

Housing and Swimming Pool Setbacks in Code of Ordinance for various NC towns

Carolina Beach

House Setback Requirements

Sec. 40-73. - Dimensional standards for the various zoning districts.

Reduction of front yard setback. A front yard setback may be reduced to no less than the calculated average front yard setback distance for existing buildings on all lots located wholly or partly within **200 feet, as measured from each side lot line, of the subject property.** Calculating the average front yard setback shall be subject to the following criteria:

- a) All lots being in the same zoning district.
- b) All lots shall front on the same side of the same street.
- c) All lots shall be considered as having the minimum required front yard setback if the lot is vacant.
- d) In no instance shall the calculated average front yard setback be reduced to less than 50 percent of the required setback.
 - **Front yard setback is 50 feet if abutting a major thoroughfare.**

For a full listing of Carolina Beach's required setbacks in relation to zoning districts:

https://library.municode.com/nc/carolina_beach/codes/code_of_ordinances?nodeId=PTIILADE_CH40ZO_ARTIIZODIRE_S40-74DISTLOPRST

Sec. 40-75. - Dimensional standards for accessory structures.

Swimming Pool Setbacks

1)Setbacks for swimming pools **less than 30 inches above the ground** level of the graded lot:

- A. Front yard: As required for the zoning district.
- B. Side yard: **Five** feet.
- C. Corner yard: **Five** feet.
- D. Rear yard: **Five** feet.

2)Setbacks for swimming pools **more than 30 inches above the ground** level of the graded lot:

- A. Front yard: As required for the zoning district.
- B. Side yard: **Five** feet.
- C. Corner yard: **7.5** feet.
- D. Rear yard: **Five** feet.

Atlantic Beach

House Setback Requirements

Residential Single-Family Conservation (RSC)

- Minimum **street** setback - **50 feet**
- Minimum **side** setback- **20 feet**
- Minimum **rear** setback- **20 feet**
- Minimum **corner** lot rear setback- **7 feet**

Residential Single-Family Wide Yard (RSW)

- Minimum **Street** Setback (feet) within Sub-Zone A: **15 feet**
- Minimum **Street** Setback (feet) within Sub-Zone B: **20 feet**
- Minimum **Street** Setback (feet) within Sub-Zone C: **30 feet**
- Minimum **Side** Setback (feet) : **7 feet**
- Minimum **Rear** Setback (feet): **20 feet**

Residential Single-Family Narrow Yard (RSN)

- Minimum **Street** Setback: **15 feet**
- Minimum **Side** Setback: **5 feet**
- Minimum **Rear** Setback: **20 feet**
- Minimum **Corner Lot** Setback: **5 feet**

Residential Single-Family & Duplex (RSD) and Residential Multi-Family (RMF)

- Minimum **Street** Setback: **10 feet**
- Minimum **Side** Setback: **5 feet**
- Minimum **Rear** Setback: **10 feet**

For a full list of Atlantic Beach's required setbacks in relation to zoning districts:

https://library.municode.com/nc/atlantic_beach/codes/code_of_ordinances?nodeId=PTIICOOR_CH18UNDEOR_ART18-3ZODI_18.3.3REZODI

18.4.8. - Accessory Uses and Structures.

Swimming Pool Setbacks

1) *Generally.* Except for below-ground swimming pools and decks, all residential accessory structures traditionally associated with a single-family or duplex dwelling (e.g., gazebo, pergola, prefabricated storage shed, well house, outdoor kitchen, hot tub, above ground pool, etc.) shall comply with the following standards:

Setbacks.

- Rear and Side.* Accessory structures must setback **five (5) feet from side and ten (10) feet from rear lots lines.**
- Corner Side.* For **corner** lots, accessory structures must **meet the street setback** of the dimensional standards for the applicable zoning district.
- Through or Double Frontage Lots.* For **through or double frontage lots**, all accessory structures shall be **set back ten (10) feet** from the rear lot line abutting the street.

d. *Alleys.* For accessory structures that are located along an alley, the structure must setback a minimum of ten (10) feet from the rear lot line abutting the alley.

2) *Below-Ground Swimming Pool.* Below-ground swimming pools, spas, and hot tubs are not required to be set back from a lot line, but shall comply with all applicable standards in the NC State Building Code and comply with standards for accessory structures in this section.

Kitty Hawk

House Setbacks

Sec. 42-247. - BR-1 low density beach residential district.

Dwelling size (square ft.)	Side Setback (feet)	Rear Setback (feet)
3,000 and under	10	25
3,001-3,500	12.5	25
3,501-4,000	15	25
4,001-5,000	17.5	25
5,001-6,000	20	25
6,001 and over	25	25

Sec. 38-105. - Lots.

In no case shall a lot have less than 25 feet frontage on a cul-de-sac nor less than 50 feet frontage on other sections of public or private streets. Flag lot configurations are expressly prohibited.

Sec. 42-504. - Yards generally.

Swimming pools, associated aprons, and decking no greater than 30 inches in height must meet required front yard building setbacks, but can encroach as close as five feet to the side and rear property lines. Any pool structures greater than 30 inches in height (such as an above ground pool, decking, pool house, or pool equipment) must comply with the required setback standards for the district in which they are located.

Wilmington

Housing Setbacks

Sec. 18-180. - R-7, Residential District.

Minimum Front Setback	30 feet
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Minimum Rear Setback	25 feet
Minimum Interior Setback Per Side	25 feet
Minimum Corner Lot Side Setback	20 feet

Sec. 18-308. - Swimming pools.

Swimming pools shall be located in the **side or rear yard**. Swimming pool setbacks shall be measured from the property line to the apron of the pool or any permanent construction of the pool which extends closest to the property line. Swimming pools shall not extend beyond the front facade of the principal structure. For a **corner lot a swimming pool shall not extend beyond the side facade** of the principal structure on the street side of the structure. Swimming pools shall meet the side and rear yard setbacks of the district in which it is located, except in these residential districts, R-20, R-15, R-10, R-7, R-5 and R-3, whereby **a swimming pool must be set back ten (10) feet from the rear property line, and ten (10) feet from the side property line** or the minimum side yard required of the district in which it is located, whichever is less. In-ground swimming pools shall not be included as an accessory building when determining the number of accessory buildings per lot. In-ground and above-ground swimming pools and associated decking shall be included when determining maximum lot coverage requirements.

(Ord. No. 0-2008-25, 4-8-08)

**Topsail Beach
House Setbacks**

Sec. 16-384. - Table of permitted and conditional uses.

District	Minimum Setback Front	Minimum Setback Rear	Minimum Setback Side
R-1 Ocean Front	7.5'	1/3 of lot depth to 33'	5'
R-2 Sound Front	7.5'	20'	5'
R-3 Canal Front	7.5'	20'	5'
R-4 no waterfront, not a corner lot	20'	15'	5'
R-4 no waterfront, corner lot	20'	15'	15' on side street

Sec. 16-444. - Accessory uses.

Swimming pools. All public, commercial or private outdoor swimming pools of **three feet or more in depth**, either above ground or below ground, and of either permanent or temporary

construction shall meet the following requirements, in addition to setbacks and other requirements specified elsewhere:

1) That the setback for an above ground swimming pool from any lot line equals the required setback for accessory structures in the district in which it is located plus **one foot for each foot over five of pool height.**

2) That a fence be erected to a **minimum height of four feet to completely enclose all sides of the pool not bounded by a building.** A gate of equal height shall be installed and securely fastened when the pool is not in use.

Oak Island

Sec. 18-117. - Area and height table; residential districts.

Zoning District: R-20

Front yard setback: **30 feet**

For a detailed listing on all of Oak Island's required setback in relation to zoning districts:

https://library.municode.com/nc/oak_island/codes/code_of_ordinances?nodeId=PTIICOOR_CH18LAUSDE_ARTIIZO_DIV4DIRE_S18-117ARHETARED

Sec. 18-82. - Specific regulations.

Swimming pools. All public, commercial, or private outdoor swimming pools of **three feet or more in depth**, either above ground or below ground, and of either permanent or temporary construction, shall meet the following requirements in addition to setbacks and other requirements specified elsewhere:

(1) The setback for a swimming pool from any lot line shall equal the **required setback for accessory structures in the district in which it is located, plus one foot for each foot over five feet of pool depth.**

(2) **A fence**, being an enclosing structure of rails, pickets, wires or the like, shall be erected to a **minimum height of four feet and a maximum height of six feet**, to completely enclose all sides of the pool not bounded by a building. A gate of equal height shall be installed and securely fastened when the pool is not in use.

Newport

§ 3-6 STREET ACCESS.

No building shall be erected on a lot which does not abut at least **35 feet on an open street** which is either a public street, a dedicated right-of-way or an alley, unless such lot was a lot of record prior to the adoption of this ordinance.

(Ord. Z2013-01, passed 9-12-2013)

§ 7-3 R-8 AND R-10 HIGH DENSITY RESIDENTIAL DISTRICTS.

Corner lot	20 ft. on both street fronts
Front yard	20 ft.
Rear yard	10 ft.
Side yard	8 ft.

For a detailed listing of Newport's required setbacks in relation to zoning districts:

[http://library.amlegal.com/nxt/gateway.dll/North%20Carolina/newport_nc/newportnorthcarolinacodeofordinances?f=templates\\$fn=default.htm\\$3.0\\$vid=amlegal:newport_nc](http://library.amlegal.com/nxt/gateway.dll/North%20Carolina/newport_nc/newportnorthcarolinacodeofordinances?f=templates$fn=default.htm$3.0$vid=amlegal:newport_nc)

§ 8-3 SWIMMING POOLS.

a. The swimming pool, or the entire property on which it is located, shall be so walled or fenced as to prevent uncontrolled access by children from the street or from adjacent properties. The **said wall or fence shall be at least four feet high**. All gates or doors opening through such an enclosure, other than the door of any dwelling which forms a part of all of such enclosure, shall be equipped with a self-closing and self-latching device designed to keep the said gates or doors securely closed at all times when not in actual use. The self-latching device shall be placed at least three feet six inches above the ground.

b. The pool and above ground decking shall not be located in the minimum setback yard.

c. The area of the pool may be computed as part of the open yard if the height of the pool is less than four feet above ground.

d. Lighting shall be so placed or shielded as to prevent direct rays being visible on adjacent properties.

e. A public address system for the supervision and safety of swimmers shall be the only broadcast device permitted.

Chapel Hill

Minimum **Street Setback**. Column (H) establishes a minimum **setback** from the **street** right-of-way line. Where a zoning lot fronts on a **street** with a right-of-way width not meeting the standards of this appendix, **street setback** shall be measured from a line running parallel to the centerline of the **street** at a distance from such centerline equal to one-half (½) the standard right-of-way width for the **street**.

Table 3.8-1: Dimensional Matrix

Zoning District	Frontage (min feet)	Street Setback (min feet)
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R-LD5	200	30
RT	160	30
R-LD1	100	30
MH	160	30

Sec. 5-38. - Compliance with zoning ordinance; location of pool relative to side and rear lot lines, buildings.

No swimming pool or swimming pool accessory structure shall be located nearer than six (6) feet to the side or rear lot lines or to any house, building or residence.