

**TOWN OF SILER CITY
ORDINANCE 11-15-2021 UDO STREET SETBACK**

**AN ORDINANCE AMENDING ARTICLE XII (DENSITY AND DIMENSIONAL
REGULATIONS) OF THE TOWN OF SILER CITY UNIFIED DEVELOPMENT
ORDINANCE (UDO)**

NOW THEREFORE, be it ordained by the Board of Commissioners of the Town of Siler City, in the State of North Carolina, as follows:

SECTION 1: **AMENDMENT** “170 Building Setback Requirements” of the Town of Siler City Unified Development Ordinance (UDO) is hereby *amended* as follows:

AMENDMENT

170 Building Setback Requirements

- (a) Subject to §171 and §172 and the other provisions of this section, no portion of any building may be located on any lot closer to any lot boundary line or to the street right-of-way line than is authorized in the table set forth below.

Zone	Minimum Building Setback From Street Right-of-Way Line (in feet)	Minimum Building Setback From Lot Boundary Line (in feet)
A-R	40	20
R-20	35	15
R-10	30	10
R-MH	25	10
R-6	25	9
R-3	20	4
C-C	0	0
B-1	20	5
O-I	25	10
G-C	15	0
H-C	10	0
L-I	30	20
H-I	40	25
LF-1	200	200

- (1) If the street right-of-way line is readily determinable (by reference to a recorded map, set irons, or other means), the setback shall be measured from such right-of-way line. If the right-of-way line is not so determinable, the setback shall be measured from the street centerline (by adding an additional thirty (30) feet to the street setback provided in the table set forth above).
- (2) As used in this section, the term "lot boundary line" refers to lot boundaries other than those that abut streets.
- (3) As used in this section, the term "building" is defined in §18.
- (4) Without limiting the generality of the foregoing, the follow structures shall be deemed to fall within this description.
 - a. Gas pumps and overhead canopies or roofs.
 - b. Any fence taller than six (6) feet (as measured from the highest adjacent grade to the top of the fence) and substantially opaque shall meet all yard building setbacks. Exception: A substantially opaque fence located within the L-I, H-I, or H-C zoning districts shall meet all yard building setbacks if the fence is taller than eight (8) feet.
- (5) Notwithstanding any other provision of this ordinance, a sign may be erected on or affixed to a structure that (i) has a principal function that is something other than the support of the sign (e.g., a fence), but (ii) does not constitute a

building as defined in this ordinance, only if such sign is located so as to comply with the setback requirement applicable to freestanding signs in the district where such sign is located.

- (b) Whenever a lot in a higher density residential district (example R-3) has a common boundary line with a lot in a lower density residential district (example A-R), and the property line setback requirement applicable to the lower density residential lot (example A-R) is greater than that applicable to the higher density residential lot (example R-3), then the lot in the higher density residential district (example R-3) shall be required to observe the property line setback requirement applicable to the adjoining lower density residential lot (example A-R).
- (c) Whenever a lot in a nonresidential district has a common boundary line with a lot in a residential district, and the property line setback requirement applicable to the residential lot is greater than that applicable to the nonresidential lot, then the lot in the nonresidential district shall be required to observe the property line setback requirement applicable to the adjoining residential lot.
- (d) Setback distances shall be measured from the property line or street right-of-way line to a point on the lot that is directly below the nearest extension of any part of the building that is substantially a part of the building itself and not a mere appendage to it (such as a flagpole, etc.).
- (e) Whenever a private access easement/right-of-way or private road/drive serves any development, buildings shall be setback a minimum of one (1) foot from private access easements/right-of-way or a minimum of ten (10) feet from the inside boundary of the traveled portion of private roads/drives, whichever is greater. This subsection does not exempt buildings from meeting the front, side, and rear setbacks from property boundaries and public streets.
- (f) **Street Setback Reduction**

- (1) Regardless of the minimum street setback requirements imposed by this article, applicants shall be allowed if the conditions described below are present to use a street setback reduction.
- (2) The intent is to allow a street setback reduction to fall at a point between the required street setback and the street setback that exists, as long as the street setback is compatible and consistent with the street setbacks of the existing buildings.
- (3) This provision shall not be interpreted as requiring a greater street setback than imposed by the underlying zoning district, and it shall not be interpreted as allowing setbacks to be reduced to a level that results in right-of-way widths dropping below established minimums.
- (4) Other setback modifications are permitted through the provisions of §114 of this ordinance.
- (5) Block in this subsection is defined as the area between two opposing intersecting streets located on the same side of the street.
- (6) All zoning districts:
 - a. The street setback requirements of this ordinance for principle buildings shall not apply on any lot where the average setback of existing buildings located wholly or in part within three hundred (300)

feet on each side of such lot within the same block and zoning district and fronting on the same side of the street is less than the minimum required setback.

- b. In such cases, the setback on such lot may be less than the required setback but not less than the average of the setbacks of the aforementioned existing buildings.
- c. If there are no more than two (2) principle structures within 300 feet of the lot in question, this subsection shall not apply.
- d. Where no buildings exist or in new neighborhoods the minimum dimensional standards shall be as stated in §170(a) above.

(7) Industrial zoning districts:

- a. The street setback requirements of this ordinance for industrial buildings shall not apply on any lot where an existing industrial building is located wholly or in part within the required street building setback (less than the minimum required street setback).
- b. In such cases, the street setback on such industrial zoned property may be less than the required setback but not less than ten (10) feet from the right-of-way or closer to the right-of-way than existing industrial buildings located on the subject lot, whichever is greater.

(8) Single family residential dwellings that are located on a corner lot, are less than one thousand (1,000) square feet in gross floor area, were constructed prior to 1993, and are located along a right-of-way that is fifty (50) feet wide or less:

- a. The single family residential dwelling that is located within the shortest distance to the street right-of-way line of the block, shall establish the minimum building setback from the street right-of-way line for dwellings that meet the requirements listed in subsection (f)(8) above.
- b. Under no circumstances shall the minimum building setback from the street right-of-way line be less than ten (10) feet.

- (g) Building setbacks shall not be required for lot boundary lines that are adjacent to railroad rights-of-way or limited access freeway (such as US 421 Bypass).
- (h) **Building Setback Encroachments.** The table below sets out the kinds of features that are permitted to encroach within a required building setback provided they do not obstruct visibility for motorists.

Feature (as defined in §18)	Allowable Encroachment into Building Setbacks
(1) Arbors located on single family or two-family residential used property (2) Aviation lighted beacons (3) Bus shelters (4) Guardhouses (5) Handicap Ramps (uncovered) (6) Pergolas located on single family or two-family residential use property (7) Stairs (uncovered) (8) Trellises located on single family or two-family residential used property (9) Water Meter Buildings	May be located in any required building setback
Decks (uncovered)	(1) Project no more than eight (8) feet into any yard building setback (2) Under no circumstances can the feature be closer than five (5) feet to any property line
(1) Eaves (2) Gutters (3) Other minor architectural features	Projecting no more than twenty-four (24) inches from the main portion of the structure
Elevated Pedestrian Bridges or Walkways including those over public rights-of-way	(1) May be located in any required yard or building setback area provided they have all other governmental approvals for its location over the public right-of-way. (2) It is the intent of this provision that these bridges/walkways be as nearly perpendicular to the required setback or yard as possible

Amended October 2, 2000, May 3, 2004, March 15, 2010, October 15, 2012, August 18, 2014, February 15, 2016, March 21, 2016, June 20, 2016, July 18, 2016, June 19, 2017, February 19, 2018, May 21, 2018, July 16, 2018, October 15, 2018, June 15, 2020

REPEALER CLAUSE All ordinances or resolutions or parts thereof, which are in conflict herewith, are hereby repealed.

PASSED AND ADOPTED BY THE TOWN OF SILER CITY BOARD OF
COMMISSIONERS _____.

Presiding Officer

Attest

Cindy B. Bray, Mayor Pro Tempore,
Town of Siler City

Jenifer K. Johnson, Town Clerk Town
of Siler City