

## Chapter 6. LOT, INFILL, ADDITION, AND ACCESSORY PROVISIONS

### 6.1 Applicability

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

### 6.2 General Lot Provisions

#### A. Location of Required Yards:

1. **Front Yard:** A space extending the full width of the lot between the architectural front of the principle building façade (the front setback) and the front lot line or the fronting street right-of-way measured perpendicular to the building at the closest point to the front lot line. Typically this yard is required to remain open and unoccupied, with the exception of expressly-permitted encroachments or structures. Corner lots comprise of two (2) or more front yards. Therefore, all applicable front yard provisions (including permissions and prohibitions) are required in both, or all, front yard areas.

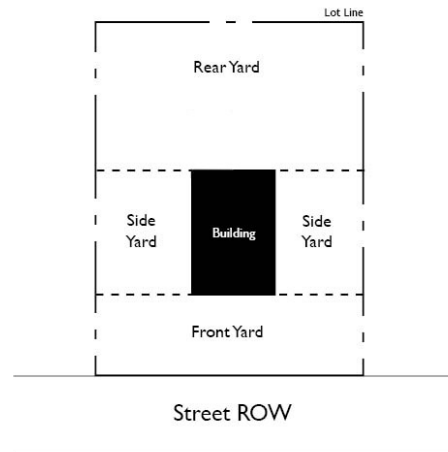
2. **Side Yard:** A space extending from the front yard to the rear yard between the principal building façade and the side lot line and measured perpendicular from the side lot line to the closest point of the principal building facade. Side yards extend from the sides of a building to a street right-of-way (ROW) or property line.

3. **Rear Yard:** A space extending across the full width of the lot between the architectural rear of the principal building and the rear lot line and measured perpendicular to the building to the closest point of the rear lot line. Rear yards extend from the back of a building to a property line.

- B. **Setbacks along Thoroughfares:** Setbacks along thoroughfares shall be measured from the future right-of-way as determined by the locally adopted Thoroughfare Plan and/or Long Range Transportation Plan for roadway widening.

- C. **Reserve Strips:** The creation of reserve strips, whether by deed or plat, in such a manner as to deny access from adjacent property, is prohibited.

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- D. 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 purchase or condemnation of narrow strips of land or parcels for public utilities, substations, street right-of-way, or similar purposes.
- E. Rights-of-Way Not Considered in Yard Requirements:** Rights-of-way or easements for streets and roads 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 Lots:**
  - 1. Irregular Setbacks:** 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. Irregular Lot Width:** Irregularly-shaped lots, such as pie-shaped cul-de-sac lots, shall use the midpoint of the lot depth to determine minimum lot width. However, irregularly-shaped lots with a lot depth greater than 200 feet shall determine minimum lot width at a depth of 100 feet from the front yard right-of-way line.
- G. Dimensional Standards for Lots not Served by Public Water and/or Sewer:** For all lots (residential and non-residential) not served by public water and/or sewer service, the following minimum dimensional standards shall supersede the minimum lot requirements in this chapter.

	<b>Public Water Only</b>	<b>No Public Water or Sewer</b>
<b>Minimum Area</b>	15,000 sq. ft.	20,000 sq. ft.
<b>Minimum Width</b>	75 ft.	100 ft.
<b>Minimum Depth</b>	150 ft.	150 ft.

- H. Principal Buildings per Lot:** Only one principal building and its' customary accessory building(s) shall be located on a buildable lot in the OSP, GR, UR, HR, or MHD-Neighborhood districts. Buildable lots in the RR, RMX, NMX, CMX, DMX, HB, LI, HI, HS, CI, MHD-Park, and TND districts may contain one or more principal, secondary, or accessory buildings.

### 6.3 Infill Provisions

#### A. Purpose

The intent of the infill standards is to encourage consistent and compatible development of underutilized and bypassed parcels.

#### B. Applicability

These infill standards shall apply to existing vacant lots of record and any lot of record further subdivided by any means other than a Major Subdivision. An infill lot shall be defined as a lot that meets all of the following criteria:

1. The lot is within the GR, UR, HR, or RMX district;
2. There is existing development abutting the lot on at least 50% of its' non-street perimeter. For the purpose of this section, "non-street perimeter" shall mean that portion of the perimeter of the lot that is not abutting a public street. Where there is no abutting public street, the entire perimeter is used for measurement.

#### C. General Provisions for Infill Compatibility

Some of the infill compatibility standards below require the determination of comparison lots or structures. The determination and exclusionary procedures are as follows:

1. Determining Comparison Lots or Structures
  - a. Use lots or structures along the same block face extending a minimum of 300 feet from the outside corners of the subject lot, including those lots or structures across local streets but not including those across major or minor thoroughfares.
  - b. For corner lots or structures, use lots or structures along the respective street face extending a minimum distance of 300 feet from the outside corners of the subject lot, including those lots or structures across local streets but not including those across major or minor thoroughfares.
  - c. If the Administrator is unable to determine a comparison lot or comparison structure, as prescribed above, these infill standards shall not apply.
2. Comparison Lot or Structure Exclusions
  - a. Lots or structures that are not within the GR, UR, HR, or RMX districts.
  - b. Lots or structures used for multi-family residential (townhouse or apartment) or non-residential purposes.
  - c. Lots or structures where development continuity cannot be provided due to a natural or man-made barrier; including but not limited to, major or minor thoroughfares, public land, railroad right-of-way, or waterways

**D. Building Type Compatibility Standards**

When an infill lot is located within, or along the edge of, an established neighborhood, the following standards shall apply:

1. Multi-family development in the House building type may be located along the same, or opposing, block face as other single, duplex, or multi-family House building types.
2. Townhouse or Apartment building types shall only be located along a major or minor thoroughfare or at any street intersection.

**E. Frontage Width Compatibility Standards**

When an infill lot is proposed for subdivision, the following standards shall apply:

1. Follow the General Provisions for Infill Compatibility, above, to determine Comparison and Exclusion Lots.
2. Frontage Width Compatibility Procedures
  - a. Any reduced lot area or reduced frontage width due to averaging shall not fall below the required minimum lot area or lot width as established in the Building Types and Architectural Standards chapter of this Ordinance.
  - b. After determining the comparison lots, exclude the lot with the smallest frontage width. The minimum lot frontage shall be equal to, or greater than the smallest frontage of the lots that remain.
  - c. If the procedure for determining comparison lots (6.3.C.1) results in four (4) or less comparison lots, the process shall be modified to include lots on the opposite side of the street (excluding major or minor thoroughfares) within the 300-foot boundary.
3. Frontage Width Special Exception

A frontage width special exception is an authorization to subdivide the subject property when the compatibility procedures, above, require a minimum frontage width that is unattainable and where the preferred or attainable frontage width would otherwise be prohibited.

- a. The Planning Board shall be authorized to grant a frontage width special exception.
- b. The frontage width special exception process shall follow quasi-judicial proceedings.
- c. Frontage width special exception procedures:
  - i. An application for a frontage width special exception and other supporting documents, including written responses to standards, shall be submitted no later than the first business day of the month.

- ii. The administrator shall review all submitted documents, including the responses to standards, and provide a recommendation to the Planning Board.
  - iii. Notification of the evidentiary hearing shall be made not less than 10 days prior to the scheduled meeting and shall be mailed to the applicant, to all properties within 100 feet of the subject property boundary, and all properties included in the comparison lots. In addition, a prominent sign shall be posted on the subject property until after the decision-making authority has rendered its final decision. Proponents and opponents may testify at the hearing and shall provide evidence supporting or denying the request.
  - iv. The Planning Board shall review all submitted documents, including the responses to standards, shall provide written responses to the consideration factors, and may approve, deny, or modify the request as submitted by the applicant and recommended by the administrator.
- d. Standards for frontage width special exception review. The applicant has the burden of proof to demonstrate to the Planning Board that the following standards, with or without conditions, are met:
- i. The minimum frontage width, as requested, is not less than the minimum frontage width permitted under the applicable LDO district.
  - ii. The minimum frontage width, as requested, is not less than 90 percent of the narrowest frontage width of the applicable comparison lots.
  - iii. The minimum frontage width, as requested, and subsequent subdivision will not create or increase any known nonconformities associated with the subject property.
  - iv. The minimum frontage width, as requested, is uniform from the front to the rear of the property so as to substantially maintain right angles or radial lot lines to the fronting street.
- e. Consideration factors for frontage width special exception review. In applying the aforementioned standards, the Planning Board shall consider each of the following factors:
- i. The minimum frontage width, as requested, or some modification thereof and subsequent subdivision do not negatively impact the provision of city services or utilities.
  - ii. The applicable comparison lots adequately represent the larger surrounding area.
  - iii. Natural or man-made features of the land help or hinder the minimum frontage width as required and requested.

**F. Structure Build-To and Siting Compatibility Standards**

When an infill lot is proposed for development of a single-family, duplex, triplex, or quadruplex house building type, the following standards shall apply:

1. Structure Build-To Procedures
  - a. Any reduced front build-to line due to averaging shall not fall below the required minimum front setback as established in the Building Types and Architectural Standards chapter of this Ordinance.
  - b. Determine the average front setback of the closest house building type on either side of the subject lot facing the same street. This result, or a match of the closer setback to the street, shall be the established front build-to line for compatibility.
  - c. When the subject lot is a corner lot, determine which street the subject lot fronts upon and then determine the average front setback of the two closest house building types facing the same street. This result, or a match of the closer setback to the street, shall be the established front build-to line for compatibility.
2. Siting Compatibility Procedures
  - a. Follow the General Provisions for Infill Compatibility, above, to determine Comparison and Exclusion Structures.
  - b. When the predominant (more than 50%) comparison structures are aligned parallel or perpendicular relative to the street centerline, the proposed infill structure shall conform to that alignment.

**G. Access Compatibility Standards**

1. When an infill lot is located along a block face that has vehicular access only via public or private alleys, vehicular access to the site shall be via the alley.
2. When an infill lot is located along a block face that has access to public or private alleys but the predominant (more than 50%) form of vehicular access to the block face is via street-side driveways, either the alley or street-side driveway may be utilized.
3. When an infill lot is located along a block face that predominantly (more than 50%) utilizes shared driveways, vehicular access to the site shall be via the shared driveway, if possible.

**H. Sidewalk Compatibility Standards**

1. Follow the General Provisions for Infill Compatibility, above, to determine Comparison and Exclusion Lots;
2. If a public sidewalk is present along the block face of the subject lot within the street right-of-way of the comparison lots, then the applicable length of sidewalk

shall be installed along the subject lot’s street frontage or payment made into the Sidewalk Payment In Lieu Program per Section 4.9 of this Ordinance.

3. For corner lots, instead of crossing a local street, use the block face of the subject lot along both streets to determine comparison lots and then determine if a public sidewalk is present within either or both of the street rights-of-way of the comparison lots. If so, then the applicable length of sidewalk shall be installed along either or both of the subject lot’s applicable street frontage(s) or payment made into the Sidewalk Payment In Lieu Program per Section 4.9 of this Ordinance.

**6.4 Additions to Existing Development**

Some of the following provisions are located elsewhere in this Ordinance; however, it is copied and grouped here for ease of use. The checkmarks in the table indicate when specific provisions are required based on the scale of addition or modification.

	Ch. 2	Ch. 5	Ch. 5	Ch. 8	Ch. 8	Ch. 4	Ch. 10	Ch. 12
	District Provisions	Dimensional Standards	Design Provisions	Landscape Provisions	Parking Area Landscaping	Sidewalks	Parking Provisions	Sign Provisions
<b>Parking Area Expansion</b>								
Expansion by 12 or more spaces or more than 40% of paved area, whichever is greater				✓	✓ (a)	✓ (b)	✓ (a)	✓
<b>Existing Land &amp; Development</b>								
Expansion of site or principal building >25% of existing gross floor area	✓	✓	✓ (a), (c)	✓ (a)		✓ (b)		
Expansion of site or principal building <25% of existing gross floor area	✓	✓						

(a) For expanded portion only

(b) Only applicable within the corporate city limits at a maximum of 400 linear feet

(c) Expansions or additions >25% may continue to use the same cladding material as the existing principal building

**6.5 Accessory Structures**

- A. Applicability:** Accessory structures greater than 144 square feet in area shall comply with all applicable provisions of this Ordinance. Accessory structures 144 square feet or less in area are required to comply with only the location requirements (C.1), below. The construction of an accessory structure is not permitted unless a principal building is located on the lot. Accessory structures and principal buildings may be constructed concurrently.
  
- B. Cross-Reference:** For the purpose of this Ordinance, inhabitable accessory buildings are considered Secondary Dwelling Units, which are separately regulated as a use under the Chapter 3 Additional Use Standards.
  
- C. General Building Requirements**
  - 1. Accessory Structures** (including but not limited to enclosed or non-enclosed storage structures, detached garages, and may include garden structures or garden features):
    - a. Location:** Accessory structures shall be located only in side (interior side for corner lots) or rear yards; provided however, that open-walled garden structures (such as a gazebo, pergola, arbor, or trellis, but not including walled structures such as a greenhouse) may be located in the front or side yard when the distance from the principal structure to the right-of-way line is greater than 200 feet.
  
    - b. Maximum Lot Coverage:** Accessory structures shall not cover more than 40 percent of the required side and rear yards.
  
    - c. Building Materials:** Accessory structures shall be clad with any of the applicable building wall and roof materials that are required for the building type of the principal structure. *(Per COS Ord. No. 2018-08, this provision is only applicable for the Public Landmark building type)*



**2. Accessory Garden Structures** (*such as gazebo, pergola, or other open-walled garden structures, but not including greenhouses or storage structures*):

**a. Residential**

<u>SIZE</u>	<u>LOCATION</u>	<u>SETBACK REQUIREMENTS</u>
5% or less than GSF of primary structure	Exterior (street) side yard	Subject to minimum 10 ft. from ROW*

*\* Cannot encroach into any City or NCDOT sight triangle*

**b. Commercial/Institutional**

<u>SIZE</u>	<u>LOCATION</u>	<u>SETBACK REQUIREMENTS</u>
5% or less than GSF of primary structure	Exterior (street) side yard	Subject to minimum 20 ft. from public ROW*

*\* Cannot encroach into any City or NCDOT sight triangle*

**3. Accessory Garden Features** (*open roof, open wall, with no flooring such as a trellis, or an arbor; but not including walled or floored structures such as a gazebo, greenhouse, or storage structure*):

**a. Residential**

<u>SIZE</u>	<u>LOCATION</u>	<u>SETBACK REQUIREMENTS</u>
5% or less than GSF of primary structure	Front Yard; Exterior (street) side yard	Minimum 5 ft. from public ROW *

*\* Cannot encroach into any City or NCDOT sight triangle*

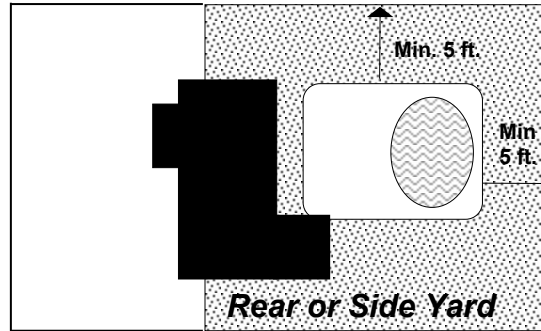
**b. Mixed Use\Commercial\Institutional**

<u>SIZE</u>	<u>LOCATION</u>	<u>SETBACK REQUIREMENTS</u>
5% or less than GSF of primary structure	Front yard; Exterior (street) side yard	Minimum 10 ft. from public ROW*

*\* Cannot encroach into any City or NCDOT sight triangle*

**D. Pools**

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



2. 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. Pools shall be enclosed by a fence (with self-latching gate) at a minimum height of four (4) feet and a maximum of eight (8) feet.

**6.6 Temporary Buildings and Uses**

Temporary buildings and uses shall only be permitted in compliance with the provisions of this Ordinance and all other applicable Ordinances of the City of Salisbury.

**A. General Requirements**

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

## 6.7 Temporary Buildings and Uses

Temporary buildings and uses shall only be permitted in compliance with the provisions of this Ordinance and all other applicable Ordinances of the City of Salisbury.

### A. General Requirements

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

### B. Uses and Buildings Permitted

The following temporary buildings and uses shall be permitted:

1. **Carnivals or Circus:** Carnivals or circuses are permitted for a period not to exceed 21 days, subject to the approval of City Council.
2. **Religious Meeting:** Religious meetings are permitted in a tent or other temporary building, for a period not to exceed 30 days.
3. **Open Christmas Tree/Firework Sales Lots:** Christmas tree/fire work sales in open lots within industrial and commercial districts are permitted for a period not to exceed 45 days provided the lot otherwise complies with the standards of this Ordinance.
4. **Contractor's Office and Equipment Shed:** A contractor's office and equipment shed is permitted in any district for a period covering construction phase of the project not to exceed one year, provided that such office be placed on the property to which is appurtenant.
5. **Seasonal Buildings:** Seasonal greenhouses, tents, and other temporary buildings for a period not to exceed 90 days. These buildings shall be removed on their expiration date.
6. **Other Temporary Uses:** 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; and,

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

**6.8 Containment Areas for Trash and Recyclables (Excluding Single Family and Duplex Uses)**

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:



*Image depicting appropriate screening requirements of dumpsters.*

- 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 Rowan 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.

**6.8 Mechanical Equipment Screening**

- A. Mechanical equipment for non-residential buildings (which includes HVAC units and other such external utility equipment as defined in Chapter 18, Definitions) at ground level shall be placed on the parking lot side of the building and away from buildings on adjacent sides. It shall be screened from the public street by walls, fencing and/or landscaping.
- B. Mechanical equipment for residential buildings shall be in the side or rear yards only.
- C. Mechanical equipment on rooftops shall be screened from the view of the public street.

**6.9 Outdoor Storage**

- A.** Outdoor storage, as defined, shall not be permitted within the GR, UR, or HR districts.
- B.** Except for the LI and HI districts, non-residential uses in all other districts shall comply with the following outdoor storage provisions:
  - 1.** Outdoor storage areas shall be located within the rear yard or within the side yard if screened from an adjacent public street.
  - 2.** Outdoor storage screening shall consist of at least a 6-foot opaque fence or wall or vegetation with complete visual separation as defined in the Landscape chapter of this Ordinance.

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