

ARTICLE IV: DIMENSIONAL STANDARDS

DIVISION 35 DIMENSIONAL STANDARDS, MODIFICATIONS, AND SPECIAL STANDARDS

Section 35.01 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 III, Development Standards, may exceed the minimum requirements listed below.

Section 35.02 Schedule of Dimensional Standards by Zoning District

Dimensional Standards – Residential Districts

		A-1	AR	R-30	R-20	R-20 MH	R-12	R-10 MH	R-7	RMF
1.	Min. Lot Size* (square feet) Single Family & Permissible Nonresidential Uses	3 acres (130,680 sq. ft.)	30,000	30,000	20,000	20,000	12,000 15,000	10,000 13,000	7,000 10,000	7,000 10,000
2.	Min. Lot Size (sq. ft.) Two family attached (duplex)	----	----	40,000	----	----	20,000	18,000	15,000	15,000
3.	Min. Lot Size (sq. ft.) Multi- family – 1 st two dwelling units	----	----	----	----	----	----	----		15,000
4.	Min. Lot Size (sq. ft.) Each Additional Multi-family Unit	----	----	----	----	----	----	----		5,000
5.	Min. Lot Size (sq. ft.) if Water and Sewer are Available - Single Family	----	25,000	25,000	18,000	18,000	12,000	10,000	7,000	7,000
6.	Min. Lot Width (feet) Single Family & Permissible Nonresidential Uses	150	110	110	100	100	75	70	50	50
7.	Min. Lot Width (feet) Two family attached (duplex)	----	----	120	----	----	100	95	85	85
8.	Min. Lot Width (feet) Multi-family	----	----	----	----	----	----	----	----	150

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

Residential District Dimensional Standards Footnotes:

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

Dimensional Standards – Nonresidential Districts

		O&I	B-1	B-2	B-3	LI
1.	Minimum Development Size * (square feet)	8,000	----	30,000	20,000	30,000
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)	75	----	75	75	120
4.	Minimum Front Yard Setback (ft.)	25	----	35	25	50
5.	Minimum Side Yard Setback (ft.)	12**	0***	20***	20***	25***
6.	Minimum Corner Lot Side Yard Setback from abutting street (ft.)	30	0	30	20	45
7.	Minimum Rear Yard Setback (ft.)	20	0*^	30*^	20*^	30*^
8.	Maximum Height (ft.) Nonresidential Use Single-Family & Duplex Units Multi-Family Buildings	# 35 50	# 50	#	#	#
9.	Minimum Separation Between Detached Principle Structures	20	20	20	20	20

Non Residential District Dimensional Standards Footnotes:

- * Lots/parcels not served by public water or sewer, must meet the minimum lot size required by Edgecombe 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 35.03 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 35.04 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 35.05 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 with the town's Subdivision Regulations. Otherwise, streets must meet the requirements of subsection "A" above.
- C. Planned Residential Development and Multi-Family Development Exemption. A permit for construction or use within any planned residential (unit) development or 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 Business Development Exemption. A permit for construction or use within any planned business (unit) 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 met the minimum lot frontage requirement
- 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 35.06 Multi-family Conversions Density

With respect to lots where multi-family conversions are proposed, 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 35.07 Residential Accessory Structure and Building Standards

- A. The Table of Permissible Uses 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.
- B. Residential detached accessory.
1. May be located only in the rear yard, not in any side or front yard.
 2. Setbacks; rear and side yards.
 - a. Not less than the principal building setback for the district, except as provided under “b” below.
 - b. 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.

3. Setbacks from principal building. Must be a minimum distance of eight (8) feet from the principal structure.
 4. The height shall not exceed the height of the existing principal building or district maximum height whichever is less.
 5. 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.
- C. Residential attached accessory.
1. The location, setback, and height shall be in accordance with the district standards established for the principal building unless otherwise provided.
- D. Residential accessory structures and buildings may include but not be limited to the following:
1. Garage
 2. Greenhouse
 3. Playhouse
 4. Pumphouse
 5. Storage shed
 6. Tool shed
 7. Swimming pool
 8. Work shop
 9. Dog pens
 10. Satellite dish
 11. Hobbies or recreational activities of a non-commercial nature
 12. Yard sales or garage sales, so long as such sales are not conducted on the same lot for more than three (3) days, whether consecutive or not, during any ninety-day period.
 13. 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.
- E. Special requirements for certain accessory structures or buildings.
1. Swimming pools. Pools permanently or semi-permanently constructed below grade and which exceed forty (40) square feet in water surface area shall be protected by a five (5) foot or higher fence containing a latching gate to keep children and animals from having unsupervised access.
 2. Stables.

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

Section 35.08 Commercial, Industrial, and Office Accessory Structure and Building Standards

The location, setback, and height of any commercial, industrial, or office accessory structure or building shall be in accordance with the district minimum established for the principal use and the bufferyard regulations.

Section 35.09 Projections into Required Yards

- A. The following structures are permitted in required setbacks provided that compliance is maintained with the street visibility standards of the Town of Pinetops:
 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, 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 not connected to any above-grade structure.
- B. 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 five (5) feet into a front or rear yard provided such porch does not exceed thirty-five (35) square feet in surface area. 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 property line.

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 – five (10) feet into any yard.

Section 35.10 Special Purpose Lots

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

- A. Minimum Size – The special purpose lot shall be permitted only after the Zoning Administrator has determined that the proposed lot has sufficient dimensions to accommodate the intended use and, where required by this Ordinance, buffer yards.
- B. Access Easement – If the special purpose lot does not have direct access to a public street or road, an access easement for ingress and egress with a minimum width of ten feet shall be platted.
- C. Platting – The subdivision to create the lot shall be approved in accordance with the town’s Subdivision Regulations. The Final plat shall label the lot as a “Special Purpose Lot for use as _____”.

Section 35.11 Agricultural Uses

Property that is located in the extraterritorial planning and development regulation jurisdiction and that is used for bona fide farm purposes, as such term is defined in N.C.G.S. 160D, is exempt from the Town’s zoning regulations to the same extent bona fide farming activities are exempt from county zoning pursuant N.C.G.S. 160D. As used in this subsection, "property" means a single tract of property or an identifiable portion of a single tract. Property that ceases to be used for bona fide farm purposes shall become subject to exercise of the municipality's extraterritorial planning and development regulation jurisdiction under this Chapter. For purposes of complying with State or federal law, property that is exempt from the exercise of municipal extraterritorial

planning and development regulation jurisdiction pursuant to this subsection shall remain subject to the county's floodplain regulation or all floodplain regulation provisions of the county's unified development ordinance.

Accessory Farm Buildings. – An accessory building of a "bona fide farm" has the same exemption from the building code as it would have under county zoning ordinances.