

CHAPTER 6: DIMENSIONAL STANDARDS AND MEASUREMENTS

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Chapter 6: DIMENSIONAL STANDARDS AND MEASUREMENTS

6.1 TABLES OF DENSITY AND DIMENSIONAL STANDARDS

All primary and accessory structures shall be subject to the density and dimensional standards set forth in the following tables. These standards may be further limited or modified by other applicable sections of this Ordinance. Rules of measurements and exceptions are set forth in Sections 6.2 through 6.5.

6.1.1 Residential Districts (not including TC District)

(A) Table of Density and Dimensional Standards

Density and dimensional standards for the residential districts are set forth in the following table. These standards may be further limited or modified by other applicable sections of this Ordinance (e.g., streetscape buffer requirements), or by actual site conditions (e.g., presence of roads on side or rear lot lines). Additional regulations, referenced in brackets, are set forth immediately following the table in Section B.

TABLE 6.1-1: TABLE OF DENSITY AND DIMENSIONAL STANDARDS							
RESIDENTIAL DISTRICTS (Not Including TC District)							
Use	Minimum Lot Dimensions		Minimum Building Setbacks (Ft) (NOTE: These setbacks are minimums; streetscape and buffer width standards may require greater setbacks.)			Height (Ft) (NOTE: Height may be increased one foot for every foot provided in addition to the min. setbacks)	Max Gross Density (du/acre)
	Area (Sq Ft)	Width (Ft)	Roadway (NOTE: these set backs apply to any portion of a lot which abuts a street)	Side	Rear		
R-80: Residential District							
With septic tank/well	80,000	175 (185 for corner lot)	From thoroughfare: 50 From collector avenue: 30 From other streets: 20	20	30	35	0.54
With public sewer	80,000	150 (160 for corner lot)	From thoroughfare: 50 From collector avenue: 30 From other streets: 20	15	30	35	0.54
R-40: Residential District							
With septic tank/well	40,000	150 (160 for corner lot)	From thoroughfare: 50 From collector avenue: 30 From other streets: 20	20	30	35	1.08
With public sewer	40,000	125 (135 for corner lot)	From thoroughfare: 50 From collector avenue: 30 From other streets: 20	15	30	35	1.08
R-20: Residential District							
All uses and structures	20,000	90 (100 for corner lot)	From thoroughfare: 50 From collector avenue: 30 From other streets: 20	10	25	35	2.17
R-12: Residential District							
All uses and structures	12,000	80 (90 for corner lot)	From thoroughfare: 50 From collector avenue: 30 From other streets: 20	10	25	35	3.63
R-8: Residential District							
All uses and structures	8,000	60 (70 for corner lot)	From thoroughfare: 50 From collector avenue: 30 From other streets: 20	5' minimum, 20 combined	20	35	5.44

TABLE 6.1-1: TABLE OF DENSITY AND DIMENSIONAL STANDARDS							
RESIDENTIAL DISTRICTS (Not Including TC District)							
Use	Minimum Lot Dimensions		Minimum Building Setbacks (Ft) (NOTE: These setbacks are minimums; streetscape and buffer width standards may require greater setbacks.)			Height (Ft) (NOTE: Height may be increased one foot for every foot provided in addition to the min. setbacks)	Max Gross Density (du/acre)
	Area (Sq Ft)	Width (Ft)	Roadway (NOTE: these set backs apply to any portion of a lot which abuts a street)	Side	Rear		
TR: Transitional Residential District							
Detached single-unit dwellings	5,000	40 per dwelling unit	From thoroughfare: 50 From collector avenue: 30 From other streets: 10/18 [1]	0/3 minimum, 6 combined [4]	[2]	35	6
Patio dwellings [5]	-	20 per dwelling unit	From thoroughfare: 50 From collector avenue: 30 From other streets: 10/18 [1]	Detached: 0/3 minimum, 16 combined. Attached or semi-attached: 0/3 minimum, 16 between building groupings [4]	[2]	35	6
Duplexes [5]	-	50	From thoroughfare: 50 From collector avenue: 30 From other streets: 10/18 [1]	0/3 minimum, 16 combined. [4]	[3]	35	6
Subdivided attached, semi-attached, and townhouse developments [5]	-	20 per dwelling unit	From thoroughfare: 50 From collector avenue: 30 From other streets: 7, 10 or 18 [1]	0/3 minimum, 20/25 between building groupings [4] [7]	[3]	35	6
All other uses	-	70 (80 for corner lot)	From thoroughfare: 50 From collector avenue: 30 From other streets: 20	10	20	35	-

TABLE 6.1-1: TABLE OF DENSITY AND DIMENSIONAL STANDARDS							
RESIDENTIAL DISTRICTS (Not Including TC District)							
Use	Minimum Lot Dimensions		Minimum Building Setbacks (Ft) (NOTE: These setbacks are minimums; streetscape and buffer width standards may require greater setbacks.)			Height (Ft) (NOTE: Height may be increased one foot for every foot provided in addition to the min. setbacks)	Max Gross Density (du/acre)
	Area (Sq Ft)	Width (Ft)	Roadway (NOTE: these set backs apply to any portion of a lot which abuts a street)	Side	Rear		
RMF: Multi-Family Residential District							
Patio dwellings [5]	-	20	From thoroughfare: 50 From collector avenue: 30 From other streets: 10/18 [1]	Detached: 0/3 minimum, 16 combined. Attached or semi-attached: 0/3 minimum, 16 between building groupings [4]	20	35	12
Subdivided attached, semi-attached, duplexes, and townhouse developments [5]	-	20	From thoroughfare: 50 From collector avenue: 30 From other streets: 7, 10 or 18 [1]	0/3 minimum, 20/25 between building groupings [4] [7]	[3]	35	12
Multi-Family Structures [5][6]	-	-	20 feet combined between front and rear	0/3 minimum, 16 between building groupings [4]	[3]	35	12
Non-residential uses	10,000	60 (70 for corner lot)	From thoroughfare: 50 From collector avenue: 30 From other streets: 20	10, plus an additional four feet for each full story of building height over 2 stories	20	35	-

(B) Additional Regulations

(1) *TR and RMF Districts: Roadway Setback Requirements*

Where parking is provided between the dwelling and the roadway, the length of the driveway and front setback shall be at least eighteen (18) feet, as measured from the public right-of-way. For townhouses and semi-detached/attached dwellings that are part of a development plan submitted prior to May 7, 2020 and subsequently approved in accordance with G.S. 143-755, the length of the driveway and the front setback may be measured from the inside edge of the sidewalk, or the back of curb where no sidewalk is provided.

When townhouses and semi-detached/attached dwellings have driveways on alleys, the front roadway setback shall be a minimum of ten (10) feet. If townhouses and semidetached/attached dwellings with driveways on alleys provide street trees in coordination with on-street parallel parking at a ratio of at least one (1) tree per two (2) spaces, then the front setback shall be a minimum of seven (7) feet.

(2) *TR District: Roadway and Rear Setbacks for Detached Dwellings and Patio Homes*

On thoroughfare, collector, or other streets, the width of the roadway and rear setbacks combined shall equal at least thirty-five (35) feet and any individual setback shall be at least three (3) feet.

(3) *TR and RMF Districts: Roadway Setbacks for Duplexes, Subdivided Attached, Semi-Attached, Townhouse Units and Multi-Family Structures*

The width of the roadway or front and rear setbacks combined shall equal at least twenty (20) feet and any individual rear setback shall be at least three (3) feet.

(4) *Firewall Requirements for Individual Dwelling Units*

A building setback of less than three (3) feet may be permitted where firewalls are provided in accordance with all applicable building code requirements and where it is permitted by the zoning district.

(5) *Permanent Common Open Space Required*

One (1) of the following shall be provided, whichever is greater:

- (a)** Five Hundred (500) square feet per unit as required in Section 8.3.1; or
- (b)** Twenty (20) percent of the total parcel proposed for development, excluding dedicated right-of-way. The Planning Director may allow this requirement to be reduced to ten (10) percent of the total parcel area when this common space preserves significant and healthy trees located outside of required buffers or streetscapes.

(6) *Individual Enclosed Storage Space*

At least twenty-four (24) square feet of individual enclosed storage space with an external entry shall be provided for each dwelling unit in a multi-family development.

(7) *TR and RMF Districts: Building Separation Requirements for Townhouses and Subdivided Semi-Detached/Attached Units*

This subsection applies only to Townhouses and Semi-Detached/Attached dwellings.

Dwellings that have driveways on alleys shall have a minimum building separation of twenty (20) feet. All other dwellings shall have a minimum building separation of twenty (20) feet if there are four (4) or fewer attached units per building, and a minimum building separation of twenty-five (25) feet if there are five (5) attached units per building. (See Section 5.2.1.(L)(4) for additional information regarding building placement.)

For such dwellings that are part of a development plan submitted prior to May 7, 2020 and subsequently approved in accordance with G.S. 143-755, more than five (5) units may be attached, and the building separation may be a minimum of sixteen (16) feet.

6.1.2 Non-Residential Districts (not including TC District and CT District)

TABLE 6.1-2 TABLE OF DENSITY AND DIMENSIONAL STANDARDS		
Minimum Lot Size		None
Minimum Setback from Street Right-of-Way (feet)		30
Minimum Setback from Private Street in OI District (feet)		15
Minimum Side Yard Setback		None
Minimum Rear Yard Setback		None
Maximum Building Height	Within 100 feet of residential zoning district	35 feet
	More than 100 feet from residential zoning district	50 feet
General Increases to Maximum Building Height	The maximum height limits set forth above may be increased by one (1) foot for every additional foot provided between the building footprint and the minimum required setbacks	

6.1.3 Town Center District

(A) Table of Density and Dimensional Standards

The density and dimensional requirements for the Town Center district are set forth in the following table. Additional regulations, referenced in italicized brackets, are set forth immediately following the table.

**TABLE 6.1-3: TABLE OF DENSITY AND DIMENSIONAL STANDARDS
TOWN CENTER DISTRICT**

Subdistrict	Minimum Lot Dimensions		Minimum Building Setbacks (ft)			Building Height (ft)		Maximum Residential Density (units/acre)	Minimum Parking Requirements
	Area (sq.ft)	Width (ft)	Roadway (These setbacks apply to any portion of a lot that abuts a street)	Side	Rear	Minimum Building Height [1 story = 15 feet]	Maximum Building Height		
Expansion of a residential building constructed or approved prior to 7/1/03 in subdistricts that no longer allow such uses, or creation of a new lot containing an existing residential building constructed or approved prior to 7/1/03 in subdistricts that no longer allow such uses. (SEE NOTES)	5,000	50 (55 for corner lot)	10/18 [2]	0/3 minimum, 16 combined [1]	10	N/A	35	N/A	N/A
HMxD: detached dwelling; detached multi-family dwelling	N/A	20	10/18 [2]	16 total; only one req'd	10	N/A	35	8	2 per dwelling unit
HMxD: all other uses	N/A	N/A	0 [2]	N/A	N/A	20 for new buildings, 0 for existing	65 south of CSX RR, 75 west of N. West St., 90 elsewhere	N/A	1 per dwelling unit
MXD	N/A	N/A	0	N/A	N/A	N/A	45	N/A	1 per dwelling unit + 0.5 per additional bedroom over 1, + 1 per 300 sq. ft. non-residential

**TABLE 6.1-3: TABLE OF DENSITY AND DIMENSIONAL STANDARDS
TOWN CENTER DISTRICT**

Subdistrict	Minimum Lot Dimensions		Minimum Building Setbacks (ft)			Building Height (ft)		Maximum Residential Density (units/acre)	Minimum Parking Requirements
	Area (sq.ft)	Width (ft)	Roadway (These setbacks apply to any portion of a lot that abuts a street)	Side	Rear	Minimum Building Height [1 story = 15 feet]	Maximum Building Height		
HDR Mid-Rise: Subdivided Attached, Semi-detached, Townhouse, Patio	N/A	20	10/18 [2]	16 total; only one req'd	10	N/A	45	8	2 per dwelling unit
HDR Mid-Rise: All other uses	100,000	N/A	0	N/A	N/A	30	65 south of CSX RR, 75 west of N. West St., 90 elsewhere	50	1 per dwelling unit + 0.5 per additional bedroom over 1
MXDR: Multi-family dwelling (including mid-rise) 0-1 bedroom	100,000	N/A	0	N/A	N/A	N/A	90	50	1 per dwelling unit
2 or more bedrooms	100,000	N/A	0	N/A	N/A	N/A	90	50	2 per dwelling unit
MXDR: All other uses	100,000	N/A	0	N/A	N/A	N/A	90	50	2 per dwelling unit
HDR Garden: Multi-family dwelling (including mid-rise) 0-1 bedroom	N/A	N/A	N/A	N/A	N/A	N/A	45	25	1 per dwelling unit
2 or more bedrooms	N/A	N/A	N/A	N/A	N/A	N/A	45	25	2 per dwelling unit
HDR Garden: All other uses	N/A	N/A	N/A	N/A	N/A	N/A	45	25	2 per dwelling unit

**TABLE 6.1-3: TABLE OF DENSITY AND DIMENSIONAL STANDARDS
TOWN CENTER DISTRICT**

Subdistrict	Minimum Lot Dimensions		Minimum Building Setbacks (ft)			Building Height (ft)		Maximum Residential Density (units/acre)	Minimum Parking Requirements
	Area (sq.ft)	Width (ft)	Roadway (These setbacks apply to any portion of a lot that abuts a street)	Side	Rear	Minimum Building Height [1 story = 15 feet]	Maximum Building Height		
MDR: Attached, Semi-detached, Townhouse	N/A	20	10/18 [2]	0/3 minimum, 16 between building groupings [1]	10	N/A	45	8	2 per dwelling unit
MDR: Patio	N/A	20	10/18 [2]	Detached: 0/3 minimum, 16 combined. Attached or semi-attached: 0/3 minimum, 16 between building groupings [1]	10	N/A	45	8	2 per dwelling unit

**TABLE 6.1-3: TABLE OF DENSITY AND DIMENSIONAL STANDARDS
TOWN CENTER DISTRICT**

Subdistrict	Minimum Lot Dimensions		Minimum Building Setbacks (ft)			Building Height (ft)		Maximum Residential Density (units/acre)	Minimum Parking Requirements
	Area (sq.ft)	Width (ft)	Roadway (These setbacks apply to any portion of a lot that abuts a street)	Side	Rear	Minimum Building Height [1 story = 15 feet]	Maximum Building Height		
MDR: Multi-family dwelling (including mid-rise) 0-1 bedroom	5,000	40 (45 for corner lot)	10/18 [2]	0/3 minimum, 6 combined [1]	10	N/A	45	N/A	1 per dwelling unit
2 or more bedrooms	5,000	40 (45 for corner lot)	10/18 [2]	0/3 minimum, 6 combined [1]	10	N/A	45	N/A	2 per dwelling unit
MDR: All other uses	5,000	40 (45 for corner lot)	10/18 [2]	0/3 minimum, 6 combined [1]	10	N/A	45	N/A	2 per dwelling unit
LDR	8,000	50 (55 for corner lot)	10/18 [2]	0/3 minimum, 16 combined [1]	10	N/A	35	N/A	2 per dwelling unit
LDR-12	12,000	80	30	10	15	N/A	35	3	2 per dwelling unit
OFC/INS	N/A	N/A	0	N/A	N/A	N/A	90	N/A	As per Section 7.8
OFC/IND	N/A	N/A	0	N/A	N/A	N/A	45	N/A	As per Section 7.8
COM	N/A	N/A	0	N/A	N/A	N/A	45	N/A	As per Section 7.8
CLI	N/A	N/A	0	N/A	N/A	N/A	30	N/A	1 per 300 sq. ft.

**TABLE 6.1-3: TABLE OF DENSITY AND DIMENSIONAL STANDARDS
TOWN CENTER DISTRICT**

Subdistrict	Minimum Lot Dimensions		Minimum Building Setbacks (ft)			Building Height (ft)		Maximum Residential Density (units/acre)	Minimum Parking Requirements
	Area (sq.ft)	Width (ft)	Roadway (These setbacks apply to any portion of a lot that abuts a street)	Side	Rear	Minimum Building Height [1 story = 15 feet]	Maximum Building Height		
CB&R: Multi-family dwelling 0-1 bedroom	N/A	N/A	10	N/A	N/A	N/A	35	N/A	1 per dwelling unit
2 or more bedrooms	N/A	N/A	10	N/A	N/A	N/A	35	N/A	2 per dwelling unit
CB&R: All other uses	N/A	N/A	10	N/A	N/A	N/A	35	N/A	2 per dwelling unit
INS	N/A	N/A	0	N/A	N/A	N/A	60	N/A	As per Section 7.8

NOTES:

1. Expansions of residential buildings existing before July 1, 2003 in subdistricts that no longer allow such uses shall be in accordance with the provisions of Sections 4.2.2(N)(6) and 10.1.8(H) of this Ordinance.
2. When creating a new lot containing a residential building existing before July 1, 2003 in subdistricts that no longer allow such uses, current building setback requirements must be met except when a required setback is from a property line not being altered or modified from that which previously existed.

(B) Additional Regulations

(1) Firewall Requirements for Individual Dwelling Units

A building setback of less than three (3) feet may be permitted where firewalls are provided in accordance with all applicable building code standards and where it is permitted by the zoning district.

(2) Driveway Length

Where parking is provided between the dwelling and the roadway, the length of the driveway shall be at least eighteen (18) feet, as measured from the inside edge of the sidewalk, or back of curb where no sidewalk is required.

(3) Overhang of Features in Public Right-of-Way

Architectural features such as marquees and cantilevered portions of buildings, and other features such as canopies, awnings, and projecting or suspended signs, may encroach into the public right-of-way subject to approval of an encroachment agreement by the Town of Cary or NCDOT, whichever is responsible for maintenance of improvements within the right-of-way.

6.1.4 Corridor Transition District

TABLE 6.1-4: TABLE OF DIMENSIONAL STANDARDS				
CORRIDOR TRANSITION DISTRICT				
Walnut Street Corridor				
Development Standard	Conversion Area	Redevelopment Area	Infill Area (1st 300 feet from Walnut Street)	Infill Area (301 or more feet from Walnut Street)
Minimum Lot Size	None	1 Acre	-	-
Minimum Lot Width (feet)	50	50	Detached dwellings: 40 Townhomes: 34 Other uses: 50	Detached dwellings: 40 Townhomes: 34 Other uses: 50
Minimum Side and Rear Yard Setback (feet) adjacent to non-residential use ¹	10	10	10	10
Minimum Side and Rear Yard Setback (feet) adjacent to residential use ¹	25	25	Townhomes: 0 side; 15 rear Detached dwellings: 3 side; 15 rear Other uses: 25	Townhomes: 0 side; 15 rear Detached dwellings: 3 side; 15 rear Other uses: 25
Minimum Setback from internal streets (feet)	15	15	Townhomes and detached dwellings: 18 Other uses: 15	Townhomes and detached dwellings: 18 Other uses: 15
Minimum Separation (feet) between attached residential building groupings	N/A	N/A	6	Between groupings of no more than two units each: 6 Otherwise, 16
Minimum Streetscape Along Walnut Street (feet)	20	20	20	-
Minimum Streetscape Along Other Streets (feet)	15	15	15	15
Minimum Buffer Width (feet) Along Residential District Boundaries (Type A Buffer)	15	40	Detached dwellings and townhomes: 20 Other uses: 40	Detached dwellings and townhomes: 20 Other uses: 25
Maximum Individual Building Square Footage (square feet) for Non-residential Buildings	2,500 or size of existing building, whichever is larger (May be increased up to 5,000 square feet with a Special Use permit and combination of 2 or more lots)	7,500 8,500 with 2+ acres 10,000 with 5+ acres	7,500	7,500
Maximum Building Height (feet)	35	35	35	35

(Ord. No. 04-001, 1-8-04; Ord. No. 2007-21, 12-13-07; Ord. No. 2008-LDO-01, 9-25-08; Ord. No. 2010-LDO-01, 1-14-10; Ord. No. 2010-LDO-02, 1-28-10; Ord. No. 12-LDO-01, 2-23-12; Ord. No. 2013-LDO-02, 6-13-13; Ord. No. 2014-LDO-01, 1-9-14; Ord. No. 2014-LDO-03, 8-14-14; Ord. No. 2015-LDO-001, 4-21-15; Ord. No. 2016-LDO-01, 7-25-16; Ord. No. 2018-LDO-01, 5-3-18; Ord. No. 2019-LDO-04, 12-12-19; Ord. No. 2020-LDO-01, 5-7-20; Ord. No. 2021-LDO-01, 6-24-21; Ord. No. 2022-LDO-01A, 2-24-22; Ord. No. 2022-LDO-02, 4-28-22; Ord. No. 2023-LDO-03, 6-22-23)

6.2 LOT MEASUREMENT AND REQUIREMENTS

6.2.1 Definitions/Measurements

(A) Lot Area

Lot area refers to the amount of horizontal land area contained inside the lot lines of a lot or site. Public rights-of-way shall not be included in calculating lot size, except where specifically allowed by this Ordinance.

(B) Lot Width

Lot width refers to the horizontal distance between side lot lines. Lot width shall be measured as the distance between the side lot lines as measured at the front building line, provided that the width at the street property line is not less than twenty (20) feet.



Lot Area, Lot Width, and Lot Depth

(C) Lot Depth

The average horizontal distance between the front lot line and the rear lot line.

6.2.2 General Lot Requirements

(A) Minimum Lot Dimensions

Any lot that is created, developed, used, or occupied shall meet the minimum lot area and lot width requirements set forth in Table 6.1-1 for the zoning district in which it is located, except as otherwise established in this Ordinance for particular uses. New lots shall also meet the lot development standards set forth in Section 8.1.9(C), *Lots*.

(B) Number of Principal Buildings or Uses Per Lot

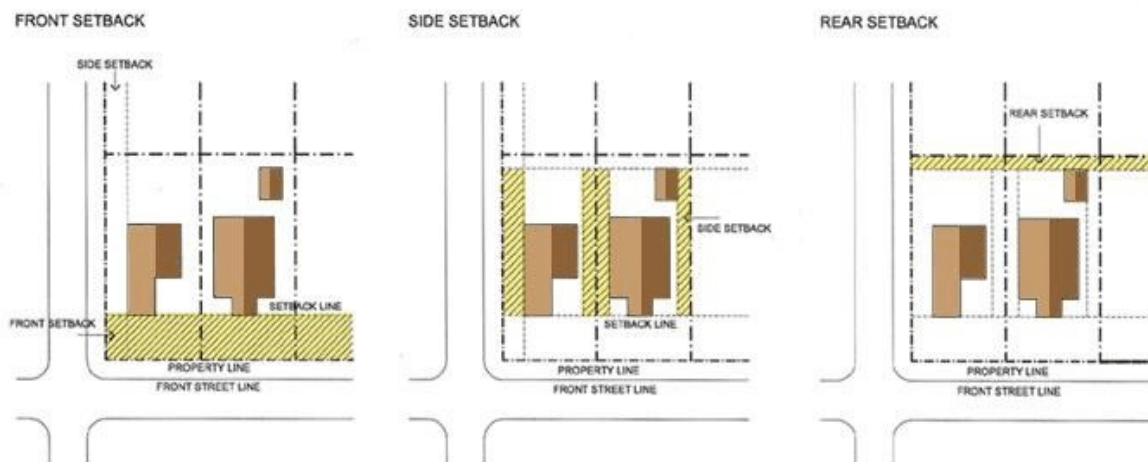
For uses that require development plan approval pursuant to Section 3.9 of this Ordinance, there shall be no limit on the number of principal or accessory buildings or uses on an

individual lot provided such structures and uses meet the other requirements related to setbacks, buffers and impervious coverage limitations contained within this Ordinance. However, there shall be no more than one (1) principal detached dwelling per lot in all residential districts where such uses are allowed.

(C) Distance From Existing Telecommunications Facilities Towers

When creating residentially zoned lots from an existing lot or parcel that contains a telecommunications facility tower (stealth or non-stealth), the new lot(s) shall be located no closer to the existing tower than the height of the tower.

(Ord. No. 2008-LDO-01, 9-25-08; Ord. No. 2013-LDO-06, 11-21-13; Ord. No. 2014-LDO-01, 1-9-14; Ord. No. 2021-LDO-01, 6-24-21)



Setback Measurement

6.3 SETBACK MEASUREMENT AND REQUIREMENTS

6.3.1 Definition/Measurement

(A) Setback Line

That line that is the required minimum distance from any lot line, or pedestrian easement in the Conservation Residential Overlay District, and that establishes the area within which the principal structure must be erected or placed.

(B) Setback, Roadway

A setback that extends across the full width of a site, the depth of which is the distance between the front or side property line and the furthestmost allowable projection of a building or structure along a line at right angles to the roadway or side lot line, excluding those projections set forth in Section 6.3.2(D). On lots fronting thoroughfares and collector streets, the setback must be measured from the ultimate right-of-way as shown on the Comprehensive Transportation Plan. Roadway setback requirements shall apply to the drip line of any detached canopies on the lot, as well as to the building itself.

(C) Setback, Rear

A setback that extends across the full width of a site, the depth of which is the distance between the rear property line and the furthestmost allowable projection of a building or structure along a line at right angles to the rear lot line, excluding those projections set forth in Section 6.3.2(D).

(D) Setback, Side

A setback on that portion of a lot that is not adjacent to a private or public street. It extends from the required roadway setback, or the front property line of the site where no roadway setback is required, to the front line of the required rear setback, or the rear property line where no rear setback is required.

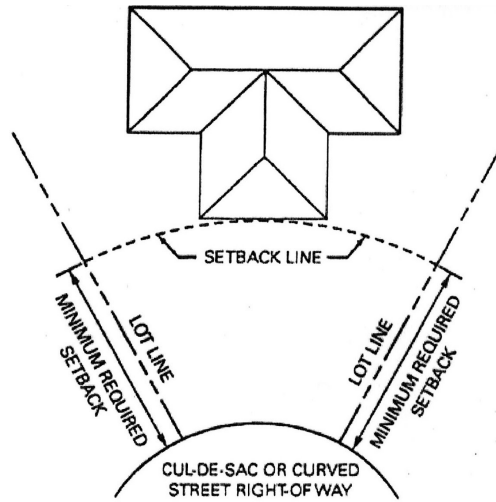
(E) Setback, Front

A setback on that portion of the lot that extends along the full length of the front lot line between two (2) side setbacks or a side and a roadway setback.

[Text continues on p. LDO 6-17.]

(F) Setback Measurement, Cul-de-Sac

A setback on that portion of a lot that extends parallel to the arc of the street right-of-way. Rear setback for cul-de-sac lots include that portion of a lot that extends parallel to the arc of the rear lot line.



Cul-de-sac Setback Measurement

(G) General Guidelines for Determining Residential Setbacks

The purpose of this section is to clarify the appropriate setbacks to apply to new residential construction or redevelopment where there is uncertainty or conflict between the following documents: development plans, recorded plats, zoning districts, and PD documents.

(1) Setbacks Shown on Development Plan Only

- (a) If setbacks are shown on the development plan only, then the setbacks shown on the development plan will apply provided that said setbacks are greater or equal to those required in the corresponding zoning district. [For example, if the development plan shows a fifty (50) foot rear yard setback, then the required setback will be fifty (50) feet even though the corresponding zoning district may be only twenty-five (25) feet.] In such case, however, the setbacks may be reduced to that required within the zoning district if the homeowners' association concurs (HOA written approval will be deemed final). Where there is no homeowners' association, the setbacks in the zoning district will control.
- (b) If setbacks are shown on the development plan only, and those setbacks are less than that required in the corresponding zoning district, then the setbacks in the zoning district will control.

(2) Setbacks Shown on Recorded Plat

If setbacks are shown on the recorded plat, those setbacks shall control. This shall apply even if the setbacks on the recorded plat are in conflict with those shown on the

plan and/or the requirements for corresponding zoning district set forth in Section 6.1 of this Ordinance. This applies even if changes are made to this Ordinance subsequent to plat recordation that would require greater setbacks than those shown on the plat.

(3) *No Setbacks Shown Anywhere*

If there are no setbacks on any documents, such as the development plan or recorded plat, the setbacks shown for the corresponding zoning district in Section 6.1 of this Ordinance shall apply.

(H) Guidelines for Determining Residential Setbacks Within Planned Developments

(1) *Setbacks Shown on the Development Plan Only*

If setbacks are shown on the development plan only, then such setbacks shall control.

(2) *Setbacks Shown on the Recorded Plat or the Master Plan for the Planned Development*

If setbacks are shown on the master plan for the planned development, then such setbacks shall control. However, if a plat was approved and recorded with larger setbacks than what the master plan would allow, an applicant must utilize the setbacks in the approved plat.

(3) *No Setbacks Shown Anywhere*

If no setbacks are shown on any documents, then the setbacks for a structure or portion of a structure receiving building permit approval after January 14, 2010, shall be those applicable to the general zoning district to which the approved use and density of a particular property most closely conform. A structure or portion of a structure that received building permit approval prior to January 14, 2010, shall be deemed conforming with regard to building setbacks if documentation is provided demonstrating that the initial construction was approved by the homeowner's association.

6.3.2 Setback Requirements

(A) General Requirements

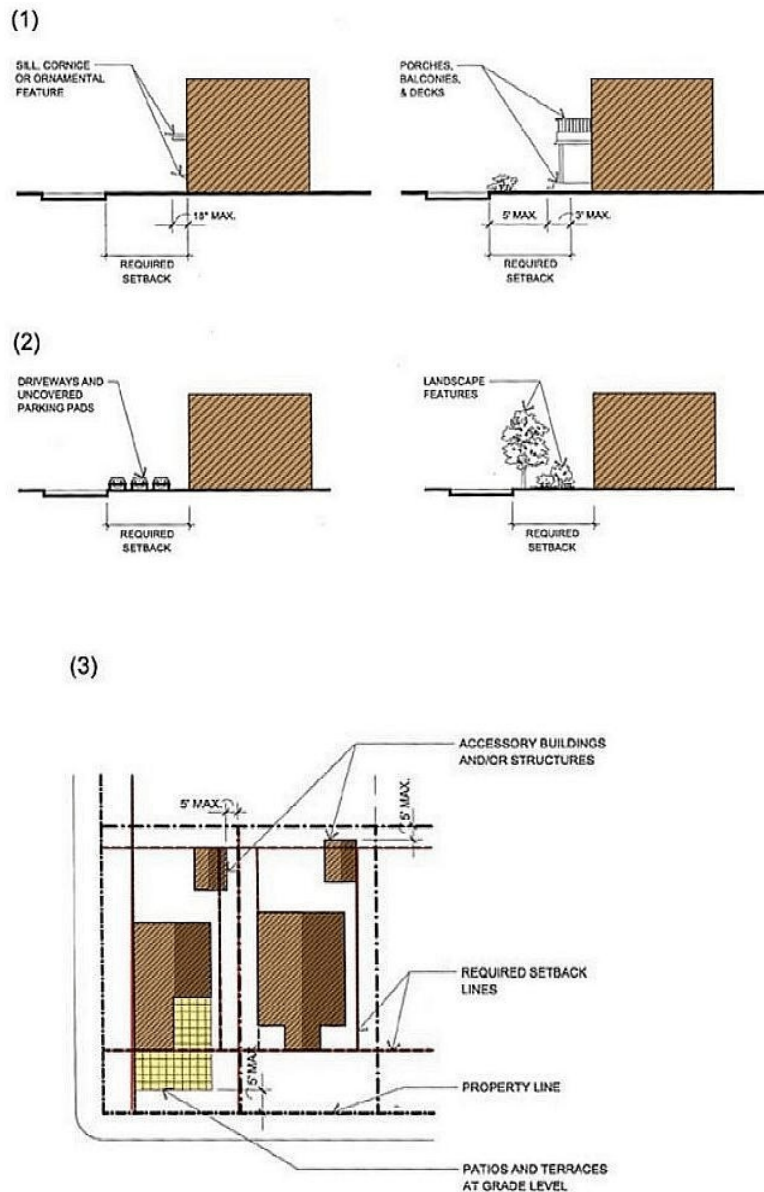
- (1)** A building, structure, or lot shall not be developed, used, or occupied unless it meets the minimum setback requirements set forth in Section 6.1 for the zoning district in which it is located, except as otherwise established in this Ordinance for particular uses or unless a variance has been granted.
- (2)** A setback, court, or other open space required by this Ordinance shall not be included as part of a setback or other open space required by this Ordinance for another building or structure or lot.

(B) [Reserved]

(C) Setbacks from Required Buffers and Streetscapes

Buildings, structures and parking areas shall be set back from required perimeter, streetscape, and Urban Transition Buffers as provided below:

Table 6.3-01 Setbacks From Required Buffers			
		Perimeter Buffer and Streetscape Buffer	Urban Transition Buffer
Neuse River Basin: Lot Created Prior to July 22, 1997 * Jordan Lake Protected Watershed: Lot Created Prior to July 27, 2000*			
Single-Unit Residential Use	Principal Use	10' if existing vegetation meets required buffer standards; 0' if new vegetation is installed to meet required buffer standards	NA
	Accessory Use or Vehicular Use Area	5' if existing vegetation meets required buffer standards; 0' if new vegetation is installed to meet required buffer standards	NA
Other Uses	Principal Use	10' if existing vegetation meets required buffer standards; 0' if new vegetation is installed to meet required buffer standards	10' for new development or expansion of existing development, receiving development plan approval after <i>effective date</i> ; else not applicable
	Accessory Use or Vehicular Use Area	5' if existing vegetation meets required buffer standards; 0' if new vegetation is installed to meet required buffer standards	5' for new development or expansion of existing development, receiving development plan approval after <i>effective date</i> ; else not applicable
Neuse River Basin: Lot Created After July 22, 1997 * Jordan Lake Protected Watershed: Lot Created After July 27, 2000*			
Single-Unit Residential Use	Principal Use	10'	
	Accessory Use or Vehicular Use Area	5'	
Other Uses	Principal Use	10' if existing vegetation meets required buffer standards; 0' if new vegetation is installed to meet required buffer standards	10'
	Accessory Use or Vehicular Use Area	5' if existing vegetation meets required buffer standards; 0' if new vegetation is installed to meet required buffer standards	5'
*Date of adoption of Riparian Buffer Rules by the NC Department of Environment and Natural Resources.			



Features Allowed within Required Setbacks

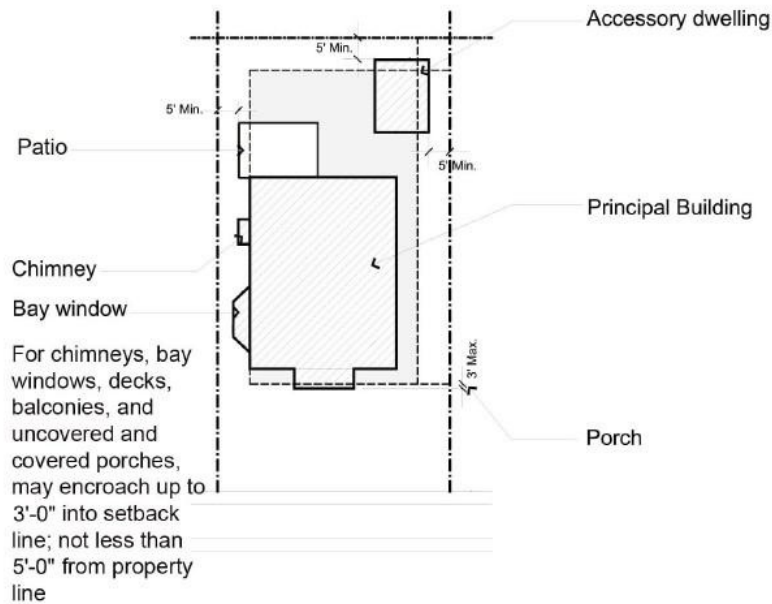
(D) Features Allowed within Required Setbacks or Yards

- (1) A building, structure, or lot shall not be developed, used, or occupied unless it meets the minimum lot size, setback, and yard requirements set forth for the zoning district in which it is located, except as otherwise established in this Ordinance.
- (2) A yard, court, or other open space required by this Ordinance shall not be included as part of a yard or other open space required for another building or structure.
- (3) Trees, shrubs, flowers, fences, walls, hedges, other landscape features, driveways, and uncovered parking pads may be located within any required setback and/or yard.

- (4) The buildings or structures on a lot shall not be located in whole or in part within a required setback or yard, except in certain cases. The following table lists features that may be located within any required setbacks, subject to the specific limitations noted:

TABLE 6.3-1: PROJECTIONS PERMITTED INTO REQUIRED SETBACKS	
Feature That May Encroach Into Setback	Limitation
At-grade sidewalks; and steps, ramps, handrails, and supporting elements	May project into a required roadway setback where making a connection to another sidewalk or a street, May project into a required side or rear setback, but no closer than five (5) feet to the property line. On a lot containing a detached dwelling, no setback is required for at-grade sidewalks.
Eave, soffit, sill, cornice, or ornamental feature	May project up to eighteen (18) inches into any required setback or building restriction line, except where a lesser projection is required to assure conformance with building separation requirements of the North Carolina Building Code.
Bay windows that project outward but do not touch the ground, and similar features projecting from the principal building (does not include cantilevered floor area or cantilevered walls)	May project up to three (3) feet into any required yard or building restriction line shown on the subdivision plat for the property, but no closer than five (5) feet to the property line or buffer. **
Uncovered porches, stoops, balconies, decks, steps, and similar features projecting from the principal building. (Roofs may not encroach into building setbacks).	
Chimneys	
Patios, terraces, and similar features that are not covered and are located on the ground and constructed at grade level	May project into a required yard or building restriction line shown on the subdivision plat for the property, but no closer than five (5) feet to the property line or buffer.
Accessory buildings and/or structures that are detached from the principal structure	May project no closer than five (5) feet to the rear lot line and no closer than five (5) feet to the side lot lines. No projection is allowed into the required roadway setbacks.
Driveway (may not be covered)	May encroach up to lot line(s)
HVAC equipment, utility equipment, mechanical equipment, and electrical panels related to the operation of a detached residential dwelling	
Retaining walls and fences eight (8) feet or less in height that are not located within thirty (30) feet of a street that is classified as a collector or thoroughfare.	

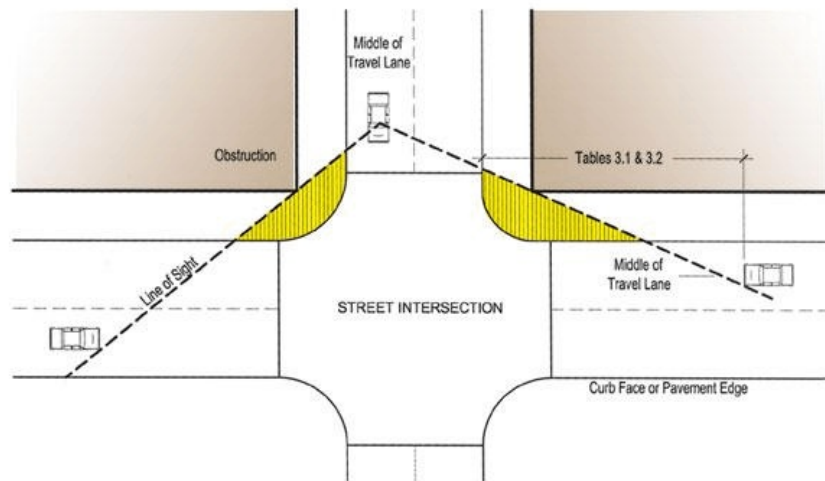
** Such features that encroach into setbacks and were approved prior to September 26, 2013 are exempt from this limitation and shall be considered to be a conforming feature on such properties.



Minor Residential Building Encroachments into Required Setbacks

6.3.3 Clear Sight Triangles

A clear sight triangle is an area of unobstructed vision at the intersection of two (2) or more vehicular use areas where drivers can view oncoming traffic from either direction. All development shall maintain clear sight triangles at all street and driveway intersections in accordance with the current regulations of the North Carolina Department of Transportation and the Town's Standard Specifications and Details Manual.



Clear Sight Triangles

6.3.4 Exemptions

Public Utility Facilities owned and/or operated by the Town are not required to meet the setback or height provisions of this Chapter.

(Ord. No. 06-009, 4-27-06; Ord. No. 2007-04, 3-22-07; Ord. No. 2008-LDO-01, 9-25-08; Ord. No. 2010-LDO-01, 1-14-10; Ord. No. 2010-LDO-05, 12-16-10; Ord. No. 2011-LDO-04, 11-17-11; Ord. No. 2012-LDO-08, 10-11-12; Ord. No. 2013-LDO-02, 6-13-13; Ord. No. 2013-LDO-04, 9-26-13; Ord. No. 2014-LDO-03, 8-14-14; Ord. No. 2014-LDO-04, 8-28-14; Ord. No. 2015-LDO-002, 6-25-15; Ord. No. 2017-LDO-02, 3-30-17; Ord. No. 2017-ACT-01, 10-26-17; Ord. No. 2021-LDO-01, 6-24-21; Ord. No. 2022-LDO-02, 4-28-22)

6.4 HEIGHT MEASUREMENT AND REQUIREMENTS

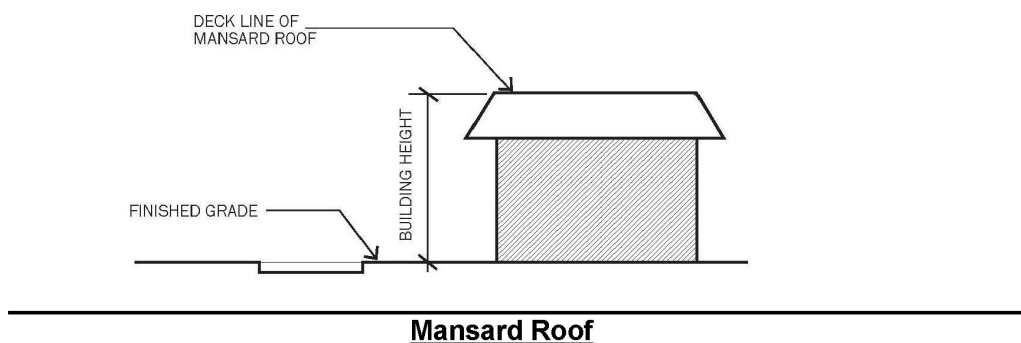
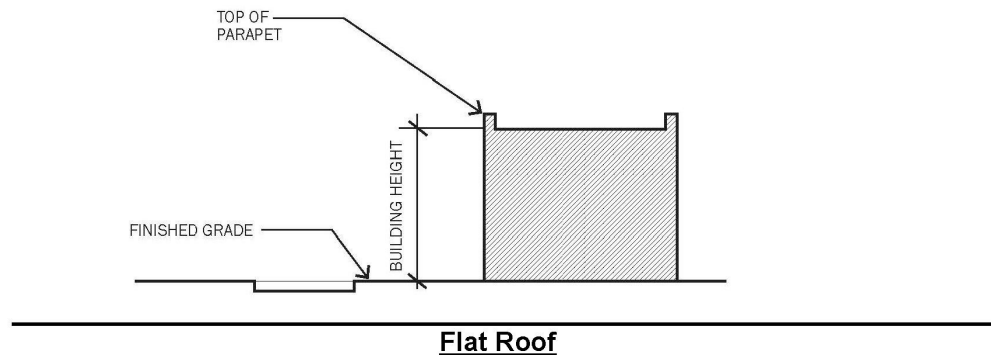
6.4.1 Definition/Measurement

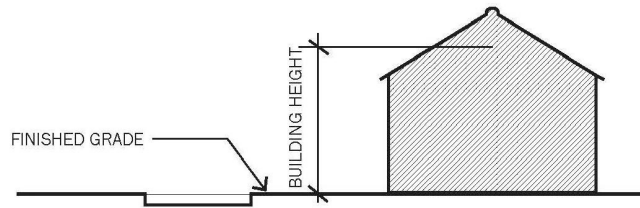
(A) Building Height

Building height is the vertical distance measured from the average elevation of the proposed finished grade at the front of the building to the highest point of the roof deck of a flat roof, to the highest point of a mansard roof, or to the mean height level between the eaves and ridge of a gable, hip, or gambrel roof.

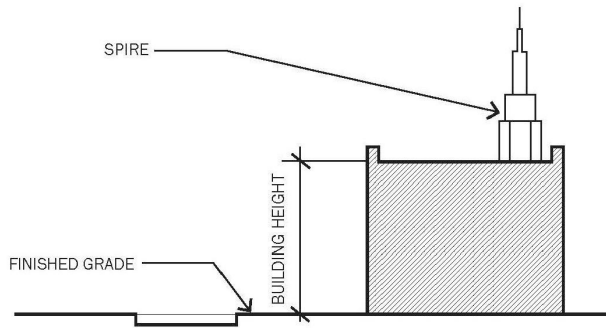
(B) Exceptions

Parapets, spires, cupolas, antennae attached to a building, projections from buildings, mechanical equipment, and accessory structures associated with an activated roof deck, are not to be included in the calculation of building height.

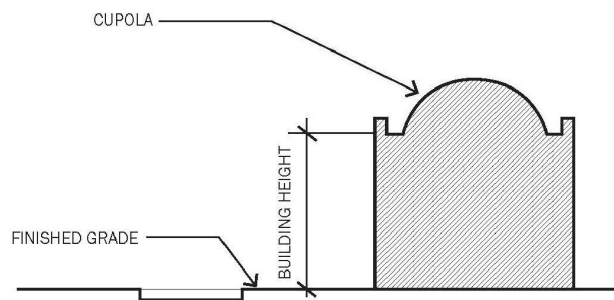




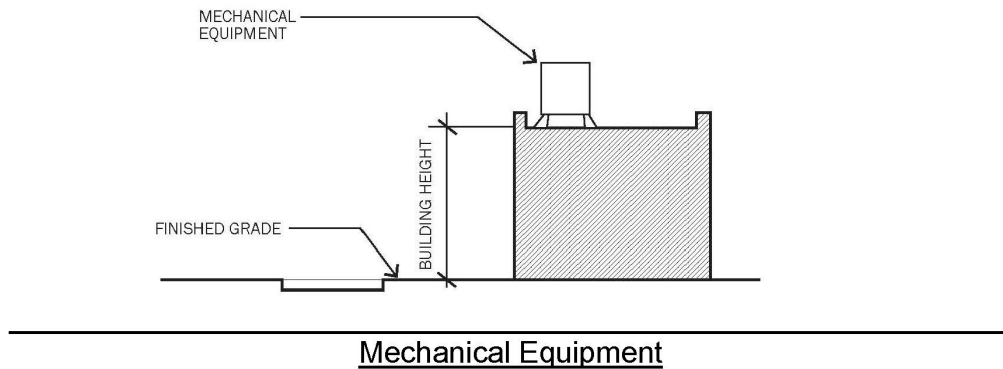
Gable, Hip, or Gambrel Roof



Spires



Cupolas



6.4.2 General Height Regulations

PRINCIPLE OF INTERPRETATION

- Maximum building heights may be increased beyond the maximum height listed on a one-to-one (1:1) basis for each additional foot that the structure is setback from all property line(s) beyond the minimum required setback.
- Individual building story height for a residential structure typically equals twelve (12) feet.
- Individual building height for a nonresidential structure typically equals fifteen (15) feet.

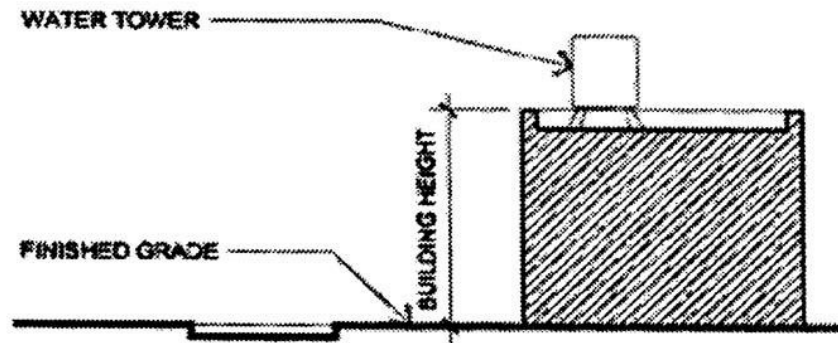
(A) General Increases to Maximum Height Requirement

- (1) The maximum height limits set forth in Section 6.1 may be increased by one (1) foot for every additional foot provided between the building footprint and the minimum required setbacks determined in accordance with this Ordinance.
- (2) The Planning Director may increase the maximum building height up to 15% if the following criteria are met:
 - a. The building is in the Town Center District or a Destination Center;
 - b. The building is part of a mixed-use development; and
 - c. Plans for the property are subject to a development agreement approved by the Town Council pursuant to G.S. Chapter 158, Article 1; Chapter 160D, Article 10; or 160D-1315.

(B) Telecommunications Facilities

Telecommunications facilities may exceed the thirty-five (35) feet minimum height requirement, up to a maximum of three hundred and fifty (350) feet. See Section 5.2.4(D).

(Ord. No. 04-001, 1-8-04; Ord. No. 06-009, 4-27-06; Ord. No. 2007-04, 3-22-07; Ord. No. 2008-LDO-01, 9-25-08; Ord. No. 2019-LDO-04, 12-12-19; Ord. No. 2021-LDO-01, 6-24-21)



Building Height Exceptions

6.5 BULK MEASUREMENT AND REQUIREMENTS

6.5.1 Measurements

(A) Density, Gross

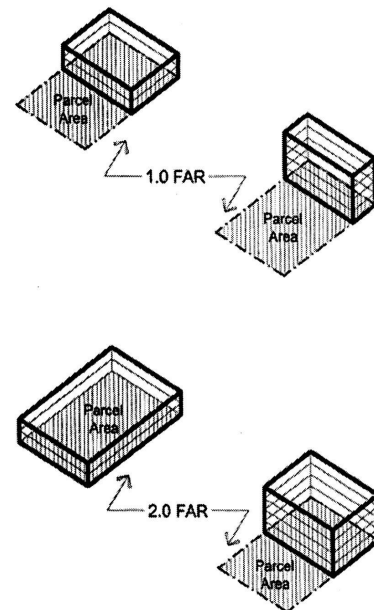
The number of dwelling units on a particular tract or parcel of land, taking into account the entire area of that tract or parcel.

(B) Density, Net

The total number of dwelling units on a particular tract or parcel of land, not taking into account portions of the tract or parcel that contain rights-of-way for collector or larger streets, Flood Hazard Area, lakes or other water bodies, or wetlands falling under the regulatory jurisdiction of the U.S. Army Corps of Engineers, but taking into account all other areas of the tract or parcel.

(C) Floor Area

The gross total horizontal area of all floors, including usable basements and cellars, below the roof and within the outer surface of the main walls of principal or accessory buildings, or the centerlines of a party wall separating such buildings or portions thereof, or within lines drawn parallel to and two feet within the roofline of any building or portions thereof without walls, but excluding, in the case of non-residential facilities, arcades, porticos, and similar areas open to the outside air which are accessible to the general public and which are not designed or used as areas for sales, display, storage, service, or production.

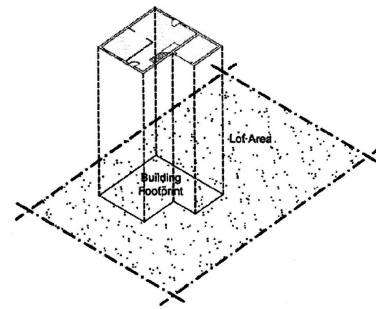


Floor Area

(D) Building Footprint

The ratio of the horizontal area measured from the exterior surface of the exterior walls of the ground floor of all principal and accessory buildings on a lot to the total lot area.

(Ord. No. 06-009, 4-27-06)



Building Footprint

