

Chapter 4. GENERAL LOT & STRUCTURE PROVISIONS

4.1 Applicability

The following lot and structure provisions shall apply, regardless of the underlying zoning district provisions, unless otherwise noted.

4.2 Lot and Yard Requirements

- A. All Lots to Front on Public Street or Public Space:** All lots shall front upon a public street. With the provision of rear lane or alley access, lots may front upon a close or a square, but access shall be of sufficient design to allow for the provision of emergency services.
- B. May Not Reduce/Create Lot(s) Below Minimum Requirements:** No yard or lot existing upon adoption of this Ordinance shall be reduced in size or area below the minimum requirements of the district. Yards or lots created after the effective date of this Ordinance shall meet the minimum requirements established by this Ordinance. This prohibition shall not be construed to prevent the required dedication, purchase or condemnation of narrow strips of land or parcels for public utilities, substations, street right-of-way, or similar purposes.
- C. Spike Strips Prohibited:** The creation of “spike” strip lots with the intentional or unintentional purpose of preventing access to adjacent lots from a street right-of-way is prohibited.
- D. Dimensional Standards for Infill Lots:** Front and side yard setbacks for infill lots shall be consistent with or equal to the average setbacks for all principal structures within 300 feet or one (1) block length (*whichever is greater*). If no principal structures exist within 300 feet or one (1) block length (*whichever is greater*) of the infill lot, then the minimum dimensional standards shall be per the district requirements in Chapter 2. In reference to the Old Town Knightdale Plan, the term “infill lot” shall include, but not be limited to, any lot zoned GR3, GR8, UR12, RMX or NMX, and having frontage along any of the following streets: Second, Third or Fourth avenues between Smithfield Road and Pine Street; First Avenue between Smithfield Road and Sixth Street; Maple, Main, Oakwood and Pine streets; the segments of Park Avenue, Harper Street or Ridge Street east of Smithfield Road; Sallinger, Hester, Jutson, House and Keith streets; and Robertson Street between First Avenue and Keith Street. (*For Major Subdivisions receiving Master Plan approval prior to November 16, 2005, see applicable base district setback notes in Sections 2.5 thru 2.10*).
- E. One Principal Building Per Lot:** Only one (1) principal building and its customary accessory building(s) shall be located on any lot, except in appropriate districts that permit a lot to contain multiple residential and/or non-residential uses in one or more principal structures or within the same structure.
- F. Rights-of-Way Not Considered in Yard Requirements:** Areas within street and railroad rights-of-way or easements shall not be considered part of a lot, count towards recreational open space requirements, or be used for the purpose of meeting front, side or rear yard requirements.

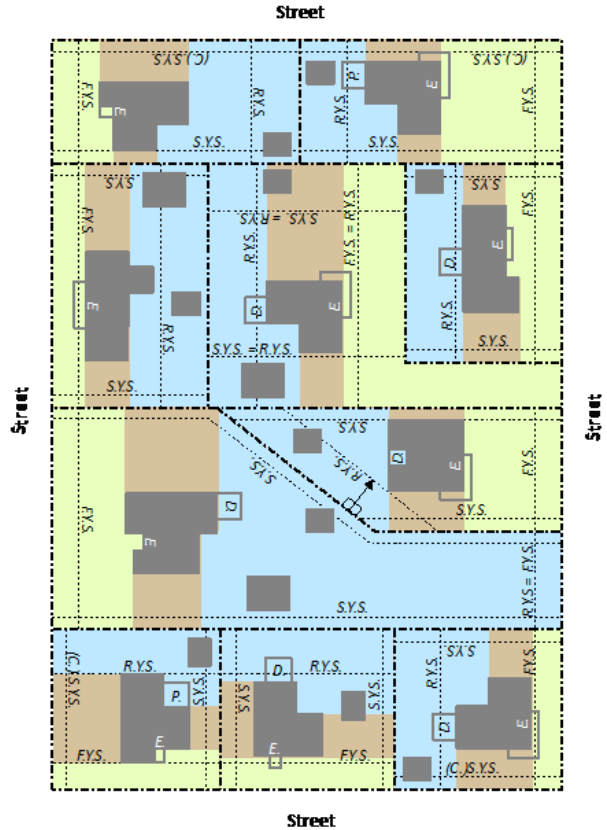
G. Irregular Lot Setbacks: The location of required front, side and rear yards setbacks on irregularly shaped lots shall be determined by the Administrator. The determination will be based on the spirit and intent of this Ordinance to achieve an appropriate spacing and location of buildings and structures on individual lots. Lots which don't have an obvious visual relationship with the fronting street, such as flag lots, shall be evaluated on the basis of having one setback from neighboring properties, which shall be equal to the minimum rear setback for the district.

H. Corner lots: Corner lots shall have a single front yard designated along the street associated with the primary façade of the corner lot's principal structure. Remaining corner lot yards that abut other streets shall be considered side, corner side or rear yards as applicable (see Chapter 2).

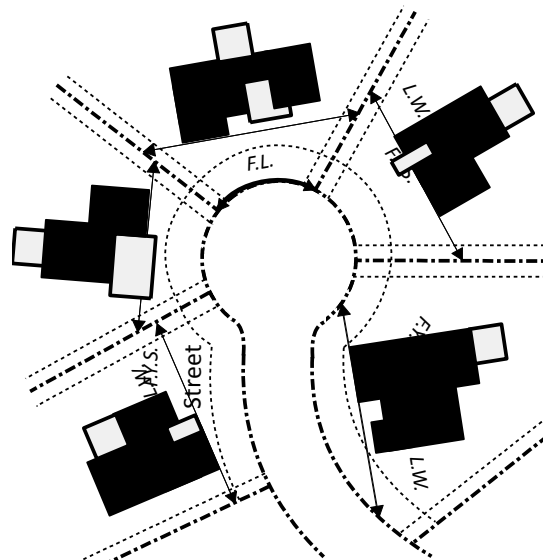
I. Double frontage lots: Excluding corner lots, lots having frontage on two (2) streets shall observe a front yard setback along each street in accordance with the provisions of this ordinance.

J. Right-of-Way Frontage Length: While the minimum lot width must be met at the building line, it is also in the public interest of the Town to ensure that each lot also has a minimal frontage length along the right-of-way:

1. **Minimum Length:** The minimum length of the lot's street right-of-way frontage shall be eighty percent (80%) of the minimum lot width required for the zoning lot with the exception of flag lots which shall be 22 feet or as otherwise provided in this Ordinance.



- Green Shade = Front Yard
- Blue Shade = Back Yard
- Brown Shade = Side Yard
- "F.Y.S." = Front Yard Setback
- "R.Y.S." = Rear Yard Setback
- "S.Y.S." = Side Yard Setback
- "(C.S.Y.S.)" = (Corner) Side Yard Setback
- Gray = Building Footprint
- Gray Outline = Deck, Porch, Patio or Stoop
- P. = Patio D. = Deck E. = Entrance/Front Door
- "F.L." = Frontage Length
- "L.W." = Lot Width



2. **Corner Lots:** Where a zoning lot fronts on two (2) or more streets, minimum right-of-way frontage length requirements shall be considered met if the frontage along any one of such streets meets the minimum right-of-way frontage length requirements of subsection 1.
 3. **Lots Along a Tight Street Radius:** Where a zoning lot fronts on a turning circle of a cul-de-sac or at a point of a street where the radius of the curvature of the right-of-way is less than 90 feet, the minimum right-of-way frontage length requirement shall be 35 feet.
- K. Flag Lot Width at Building Line:** Flag lots shall reach the minimum lot width at a point not to exceed 200 feet from the street right-of-way.
- L. Yard Setback Exceptions:** The following features shall not be subject to the required minimum setback requirements:
- Wall, projecting and under-awning signs, provided such signs comply with the standards established in Chapter 12;
 - Fences and walls not exceeding heights specified in Section 4.8;
 - Flagpoles;
 - Bridges;
 - Utility transmission poles, towers, and cables; and
 - Any satellite dish measuring 18 inches or less in diameter.

4.3 Encroachments

Based on the District provisions in Chapter 2, certain architectural features are permitted to encroach into the front setback. The following standards shall be established for encroachments:

A. Front Yard Setback Encroachments

1. **Arcades:** Arcades or covered walkways should be designed to avoid the swing of car doors parked parallel to the arcade. In addition, the sidewalk within the arcade should be sufficient to accommodate the intended uses (i.e. outdoor seating) while providing suitable clearances per the American with Disabilities Act Accessibilities Guidelines (ADAAG).
2. **Awnings:** Awnings shall be supported by means of a frame attached directly to the structure receiving beneficial use of the awning. In no case shall awnings be supported by a frame attached to a sidewalk or other public right-of-way.
3. **Bay Windows:** Bay Windows shall not exceed a maximum projection of two (2) feet from the primary wall. By their definition, bay windows are suspended projections and do not contain habitable floor space, but may provide seating as an integral element of the interior space.
4. **Balconies, Open Porches, Stoops and Raised Doorways:** Only balconies, open porches, stoops and raised doorways not exceeding an average finished height above grade of 36 inches are permitted as encroachments. To the extent possible, these features are to remain visually permeable so that the front door can be easily seen from the street or sidewalk. While railings required by the

building code are permitted, the screening in of these features constitutes an enclosure which may not encroach into the front yard setback.

5. **Handicapped Ramps:** A ramp installed on a residential structure to provide access for a disabled resident may encroach into the front yard setback, unless a less obtrusive means of access can be provided at another entry point (i.e. the back door).

- B. **Side and Rear Yard Setback Encroachments:** Open decks, porches, patios, and other similar structures not exceeding an average finished height above grade of 36 inches may encroach into the side and rear yard setbacks to within five (5) feet of the property line. When an opaque wall or fence of a minimum six (6) feet in height is provided in accordance with the provisions of Section 4.8, the encroachment may be constructed to the property line. Roofs over such structures are not permitted to encroach into either the side or rear setbacks.

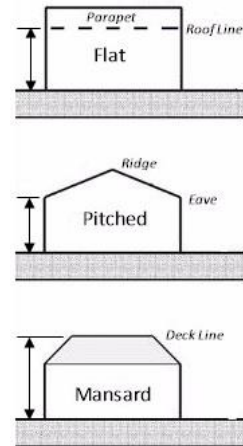
4.4 Building Height

- A. **Computation of Height:** “Building Height” is measured as the vertical distance from a **reference elevation** to:
 - the base of parapet or roof line of a flat roof,
 - the eave of a pitched roof (gable, hip or gambrel), or
 - the deck line of a mansard roof.

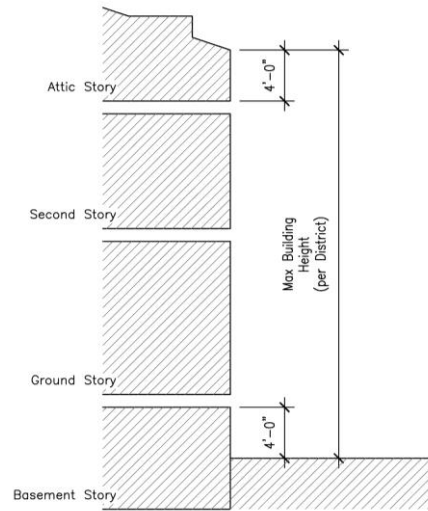
Note: The roof form of the highest level of any terraced or stepped building shall be used in the computation of building height.

The **reference elevation** shall be established by examining the elevation of all sidewalks and ground surface areas within a buffer area extending five (5) feet from all exterior building walls.

1. When the elevation differential within the buffer area is 10 feet or less, the reference elevation shall be the elevation of the highest point within the buffer area.
2. When the elevation differential within the buffer area exceeds 10 feet, the reference elevation shall be set 10 feet higher than the lowest point within the buffer area.



B. Computation of Story(ies): A single story shall consist of the habitable level of a building of no more than 14 feet in height from finished floor to finished floor. When the height from finished floor to finished floor exceeds 14 feet, another story shall be added to the calculation for additional height in 14-foot increments (*14.1 to 28.0 feet equals two [2] stories, 28.1 to 42.0 feet equals three [3] stories, etc.*). Basements with a ceiling height of no more than four (4) feet above the reference elevation or attics whose finished floor is less than four (4) feet below the elevation of the eave shall not constitute a story.



C. Items Not Included in Computation of Height: Provided such building or structure will not interfere with any airport zones or flight patterns; the height limitations of this Section shall not apply to church spires, belfries, cupolas, and domes not intended for human occupancy, as well as monuments, water towers, observation towers, transmission towers, chimneys, smokestacks, conveyors, flagpoles, masts and antennas.

4.5 Containment Areas for Trash and Recyclables

All containment areas for trash and recyclables, including devices such as compactors, dumpsters and commercial roll-out bins, as well as locations for stacking cardboard, pallets and similar items shall be restricted to side or rear yards only and screened from off-site view. All containment areas shall meet the following standards:

- A.** All containment areas shall be enclosed to contain windblown litter.
- B.** The height of the enclosure shall meet or exceed the highest point of any compactor, dumpster or bin.
- C.** The enclosure shall be opaque and finished with materials consistent with those of the principal structure.
- D.** All containment devices shall be placed on a concrete pad with a concrete apron that is large enough to provide adequate support, allow for positive drainage, and conform to the Wake County Health Department regulations governing compactor pads.
- E.** The enclosure shall feature opaque gates made from permitted fence materials (Section 4.7) to allow for access and security.
- F.** All containment devices shall be located as far as possible from sidewalks and other pedestrian facilities and in a location that is accessible to service vehicles.
- G.** Enclosures shall also be screened with landscaping in accordance with the standards of Section 8.7C.

4.6 Ordering Stations for Drive-Thru Facilities

Ordering Stations for drive-thru facilities are incidental uses that are intended to assist in the ordering process. They customarily are made up of menus, speakers, and/or windows. In certain instances the menus may consist of a digital component and shall meet the specific requirements below. All ordering stations shall meet the following standards:

- A. All ordering stations shall be located in the side and rear yards.
- B. A maximum of two menus are permitted not exceeding 32 square feet each.
- C. All speakers and sounds shall not be audible off-premise.
- D. When a digital display is utilized, the menu must be appropriately screened and oriented so as to cause no negative impact, including visible or distracting lights or motions, light trespass or light pollution, to public streets and neighboring properties.

4.7 Accessory Buildings

An accessory building is a roofed structure supported by columns or walls; is built, erected and framed of component structural parts; is designed for the housing, shelter, enclosure and/or support of persons, animals or property of any kind; and is subordinate in height and bulk to the principal building located on the same lot.

- A. **Principal Building Required:** Except as provided for in Subsection E: Cluster Mailbox Units (CBUs), the construction of an accessory building is not permitted unless a principal building is located on the lot. Accessory and principal buildings may be constructed concurrently.
- B. **Customary Uses (Residential):** The following uses are considered customary incidental uses of residential accessory buildings:
 - Home Occupations
 - Secondary Dwelling
 - Leisure Activities
 - Equipment Enclosure
 - Conservatory
 - Storage
 - Animal Shelter*
 - Parking
 - Artist Studio
 - Workshop
 - Pool House

** Subject to any provisions of the Town Code, as may apply.*

C. General Requirements

1. Maximum Allowance

- a. **Districts Permitting Residential Uses:** Accessory buildings on a single lot in a district permitting a residential use (*Section 2.3C(1)*) shall not:
 - i. individually exceed a building footprint of 800 square feet;
 - ii. collectively cover more than 20 percent (20%) of the total combined area of the lot's rear and side yards; nor
 - iii. individually exceed the height of the principal building (*Section 4.4*).
- b. **Districts Not Permitting Residential Uses:** Accessory buildings on a single lot in a district not permitting a residential use (*Section 2.3C(1)*) shall not:

- i. collectively cover more than 30 percent (30%) or the total combined area of the lot's rear and side yards; nor
 - ii. individually exceed the height of the principal building (*Section 4.4*).
- c. **Exceptions:** The following are not subject to the maximum allowance restrictions stated herein:
- i. Property located in the OSP (Open Space Preservation) or RR-1 (Rural Residential) districts along with certain farmland meeting the exemption requirements of Section 1.5B.
 - ii. CBU Shelters (*Subsection E*).
2. **Location:** Unless otherwise specified, accessory buildings are restricted to the side or rear yards and shall meet the district-specific setback requirements for accessory structures as specified in Chapter 2.
3. **Separation:** To ensure proper maintenance of building exteriors, accessory buildings shall be located, if otherwise permitted, a minimum of five (5) feet from any principal building or other accessory building.

D. Specific Requirements for Certain Animal Shelters

1. **Dog House:** All dog houses shall be located in the rear yard.
2. **Chicken Coop:** The keeping of chickens (*hens only*) is permitted as an accessory use in conjunction with single-family dwellings (*Section 2.3C(1)a*) in the GR, UR, RMX, NMX, TC, MHD and TND districts subject to the regulations stated herein.
- a. **Permit Required:** An application for a Livestock, Chicken and Other Domestic Fowl Permit must be filed and approved by the Administrator prior to the keeping of chickens in any area authorized by this subsection. Said permit application shall require the submission of a plot plan showing coop (*hen house and pen*) location, dimensions and distances from property lines.
 - b. **Number and Type of Chickens:** Up to five (5) female domesticated chickens (*no roosters, peafowl, guineafowl or other domestic fowl are permitted*) are allowed per lot.
 - c. **Coop Design:** Each single-family lot permitted and engaged in the keeping of domestic chickens shall:
 - i. provide an enclosed chicken coop of sufficient size to allow for adequate exercise (*minimum ten square feet per chicken*) and room for nesting (*minimum four [4] square feet per chicken*) and all covered by a roof;
 - ii. construct a coop from permitted materials (*see Section 5.7C(5) and (6)*), including hardware cloth (*chicken wire not permitted*) with adequate ventilation; and
 - iii. construct a coop designed to prevent the entry of rodents and predators including an elevated hen house or hen house placed on a hard surface such as concrete slab or patio block.

- d. **Location:** Coops shall be located in the rear yard only and setback at least five (5) feet from the rear property line. The minimum side setback for coops shall be 15 feet or the existing setback of the principal building on the lot, whichever is less. However, under no circumstance shall any coop be located closer than five (5) feet to any side property line.
- e. **Maximum Size:** Coops shall not exceed 100 square feet in area or 12 feet in any dimension.
- f. **Rear Yard Fence Required:** The rear yard in which a coop is located shall be enclosed by an opaque wall or fence. In addition to meeting the requirements of Section 4.7, the wall or fence shall be a minimum of six (6) feet tall.
- g. **Chickens Secured:** Chickens shall be secured within the coop at all times and within the hen house from dusk until dawn.
- h. **Commercial Sale Prohibited:** All products resulting from the keeping of domestic chickens (*chicks, eggs, manure, compost, etc.*) are for personal use only.
- i. **Maintenance:** All areas within the coop shall be kept in a neat and sanitary condition at all times so as to preclude offensive odor and other nuisance violations.

E. Cluster Mailbox Unit Shelters (CBU Shelters): A shelter for any United States Postal Service (USPS)-required CBUs in districts permitting residential units is required and shall meet the following additional requirements:

1. **Type and Size:** Be a principal or accessory building (*open-air or enclosed*) that extends shelter to a minimum of five (5) feet beyond the CBUs' collective footprint.
2. **Location:** Be located on a lot deeded to a homeowners' association, and be no more than 50 feet from an off-street motorized vehicle parking lot as measured from curb to open-air building footprint or enclosed building entrance.
3. **Parking:** In addition to satisfying the minimum and maximum off-street Motorized Vehicle Parking space requirements specified by Section 10.3D for other uses on the lot, the following minimum and maximum off-street short-term (*marked and signed for 10-minute maximum*) motorized vehicle parking space requirements must also be met:

Number of Mailboxes	Minimum Short-Term Parking Spaces	Maximum Short-Term Parking Spaces
48 or fewer	3	3
49 - 304	3 or 1/2 maximum, whichever is greater	3 plus 1 for each additional 32 mailboxes or portion thereof above 48 mailboxes
305 or more	1/2 maximum	11 plus 1 for each additional 48 mailboxes or portion thereof above 304 mailboxes

4.8 Swimming Pool Accessory to Single-Family Dwellings

A swimming pool is a leisure activity space that includes all structures, as well as cement, stone or wood walks and patio areas, at or above grade, built for, and used in conjunction with the pool.

- A. **Location:** Swimming pools, as defined above, whether above-ground or in-ground, are restricted to the rear yard and shall meet the district-specific setback requirements for accessory structures as specified in Chapter 2. Any at-grade patio component meeting the opaque fence or wall requirement of Section 4.3B, has no setback requirements from rear and side lot lines.
- B. **Barrier:** Swimming pools, as defined above, shall be enclosed by a barrier meeting the requirements of the North Carolina Building Code. Any fence or wall components of this barrier shall also meet the requirements of Section 4.8.

4.9 Fences and Walls

A. House and Townhouse Building Types

- 1. **Front Yard Height:** Fences shall not exceed four (4) feet in height, and garden/decorative walls shall not exceed three (3) feet in height.
- 2. **Side/Rear Yard Height:** Fences or garden/decorative walls shall not exceed six (6) feet in height.
- 3. **Materials:**
 - a. Garden/decorative walls and fence piers shall be brick, stone or stucco consistent with those materials of the principal building.
 - b. Retaining walls shall be wood, brick, stone, decorative concrete masonry blocks or stucco.
 - c. Front yard fences shall be wood picket, wrought iron or materials similar in appearance and durability.
 - d. Side and rear yard fences not exceeding four (4) feet in height may be chain link, wood, wrought iron, or materials similar in appearance and durability.
 - e. Side and rear yard fences exceeding four (4) feet in height shall be wood or a material similar in appearance and durability.
- 4. **Exceptions:** Engineered retaining walls necessitated by severe topography (slopes) are not subject to the height limitations of this section.

B. Apartment, Mixed-Use, Civic, Institutional or Commercial (All Districts Except MI) Building Types

- 1. **Front Yard Height:** Fences shall not exceed four (4) feet in height and garden/decorative walls shall not exceed three (3) feet in height.
- 2. **Side/Rear Yard Height:** Fences or garden/decorative walls shall not exceed eight (8) feet in height.
- 3. **Materials:**
 - a. Garden/decorative walls and fence piers shall be brick, stone or stucco consistent with those materials of the principal building.

- b. Retaining walls shall be wood, brick, stone, or stucco.
- c. All fences shall be wrought iron or a material similar in appearance and durability.

4. Exceptions

- a. Engineered retaining walls necessitated by severe topography (slopes) are not subject to the height limitations of this section.
- b. Wireless Telecommunication Facility – Tower (Section 3.3YY) are not subject to the height limitations of this section.

C. Commercial Building Types in MI District

- 1. **Front Yard Height:** Fences shall not exceed six (6) feet in height.
- 2. **Side/Rear Yard Height:** Fences or garden/decorative walls shall not exceed eight (8) feet in height unless topographic conditions necessitate additional height. The Administrator may approve fences or walls not exceeding nine (9) feet in height. Requests for heights exceeding nine (9) feet are subject to approval from the Town Council.
- 3. **Materials:**
 - a. Retaining walls shall be wood, brick, stone or stucco.
 - b. Barbed wire fences are restricted to the rear yard, shall not be visible from a street right-of-way and shall not be adjacent to any lot in or zoned for residential use.
- 4. **Exceptions:** Engineered retaining walls necessitated by severe topography (slopes) are not subject to the height limitations of this section.

4.10 Amateur Radio Antennas

For amateur radio antennas and their supporting structures, the height of the antenna together with the supporting structure may not exceed 90 feet under any circumstances. Furthermore, for the safety of the general public, the height of the antenna and any supporting structure shall be further restricted to no more than the distance from the base of the structure to the nearest property line which may be a public right-of-way or an adjacent property with structures that might otherwise be damaged in the event of an antenna failure and collapse.

4.11 Temporary Uses

Temporary uses may be approved by obtaining a Zoning Compliance Permit (Section 15.4B) from the Administrator subject to the following:

A. General Requirements

- 1. The Administrator may attach any conditions needed to protect the public health, safety, and welfare.
- 2. The use is clearly of a temporary nature, not exceeding 14 calendar days unless otherwise allowed in subsection (B) below.
- 3. Associated structures including but not limited to greenhouses, tents and mobile units, shall be removed from the lot no later than the temporary use's zoning compliance permit expiration date.

4. Any building permits and fire inspections as required by the North Carolina Building Code for general construction or commercial use shall be obtained.

B. Specific Requirements

1. **Carnival or Circus:** A carnival or circus may be permitted for a period not to exceed 21 calendar days.
2. **Seasonal Sales:** Christmas tree, fireworks and other seasonal sales in open lots may be permitted for a period not to exceed 45 calendar days within the NMX, TC, HB, MI and TND districts. Christmas tree sales may also be permitted for a period not to exceed 45 days on a portion of a lot primarily used for agribusiness purposes.
3. **Contractor's Office or Equipment Shed:** A contractor's office or equipment shed is permitted in any district for a period covering the construction phase of the project not to exceed one (1) year, provided that such office be placed on the property to which it is appurtenant.
4. **Other Uses:** The administrator may issue other temporary uses and activities, or special events including specific time limits, if it is determined that such uses are clearly of a temporary nature, and will not jeopardize the health, safety or general welfare, or be injurious or detrimental to properties adjacent to, or in the vicinity of, the proposed location of the activity.

- C. Extensions:** A zoning compliance permit for a temporary use may be extended by the Administrator, provided the combined periods of the original permit and extension do not exceed the maximum period lengths previously specified in subsections (A) and (B), and provided that the temporary use has not been found in violation of any Town code or ordinance.

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