the principal use and integrally related to it, then the former use may be regarded as accessory to the principal use and may be carried on underneath the umbrella of the permit issued for the principal use. For example, a swimming pool/tennis court complex is customarily associated with and integrally related to a residential subdivision or multifamily development and would be regarded as accessory to such principal uses, even though such facilities, if developed apart from a residential development, would require a zoning permit.

- A. Accessory uses, buildings or structures shall comply with all development standards of the applicable district unless an exception is specifically provided for in Section 6.3 in Article 6.
- B. Accessory uses, buildings or structures shall not encroach upon any platted easements unless specifically authorized by the terms of the easement or by written consent of the agency in whose favor the easement is granted, and in the case of a Town of Elm City easement, authorized by the Board of Commissioners.

- C. Except as further regulated in this section or Section 6.3 no accessory uses, buildings or structures shall be located within ten (10) feet to another building or five (5) feet to an external property line or within the front yard setback. Rear and side yards setbacks shall be as follows:
1. Not less than the principal building setback for the district, except as provided under "2." below.
 2. Structures or buildings not exceeding fifteen (15) feet in height shall be setback not less than five (5) feet. Minimum corner lot side yard setbacks for the district shall apply for all corner lots. Minimum front yard setbacks shall apply for all double frontage lots.
- C. Parking and loading areas shall comply with the regulations of Section 7.5.
- D. Signs shall comply with the regulations of Section 10.2.
- E. The following structures are permitted in required setbacks provided that compliance is maintained with the street visibility standards of the Town of Elm City:
1. Landscaping features, including but not limited to ornamental pools, planting boxes, sculpture, arbors, trellises, and birdbaths.
 2. Pet shelters, at-grade patios, play equipment, including portable, non-permanent swimming pools, outdoor furniture, ornamental entry columns and gates, flagpoles, lampposts, address posts, HVAC equipment, mailboxes, outdoor fireplaces, public utility lines, poles, pumps, and boxes, wells, fences or retaining walls.
 3. Handicap ramps except for porches and landings.
 4. Steps
- F. The following attached structures will be permitted to project into the specified yard for following distance:
1. Cornices, overhanging eaves and gutters, window sills, bay windows, or similar architectural features, chimneys and fireplaces, fire escapes, fire balconies, fire towers, open unenclosed stoops, open unenclosed decks, and open unenclosed steps may project no more than two and one-half (2 ½) feet into any required yard, but in no case closer than three (3) feet to any property line or in compliance with North Carolina State Building Codes.
 2. Open unenclosed porches (excluding screened or glassed) may project no more than ten (10) feet into a front or rear yard. Said unenclosed porch in the front or

rear yard shall be no closer than fifteen (15) feet of a property line or street right-of-way. Open unenclosed decks may project into the rear yard (with no limitation on size) provided that it does not come any closer than ten (10) from any interior property line and fifteen (15) feet on a corner lot beside a street right-of-way.

3. Open unenclosed carports which are attached to and part of the principal structure and which are unenclosed on all exterior sides except for necessary supports may project into interior side or rear yards but shall be no closer than fifteen (15) feet to a side or rear yard adjoining a street right-of-way and no closer than five (5) feet to a side or rear property line.
4. Gas pump islands can project into any yard in accordance with the bufferyard regulations; however, no gas pump island shall be located closer than ten (10) feet to a street right-of-way line.
5. Canopies and awnings can project into any yard in accordance with the bufferyard regulations or the following requirements, whichever is greater:
 - a. B-1 district – not closer than five (5) feet to any street right-of-way.
 - b. All other nonresidential districts- not closer than ten (10) feet to any street right-of-way.
 - c. All residential districts – ten (10) feet into any yard.

Section 5.3.2 Accessory Uses, Buildings and Structures in all Residential Districts - General

- A. The Residential Districts covered by Section 5.3 are as follows:
 1. RA (Residential Agricultural District)
 2. RA-40
 3. RA-20
 4. R-30 MH (Manufactured Home Residential District)
 5. R-15
 6. R-10
 7. R-7
 8. R-7S (Doublewide Manufactured Homes Subdivision)
 9. PVD (Planned Village Development)
- B. Accessory uses, buildings or structures shall be permitted in all residential districts, provided, however, that the primary use which is supported by the accessory use, building or structure is a permitted use within the district to which a lot is zoned.
- C. Accessory uses, buildings or structures shall not be permitted on a lot prior to the erection of the primary building.
- D. By way of example only, some typical accessory uses, buildings and structures in Residential Districts are: garages; carports; porches; decks; awnings; canopies;

mini-barns; storage sheds; patios; outdoor fireplaces; bathhouses; cabanas; children's playhouses; swings; game courts, including tennis or basketball courts; fences; parking areas; signs; swimming pools; hot tubs; radio sending and receiving antennas; satellite dish antennas; and, storage buildings.

- E. Additional standards for certain type of less common accessory structures, including caretaker dwelling, satellite dish antennas greater than one meter (39.37"), and Swimming Pool are set forth in Article 6, Section 6.3.

Section 5.3.3 Specific Development Standards for Common Accessory Uses, Buildings or Structures in any Residential District

Accessory uses, buildings or structures permitted in the residential districts as set forth in Section 5.3.2 shall also comply with the following additional development standards:

A. Accessory Buildings:

1. The total square foot area of all: detached accessory buildings on a lot; or, accessory use portions of a primary building containing a dwelling unit, shall not exceed fifty (50) percent of the finished floor area of the primary building containing a dwelling unit;
2. The total number of detached accessory buildings on a lot shall not exceed two (2) accessory buildings;
3. Detached accessory buildings shall not be located between the established front building line and the front lot line.
4. Detached accessory buildings may be located only in the rear yard or side yard behind the principal building
5. Detached accessory buildings shall not be located in any side next to the principal building, except where the side yard next to the principal structure is wide enough to allow the accessory building with a 10 feet separation from the principal structure and a side yard setback from the property line equal to the side yard setback for the district.
6. Detached accessory buildings shall not be located in any corner lot side yard next to the principal structure.
7. Except as further regulated in Sections 5.3.3 B no accessory uses, buildings or structures shall be located within ten (10) feet to another building or five (5) feet to an external property line.

8. The height shall not exceed the height of the existing principal building or district maximum height whichever is less.
 9. The total building footprint area of all accessory buildings on the lot shall be no greater than eighty (80) percent of the gross floor area of the principal building.
 10. The location, setback, and height shall be in accordance with the district standards established for the principal building unless otherwise provided.
 11. Residential accessory structures and buildings may include but not be limited to the following:
 1. Garage, work shops and stables
 2. Greenhouses
 3. Playhouse and game courts
 4. Pumphouses, patios, porches, gazebos and decks and above ground facilities without foundations
 5. Storage or tool sheds
 6. Swimming pool (See Section 6.3 for permanent swimming pools)
 7. Dog pens and fences
 8. Satellite dish
 9. Underground facilities
 10. Trash containers
 11. Hobbies or recreational activities of a non-commercial nature
 12. Offices or Studios within an enclosed building and used by an occupant of a residence located on the same lot as such building to carry on administrative or artistic activities, so long as such activities do not fall within the definition of a home occupation or business. (See Home Occupation standards in Article 6, Section 6.3.)
- B. Additional standards for more commonly found accessory structures are as follows. Standards for larger or less commonly found accessory structures are set forth in Article 6.3 in Article 6.
1. Patios, Porches, Gazebos and Decks.

Patios, porches, gazebos and decks shall comply with all minimum yards and building setback, and maximum building height regulations of the applicable zoning district for primary buildings.
 2. Fences (including but not limited to chain link, solid, shadow-box, stockade, architectural screen, lattice-work or masonry).
 1. On Individual lots fences shall not exceed forty-eight (48) inches in height above grade in a minimum front yard setback;

2. Fences shall not exceed the following height limitations:
 - a. Eight (8) feet in height above grade if located along any perimeter of a lot that is a street frontage of a recorded, platted residential subdivision;
 - b. Eight (8) feet in height above grade within a minimum side yard or a minimum rear yard; and,
 - c. Ten (10) feet in height above grade if located in the area of a lot behind the front line of the primary building and along the side of the primary building
3. Fences shall be placed with the finished side of the fence facing out from the lot upon which the fence is placed;
4. No barbed wire shall be permitted, accept single strand wire in agricultural operations with live stock
5. All fences located between a front lot line and the front line of the primary building shall comply with all sight distance regulations of Section 7.4.1.
3. Satellite Dish Antennas in Residential Districts (See Section 6.3.5 in Article 6)

Satellite dished other than those in residential districts and covered by Section 6.3.5 shall be regulated as set forth in the Section 5.3.2.A in Article 5.

4. Grade Level Improvements without foundations

Stoops, walkways and driveways are permitted in a minimum front yard setback. Stoops, patios, decks, walkways, and interior access drives are permitted in a minimum side yard or rear yard. Patios and decks, which include foundations or are located above grade level, are regulated by Section 5.3.3.B.1 above.

5. Underground Facilities.

Underground facilities (including by way of example, septic tanks and finger systems, cisterns, cellars, basements, etc.) shall not be located in or under any minimum front yard, minimum side yard or minimum rear yard, except where septic tanks are required to be located by the Wilson County Health Department.

6. Game Courts.

Game courts shall not be located in any minimum front yard, minimum side yard or minimum rear yard setbacks, or between the established front building line and the front lot line provided, however, a basketball goal may be located in a driveway in any residential district.

7. Trash Containers.

Any trash container exceeding thirty-six (36) cubic feet in capacity shall:

- i. be screened on at least three sides by a building wall or a solid-walled enclosure, not less than six (6) feet in height nor more than ten (10) feet in height above grade, equipped with an opaque screen gate, and any solid-walled portion of the enclosure shall be provided with foundation landscaping;
- ii. not be located between the front line of the primary building and the front lot line; and,
- iii. not be located in any minimum front yard, minimum side yard or minimum rear yard.

8. Stables.

- i. Shall be erected no closer than one hundred (100) feet to any existing dwelling or residential district.
- ii. Shall meet the minimum dimensional standards and setbacks within the applicable district, except as provided under subsection "i" above

Section 5.3.4 Accessory Uses, Buildings and Structures for Commercial and Industrial Districts

A. The Commercial Districts covered by Section 5.3.4 are as follows:

1. O&I Office and Institutional
2. B-1 Central Business District
3. B-2 Neighborhood Business District
4. B-3 Highway Business District
5. PVD Planned Village Development
6. LI Light Industrial District

B. Accessory uses, buildings or structures shall be permitted in all commercial and Industrial districts provided, however, that the primary use which is supported by the accessory use, building or structure is a permitted use within the district to which a lot is zoned. A nonconforming residential use in a commercial or industrial district shall be exempted from this limitation on an accessory use, provided the standards of Section 5.3.3 are met for the accessory use.

C. Accessory uses, buildings or structures shall not be permitted on a lot, out lot, or main portion of a Planned Village Development, Shopping Center or Planned Business or Industrial Development prior to the erection of the primary building on the lot, out lot or main portion of the integrated center.

- D. By way of example only, some typical accessory uses, buildings or structures in the Commercial Districts are: fences, trash containers, recycling containers, drive-through facilities, gasoline dispensers and canopies and storage facilities.

Section 5.3.5 General Standards for Accessory Uses, Buildings or Structures in All Commercial and Industrial Districts

- A. Accessory uses, buildings or structures shall comply with all development standards of the applicable district unless an exception is specifically provided for in Section 5.3.
- B. Accessory uses, buildings or structures shall not encroach upon any platted easements unless specifically authorized by the terms of the easement or by written consent of the agency in whose favor the easement is granted, and in the case of a Town of Elm City easement, authorized by the Board of Commissioners.
- C. Except as further regulated in Sections 5.3.6 no buildings shall be located within ten (10) feet to another building or five (5) feet to an external property line.

Section 5.3.6 Specific Standards for Accessory Uses, Buildings or Structures in any Commercial District

Accessory uses, buildings or structures permitted in any Commercial District shall also comply with the following additional development standards:

- A. Accessory uses, buildings or structures for residential uses located in a Planned Village Development District, Planned Residential Development, Planned Mixed-Use Development or Planned Industrial Development shall comply with the provisions of Sections 5.3.2 and 5.3.3.
- B. Fences (including chain link, solid, architectural screen, lattice-work or masonry):
1. shall not exceed six (6) feet in height above grade in a required front yard or if located between the front line of the principal building and the required front yard setback;
 2. Shall not exceed ten (10) feet in height above grade in a required side yard or a required rear yard; and,
 3. Barbed wire shall not be permitted, except where hazardous, unsafe or other conditions justify the use of barbed wire as approved by the Board of Commissioners and under conditions established by the Board of Commissioners.

4. Shall comply with all Sight Distance requirements of this UDO (See Section 7.4.1 in Article 7).

C. Trash containers - Trash containers exceeding thirty-six (36) cubic feet shall:

1. be screened on at least three (3) sides by a building wall or a solid-walled enclosure, not less than six (6) feet in height nor more than ten (10) feet in height above grade, equipped with an opaque screen gate, and any solid-walled portion of the enclosure shall be provided with foundation landscaping;
2. not be located between the front line of the primary building and the front lot line; and,
3. not be located in any minimum front yard, minimum side yard, minimum rear yard, or required bufferyard as set forth in Article 10, Section 10.1.

D. Drive through facilities shall be so designed that:

1. drive through lanes do not conflict with the safe and efficient flow of traffic into and out of required parking spaces or loading spaces
2. drive through lanes have a "bail out" capability for all vehicles which have entered the drive through lane
3. a five (5) foot minimum separation for an interior access drive from the wall of a building) is provided and a drive through lane shall not be considered an interior access drive
4. the minimum drive through facility standards are as follows:
 - a. a drive through lane with a minimum width of ten (10) feet measured from the furthest point of projection of a drive through facility from the *building or structure*;
 - b. a "bail out" lane with a minimum width of twelve (12) feet measured from and running parallel to the full length of the drive through lane;
 - c. if a "bail out" lane also serves as an interior access drive providing access to parking spaces, the "bail out" lane / interior access drive shall be limited to a one-way traffic pattern following the direction of the drive through lane;
 - d. if a parking area is developed beyond the "bail out" lane, the parking area shall be designed so as to permit movement by vehicles that are parking or existing the parking spaces to not interfere with the traffic movement in the "bailout" lane or drive through lane;

- e. provide at least five (5) waiting spaces prior to the first occurrence of any ordering, pick-up or service facility;
 - f. provide sufficient room for at least one waiting space after exiting the last pick-up or service facility;
 - g. provide a five (5) foot minimum separation for an interior access drive from the wall of a building (a drive through lane shall not be considered an interior access drive)
- H. Gasoline dispensers and pump island canopies shall not be located within any required front yard, side yard, rear yard, of bufferyard requirement and shall be provided with adequate on-site maneuverability so as to avoid any interference with through traffic on any public right-of-way.
- I. Underground facilities (including by way of example, septic tanks and finger systems, cisterns, cellars, basements, underground storage tanks, etc.) shall not be located in or under any minimum front yard, minimum side yard or minimum rear yard, except that septic tanks may be allowed in these yard setback areas if required by the Wilson County Health Department.

Section 5.4 Temporary Uses, Buildings and Structures

Section 5.4.1 Temporary Uses, Buildings and Structures in all districts

A. Purpose and General Standards

It is the purpose of Section 5.4.1 to recognize the need for, and to permit certain temporary uses within the community. Because of the nature of temporary uses, it is necessary to provide specific, separate, and distinct standards for them. It is the expressed intent of these provisions to minimize any potential adverse impact of such temporary uses by eliminating, to the greatest extent possible, any major problems, threats, or dangers to the public health, safety, or welfare as may exist with any, or all, of these temporary uses.

B. Permitted temporary uses, buildings and structures

Temporary uses are those uses of land, buildings, or structures not of a permanent duration. Such uses shall be limited to and regulated as set forth in Section 6.2 in Article 6.