Chapter 4. GENERAL LOT & STRUCTURE PROVISIONS

4.1 Applicability

The following provisions shall apply throughout the jurisdiction of this Ordinance, regardless of the underlying zoning district provisions.

4.2 General Provisions

A. Conformity with Ordinance Required: No land or structure shall be used or occupied, and no structure or parts shall be constructed, erected, altered, or moved, unless in conformity with all of the regulations herein specified for the district in which it is located. Every building erected, moved, or structurally altered shall be located on a lot conforming to the requirements of the district.

B. All Lots to Front on Public Street or Public Space: All lots shall front upon a street. With the provision of 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.

C. Fractional Requirement: When any requirement of this Ordinance results in a fraction of a unit, a fraction of one half or more shall be considered a whole unit and a fraction of less than one-half shall be disregarded. When the determination of the number of dwelling units permitted on a lot results in a fraction of a dwelling unit, a fraction of one-half or more shall be considered a dwelling unit and a fraction of less than one-half shall be disregarded.

4.3 Lot and Yard Requirements

A. 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.

B. Dimensional Standards for Infill Lots: Front and side yard setbacks for infill structures shall be consistent with or equal to the average setbacks for all principal structures within 300 feet or one block length (whichever is greater). Where no buildings exist or in new neighborhoods the minimum dimensional standards shall be per the district requirements in Chapter 2.

C. Civic Structures: Churches and other civic buildings shall be exempt from the front yard setback requirements, except along arterials as identified on the Town's Thoroughfare Plan, but shall otherwise comply with the Building Design Standards of Chapter 5.

D. One Principal Building Per Lot: Only one 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.

E. Rights-of-Way Not Considered in Yard Requirements: Rights-of-way or easements for streets, roads and railroads shall not be considered a part of a lot or open space, or front, side, or rear yards for the purpose of meeting yard requirements.

F. Irregular Lot Setbacks: The location of required front, side and rear yards 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.

G. Corner lots: Any structure on any corner lot shall comply with the minimum setback (front yard) requirements of the street which it faces, and shall comply with 50 percent of the minimum front yard setback requirements, if applicable, on any other street which the corner lot abuts. Where a structure faces a corner formed by two streets having different setback requirements, the structure shall comply with the more restrictive requirements. In case of doubt as to which street a structure faces, or if a structure is built so as not to face any street, the Administrator shall determine which setback, side yard and rear yard requirements apply.

H. Lot Width at the Right-of-Way:

1. **Minimum Width at Right-of-Way:** The minimum width of the front lot line on a street shall be eighty percent (80%) of the minimum lot width required for the zoning lot with the exception of flag lots which shall be 20 feet or as otherwise provided in this Ordinance.

2. **Corner Lots:** Where a zoning lot fronts on two (2) or more streets, minimum front lot line width requirements shall be considered met if the frontage along any one of such streets meets the minimum front lot line width requirements.

3. **Lots at a 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 ninety (90) feet, the minimum front lot line width requirement shall be 35 feet.

I. 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.

J. Double frontage lots: On lots having frontage on two streets, but not located on a corner, the minimum front yard shall be provided on each street in accordance with the provisions of this ordinance. The minimum front yard on the other frontage or frontages may be reduced along the other streets in accordance with the street side yard requirements of the district. Buffer strips preventing access along one frontage are discouraged.

K. **Setback Exceptions:** The following features shall not be subject to the required minimum setback requirements:

- Suspended shingle post, wall, and projecting signs, provided such signs comply with the sign standards established in Chapter 12;
- Fences and walls not exceeding six (6) feet in height; and
- Flagpoles, bridges, and transmission poles, towers, and cables. Satellite dish antennas may not violate the setback requirements.

4.4 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. **Arcades:** 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 American with Disabilities Act Accessibilities Guidelines (ADAAG).

B. **Awnings:** All awnings, if provided, 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. All awnings in other zoning districts shall be considered a part of the structure for purposes of measuring and complying with area and setback regulations.

C. **Bay Windows:** Bay Windows shall not exceed a maximum projection of two (2) feet from the primary wall. In addition, it shall not contain habitable floor space, but may provide seating as an integral element.

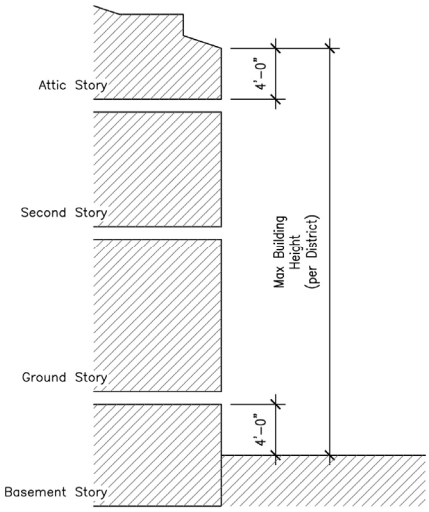
D. **Balconies, Porches, and Stoops:** Only open balconies, porches, and stoops not exceeding an average finished height above grade of 36 inches are permitted as encroachments. To the extent possible, these features are to remain visually permeable so that the front door can be easily seen from the street or sidewalk. Ordinance-required railings are permitted. However, enclosure of these areas with screening is considered an enclosure for the purposes of this section.

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

F. **Rear Yard 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 setback to within five feet of the property line. When a privacy fence of a minimum 6 feet in height is provided, the encroachment may be constructed to the property line. Roofs over such structures are not permitted to encroach into the setbacks.

4.5 Building Height

A. Computation of Height: "Building Height" is measured as the vertical distance above a reference elevation measured to the parapet or roof line of a flat roof, the eave of a pitched roof, or the deck line of a mansard roof. The reference elevation shall be selected using the greater of either of the following:



1. The elevation of the highest adjoining sidewalk or ground surface within a five-foot horizontal distance of an exterior wall of the building when such sidewalk or ground surface is not more than 10 feet above the lowest grade.

2. An elevation 10 feet higher than the lowest grade when the sidewalk or ground surface described in "1" above is more than 10 feet above the lowest grade. The height of a terraced or stepped building is the maximum height of any segment of the building.

B. Story: The habitable level of a building of no more than 14 feet in height from finished floor to finished floor. Basements that emerge 4 feet or less from grade or attics not exceeding 4 feet at the knee-wall shall not constitute a story.

C. Items Not Included in Calculation: The height limitations of this Ordinance shall not apply to church spires, belfries, cupolas, and domes not intended for human occupancy, monuments, water towers, 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 structure will not interfere with any airport zones or flight patterns.

4.6 Containment Areas for Trash and Recyclables

All containment devices for trash and recyclables, including compactors, dumpsters, commercial roll-out bins, and areas for storing cardboard shall be located and designed so as not to be visible from the view of adjacent streets and properties and shall be placed in the side or rear yards only. All containment areas shall meet the following standards:

A. All containment areas shall be enclosed to contain windblown litter.

B. The enclosure shall be at least as high as the highest point of the compactor or dumpster.

C. The enclosure shall be made of a material that is opaque at the time of installation and compatible with and/or similar to the design and materials of the principal building.

D. All compactors and dumpsters shall be placed on a concrete pad that is large enough to provide adequate support, allows for positive drainage, and conforms to the Wake County Health Department regulations governing compactor pads. A concrete apron shall also extend from the pad for support.

E. The enclosure shall contain gates to allow for access and security.

F. Dumpsters and compactors shall be located within the side or rear yard behind buildings and away from sidewalks or pedestrian circulation. Such locations should be accessible to service vehicles.

G. Enclosures shall be landscaped in accordance with Section 8.9.

4.7 Accessory Structures

A. Principal Buildings Required: The construction of an accessory structure or building is not permitted unless a principal building is located on the lot. Accessory and principal buildings may be constructed concurrently.

B. Permitted Uses

1. The following uses are permitted within residential outbuildings:

- Parking
- Gazebo
- Poolhouse
- Equipment Enclosure
- Customary Home Occupation
- Artist Studio Space
- Sauna
- Workshop
- Conservatory
- Rental Cottage

2. Trash containers, mechanical equipment and outdoor storage shall be located only within the rear or side yards.

3. Mailboxes, newspaper boxes, walls, fences, birdhouses, flagpoles, and pump covers may be placed in any front, side or rear yard. Doghouses may be placed in rear yards only.

C. General Structure Requirements

1. Maximum Number Permitted: In residential districts, no more than two accessory buildings or uses shall be permitted per lot, except for farm enterprises.

2. Location: Accessory buildings shall be located only in side or rear yards for non-corner residential lots and setback a minimum of five feet from the property line.

3. Maximum Lot Coverage: Accessory buildings shall not cover more than 30 percent of the side or total rear yard.

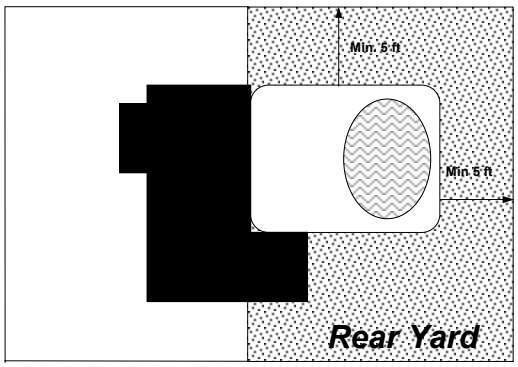
4. Separation: To ensure proper maintenance of building exteriors, accessory buildings shall be located no closer than five (5) feet from any principal structure or another accessory building.

D. Swimming Pools (for Single Family Homes)

1. All swimming pools for single family homes, whether above-ground or in-ground, shall be built only in rear yards. The definition of a swimming pool shall include all structures, and walks or patio areas of cement, stone, or wood, at or above grade, built for, and used in conjunction with the swimming pool.

2. Swimming pools, as defined above, shall be set back a minimum of five (5) feet from all side and rear property lines. Patio areas at grade have no setback requirements from rear and side lot lines.

3. Swimming pools shall be enclosed, not entire rear yard, by a privacy fence (with self-latching gate) at a minimum height of four (4) feet and a maximum of eight (8) feet.



E. **Satellite Dishes:** No satellite dish larger than eighteen inches (18") shall be mounted to the front façade of a building or a roof slope facing the street on a hip or mansard roof.

F. Fences and Walls

1. Residential

a. **Front Yard:** Fences shall be no greater than 4 feet in height and garden / decorative walls no greater than 3 feet in height in the front yard setback.

b. **Side/Rear Yard:** Fences or garden / decorative walls shall be no greater than 6 feet in height behind the front building line (in the side or rear yard).

c. **Materials:** Garden walls may be of brick, stone or stucco matching the principal building. Retaining walls shall be wood, brick, stone or stucco. Front yard fences shall be wood picket, wrought iron or materials similar in appearance and durability. Side and rear yard fences may be chain link, wood, wrought iron, or similar material. All side and rear yard fences over 4 feet in height shall be wood or similar material.

d. **Exceptions:** Engineered retaining walls that may be needed due to topography are not subject to height limitations.

2. Commercial or Mixed-Use

a. Front Yard: Fences shall be no greater than 4 feet in height and garden / decorative walls no greater than 3 feet in height in the front yard setback.

b. Side/Rear Yard: Fences or garden / decorative walls shall be no greater than 8 feet in height behind the front building line (in the side or rear yard).

c. Materials: Front yard fences shall be wrought iron, or similar looking material only. Fence piers may be brick or stone. Side and rear yard fences and decorative walls shall be brick, stucco, wrought iron, or stone. Retaining walls shall be wood, brick, stone or stucco.

d. Exceptions: Engineered retaining walls that may be needed due to topography are not subject to height limitations.

3. Industrial

a. Front Yard: Fences shall be no greater than 6 feet in height in the front yard setback.

b. Side/Rear Yard: Fences or decorative walls shall be no greater than eight (8) feet in height in the side or rear yard unless topography necessitates additional height. The Administrator may approve fences or walls no greater than nine (9) feet. Requests for heights above nine (9) feet are subject to approval from the Town Council.

c. Materials: Barbed wire fences are permitted in rear yards not visible from a street and are not permitted adjacent to any lot in residential use or zoning. Retaining walls shall be wood, brick, stone or stucco.

d. Exceptions: Engineered retaining walls that may be needed due to topography are not subject to height limitations.

4.8 Temporary Uses

Temporary structures and uses shall be permitted in compliance with the provisions of this Ordinance and all other ordinances of the Town of Knightdale. The following temporary structures and uses shall be permitted:

A. Uses and Structures

1. Carnivals or Circus: Carnivals or circuses are permitted for a period not to exceed 21 days, subject to the approval of the Administrator.

2. Religious Meeting: Religious meetings are permitted in a tent or other temporary structure, for a period not to exceed 14 days.

3. Open Christmas Tree Lots: Christmas tree sales in open lots within industrial and commercial districts are permitted for a period not to exceed 45 days.

4. **Contractor's Office and Equipment Shed:** A contractor's office and equipment shed is permitted in any district for a period covering the construction phase of the project not to exceed one year, provided that such office be placed on the property to which it is appurtenant.

5. **Seasonal Structures:** Seasonal greenhouses, tents, and other temporary structures for a period not to exceed 45 days. These structures must be removed on their expiration date.

B. General Requirements

1. The Administrator may issue a permit for any other temporary use provided that:

   a. The use is clearly of a temporary nature;

   b. The use is limited to a period not to exceed one year;

   c. The use is in keeping with the requirements and intent of this Ordinance; and,

   d. A building permit and fire inspection as required for construction or commercial use.

2. The Administrator may attach any conditions to a temporary use permit needed to protect the public health, safety, and welfare.

3. All permits for temporary uses may be renewed provided that:

   a. The use is clearly of a temporary nature;

   b. The use will cause no traffic congestion; and,

   c. The use will not create a nuisance to surrounding uses.