

4 GENERAL PROVISIONS FOR ALL DISTRICTS

4.1 APPLICABILITY

The provisions in this chapter shall apply generally to all development regardless of the underlying zoning district provisions.

4.2 GENERAL PROVISIONS

4.2.1 INTERPRETATION OF DIMENSIONAL AND DENSITY STANDARDS

When any requirement of this ordinance results in a fraction of a unit, a fraction of $\frac{1}{2}$ or more shall be considered a whole unit and a fraction of less than $\frac{1}{2}$ shall be disregarded. When the determination of the number of dwelling units permitted on a lot results in a fraction of a dwelling unit, any fractional component shall be disregarded and rounded down to the nearest whole number.

4.2.2 EXEMPTION FOR BONA FIDE FARMS IN THE MUNICIPAL ETJ

Pursuant to NCGS 160A-360(k), property in the city's extraterritorial jurisdiction, as identified on the Zoning Map of the City of Wilson, which is used for bona fide farm purposes is exempt from the requirements of this ordinance.

4.3 BASIC LOT AND USE STANDARDS

4.3.1 LOT DIVISIONS

- A. **Lot Lines:** Side lot lines shall be substantially at right angles to straight street lines and radial to curved street lines for a minimum distance of 100 feet from the front lot line.
- B. **Corner Lots:** Corner lots for residential uses shall have extra width to permit appropriate building setback from and orientation to both streets. Lots abutting on a pedestrian walkway shall be treated as a corner lot.
- C. **Lot Remnants:** All remnants of lots below the minimum required size for the district that are left over after subdividing a larger tract must be added to adjacent lots, rather than allowed to remain as unusable parcels.

4.3.2 LOTS TO FRONT ON PUBLIC STREET OR APPROVED PUBLIC SPACE

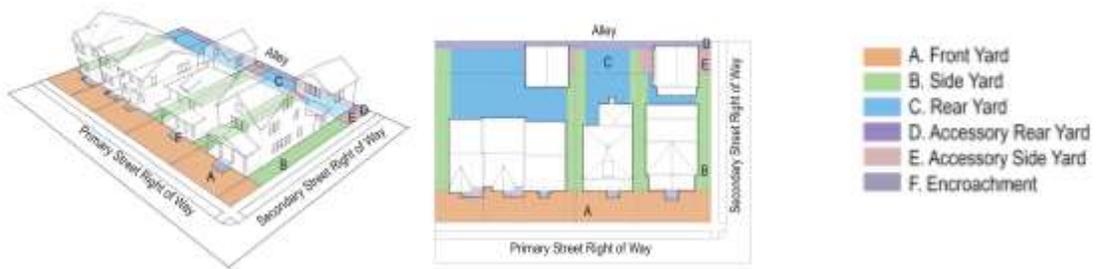
- A. **Stormwater Lots:** Lots platted for the sole purposes of being sites for stormwater control structures or as conservation areas shall not be required to abut a dedicated public street. Adequate access by easement shall be provided.
- B. **Commercial or Mixed-Use Lots:** Commercial or mixed-use buildings (as defined in Section 5.6) may be erected or used on a lot which does not abut a dedicated public street provided that the lot is part of a development in which other individual lots abut a public street, and provided the lot fronts one of the following:
 - 1. A privately-maintained drive in a public parking area, or
 - 2. An approved open space or park shared with other lots, or
 - 3. Some other designated area used in common with other lots.

- C. **Alley Access Residential Lots:** With provision of alley access, residential lots may front upon a public open space, but access shall be of sufficient design to allow for the provision of emergency services.
- D. **Other Lots:** All other lots shall front upon a publicly-dedicated street right-of-way constructed to the infrastructure standards given in Chapter 6.

4.3.3 INTERPRETATION OF DIMENSIONAL STANDARDS

A. Yard Requirements

- 1. **General:** A building, structure or lot shall not be developed, used or occupied unless it meets the minimum yard requirements for the district, and any applicable overlay district, in which it is located.
- 2. **Calculating Yards:** The minimum yard is the area defined by measuring perpendicularly from, and along the entire boundary of, the lot line (property line) to the building line as shown in the diagram below:



- 3. **Assumed Right-of-Way:** Where no right-of-way exists, or if the right-of-way is only inclusive of the street pavement, then the front setback shall be measured from an assumed right-of-way line that is parallel to the edge of pavement and setback a minimum of 10 feet from the edge of the pavement. This calculation is for setback calculation purposes only and does not represent any expressed or implied taking of property.

B. Irregular Lot Setbacks

- 1. **General:** The location of required front, side and rear yards (or setbacks) on irregularly shaped lots shall be determined by the Administrator. The determination will be based on the intent and purpose of this ordinance to achieve an appropriate spacing and location of buildings and buildings on individual lots. Where questions arise as to appropriateness, the subdivider may be requested to provide additional design information.



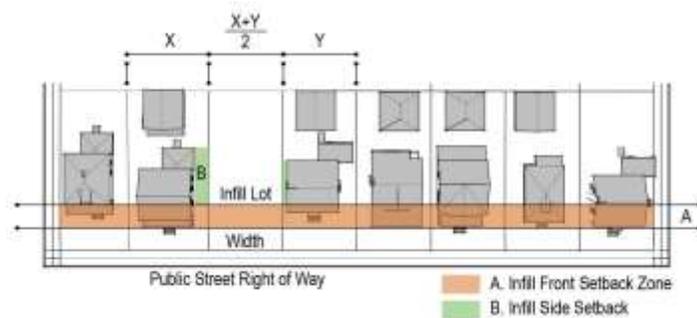
- 2. **Setbacks Along Thoroughfares:** Setbacks along thoroughfares shall be measured from the future right-of-way only if there is a specifically-adopted corridor plan that shows, at a minimum, the horizontal alignment of the future

roadway, pedestrian and bicycle amenities, streetscape and necessary right-of-way.

4.3.4 INFILL LOT AND HOME ADDITIONS

A. Infill Lots

1. **Front Yard and Street Yard:** The minimum front or street yard required may be reduced for any lot where the average established front yard on developed lots located within 300 feet on each side of such lot, and fronting on the same street as such lot, is less than the minimum required yard. In such cases, the minimum front or street yard may be less than that required, but not less than the average of the existing front yards on the developed lots within 300 feet of each side.
2. **Side Yard and Lot Width:** For existing vacant lots and for new lots created from existing larger lots, the lot width at the frontage line and the side yard setbacks shall be consistent with the immediately adjacent neighboring parcels on the same side of the street. In no instance however, shall the required side yard setbacks or lot width at the frontage line be greater than twice the



minimum requirements for the district in which the lot is located.

B. Additions to Single Family Homes and Duplexes

1. **Garage Additions:** The required front or street yard for any garage additions to single family homes or duplexes shall be the average established front yard on developed lots located within 300 feet on each side of the proposed addition and fronting on the same street as the proposed addition.
2. **All Other Additions:** All other additions to single family homes or duplexes shall comply with the front and street setbacks established for that district in Section 2.5

4.3.5 ENCROACHMENTS

The features listed below may encroach into a required yard.

- A. **Arcades:** Building arcades, if provided, 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 Americans with Disabilities Act Accessibility Guidelines (ADAAG).
- B. **Awnings and Canopies:** All awnings and canopies, if provided, shall be supported by means of a frame attached directly to the building 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. Awnings may encroach up to 6 feet into any required front or street yard. Where the required front or street yard is less than 6 feet, awnings may encroach over the sidewalk, but shall not encroach into the street tree planting area or across the street edge of the sidewalk. All awnings and canopies shall allow for a minimum height clearance of at least 8 feet.

- C. Bay Windows and Balconies:** Bay windows, balconies and similar features projecting from the principal building may encroach up to 3 feet into any required yard.
- D. Cornices and Gutters:** Cornices and gutters may encroach up to 2 feet into any required yard.
- E. Fences & Garden Walls:** Fences and garden/yard walls may encroach into required yards but, if higher than 2 feet, may not be placed within the site visibility triangle of a public street, private street or driveway contained either on the property or on an adjoining property. See Section 6.7.2 concerning the sight visibility triangle. For properties in historic districts, fences and garden/yard walls shall also conform to the guidelines set forth in the Historic Property Owners Handbook with Design Guidelines for Local Historic Districts and Local Landmarks.
- F. Handicapped Ramps:** Ramps for handicap accessibility and fire escapes that are required by the North Carolina State Building Code may encroach into any required yard, but may not be closer than 3 feet to any property line.
- G. Decks and Patios:** Uncovered and unenclosed decks, patios and other similar above grade features not exceeding an average finished-height-above-grade of 30 inches may encroach into the side and rear setback.
- H. Swimming Pools:** Outdoor swimming pools may encroach to within 15 feet of a side or rear property line adjoining a street right-of-way, and to within 5 feet of any other side or rear property line.
- I. Public Rights of Way Encroachments (Air Rights):** With approval of the city or NCDOT (whichever has authority over a street), upper story balconies or bay windows may encroach into the right of way, but shall be a minimum of 3 feet behind the curb, and shall allow for a minimum height clearance of at least 8 feet when such encroachments protrude over a sidewalk or pedestrian path.
- J. Porches, Steps and Stairs:** Unenclosed porches and above-grade steps and stairs may encroach up to 7 feet into any required front or side yard. The Administrator may waive this requirement and allow any steps and stairs as deemed necessary for pedestrian access to lots with steep topography.

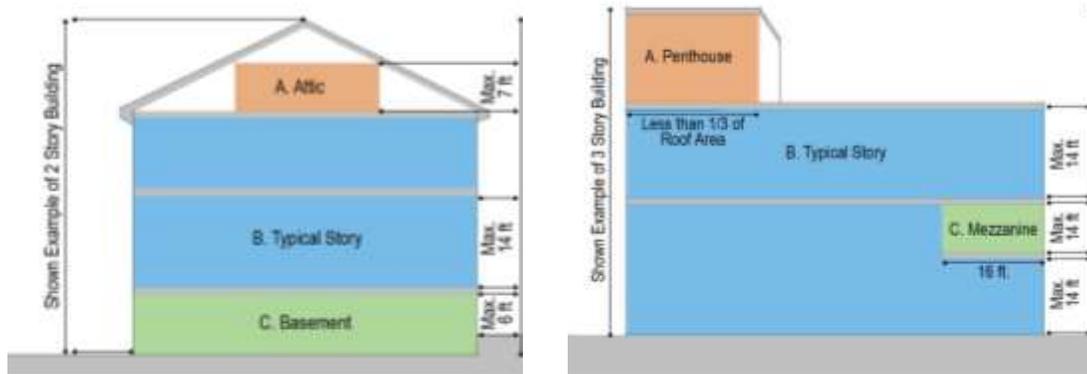
4.4 MEASUREMENT OF HEIGHT

Building heights shall be as specified in Section 2.5 and shall be determined according to the provisions below.

4.4.1 STORY

A story is a habitable level within a building of no more than 14 feet in height from finished floor to finished ceiling. Unoccupied attics less than 7 feet in height and raised basements less than 6 feet in height (as measured from the average grade of the fronting sidewalk) are not considered stories for the purposes of determining building height. A mezzanine shall be considered a story if it is contiguous with at least 60% of the building's front façade, is designed to be occupiable, and maintains an average

depth of at least 16 feet. A penthouse shall be considered a story if it exceeds 1/3 of the area of the roof. The under-roof area with dormers does not count as a story. Unfinished space beneath the base floor elevation of structures which are raised to meet base floor elevation requirements in floodplains are not considered stories for the purposes of determining building height.



4.4.2 DIMENSIONAL HEIGHT STANDARDS FOR STRUCTURES

Where a specific dimension is used in the calculation of height, it shall be measured from the highest ground level at the structure foundation to the highest point of the structure, excluding chimneys and antennas.

4.4.3 ITEMS NOT INCLUDED IN HEIGHT CALCULATIONS

The height limitations of this ordinance shall not apply to church spires, belfries, cupolas, and domes not intended for human occupancy, monuments, water towers, mechanical penthouses (provided they are set back 20 feet from the front elevation), observation towers, transmission towers, chimneys, smokestacks, conveyors, flagpoles, masts and antennas (provided evidence from appropriate authorities is submitted to the effect that such building or buildings will not interfere with any airport zones or flight patterns). See Section 2.8.3E – Airport Overlay District and Section 3.11 – Supplemental Use Standards-Infrastructure for additional height limitations related to airports zones and communications towers.

4.5 ACCESSORY USES AND STRUCTURES

The purpose of this section is to establish standards for accessory uses and structures in the City of Wilson's land use jurisdiction. Except as provided elsewhere in this chapter, it shall be unlawful for any person to erect, construct, enlarge, move or replace any accessory use or structure without first obtaining a Certificate of Zoning Compliance from the Administrator.

4.5.1 GENERAL

- A. Accessory uses and structures may only be used for purposes permitted in the district in which they are located.
- B. **Not for Dwelling Purposes:** Accessory structures shall not be used for dwelling purposes except as approved Accessory Dwelling Units (see Section 3.2.1).
- C. **Building Permits May Be Required:** Depending on the size of the structure and the incorporation of various improvements (e.g., electrical, plumbing), a building permit may also be required.

4.5.2 LOCATION, MAXIMUM NUMBER AND MAXIMUM AREA

Standards	Single-Family/Two-Family Lots – Less than ½ Acre	Single-Family/Two-Family Lots – ½ Acre to 2 Acres	All Other Uses and Lots Larger than 2 Acres
1. Permitted Location	Side/rear yard only	Side/rear yard only	Permitted in all yards – may not be closer than 30 ft to right-of-way
2. Maximum Number Permitted	2	2	No maximum
3. Maximum Building Footprint	Aggregate area no greater than 75% of the principal structure footprint	Aggregate area no greater than 95% of the principal structure footprint	No maximum

4.5.3 OTHER REQUIREMENTS

- A. Distance to Single Family Dwelling:** No accessory building shall be closer than the distance specified in the currently-applicable building code to a single family dwelling; except that an unenclosed (open on all sides) carport and/or an unenclosed breezeway no wider than 9 feet at its widest point may be attached to or placed any distance from a principal building.
- B. Lighting:** Exterior lighting for accessory uses and/or structures shall meet the requirements by which principal structures are governed as set forth in Section 10.2.

4.5.4 EXCEPTIONS

- A. Exceptions:** The following accessory uses are exempt from the locational requirements of this section and the setback requirements in Section 2.5 as noted below:
 1. Transit shelters and bicycle racks may be located in the front or side yard as necessary.
 2. Backflow preventers and other customary utility structures may be located in the front yard as necessary.
 3. Gatehouses and gazebos, including security gatehouses, may be located in the front yard provided they do not have a footprint greater than 100 square feet.
 4. Neighborhood entrance ground signs may be located in the front or side yard of a lot according to the standards of Section 11.6.
 5. Up to 2 small accessory buildings, child play structures or backyard pens/coops located in the side or rear yard are exempt from the limitations in Section 4.5.2. To be considered exempt, such accessory buildings shall not, under the NC Building Code, be required to obtain a building permit.

4.5.5 WIRELESS TELECOMMUNICATION FACILITIES AS ACCESSORY STRUCTURES

- A.** The following facilities shall be allowed as accessory structures provided they are “related to” and “customarily incidental” to the principal use and or structure:
 1. Television satellite dishes,
 2. Antennas and their support structures (including combinations of the two) 60 feet in height or less,
 3. Antennas and their support structures (including combinations of the two) more than 60 feet in height, but less than 100 provided such structures are accessory to a residence.