

ARTICLE XII - Density and Dimensional Regulations

§ 152-181. Table of Density and Dimensional Regulations. (Amended 4/23/2018)

The Table of Density and Dimensional Regulations should be read in close conjunction with the definitions set forth in section 152-15, "Definitions," the footnotes to the table on the next page and other provisions set forth in this article.

Zoning District	Min. Lot Area (in square ft. or acres)	Min. Area per D.U. (in square ft.)	Min. Lot Width (in feet)	Min. Front Yard Setback (in feet)	Min. Side Yard Setback (in feet)	Min. Rear Yard Setback (in feet)	Maximum Bldg. Height (in feet)
RA	five acres	None	100	35	30	30	35
R30-18	one acre	1,800	100	35	15	30	35
R20-16	one acre	1,600	100	35	15	30	35
R18-14	one acre	1,400	75	35	15	30	35
R15-12	1/2 acre ¹ one acre	1,200	75	35	15	30	35
R10-10	30,000	1,000	75	35	15	30	35
R6-10	30,000	1,000 ² 600	60	25	10	25	35
MH	30,000	1,000	60	25	10	25	35
B-1	none	n/a	25	See Fn. 3	0 ³ 15	0 ³ 15	35
HC	10,000	n/a	75	See Fn. 4	0 ⁴ 15	0 ⁴ 15	35
GC	10,000	n/a	75	See Fn. 5	0 ⁵ 15	0 ⁵ 15	35 ⁵
B-2	10,000	n/a	75	See Fn. 6	0 ⁶ 15	0 ⁶ 15	35
B-3	12,000	n/a	100	15 ⁷ 30	15 ⁷	20 ⁷	35
O-I	6,000 ⁸ 20,000	n/a	60	25	10	25	35
C-I	20,000	n/a	100	25	15 ⁹ 25	25	50
I-H	one acre	n/a	100	25	15 ⁹ 25	25	50

Table of Density and Dimensional Regulations Footnotes:

1. R15-12 zoning district.

Minimum lot area: The minimum lot area is one-half acre for lots served by town water and sewer and one acre for lots without town water and sewer.

2. R6-10 zoning district.

Minimum required living area: The minimum required living area for a single family detached dwelling is 1,000 feet, and the minimum required living area for each unit of a two-family or multi-family dwelling is 600 square feet.

3. B-1 zoning district setbacks:

Front yard setback: The minimum front yard depth shall be the average of the front yard depths, which have been established by the buildings in one or both adjoining side lots, provided that in all cases, there shall be sufficient setback from the street curb to provide space for a minimum six (6) foot sidewalk.

Side yard setback: No side yard is required, except where a lot abuts a residentially zoned lot. In such instance, the side yard setback shall be at least fifteen (15) feet measured from the side property line.

Rear yard setback: No rear yard is required, except where a lot abuts a residentially zoned lot. In such instance, the rear yard setback shall be at least fifteen (15) feet measured from the rear property line.

4. HC zoning district.

Front yard setback: The minimum front yard setback shall be fifteen (15) feet. Off-street parking shall not be permitted in this area.

Side yard setback: No side yard is required, except where a lot abuts a residentially zoned lot or where the lot is a corner lot. Lots abutting a residentially zoned lot shall have at least a fifteen (15) foot side yard measured from the side property line. On corner lots, the side yards fronting on the side street shall have at least a fifteen (15) foot width.

Rear yard setback: No rear yard is required, except where a lot abuts a residentially zoned lot. In such instance, the rear yard setback shall be at least fifteen (15) feet measured from the rear property line.

5. GC zoning district.

Front yard setback: The minimum required front yard setback shall be fifteen (15) feet if side or rear parking is utilized. No parking shall be allowed in this area, and the area shall be landscaped and planted, and existing vegetation shall be retained whenever possible. All landscaping shall be in accordance with town regulations/requirements.

Side yard setback: No side yard setback is required except where a lot abuts a residentially zoned lot or where the lot is a corner lot. Lots abutting a residentially zoned lot shall have at least a fifteen (15) foot side yard setback measured from the side property line, and corner lots shall have at least a fifteen (15) foot side yard setback.

Rear yard setback: No rear yard is required except where a lot abuts a residentially zoned lot. In such instance, the rear yard setback shall be at least fifteen (15) feet.

Hotel height: The maximum permitted height for hotels (use 1.510) in the GC zoning district is sixty (60) feet. *(Amended 6/16/14)*

6. B-2 zoning district.

Front yard setback: The minimum front yard setback shall be fifteen (15) feet. Off-street parking shall not be permitted in this area.

Side yard setback: No side yard is required, except where a lot abuts a residentially zoned lot or where the lot is a corner lot. Lots abutting a residentially zoned lot shall have at least a fifteen (15) foot side yard measured from the side property line. On corner lots, the side yards fronting on the side street shall have at least a fifteen (15) foot width.

Rear yard setback: No rear yard is required, except where a lot abuts a residentially zoned lot. In such instance, the rear yard setback shall be at least fifteen (15) feet measured from the rear property line.

7. B-3 zoning district.

Front yard setback: The minimum required front setback shall be fifteen (15) feet if side or rear parking is utilized or thirty (30) feet if front parking is utilized. No parking shall be allowed in the required setback area, and front setback areas shall be landscaped and planted, with existing vegetation retained whenever possible.

Side yard setback: The minimum required side yard shall be fifteen (15) feet. On corner lots, the side yards fronting on the side street shall have at least a fifteen (15) foot width regardless of parking location, must be landscaped and planted, and should retain existing vegetation whenever possible.

Rear yard setback: The minimum required rear yard shall be at least twenty (20) feet in addition to any required buffer and/or screening.

8. O-I zoning district.

Minimum lot area: The minimum lot area is 6,000 square feet for lots served by town water and sewer and 20,000 square feet for lots without town water and sewer.

9. C-I and I-H zoning districts.

Side yard setback: The minimum required side yard setback is fifteen (15) feet, except where a lot abuts a residentially zoned lot, in which case the minimum required side yard setback shall be twenty-five (25) feet.

§ 152-181.1 Existing Lots (Amended 4/26/2018)

(A) This ordinance does not affect existing approved residential lots which are a part of a subdivision for which there is a valid conditional use permit. Such lots shall be deemed conforming under the Unified Development Ordinance.

(B) All other existing residential lots shall be subject to the nonconforming lot requirements of Unified Development Ordinance § 152-123.

§ 152-182. Principal Buildings and Accessory Buildings.

Except as otherwise provided by this chapter, there shall be no more than one principal building and its customary accessory buildings on a single lot.

§ 152-183. Minimum Lot Area.

Subject to the provisions of sections 152-160(D)(6) and (H), which are part of the Water Supply Watershed Overlay District; 152-189, "Single-Family Residential Cluster Development"; and 152-190, "Architecturally Integrated Subdivisions," all lots shall be at least the minimum size prescribed in the Table of Density and Dimensional Regulations in section 152-181 in the column labeled "Min. Lot Area." The required minimum lot area of a nonconforming lot may be reduced in accordance with section 152-123, "Nonconforming Lots." *(Amended 3/11/13)*

§ 152-184. Minimum Area Per Dwelling Unit.

All dwelling units shall have the minimum square footage of living space prescribed in the Table of Density and Dimensional Regulations in section 152-181 in the column labeled "Min. Area per D.U." For the purposes of this article, "living space" includes every portion of the dwelling unit where residents reside, excluding covered porches and garages.

§ 152-185. Minimum Lot Widths. *(Amended 4/24/2017)*

(A) No new lot may be narrower in width than the minimum width set forth in the Table of Density and Dimensional Regulations in section 152-181 in the columns labeled "Min. Lot Width."

(B) The lot width shall be measured along a straight line connecting the points at which a line that demarcates the required setback from the street intersects with lot boundary lines at the opposite sides of the lot.

(C) No lot created after the effective date of this chapter that is less than the recommended width as set forth in this article shall be entitled to a variance from any building setback requirement.

§ 152-186. Building Setback Requirements.

(A) Subject to sections 152-187, "Accessory Building Setback Requirements," 152-190, "Architecturally Integrated Subdivisions," and the other provisions of this section, no portion of any building may be located on any lot closer to any lot boundary line or to the street right-of-way or the centerline line than is authorized in the Table of Density and Dimensional Regulations in section 152-181 in the columns labeled "Min. Front Yard Setback," "Min. Side Yard Setback," and "Min. Rear Yard Setback." Freestanding signs shall be subject to the setback requirements of section 152-277, "Freestanding Signs," or section 152-282, "Residential Development Signs," whichever is appropriate. The following provisions shall be used to interpret the table and this section *(Amended 9/12/11)*:

(1) If the street right-of-way line is readily determinable (by reference to a recorded map, set irons, or other means), the setback shall be measured from such right-of-way line. If the right-of-way line is not so determinable, the setback shall be measured from the edge of the street pavement or, in the case of a dirt road, from the edge of the visible road bed.

(2) As used in this section, the term “lot boundary line” refers to lot boundaries other than those that abut streets.

(3) As used only in this section, the term “building” includes any substantial structure which by nature of its size, scale, dimensions, bulk, or use tends to constitute a visual obstruction or generate activity similar to that usually associated with a building. Without limiting the generality of the foregoing, the following structures shall be deemed to fall within this description:

(a) Gas pumps and overhead canopies or roofs, and

(b) Fences running along lot boundaries adjacent to public street rights-of-way if such fences exceed six (6) feet in height and are substantially opaque. See also subsection 152-163.6, “Fences and Walls.”

(4) Notwithstanding any other provision of this chapter, a sign may be erected on or affixed to a structure that (i) has a principal function that is something other than the support of the sign (e.g., a fence), but (ii) does not constitute a building as defined in this chapter, only if such sign is located so as to comply with the setback requirement applicable to freestanding signs in the district where such sign is located.

(B) Whenever a lot in a nonresidential zoning district has a common boundary line with a lot in a residential zoning district, and the property line setback requirement 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 observe the property line setback requirement applicable to the adjoining residential lot.

(C) Setback distances shall be measured from the property line or street right-of-way line to a point on the lot that is directly below 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 (such as a flagpole, etc.)

(D) Whenever a private road that serves more than three (3) lots or more than three (3) dwelling units or that serves any nonresidential use tending to generate traffic equivalent to more than three (3) dwelling units is located along a lot boundary, then:

(1) If the lot is not also bordered by a public street, buildings and freestanding signs shall be set back from the private road just as if such road were a public street; and

(2) If the lot is also bordered by a public street, then the setback distance on lots used for residential purposes shall be measured from the inside boundary of the traveled portion of the private road.

§ 152-187. Accessory Building Setback Requirements.

(A) Accessory buildings other than residential garages shall be located at least ten feet from any lot line. Residential garages shall meet all applicable building setbacks for the district in

which the structure is proposed. *(Amended 4/3/2014)*

(B) Notwithstanding subsection (A), above, when an accessory building is located on a corner lot, the accessory building shall be set back from the side street lot line a distance at least equal to the minimum side yard setback required for the zoning district in which the lot is located. For example, an accessory building located on a corner lot in the R20-16 zoning district must be setback at least fifteen (15) feet from the side street lot line and ten (10) feet from all other lot lines.

(C) All accessory buildings other than residential garages shall be located to the rear of the principal building. A detached accessory building designed and used as a residential garage may be located within a side yard. No accessory building, including a residential garage, shall be located between the principal structure's front building wall and the front lot line. *(Amended 4/3/2014)*

(D) For lots measuring less than one (1) gross acre, the combined area of all accessory buildings shall be limited to no more than thirty-three (33) percent of the enclosed finished heated living space or area, including enclosed porches, of the principal building located on the lot. For the purposes of this section, the following structures are excluded from the calculation of heated living space: decks, patios, attached garages, carports, attics, any porches not enclosed and storage rooms that are only entered from the exterior.

(D) In calculating the permissible area of an accessory building, all impervious surfaces, built upon area or space connected to the accessory building, whether or not it is enclosed or under roof, shall be included.

(E) Maximum lot coverage of principal and accessory buildings shall not exceed forty (40) percent of the lot.

(F) The maximum height of an accessory building shall not exceed twenty-five (25) feet at any point.

§ 152-187.1. Swimming Pool Setback Requirements.

(A) All swimming pools must be located in the rear yard at least ten (10) feet from any property line.

(B) Notwithstanding subsection (A), above, when a swimming pool is located on a corner lot, it shall be set back from the side street lot line a distance at least equal to the minimum side yard setback required for the zoning district in which the lot is located. For example, a swimming pool located on a corner lot in the R20-16 zoning district must be set back at least fifteen (15) feet from the side street lot line and ten (10) feet from all other lot lines.

§ 152-188. Building Height Limitations.

(A) No building shall be taller than the maximum height prescribed in the Table of Density and Dimensional Regulations in section 152-181 in the column labeled, "Maximum Bldg. Height."

(B) Subject to subsection (C) of this section, the following features are exempt from the district height limitations set forth in subsection (A):

(1) Spires, towers or similar decorative structures located on the primary worship building of a church, mosque, synagogue, temple or other building used for religious purposes, provided that such structures are not intended for occupancy or storage;

(2) Chimneys, elevator shafts and similar structural appendages not intended as places of occupancy or storage;

(3) Flagpoles and similar devices;

(4) Antennas, heating and air conditioning equipment, solar collectors, and similar equipment, fixtures and devices.

(C) The features listed in subsection (B) are exempt from the height limitations set forth in subsection (A) if they conform to the following requirements:

(1) Not more than one-third (1/3) of the total roof area may be consumed by such features;

(2) The features described in subsection (B)(4) above must be set back from the edge of the roof a minimum distance of one (1) foot for every foot by which such features extend above the roof surface of the principal building to which they are attached;

(3) To shield the features listed in subsections (B)(2) and (4) from view, the permit-issuing authority may authorize or require that parapet walls be constructed up to a height not exceeding that of the features to be screened.

(D) Notwithstanding subsection (A), above, in any zoning district, the vertical distance from the ground to a point of access to a roof surface of any nonresidential building or any multi-family residential building containing four (4) or more dwelling units may not exceed thirty-five (35) feet unless the Town Fire Chief, or his or her designee, certifies to the permit issuing authority that such building is designed to provide adequate access for fire-fighting personnel or the building inspector certifies that the building is otherwise designed or equipped to provide adequate protection against the dangers of fire. For the purposes of this subsection, "point of access" refers to the top of any parapet wall or the lowest point of a roof's surface, whichever is greater.

(E) Towers and antennas are allowed in the various zoning districts as permitted in the Table of Permissible Uses (section 152-146), use classification 18.000.

(F) No permit may be granted under this chapter for structures that (i) are fifty (50) feet or greater in height, and (ii) are to be located within the area regulated by the Moore County Airport Height Restriction Ordinance, unless and not until a permit authorizing such structure has been issued by the Moore County Airport Authority.

§ 152-188.1. Flagpole Height Limitations.

Flagpoles may not exceed a height of fifty (50) feet measured from the ground. A certificate of zoning compliance is required before erection of a flagpole in any commercial zoning district.

§ 152-189. Single-Family Residential Cluster Development.

See also section 152-160(D)(6) and (H), which are part of the Water Supply Watershed Overlay District regulations.

(A) Purpose and Intent; Definition.

(1) The purpose of single-family residential cluster development is to provide an alternative development option that will:

- (a) Promote more efficient use of land resources than is otherwise possible under conventional zoning and subdivision regulations;
- (b) Reduce the per unit site development costs of dwellings by concentrating residential units on a portion of the site without increasing the overall net density above that which would normally be allowed within the applicable zoning district;
- (c) Preserve the natural character of the site;
- (d) Preserve farmland;
- (e) Provide for desirable and usable open space, tree cover, and the preservation of environmentally sensitive areas;
- (f) Provide variety in residential buildings and properties and provide design flexibility that can relate the location of units to unique site conditions;
- (g) Improve the potential for development to comply with the Town's Comprehensive Plan; and
- (h) Satisfy the regulatory requirements of the Watershed Water Supply Protection District.

(2) For the purposes of this section, a residential cluster development is defined

as:

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- (a) A development design wherein conventional zoning standards are relaxed to permit modifications in lot area, lot width, lot frontage, lot coverage, required yards, and public street access, and to reduce infrastructure development costs, environmental damage, energy use and land resources by concentrating dwellings in specific areas of the site without increasing the net density above that which would normally be allowed within the applicable zoning district;
- (b) Such development shall contain detached single-family dwellings, zero (0) lot line only; and
- (c) A conditional use to be processed in accordance with the conditional use provisions of the zoning ordinance.

(B) Area; Permitted Districts; Exemption; Street Access; Open Space(s); Density; Dimensional Standards.

(1) Residential cluster developments shall contain not less than ten (10) net acres; however, if a residential cluster is proposed in an approved PUD, a cluster development may be utilized on as little as eight (8) net acres, provided the land is within the primary corporate limits of the Town and it is approved with the required PUD conditional use permit. For purposes of this section, "net acres" shall be the total area of all lots and common area(s) exclusive of public street rights-of-way or private street easements.

(2) An addition to any existing residential cluster development may be allowed provided such addition meets or exceeds all other applicable requirements.

(3) Subject to subsection 152-189(B)(1) above, a residential cluster development may be built within any R18-14, R15-12, R10-10, or PUD zoning district. Such development shall be exempt from the conventional zoning standards relative to lot area, lot width, lot frontage, lot coverage, required yards and public street access normally applicable to such districts, provided such development complies with the minimum standards set forth under this section. *(Amended 4/21/2014)*

(4) Dwelling units within a residential cluster development may be constructed on lots fronting private streets.

(5) A residential cluster development shall provide open space(s) subject to all of the following requirements:

- (a) Such open space shall be greater or equal in area to the total amount of area by which each lot was reduced below the minimum lot size requirement of the prevailing zoning district, or as provided under subsection (b), below, whichever is greater;

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- (b) Residential cluster developments shall reserve not less than fifteen (15) percent of the gross acreage as common open space;
- (c) Such area shall not be used as a building site. For the purposes of this section, clubhouses and community centers may not be considered part of the open space. For purposes of this section, picnic areas or shelters, ball fields, walking or jogging trails, boat ramps and docks or other similar recreational facilities may be allowed in open space areas;
- (d) Such area shall not be devoted to any public street right-of-way or private street easement, private driveway or parking area;
- (e) Such area shall be left in its natural or undisturbed state, except that if the property is wooded at the time of development, then trails for walking and jogging may be cut, and if the property is not wooded at the time of development, the property may be improved for the uses listed under subsection (c) above. Also, natural or undisturbed open space may be properly vegetated and landscaped with the objectives of creating a wooded area or other area that is consistent with the objective set forth in subsection (f) below;
- (f) Such area, including community gardens, shall be capable of being used and enjoyed for purposes of informal and unstructured recreation and relaxation or for horticulture if not devoted to other allowable uses in this subsection;
- (g) Such area shall be legally and practically accessible to the residents of the development, or to the public, if so dedicated;
- (h) A minimum of one-half ($\frac{1}{2}$) of the required open space shall be contained in one (1) continuous undivided part;
- (i) Not more than twenty-five (25) percent of the required open space shall lie within any floodway zone;
- (j) Not more than twenty-five (25) percent of the required open space may be devoted to allowable improvements as set forth in subsection (c) above;
- (k) Such area shall be perpetually owned and maintained for the purposes of this section by a property owners' association or, by agreement between the owner and the Town, offered for dedication to the Town for public use;
- (l) The location and arrangement of any open space(s) shall be subject to Board of Commissioners' approval upon recommendation of the Planning Board; and
- (m) The owner shall, pursuant to the subdivision regulations, cause a final

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subdivision plat to be recorded in the Moore County Register of Deeds which clearly describes the open space(s), required deed restrictions, and conditions thereof, prior to the issuance of any building permit(s).

(C) Maximum Density Requirements.

(1) Residential density shall not exceed that which would normally be permitted under single-family standards within the prevailing zoning district on a net area basis.

(2) Public street rights-of-way and private street easements shall not be included or count towards the total net area for purposes of calculating allowable density. Ten (10) percent of the total cluster development will be deducted for public and/or private streets.

(3) Area dedicated or deeded to the Town pursuant to the sections above shall count towards net area for purposes of density calculation.

(D) Minimum Dimensional Standards.

(1) Lot area. A lot may not be less than sixty (60) percent of the minimum lot area which would normally be required under the single-family standards of the prevailing zoning district.

(2) Minimum lot width. Forty (40) feet.

(3) Minimum lot frontage. Forty (40) feet, except on the radius of a cul-de-sac where such distance may be reduced to twenty (20) feet.

(4) Minimum public or private street setback. No principal or accessory structure shall be closer than fifteen (15) feet to a public street right-of-way or private street easement or as otherwise provided herein.

(5) Minimum side yard setback. Shall be subject to zero (0) lot line provisions or not less than twelve (12) feet, provided however, that no structure shall be located adjacent to more than one (1) side lot line.

(6) Minimum rear yard setback. Shall be not less than twelve (12) feet or as otherwise provided herein.

(7) Minimum building separations. No portion of any principal structure shall be located less than twelve (12) feet from any other principal structure or less than ten (10) feet from any accessory structure as measured to the closest point.

(8) Minimum periphery boundary setback. Except as further provided, no principal or accessory structure shall be located less than thirty (30) feet from the peripheral boundaries of the residential cluster development.

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- (9) Maximum height. Thirty-five (35) feet.
- (10) Detached accessory structure requirements.
 - (a) Shall not be located within any front yard setback;
 - (b) Shall not be located within ten (10) feet of any other principal structure or within five (5) feet of any other accessory structure;
 - (c) Shall not cover more than twenty (20) percent of any side or rear yard; and
 - (d) The side or rear yard requirement for detached accessory structures shall be subject to the provisions of subsection (D)(5) but may not be located closer than five (5) feet to the zero (0) lot line.

(E) Zero (0) Side and/or Rear Yard Setbacks. A single-family detached zero (0) side and/or rear yard setback as permitted herein, may be permitted in a cluster subdivision subject to the following provisions:

(1) Any wall, constructed on the side lot line, shall be a solid doorless and windowless wall. Such wall shall contain no electrical, mechanical, heating, air conditioning, or other fixtures that project beyond such wall. If there is an offset of the wall from the lot line, such offset shall be subject to the applicable setback requirements and provisions of the applicable zoning district. Roof eaves may encroach two (2) feet into the adjoining lot;

(2) A five (5) foot maintenance and access easement with a maximum eave encroachment easement of two (2) feet within the maintenance easement shall be established on the adjoining lot and shall assure ready access to the lot line wall at reasonable periods of the day for normal maintenance;

(3) Where zero (0) side or rear yard setbacks are proposed, the buildable area for each lot shall be indicated on the preliminary and final subdivision plat; and

(4) Zero (0) lot Lines shall not be allowed on any perimeter boundary line or perimeter lot line of a cluster subdivision.

(F) Private Streets. Private streets may be allowed pursuant to section 152-221, "Public Streets and Private Roads in Subdivisions."

(G) Compliance with Subdivision Standards. Except as provided herein, all development regulated in accordance with this section shall be subject to the requirements, conditions, and restrictions of the subdivision regulations.

§ 152-190. Density on Lots Where Portion Dedicated to Town.

(A) Subject to the other provisions of this section, if (i) any portion of a tract lies within an area designated on any officially adopted town plan as part of a proposed public park, greenway, or bikeway, and (ii) before the tract is developed, the owner of the tract, with the concurrence of the Town, dedicates to the Town that portion of the tract so designated, then, when the remainder of the tract is developed for residential purposes, the permissible density at which the remainder may be developed shall be calculated in accordance with the provisions of this section.

(B) If the proposed use of the remainder of the tract is a single-family detached residential subdivision, then the lot sizes in such subdivision may be reduced in accordance with the provisions of section 152-189, "Single-Family Residential Cluster Development," and 152-190, "Architecturally Integrated Subdivisions," except that the developer need not set aside usable open space to the extent that an equivalent amount of land has previously been dedicated to the Town in accordance with subsection (A) of this section.

(C) If the proposed use of the remainder of the tract is a two-family or multi-family project, the permissible density at which the remainder may be developed shall be calculated by regarding the dedicated portion of the original lot as if it were still part of the lot proposed for development.

(D) If the portion of the tract that remains after dedication as provided in subsection (A) of this section is divided in such a way that the resultant parcels are intended for future subdivision or development, then each of the resultant parcels shall be entitled to its prorated share of the "density bonus" provided for in subsections (B) and (C) of this section.

§ 152-191 through § 152-195. Reserved