

January 24, 2007

**To** Commissioners Candy Bohmert, Al Herlands, Nancy Inger, Warren Johnson and Barb Venturi

**To** Planning Board members David Cox, Bill Marlowe, Bob Miller, Paul Olson and Dee Sage

**To** Town Manager Wyatt Cutler and Mayor Sherrill Styron

The concept of *Stakeholders* was presented during the October 3, 2006 Commissioner's meeting with three appointees named during a special meeting October 27, 2006. Those three met October 30<sup>th</sup> followed by an informal meeting of all six appointees during the Commissioner's November 7, 2006 meeting. Weekly meetings continued through mid-December, with the pace doubling January 3 – 23, 2007. As a Group, we met fourteen (14) times, eleven (11) of which all members were present. The smaller, individual meetings, telephone conversations and email exchanges were countless.

The *Stakeholders Advisory Group, (SAG)*, members are Sally Belangia, Kathy Enzerink, Henry Frazer, Chris Fulcher, Yvonne Jones and George Smith. In addition to four commissioners, one planning board member, the mayor and local media representatives, eighteen (18) area residents attended one or more meetings over the course of fourteen (14) meetings.

The attached document is the result of a collaborative effort from the entire Group to help manage the growth and integrity of Oriental.

**The final vote to approve and submit this proposal was five (5) to one (1).**

Highlights include but are not limited to:

- MU1 Minimum Lot Size reduction for all uses
- New Section 182A: Mixed-Use Building regulations
- Restricted setback deviations for new construction
- Variable setbacks
- Roof pitch regulation
- Multi-family building (s) to comply with R3 regulations in all Districts
- Maximum building footprint in the R2, R3, MU and MU1 Districts

Thank you Candy, Al, Nancy, Warren, Barb and Sherrill for your trust in us to help Oriental embrace the future while maintaining our sense of community.

Respectfully,

Stakeholders Advisory Group

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## **ARTICLE XI DENSITY AND DIMENSIONAL REGULATIONS**

### **Section 181 Minimum Lot Size**

1) All lots in the following districts shall have at least the amount of square footage indicated in the following table:

<b>District</b>	<b>Minimum Square Feet</b>
R-1	10,000
R-2	5,000 for residential uses; 8,000 for nonresidential uses;
R-3	5,000 for residential uses; 8,000 for nonresidential uses
MU/MU-1	5,000 for residential uses; 8,000 5000 for nonresidential uses 5000 for mixed residential/non-residential use

2) The minimum lot sizes set forth in this Section are permissible only if and to the extent that adequate water and sewer facilities are or can be made available to serve every lot.

3) Deviations from the applicable lot size requirement of this Section may be made for nonconforming lots in accordance with Section 123 (1).

## **Section 182 Residential Density**

Every lot developed for residential purposes only shall have the number of square feet per dwelling unit indicated in the following table. In determining the number of dwelling units permissible on a tract of land, fractions of square feet shall be rounded to the nearest whole number.

<b>District</b>	<b>Minimum Square Feet</b>
R-1	10,000
R-2	6,000 5000 for 1 unit; 6,000 5000 for a second unit*
R-3	5,000 for 1 unit; 4,000 for each additional unit*
MU	5,000 for 1 unit; 4,000 for each additional unit*
MU-1	5,000 for 1 unit; 4,000 for each additional unit*

\*When more than one Single-family Detached Dwelling Unit is located on one lot, each unit shall require the minimum lot size that would otherwise be

required if the structures were located on individual lots.

### Section 182A

#### Non-residential and Non-residential /residential, Mixed use Density

District

MU and MU-1

When any building is used solely for non-residential use there shall be no density requirements as long as the building and its use(s) comply with all the GMO regulations.

When any structure is used as a non-residential/residential mixed-use building, there shall be no density requirements for the commercial portion of the building as long as the building and its use(s) comply with all the GMO regulations. The percentage of non-residential to residential use shall be based on lot size and as shown in Table 182-A-1. The percentages are based on the total heated square footage of the building. The residential portion of the building requires 5,000 sq. ft. in lot size for the first unit and 3,000 sq. ft. for each additional residential unit within the building.

**Table 182-A-1**

#### **Non-residential/residential ratios for mixed use buildings**

<b>District</b>	<b>Lot size</b>	<b>Min. Non-residential %</b>	<b>Max.</b>
<b>MU &amp; MU-1</b>	<b>&lt; 21,780 sq. ft.</b>	<b>30 %</b>	<b>70 %</b>
<b>MU &amp; MU-1</b>	<b>21,780 sq. ft. and &gt;</b>	<b>20 %</b>	<b>80 %</b>

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### Section 183

#### Minimum Lot Widths

1) The lot width shall be measured at the front minimum building line.

<b>District</b>	<b>Lot Width</b>
R-1	60'
R-2	50'
R-3	50'

MU	50'
MU-1	50'

- 2) Deviations from the applicable lot width requirements of this section may be made for nonconforming lots in accordance with Section 123 (1).
- 3) If a structure is subject to an inspection for compliance with “North Carolina Farm Labor Rules and Regulations,” the lot area requirement will be based on the number of residents allowed by the regulations. One thousand (1,000) square feet of lot area shall be required for each resident.
- 4) Business use of residential property is allowed provided the business area does not exceed 400 square feet. If the business area exceeds 400 square feet, the use will be considered “non-residential.”

## Section 184 Building Setback Requirements

- 1) Subject to Sections 181, no portion of any building may be located on any lot closer to any lot line or to the street right-of-way line or centerline than is authorized in the table set forth below.
  - (a) 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.**
  - (b) As used in this section, the term “lot boundary line” refers to lot boundaries other than those that abut streets. The term “street side” refers to the street side of a corner lot other than the front street.
  - (c) As used in this section, the term “building” includes any substantial structure, which, by nature of its size, scale, dimensions, bulk, or use tends to constitute a visual obstruction or generate activity similar to that usually associated with a building. Gas pumps and overhead canopies or roofs shall be deemed to fall within this description.
  - (d) Setback distances shall be measured from the property line or street right-of-way, perpendicularly thereto, 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, including any porches, air conditioning units, steps, eaves, gutters, and similar features.
  - (e) Cornices, eaves, steps, gutters, buttresses, open or enclosed fire escapes, outside

stairways, balconies, porches, and similar features, may not project into any setback area.

(f) Notwithstanding the forgoing, in the event a building constructed prior to February 1, 1999, is elevated to raise the bottom floor or system to, or no more than four (4) feet above the Pamlico County floor elevation minimum building height, and any of the building's existing steps are extended to comply with the North Carolina Building Code, any such extensions to existing steps shall not be included as a substantial part of the building as described in Section (d), provided that such steps do not encroach into any Town right-of-way and the Board of Commissioners approves any encroachment into the required setback. Such step extensions shall not be considered an extension or enlargement of a nonconforming situation as described in Section 124.

(g) When new construction is located in an existing neighborhood the Town Board may grant a deviation to the setback requirements in this Section 184 where such deviations will improve harmony with the nearest existing buildings. The requested front setback line shall not be closer than the average of the front setback lines of the two nearest existing structures but in no event shall encroach on any road right-of-way. The requested side setback lines shall not be less than the average of the side setback lines of the two nearest structures or the minimum GMO requirements, whichever is less. If a deviation of the front setback line is granted, the number of front feet of reduction shall be added to the rear lot setback. The proposed new construction shall not have more stories than the taller of the two nearest existing structures. The burden of proof for the need of a requested deviation shall fall upon the applicant.

2) Setback distances shall be measured from the property line or street right-of-way line to a point on the lot that is the nearest extension of any part of the building. No part of a building shall be in contact with the ground beyond the setback lines. No other cantilevered structures may extend beyond the setback lines, including structures that function as both roof overhangs and a deck or floor or platform.

3) Buildings with multiple eave heights may use more than one setback table, such that each building eave height is regulated by the applicable table.

**Table 184-1-A**  
**Building Setbacks – Eave Height 0 Feet up and including 25 Feet**

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Minimum    Minimum    **Minimum**    Minimum    Minimum

District	Distance From Front Street Right-of-Way	Distance From Street Side Right-of-Way	Distance From Street Centerline	Distance From Side Boundary Line	Distance From Rear Lot Boundary Line
R-1	30'	20'	60'	10'	15'
R-2*	15'	15'	40'	7'	7'
R-3*	15'	15'	40'	7'	7'
MU*	15'	15'	40'	7'	7'
MU-1*	15'	15'	40'	7'	7'

**Table 184-1-B  
Building Setbacks - Eave Height greater than 25 Feet up to 32 Feet**

District	Minimum Distance From Front Street Right-of-Way	Minimum Distance From Street Side Right-of-Way	Minimum Distance From Street Centerline	Minimum Distance From Side Boundary Line	Minimum Distance From Rear Lot Boundary Line
R-1	35'	25'	60'	13'	18'
R-2*	20'	20'	40'	10'	10'
R-3*	20'	20'	40'	10'	10'
MU*	20'	20'	40'	10'	10'
MU-1*	20'	20'	40'	10'	10'

\*When more than one Single-family Detached Dwelling Unit is located on one lot, each dwelling unit must be set back at least 14 feet from any other

dwelling unit located on the same lot, in addition to the standards in Table 184-1, above.

## **Section 185 Building Height Limitations**

1) No building shall exceed a total height of 35 feet above the lowest adjacent finished grade, or 43.5 feet above mean sea level, whichever is higher.

2) The height of the main roof eave (the projecting overhang at the lower edge of a roof), excluding dormers, of any building shall not exceed 32 feet above the lowest adjacent grade and no exterior wall of a building without an eave shall exceed 32 feet above the lowest adjacent grade. The level of the lowest adjacent grade shall be measured out ten (10) feet from a line plumb with the outermost edge of the eave. **The main roof pitch must be equal to or greater than 4/12 pitch and equal to or less than 12/12 pitch, except that up to 20 percent of the roof may be flat.**

3) New construction may exceed height limits specified in Section 185 (1) by up to five (5) feet, provided that for each additional one (1) foot above specified height limits, all street setbacks are increased by three (3) feet, and all side line and rear setbacks are increased by one (1) foot, or for each additional one (1) foot above specified height limits, all street setbacks are increased by two (2) feet, and all side line and rear setbacks are increased by two (2) feet.

4) Existing structures proposed to be raised solely to comply with the minimum elevation requirements imposed by Pamlico County are exempt from the height limitations of this section only to the extent of the distance needed to achieve such compliance. When an existing building is replaced or additional height is added to an existing structure other than by or in addition

to raising the first floor, the height limits of this section are applicable.

5) Subject to subsection (6), the following features are exempt from the district height limitations set forth in subsection (1); Chimneys, not to exceed three (3) feet above the highest point of the structure, church spires, and flagpoles.

6) Towers and antennas are allowed in all development districts to the extent authorized in the Table of Permissible Uses, use classification 18.000.”

## **Section 186 Lot Coverage**

1) The formula to calculate the **Floor Footprint** Area Ratio (FAR) is:

$$\text{FAR} = \frac{\text{Building(s) Footprint}}{\text{Site Area}}$$

2) No building or combination of buildings located in the R-1 District shall cover more than thirty percent (30%) of the area on which it is located.

3) No building or combination of buildings located in the R-2 or R-3 District shall cover more than ~~thirty-five~~ percent (35%) of the area on which it is located.

4) No building or combination of buildings located in the MU or MU-1 District shall cover more than forty percent (40%) of the area on which it is located, **unless the building(s) is solely residential, in which case it shall not cover more than thirty-five percent (35%) of the area on which it is located.**

- 5) No more than fifty percent (50%) of the area of any lot located in the R-1, R-2 or R-3 District shall be covered with surfaces impervious to water.
- 6) No more than sixty percent (60%) of the area of any lot located in the MU or MU-1 District shall be covered with surfaces impervious to water, unless the building(s) on that lot is solely residential, in which case no more than fifty percent (50%) of the area of the lot shall be covered with surfaces impervious to water.
- 7) All single, covered (under roof) buildings are subject to the following maximum footprint:
- |        |                   |
|--------|-------------------|
| R2     | 5,000 square feet |
| R3     | 6,000 square feet |
| MU/MU1 | 8,000 square feet |

**Sections 187 through 195  
Reserved**