

ARTICLE 11. TABLE OF AREA, YARD, AND HEIGHT REQUIREMENTS

(See Notes 1 through 12)

DISTRICT	MINIMUM LOT SIZE		MINIMUM YARD REQUIREMENTS			
	Minimum Lot Area (Square Feet)	Minimum Lot Width (Feet)	Front (Feet)	Each Side (Feet)	Rear (Feet)	Maximum Building Height (Feet)****
R-15 Residential District	15,000	75	35	15	30	35
R-8 Residential District	8,000 for the first dwelling unit, 4,000 for each additional dwelling unit (calculated per lot, not per building)	70	30	12	27	35
R-6 Residential District	6,000	60	25	10	25	35
R/C Residential/Commercial District	6,000	60	25	10	25	35
MFH-II Manufactured Home District II***	6,000	60	25	10	25	35
PUD Planned Unit Development	(Determined by zoning district designations on approved PUD plan)					35
O/I Office and Institutional District	None	60	25	10	25	35
CB Central Business District	None	50	35	10*	10*	35
HC Highway Commercial District	None	75	35	10**	10**	35
AD Agricultural District						35
ID Industrial District	None	100	35	15*	15*	35
CD Conservation District	None		100	100	100	35

*Except where a lot abuts a lot zoned residential. Lots abutting a lot zoned residential shall have at least a 25 foot side or rear yard.

**Except where a lot abuts a residentially zoned lot. Lots abutting a residentially zoned lot shall have at least a 25 foot side or rear yard. On corner lots, the side yards fronting on the side street shall be ½ the required front yard.

***Manufactured homes located in 130 mph wind zones shall have brick or equivalent masonry underpinning.

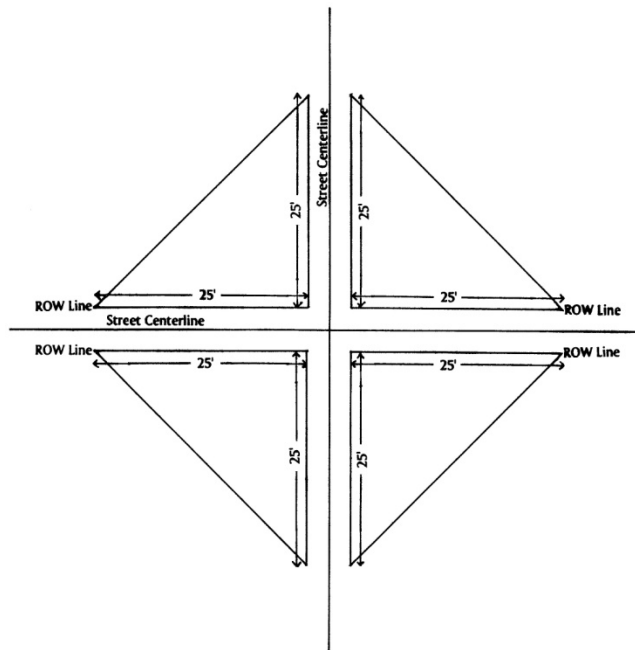
****Refer to definition Building Height in Article 2.

Section 11-1. Notes to the Table of Area, Yard, and Height Requirements

Note 1. Location of Accessory Building. Accessory buildings may occupy 10% of the gross lot area, and must be built a minimum of 5 (five) feet from any lot line.

Note 2. Corner Lots.

- (A) On corner lots, the side yard on that side of the lot abutting the side street shall not be less than one-half the front yard setback requirement on that side street.
- (B) Accessory buildings on corner lots located on that side of the lot abutting the side street shall not project beyond the full front yard requirement on that side street.



Note 3. All buildings in the Central Business and Highway Commercial Districts shall be permanent fully enclosed construction. Portable, open air, shed type structures shall be prohibited, except as accessory buildings.

Note 4. Exceptions and Modifications. The dimensional requirements of this Ordinance shall be complied with in all respects except that, under the specific conditions as outlined in this Ordinance, the requirements may be waived or modified as stated; and, in addition, the dimensional requirements may be changed or modified by the Board of Adjustment.

Note 5. Front Yard Modifications in Residential Districts.

- (A) Where 50% or more of the lots in any block or within 600 feet on both sides of the proposed structure, whichever is less, is composed of lots which have been developed with buildings whose front, side, or rear yards are less than the minimum required as

specified in the dimensional requirements, the required front, side or rear yard shall be the average depth of front, side or rear yards of the developed lots, or the minimum dimensional requirements as specified in the Table of Area, Yard, and Height Requirements, whichever is less. Provided further that if any lot lies between two buildings which are less than 100 feet apart, the required front and/or rear yards for such lot shall be no greater than the average front and/or rear yard of the two adjoining lots or 25 feet, whichever is more.

- (B) When 50% or more of the lots in any block or within 600 feet on both sides of the proposed structure, whichever is less, is composed of lots with buildings that have front yards greater than the minimum required front yard, as specified in the Table of Area, Yard, and Height Requirements, the required front yard shall be the average depth of front yards on the developed lots. Provided further that if any lot lies between two buildings which are less than 100 feet apart, the required front yard for such lot shall be no less than the average front yard of the two adjoining lots.

Note 6. Other Yard Modifications. Where through lots occur, the required front yard shall be provided on both streets. Architectural features such as open or enclosed fire escapes, steps, outside stairways, balconies and similar features, and uncovered porches may not project more than four feet into any required yard. Sills, cornices, eaves, gutters, buttresses, ornamental features, and similar items may not project into any required yard more than 30 inches.

Relief From Zoning Set Back Requirements: Property owners wishing to construct new structures or additions on their property may seek relief from building setbacks based on one of the following:

1. The irregular shape of the parcel (i.e. pie shaped lots) makes conformance with all the building setbacks impractical to design or build a new home equal to 20% of the gross parcel area.
2. The location of a new septic field (as required by the County Health Department) on the property prevents conformance as noted in Item 1 above.
3. The location of an unchanged existing septic field (as previously approved by the County Health Department) on the property prevents conformance as noted in Item 1 above.
4. Alterations to an existing septic field as required by the County Health Department for the purpose of new construction.
5. Nonconforming parcels of records.

The Following remedies to the above situations may be approved by the Zoning Administrator or his designee without requiring approval of the Board of Adjustment is as follows:

1. For corner parcels, the Zoning Administrator may designate which property boundary line shall be the front regardless of the street address of the property. (see diagram #1/#5 in Attachment #1)
2. At corner properties, in order to align the front faces of the home with adjoining structures, the Zoning Administrator may assign two front setbacks and two side setbacks in lieu of the front setback, side street setback, rear setback and side (adjoining) setback.(see diagram #2 in Attachment #1)
3. A two-foot (2') uniform building encroachment may occur in any two setbacks for an existing structure provided that it does not exceed 50% of that building setback face, that all other building setbacks are in compliance, and this allowance does not exceed

buildable area for this parcel. In lieu of the uniform encroachment, a varying encroachment (i.e., multiple building corner projections into setbacks due to an irregularly shaped parcel) of 25% may occur in any two setbacks provided that the aggregate length does not exceed 50% of that building setback face, that all other building setbacks are in compliance, and this allowance does not exceed buildable area for this parcel.(see diagram #3 in Attachment 2)

4. At cul-de-sac parcels, residential vehicle garages may reduce the front setback to ten-feet (10') provided that a minimum twenty-foot long (20') car parking area is available outside the garage door and this allowance will not exceed buildable area for this parcel.(see diagram #4 in attachment #3)
5. Stair and ramp landings (covered or uncovered) not exceeding thirty-six (36) square feet or six-feet (6') in any length exclusive of the stairs and ramp for the purpose of egress to a home. (see diagram #1/#5 in Attachment #1)
6. Mechanical equipment, such as air condensers, which are not enclosed may encroach up to four-feet (4') into side and rear setbacks provided that a minimum three-foot (3') travel path is available between the unit and the property line. (see diagram #6 in Attachment #4)
7. Mechanical equipment yards may encroach up to seven-feet (7') into side and rear setbacks provided that a three-foot (3') clear travel is available through this area either by two gates allowing access through this enclosure or by a three-foot (3') travel path around the enclosure. (see diagram #7 in Attachment #4)
8. Natural or man-made occurring barriers of a permanent nature (i.e. waterways, alley streets, required subdivision planting buffers, etc.) adjoining parcels seeking relief may be granted an additional 10% of setback encroachment in addition to 25% encroachment noted above.
9. Height of patios, ground decks, etc. which are twelve-inches (12") or less in height at all points may encroach up to 75% into any setback, except the front setback, without restriction.

Prior to approving any relief of setbacks based upon the aforementioned, the Administrator or his Agent shall notify adjacent property owners who shall have 14 calendar in which to provide comment on the proposed relief before a final decision is rendered.

Note 7. Height Limit Exceptions. Church steeples, chimneys, belfries, water tanks or towers, fire towers, flag poles, spires, wireless and broadcasting towers, monuments, cupolas, domes, antennas, and similar structures and necessary mechanical appurtenances are not subject to the height limit regulations contained in this Ordinance.

Note 8. Retaining Walls. The setback and yard requirements of this Ordinance shall not apply to a retaining wall not more than three feet high, as measured from the lowest ground elevation to the top of the wall. A retaining wall greater than three feet in height will require a building permit.

Note 9. Lot Size Without All Public Utilities. All lots not served by public or community sewer and/or water shall meet the minimum lot size requirements established by the Brunswick County Health Department.

Note 10. Zero Lot Lines. Any planned residential development may make use of the zero lot line concept. Such a planned development is a subdivision and must be approved as such through the

requirements of any subdivision regulations in effect as well as meeting the requirements of the zoning code.

Note 11. Driveways and Curb Cuts. No portion of any residential driveway intersection with a Town public street shall be closer than 40 feet to the corner of any intersection, measured along the right-of-way line, without approval of the Planning and Zoning Board. In commercial and industrial zones, this distance shall be 30 feet. The width of any driveway intersection with the public street shall not exceed 30 feet at its intersection with curb and street line. Driveway connections to the State of North Carolina Department of Transportation controlled streets must be requested from and approved by the Department of Transportation on its standard form. Driveways that have double lane ingress and egress (4-lanes) shall be a minimum 60 feet width at intersection with curb and street line. Construction of curb cuts for purposes of ingress and egress to property abutting a Town public right-of-way shall be approved by the Administrator. The North Carolina Department of Transportation is the approval authority where said curbs affect access to State Highways. Provision for all access work done on state highway right-of-way is subject to approval by the Department of Transportation.

Note 12. Conditional Zoning Amendments. Conditional zoning amendments approved pursuant to Section 4.8 of the Town of Calabash Unified Development Ordinance may contain custom dimensional standards as approved by the Board of Commissioners.