



DESIGN BURLINGTON UNIFIED DEVELOPMENT ORDINANCE

Adopted: 7.16.19

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[Redline Changes: 11.7.19](#) [Last Amended 12.3.19](#)



TABLE OF AMENDMENTS

<u>UDO AMENDMENTS</u>			
<u>ORDINANCE NUMBER</u>	<u>ORDINANCE DATE</u>	<u>NAME</u>	<u>COMMENTS</u>
<u>UDOTA-01-20</u>			<u>First round of amendments</u>

C. APPEAL

- 1. Purpose**
This appeal procedure is proposed to establish a clear and predictable procedure for persons with standing to appeal a decision or interpretation of this Ordinance, the Official Zoning Map, or a condition of approval by a review authority.
- 2. Applicability**
 - a.** This section sets out the procedure and standards for appealing any decision or interpretation by a City official made pursuant to this Ordinance.
 - b.** Appeals of decisions made by the City Council, or BOA shall be to the Superior Court for the county where located, in accordance with State law.
 - c.** In the event an applicant wishes to appeal a standard outside this Ordinance, or a decision by a staff member not addressed by this Ordinance, the appeal shall be made to the City Manager in accordance with City policy, not this appeal procedure.
- 3. Appeal Procedure Distinguished**
The appeal procedure is described in Figure 2.4.C, Appeal Procedure, as supplemented by the Procedures Manual.
- 4. Application**
A notice of appeal shall be filed within 30 days of the date the decision being appealed is filed in the office of the Planning and Community Development Department.
- 5. Decision by Board of Adjustment**
 - a.** The decision shall be based on the competent, material, and substantial evidence in the record of the appeal, as supplemented by arguments presented at the quasi-judicial hearing, and the standards in Section 2.4.C.6, Appeal Review Standards.
 - b.** The decision shall be one of the following:
 - i.** Affirmation of the decision or interpretation (in whole or in part);
 - ii.** Modification of the decision or interpretation (in whole or in part); or
 - iii.** Reversal of the decision or interpretation (in whole or in part).
 - c.** A vote to reverse or modify a decision or determination shall require approval of a majority of the BOA members, excluding any members who have been recused from voting due to a conflict of interest.
- 6. Appeal Review Standards**

FIGURE 2.4.C: APPEAL PROCEDURE

STEP	ACTION
1	<p>PRE-APPLICATION CONFERENCE Optional See <u>Section 2.3.D, Pre-Application Conference</u></p>
2	<p>FILE NOTICE OF APPEAL Filed with city Staff member making decision being appealed - Must be received within 15 days of decision being appealed for appeals heard by <u>City Council</u> - Must be received within 30 days of decision being appealed for appeals heard by the BOA</p>
3	<p>COMPLETENESS DETERMINATION See <u>Section 2.3.F.6, Completeness Determination</u> Application must include: - Error/decision being appealed - Date of error/decision - Grounds for appeal - All related support material</p>
4	<p>STAFF REVIEW Upon acceptance of complete application, the appropriate staff member transmits record of appeal to the BOA</p>
5	<p>PUBLIC NOTIFICATION See <u>Section 2.3.H, Public Notification</u></p>
6	<p>BOA REVIEW & DECISION Quasi-judicial public hearing - See <u>Section 2.3.I, Public Meetings and Hearings</u> - Decision in writing, signed by Chair or authorized party - Decision effective upon date of filing in the office of the Planning & Community Development Department</p>
7	<p>NOTIFICATION OF DECISION Delivered via personal service, electronic mail, or 1st class mail Provided to applicant, landowner, and anyone requesting a copy prior to date of decision</p>

J. FINAL PLAT

1. Purpose

The purpose for this final plat procedure is to ensure proposed subdivisions of land have been completed in substantial conformity with a preliminary plat (as applicable) and all applicable regulations of this Ordinance prior to the conveyance of lots. These standards are intended to ensure preparation and recordation of a plat document of sufficient detail and data so as to enable the City or another landowner to readily determine and accurately reproduce the location, bearing, radius (as applicable) and length of the elements of a subdivision. The elements include, but shall not be limited to the following:

- a. Every street or private accessway;
- b. Lot lines;
- c. Easement boundaries;
- d. Lands or resources dedicated or reserved for use by the general public;
- e. Land or resources owned in common by residents of the subdivision; and
- f. Unbuildable resource or conservation lands.

2. Applicability

The standards in this section shall apply to the following two types of subdivision:

- a. A subdivision subject to a preliminary plat; and
- b. A subdivision of land that does not include any public streets or extension of public water or wastewater service.

3. Exemptions

~~The following forms of subdivision are exempted from the requirements of this section:~~

- ~~a. A combination or recombination of portions of previously subdivided and recorded lots that does not increase the total number of lots, and the resultant lots are equal to or exceed the standards of this Ordinance;~~
- ~~b. The division of land into parcels greater than ten acres where no street right-of-way dedication is involved;~~
- ~~c. Public acquisition involving the purchase of strips of land for the widening or opening of streets; or~~
- ~~d. The division of a tract into parcels in accordance with the terms of a probated will or in accordance with Chapter 29 of the North Carolina General Statutes.~~

4.3. Final Plat Procedure

The final plat procedure is described in Figure 2.4.J, Final Plat Procedure, as supplemented by the Procedures Manual.

5.4. Decision by Zoning/Subdivision Administrator

FIGURE 2.4.J: FINAL PLAT PROCEDURE

STEP	ACTION
1	<p>FILE APPLICATION Filed with Zoning/Subdivision Administrator</p> <ul style="list-style-type: none"> - Required prior to conveyance of lots - May not be submitted prior to approval of a preliminary plat for subdivisions that include public streets, water, or sewer infrastructure
2	<p>COMPLETENESS DETERMINATION See <u>Section 2.3.F.6, Completeness Determination</u></p> <ul style="list-style-type: none"> - Application shall include copies of any protective covenants or deed restrictions - Final plat may depict all or only a portion of the land subject to a preliminary plat - Final plat shall include all required certifications as described in the Procedures Manual
3	<p>STAFF REVIEW AND COMMENT Final plats are reviewed by the City Engineer and the Stormwater Administrator</p>
4	<p>ZONING/SUBDIVISION ADMINISTRATOR DECISION Decision shall be made in writing</p> <ul style="list-style-type: none"> - Application shall not be decided until all required dedications and easements are complete - Application shall not be decided until all proposed public infrastructure (including storm drains) is installed or subject to a performance guarantee (see <u>Section 6.7, Performance Guarantees</u>)
5	<p>NOTIFICATION OF DECISION Delivered via personal service, electronic mail, or 1st class mail</p>
6	<p>RECORDATION With the Register of Deeds in the county (ies) where located within 10 days of approval</p>

The decision on a final plat shall be made by the Zoning/Subdivision Administrator based on the standards in Section 2.4.J.5, Final Plat Review Standards.

6.5. Final Plat Review Standards

A final plat shall be approved if it complies with the following:

- a. The final plat is on a sheet or sheets suitable for recording with the county Register of Deeds;
- b. The final plat is prepared and sealed by a licensed professional land surveyor;
- c. The final plat complies with the standards in Section 47-30 of the North Carolina General Statutes;
- d. The final plat includes all required certifications in the Procedures Manual;
- e. All required infrastructure improvements (e.g., streets, sewer lines, water lines, drainage, etc.) depicted on the preliminary plat are installed, inspected, and accepted by the City, or are subject to a performance guarantee (see Section 6.7, Performance Guarantees);
- f. All required easements and rights-of-way are properly depicted on the final plat;
- g. If no public wastewater service is associated with the subdivision, all lots have been certified by the Alamance County or Guilford County Health Department (as appropriate) as capable of accommodating the wastewater generated from the proposed use;
- h. The final plat is in substantial conformance with the preliminary plat (if applicable);
- i. The applicant has secured all required State, federal, and other applicable County permit approvals;
- j. The final plat complies with all standards and conditions of any applicable permits and development approvals; and
- k. The final plat complies with all other applicable requirements in this Ordinance and the City Code of Ordinances.

7.6. Recordation

- a. Once a final plat is approved, a signed statement by the Zoning/Subdivision Administrator shall be entered on the face of the plat. The final plat may not be recorded without this and all other required certifications.
- b. Following certification, the City shall record the final plat and all associated protective covenants and deed restrictions in the office of the Register of Deeds in the county where the development is located. Failure to record the final plat in accordance with Section 2.4.J.10, Expiration, shall render the plat null and void.

8.7. Acceptance of Public Infrastructure

- a. The approval of a plat shall not be deemed to constitute the acceptance by the City of the dedication of any street or other ground, public utility line, or other public facility shown on the plat.
- b. The City Council may, by resolution, accept any dedication made to the public of lands or facilities for streets, parks, public utility lines, or other public purposes when the lands or facilities are located within the ETJ.
- c. Acceptance of dedication of lands or facilities located within the ETJ but outside the corporate limits of the City shall not place on the City any duty to open, operate, repair or maintain any street, utility line, or other land or facility, and the City shall not be held responsible in any civil action or proceeding for failure to open, repair, or maintain any street located outside its corporate limits.

9.8. Effect

- a. Approval of a final plat allows the sale or conveyance of lots within the subdivision. Building permits may be issued following recordation of the final plat.
- b. Development located outside the Burlington corporate limits shall comply with the standards in Section ~~37-30~~40-40 of the City Code of Ordinances as well as all other ordinances and City policies related annexation and the extension of utilities.

10.9. Amendment

Amendment of a final plat approval may only be reviewed and considered in accordance with the procedures and standards established for its original approval.

11.10. Expiration

A floodplain development permit may be revoked by the Floodplain Administrator, following written notice to the violator, for any of the following reasons:

- a. Failure or refusal to comply with all applicable State laws or flood damage prevention requirements of this Ordinance;
- b. Conduct of development activities that represent a substantial departure from an approved permit, plan, or specification; and
- c. False or misrepresented information providing as part of the application.

10. Expiration

A floodplain development permit shall expire and become null and void if the development it authorizes is not commenced within ~~one-year~~ **six months** of permit issuance or if activity associated with the permit becomes inactive for a period of one year or longer.

11. Appeal

Appeal of a decision on a floodplain development permit shall be reviewed and decided by the BOA in the nature of certiorari and in accordance with Section 2.4.C, Appeal.

- c. If a planned development master plan includes sufficient detail to be considered as a site plan or a preliminary plat and the master plan is approved, then the applicant shall not be required to undergo subsequent site plan or preliminary plat review.
- d. Applications seeking to establish or modify a PDD district designation shall articulate how the proposed development will maintain compliance with the requirements in Section 3.18.E.2, Statement of PDD Design Principles.
- e. To ensure unified control, the application shall also include a copy of the title to all land that is part of the proposed PD or PDD zoning district classification.
- f. The application shall include a transportation impact analysis for review, when required by Section 2.4.X, Transportation Impact Analysis.

5. **Changes to Application**

The applicant may make changes, including changes recommended by the Planning and Zoning Commission or the City Council, to the application for a planned development district at any time prior to the City Council's decision. The applicant may only propose changes in accordance with the following:

- a. Changes shall be made in writing to the Planning Director; and
- b. Changes shall be signed by all landowners or their agents.

6. **Decision by City Council**

- a. The decision shall be based on the legislative discretion of the City Council, taking into consideration the recommendation of the P&Z Commission and the standards in Section 2.4.M.7, Planned Development Review Standards.
- b. In making its decision, the City Council Board of Commissioners shall adopt a written statement of consistency in accordance with Section 160A-383 of the North Carolina General Statutes.

7. **Planned Development Review Standards**

The advisability of amending the Official Zoning Map to establish a planned development district is a matter committed to the legislative discretion of the City Council and is not controlled by any one factor.

8. **Designation on Official Zoning Map**

Designation of a PD or PDD zoning district on the Official Zoning Map shall note the ordinance number approving the PD zoning classification.

9. **Effect**

- a. Lands rezoned to a PD or PDD district shall be subject to the approved master plan, the approved terms and conditions, and the statement of design principles, if applicable.
- b. The master plan, terms and conditions, and statement of design principles are binding on the land as an amendment to the Official Zoning Map.
- c. The applicant may apply for and obtain subsequent development permits and approvals necessary to implement the master plan in accordance with the appropriate procedures and standards set forth in this Ordinance.
- d. Any permits or approvals shall comply with the master plan, the terms and conditions, and the statement of design principles, if applicable.
- e. Only those portions of the development subject to an approved master plan, terms and conditions, and the statement of design principles (if applicable) shall be included in development activities.
- f. Development located outside the Burlington corporate limits shall comply with the standards in Section 37-30-40-40 of the City Code of Ordinances as well as all other ordinances and City policies related annexation and the extension of utilities.

10. **Amendment**

a. **Minor Changes**

- i. Subsequent plans and permits for development within a PD or PDD district may include minor changes to the approved master plan map or statement of terms and conditions, provided the development continues to meet the minimum requirements of this Ordinance. Minor changes are limited to changes that have no material effect on the character of the planned development or changes that address technical considerations that could

- ii. All lots have been certified by Alamance County or Guilford County Health Department (as appropriate) as capable of accommodating the wastewater generated from the proposed use, in cases when the lot(s) is not served by a centralized wastewater system;
 - iii. The preliminary plat is in substantial conformance with all applicable requirements in Chapter 6: Subdivisions;
 - iv. The name of the subdivision shall not duplicate or be similar to the name of an existing subdivision in Alamance County or Guilford County;
 - v. Street names used in the subdivision shall not duplicate or be similar to the names of streets in an existing subdivision in Alamance County or Guilford County;
 - vi. All standards or conditions of any prior applicable permits and development approvals; and
 - vii. The preliminary plat complies with all other applicable requirements in this Ordinance and the City Code of Ordinances.
- b. Preliminary plats of land located within the special flood hazard area shall comply with the standards in Section 3.19.C, Flood Hazard Overlay (FHO) District.

7. Effect

a. General

- i. Approval of a required preliminary plat shall not constitute the approval for recording a subdivision with the Register of Deeds, or approval for the conveyance of lots.
- ii. Approval of a required preliminary plat authorizes the submittal of ~~street and utility construction plans~~ infrastructure permits, and soil erosion and sedimentation control plans.

b. Lands Outside the Corporate Limits

Preliminary plats for development located outside the Burlington corporate limits shall comply with the standards in Section ~~37-30~~40-40 of the City Code of Ordinances as well as all other ordinances and City policies related annexation and the extension of utilities.

c. ~~Construction Plans~~ Infrastructure Permit

- i. ~~Construction plans~~ Infrastructure permits for all public improvements associated with the preliminary plat shall be approved prior to street and utility construction and prior to the approval of a final plat in accordance with the applicable standards in Chapter 6: Subdivisions.
- ii. In the case of a multi-phase subdivision, infrastructure permits ~~street and utility construction plans~~ shall include all improvements within a phase and all public improvements outside the phase but necessary to serve development within that phase.

d. Erosion Control Permit

An approved preliminary plat authorizes the submittal of soil erosion and sedimentation control plans and the issuance of an erosion control permit in accordance with Section 2.4.G, Erosion Control Permit (as applicable).

e. Stormwater Permit

An approved preliminary plat authorizes the submittal of stormwater management plans and the issuance of a stormwater permit in accordance with Section 2.4.T, Stormwater Permit (as applicable).

f. Performance Guarantees

All public improvements that have not been installed by the developer, and inspected and accepted by the City shall comply with the requirements in Section 6.7, Performance Guarantees, prior to the recordation of a final plat.

g. As-Built Plans

As-built plans for all public improvements shall be submitted in accordance with Section 6.7.K, As-Built Plans Required.

8. Amendment

P. REZONING

1. **Purpose**
This section provides a uniform means for reviewing and deciding proposed amendments to the Official Zoning Map whenever the public necessity, general welfare, the City's adopted policy guidance, or appropriate land use practices justify or require doing so.
2. **Applicability**
This procedure sets out the requirements for amendments to the zoning district designation of land within the City's jurisdiction as well as for land coming into the City's jurisdiction via annexation in accordance with the standards in Sections 160A-382 through 160A-385 of the North Carolina General Statutes.
3. **Rezoning Procedures Distinguished**
 - a. This rezoning procedure shall be used in the consideration of general rezoning applications as well as for consideration of conditional rezoning applications.
 - b. Conditional rezoning applications are rezoning applications that include conditions agreed to by the applicant and the City that seek to either further limit development beyond that allowed within a specific general zoning district, or that seek reductions or deviations from some standards in this Ordinance.
 - c. Applications filed as either a general rezoning or conditional rezoning may not be converted to the other form of rezoning application during the review process, and shall instead be withdrawn and resubmitted as a new application.
4. **Rezoning Procedure**
The rezoning procedure (both general and conditional) is described in Figure 2.4.P, Rezoning Procedure, as supplemented by the Procedures Manual.
5. **Conditional Rezoning Applications**
 - a. Applications for a conditional rezoning that seek to reduce or waive one or more standards of this Ordinance shall indicate which standards are subject to the request and why the reduction or waiver is necessary.
 - b. Applications for a conditional rezoning shall include a site plan or a **concept plan and a detailed written description of the range of potential principal and accessory uses and generalized locations of development**, which shall be treated as a proposed condition included with the application.

FIGURE 2.4.P: REZONING PROCEDURE	
STEP	ACTION
1	PRE-APPLICATION CONFERENCE See <u>Section 2.3.D, Pre-Application Conference</u>
2	NEIGHBORHOOD INFORMATION MEETING Optional (<u>Section 2.3.E, Neighborhood Information Meeting</u>)
3	FILE APPLICATION Filed with Zoning/Subdivision Administrator - Must indicate whether application is for a conditional or traditional rezoning - Conditional rezoning requires a concept or site plan - Conditional rezoning applications shall list all potential principal and accessory use types in <u>Table 4.2.C, Principal Use Table</u> , for the district being established
4	COMPLETENESS DETERMINATION See <u>Section 2.3.F.6, Completeness Determination</u>
5	TRC REVIEW AND COMMENT ON CONDITIONAL REZONINGS Review of concept plan by TRC is required prior to City Council review
6	P&Z REVIEW AND RECOMMENDATION Public meeting - Must comment on application's consistency with the City's adopted policy guidance
7	PUBLIC NOTIFICATION See <u>Section 2.3.H, Public Notification</u>
8	CITY COUNCIL REVIEW AND DECISION Legislative public hearing - Must include a written statement of consistency with the City's adopted policy guidance
9	NOTIFICATION OF DECISION Delivered via personal service, electronic mail, or 1 st class mail

b.c. If a site plan includes sufficient detail and the conditional rezoning application is approved, then the applicant shall not be required to undergo subsequent site plan review.

6. Review by the TRC

Site plans or concept plans associated with a conditional rezoning shall be reviewed by the TRC prior to consideration of the rezoning application by the Planning and Zoning Commission.

7. Changes to Application

The applicant may make changes, including changes recommended by the Planning and Zoning Commission or the City Council, to the rezoning application at any time prior to the City Council's decision.

8. Decision by City Council

- a. The decision shall be based on the legislative discretion of the City Council, taking into consideration any comments received from the City staff, TRC (if applicable), and the recommendation of the P&Z Commission.
- b. In making its decision, the City Council shall adopt a written statement of consistency in accordance with Section 160A-383 of the North Carolina General Statutes.

9. Rezoning Review Standards

- a. The advisability of modifying the Official Zoning Map through approval of a rezoning application is a matter committed to the legislative discretion of the City Council and is not controlled by any one factor.
- b. In cases where land subject to a rezoning is located with the PDD Eligibility Boundary on the Official Zoning Map, only those applications that comply with the requirements in Section 3.18.E.2, Statement of PDD Design Principles, shall be approved.

10. Conditions Associated with a Conditional Rezoning Application

- a. Only conditions mutually agreed to by the applicant and the City Council may be approved as part of a conditional rezoning.
- b. Conditions shall be limited to those that address conformance of development and use on the site with City regulations and adopted policy guidance and that address the impacts reasonably expected to be generated by the development or use of the site.
- c. Conditions shall be in writing and may be supplemented with plans or maps.
- d. No condition shall be made part of the application which:
 - i. Specifies the ownership status, race, religion, or other characteristics of the occupants of housing units;
 - ii. Establishes a minimum size of a dwelling unit;
 - iii. Establishes a minimum value of buildings or improvements;
 - iv. Excludes residents based upon race, religion, or income;
 - v. Obligates the City to perform in any manner relative to the approval of the conditional rezoning or development of the land; or
 - vi. Deviates from the standards in Section 3.17.F, Limitations on Conditions.

11. Designation on the Official Zoning Map

The Zoning/Subdivision Administrator shall cause to make changes to the Official Zoning Map promptly after approval of a rezoning application by the City Council.

12. Effect

- a. Lands subject to an approved conditional rezoning shall be subject to all the standards, conditions, and plans approved as part of that application. These standards, plans and approved conditions are perpetually binding on the land as an amendment to this Ordinance and the Official Zoning Map, and may only be changed in accordance with the procedure established in Section 2.4.P, Rezoning.
- b. Development located outside the Burlington corporate limits shall comply with the standards in Section ~~37-30-40-40~~ of the City Code of Ordinances as well as all other ordinances and City policies related annexation and the extension of utilities.

Site plans for development located outside the Burlington corporate limits shall comply with the standards in Section ~~37-30~~40-40 of the City Code of Ordinances as well as all other ordinances and City policies related annexation and the extension of utilities.

b. ~~Construction Plans~~Infrastructure Permits

- i. ~~Construction plans~~Infrastructure Permits for all public improvements associated with the site plan shall be approved prior to street and utility construction in accordance with the applicable City standards.
- ii. In the case of a multi-phase site plan, ~~street and utility construction plans~~infrastructure permits shall include all improvements within a phase and all public improvements outside the phase but necessary to serve development within that phase.

c. Erosion Control Permit

An approved site plan authorizes the submittal of soil erosion and sedimentation control plans and the issuance of an erosion control permit in accordance with Section 2.4.R.7.c, Erosion Control Permit (as applicable).

d. Stormwater Permit

An approved site plan authorizes the submittal of stormwater management plans and the issuance of a stormwater permit in accordance with Section 2.4.T, Stormwater Permit (as applicable).

e. Performance Guarantees

All public improvements that have not been installed by the developer, and inspected and accepted by the City shall comply with the requirements in Section 6.7, Performance Guarantees, prior to the issuance of a final inspection or certificate of occupancy.

f. As-Built Plans

As-built plans for all public improvements shall be submitted in accordance with Section 6.7.K, As-Built Plans Required.

8. Amendment

a. Minor Changes

- i. Subsequent revisions to approved site plans may include minor changes, provided the development continues to meet the minimum requirements of this Ordinance. Minor changes are limited to changes that have no material effect on the character of the development or changes that address technical considerations that could not reasonably be anticipated at the time of the site plan approval.
- ii. The following minor changes may be approved by the Planning Director, following consultation with other City staff, as appropriate:
 - a) Changes to the location of entrances or driveways, the rearrangement of internal streets, turn lanes, drives, or access restrictions;
 - b) Changes to the configuration of parking areas, but not the number of parking spaces;
 - c) Changes to the configuration or location of open space or placement of required amenities, provided the amount of open space (whether passive or active) is unchanged;
 - d) Changes to the configuration of landscape yards, including types of materials, provided minimum width and planting requirements are met;
 - e) Changes to the proposed building elevation or facade, including materials, provided that the change retains the same general architectural character; and
 - f) Changes to the arrangement or location of buildings provided there is no increase in the number of buildings, size, or amount of impervious surface.

b. Significant Changes Considered Amendments

V. TEMPORARY USE PERMIT

1. Purpose
 This section allows for the establishment of specific temporary uses of limited duration, provided that such uses do not negatively affect adjacent land, and provided that such temporary uses are discontinued upon the expiration of a set time period. Temporary uses shall not involve the construction or alteration of any permanent building or structure.

2. Applicability
 The standards in this section apply to non-permanent uses that take place on a temporary basis whether on the same site or in different locations in the jurisdiction.

3. Temporary Use Permit Procedure
 The temporary use permit procedure is described in Figure 2.4.V, Temporary Use Permit Procedure, as supplemented by the Procedures Manual.

4. Decision by Zoning/Subdivision Administrator
 The decision on a temporary use permit shall be made by the Zoning/Subdivision Administrator based on the standards in Section 2.4.V.5, Temporary Use Permit Review Standards.

5. Temporary Use Permit Review Standards
 An application for a temporary use permit shall be approved provided it complies with the following:

- a.** The applicant has written permission from the landowner, or is otherwise authorized to make use of the land;
- b.** The applicant has obtained the appropriate permits and licenses from the City and other agencies;
- ~~**c.** The temporary use complies with the requirements for temporary signs in Section 5.6, Signage (if signage is proposed);~~
- ~~**d.c.** The temporary use meets public utility and City requirements for proper connection to water, sewer, electrical and other utility service connections, as applicable;~~
- ~~**e.d.** The temporary use does not violate the applicable conditions of approval that apply to a site or use on the site;~~
- ~~**f.e.** The proposed site contains sufficient land area for the temporary use and for the parking and traffic movement associated with the temporary use, without impacting environmentally sensitive lands;~~
- ~~**g.f.** The temporary use is located outside a special flood hazard area; and~~
- ~~**h.g.** The temporary use provides adequate on-site restroom facilities.~~

~~**6. Signage**
Any signage associated with a temporary use shall comply with the standards in Table 5.6.I, Sign Standards by Sign Type, except that supplemental signage shall not remain on site after the temporary use has ended.~~

~~**6.7. Amendment**
 Amendment to an approved temporary use may only be reviewed and considered in accordance with the procedures and standards established for its original approval.~~

~~**7.8. Expiration**
a. An approval of a temporary use permit is valid for not more than one year. When necessary, the temporary use permit application may be reissued for a time period not to exceed three months.~~

FIGURE 2.4.V: TEMPORARY USE PERMIT PROCEDURE	
STEP	ACTION
1	FILE APPLICATION Filed with Zoning/Subdivision Administrator
2	COMPLETENESS DETERMINATION See <u>Section 2.3.F.6, Completeness Determination</u>
3	ZONING/SUBDIVISION ADMINISTRATOR REVIEW AND DECISION
4	NOTIFICATION OF DECISION Delivered via personal service, electronic mail, or 1 st class mail

b. Prior to filing an application, the applicant shall meet with the Transportation Director to discuss the parameters of the analysis, including but not limited to: the study area boundary, assumptions, analysis period, analysis scenarios, existing traffic, planned infrastructure improvements, other approved developments in the study area, and other aspects identified in the Procedures Manual.

b.c. The applicant shall submit a set of meeting minutes to the Transportation Director describing the required parameters of the analysis within 14 days of the meeting.

4. Timing

A transportation impact analysis, if required, shall be conducted in accordance with the following:

- a.** Prior to review of an associated rezoning or planned development application by the Planning and Zoning Commission;
- b.** Prior to review of a special use permit by the BOA;
- c.** Prior to the decision on an associated site plan or preliminary plat by the TRC.

5. Decision by Transportation Director

The decision on a transportation impact analysis shall be made by the Transportation Director based on the standards in Section 2.4.X.6, Transportation Impact Analysis Review Standards.

6. Transportation Impact Analysis Review Standards

An application for a transportation impact analysis shall be approved provided it complies with the following:

- a.** The analysis is prepared and sealed by a licensed professional engineer with expertise in traffic engineering;
- b.** The analysis includes a summary of findings and recommendations for mitigation based on the City's adopted policy guidance and applicable State regulations;
- c.** The analysis identifies the post-development roadway levels of service for signalized and unsignalized intersections within the study area;
- d.** The analysis identifies proposed post-development roadway lane configurations for existing and proposed improvements, including identification of the parties responsible for the improvements; and
- e.** The timing of proposed roadway improvements to be completed as part of a phased development.

7. Effect

The applicant shall incorporate the results of the transportation impact analysis and its recommendations into the related application materials.

8. Amendment

Amendment to an approved transportation impact analysis may only be reviewed and considered in accordance with the procedures and standards established for its original approval.

9. Appeal

Appeal of a decision on a transportation impact analysis shall be reviewed and decided by the BOA in the nature of certiorari and in accordance with Section 2.4.C, Appeal.

Except where otherwise authorized by this Ordinance:

- a. No lot shall be reduced in area below the minimum requirements for the district where located.
- b. Lots created after November 1, 2019, shall meet the minimum lot dimensional requirements for the district where located.

3. Minimum Lot Area

A residential lot platted under the intention of serving the lot with public water and wastewater service shall have a minimum area of 6,000 square feet.

4. Required Yards

- a. The land area between a lot line and the boundary of a required setback is considered as a required yard.
- b. The location of front (or street), side, or rear yards on irregularly-shaped lots shall be determined by the Zoning/Subdivision Administrator in accordance with Section 8.3, Rules of Measurement. Wherever possible, the Zoning/Subdivision Administrator shall interpret these boundaries in ways that minimize nonconformities.
- c. Except where otherwise provided in Section 8.3.E, Setback Encroachments, required yards shall not be subject to encroachment by a building, structure, or outdoor use area.
- d. In Business districts (including COI, CB, and CI), no side or rear yard shall be required when the lot line abuts a railroad right-of-way or siding.

5. Required Frontage

The minimum frontage of any lot at the right-of-way line shall be at least 30 linear feet.

6. Minimum Lot Width

The minimum width of a residential lot shall be 50 feet for at least two-thirds of the depth of the lot.

7. Setbacks from Streets

No building shall be located closer to any public street right-of-way or existing private street edge than the minimum setback line established by this Ordinance.

F. MULTIPLE BUILDINGS OR STRUCTURES ON A LOT

- ~~1.~~ No building used as a residential dwelling shall be constructed or altered in the rear of or moved to the rear of a building situated on the same lot.
- ~~2.~~ No building used as a residential dwelling shall be constructed or altered in front of or moved to the front of a building situated on the same lot except as part of a multi-family development.
- ~~1.3.~~ In no instance shall a second principal building used as a dwelling be constructed, altered, or moved to the rear of an already existing building on the same lot. Nothing shall limit the ability to establish an accessory dwelling unit on the same lot as a principle dwelling provided it is allowed in accordance with the standards in Section 4.5, Accessory Uses.
- ~~2.~~ In no instance shall a building to be used as a dwelling be constructed, altered, or moved to a location between the front of an already existing building on the same lot and the street it faces unless the new building is part of a lawfully established multi-family development.

3.7. HIGH DENSITY RESIDENTIAL (HDR) DISTRICT



A. DISTRICT PURPOSE AND INTENT

The High Density Residential (HDR) district is established to accommodate a wide range of residential and institutional use types at high densities. The district allows a wide range of housing types, including duplexes, triplexes, quadruplexes, upper-story residential, single-family attached, and single-family detached dwellings. The district also allows pocket neighborhoods and bungalow courts. As a means of creating compact, functional neighborhoods, the district also allows a wide variety of institutional uses, including community centers, day care, schools, assisted living, religious institutions, parks, and utilities. Mixed use development is also allowed in locations where negative impacts can be minimized. Proximity and access to transit facilities and alternative forms of transportation are vital in this district. Low density development comprised of uniform building types or styles is discouraged.

B. DISTRICT DIMENSIONAL STANDARDS

STANDARD		REQUIREMENT				
		Single-Family Detached	Single-Family Attached [1]	Multi-Family	Mixed Use	Non-residential
A	Maximum Residential Density (units/acre)	7	9	30	None	N/A
B	Minimum Lot Area (square feet)	6,000	1,600 per unit	20,000 [2]	N/A	40,000
C	Maximum Lot Coverage (% of lot area) [3]	45 [4]	55 [5]	45	N/A	50
D	Minimum Lot Width (linear feet)	50 [6]	55 [7]	60	None	60
E	Minimum Open Space Set Aside (% of lot area)	10 [8] [9] [10]	10 [9] [10]		5 [9]	8
F	Minimum Street Setback (linear feet) [11]	12 25 [12]	25	30; 20 from internal streets	N/A	30
G	Minimum Side Setback (linear feet)	10 [12]	25		N/A	25
H	Minimum Rear Setback (linear feet)	25 [12]	30			
I	Minimum Perimeter Setback in a Multi-building Development (linear feet)	N/A	Same as rear setback [13]			
J	Minimum Spacing Between Buildings in a Multi-building Development (linear feet)	N/A	In accordance with the North Carolina Building Code			
K	Maximum Building Height (feet/stories) [14]	36/3	N/A		48/4	

[1] Includes duplex, triplex, and quadruplex dwellings.
 [2] This is a minimum development size, not an individual lot area.
 [3] Development in the WPO is subject to built-upon limits in [Section 3.19.F, Watershed Protection Overlay \(WPO\) District](#).
 [4] Increased to 50% for lots in pocket neighborhoods and bungalow courts.
 [5] Applied to the entire single-family attached development, not to individual lots containing an individual single-family attached dwelling.
 [6] Applied to entire development (not individual lots) when configured as a pocket neighborhood or bungalow court.
 [7] Standards applied to the entire development, not individual lots.
 [8] Open space set-aside requirements applied to subdivisions of five or more lots.
 [9] Open space set-aside shall be configured with at least 50 percent devoted to active recreation features in accordance with [Section 7.1, Open Space Set-Aside](#).
 [10] Conservation subdivisions shall set aside at least 50% of the development as open space in accordance with [Section 6.10, Conservation Subdivision](#).
 [11] On corner lots of record, the street setback may be reduced by 50 percent on the long side of the lot.
 [12] Reduced to as low as 3 feet for dwellings in pocket neighborhoods and bungalow courts.
 [13] Applied in lieu of side or rear setbacks in multi-building developments.
 [14] Development in the AHO is subject to the maximum building heights in [Section 3.19.B, Airport Height Overlay \(AHO\) District](#).

3.9. LOW DENSITY RESIDENTIAL (LDR) DISTRICT



A. DISTRICT PURPOSE AND INTENT

The Low Density Residential (LDR) district is established to accommodate low density residential development and complimentary uses in rural and suburban settings throughout the City’s jurisdiction. Use of the conservation subdivision configuration is optional for residential subdivisions of five lots or more. While the district allows single-family detached homes, manufactured homes in park-style developments or on individual lots are prohibited. The district accommodates equestrian uses, utilities, as well as various neighborhood-supporting institutional uses such as parks, schools, and public safety facilities. District regulations discourage uses that interfere with the development of residential neighborhoods or that are detrimental to the suburban nature of the district. Conservation subdivisions have reduced dimensional requirements but must retain at least 50 percent of the development area as open space set-aside.

B. DISTRICT DIMENSIONAL STANDARDS

STANDARD	REQUIREMENT				
	Single-Family Detached	Single-Family Attached	Multi-Family	Mixed Use	Non-residential
A Maximum Residential Density (units/acre)	1.45 [1]		N/A		N/A
B Minimum Lot Area (square feet)	30,000 [2]		N/A		40,000
C Maximum Lot Coverage (% of lot area) [3]	35% [4]		N/A		35%
D Minimum Lot Width (linear feet)	100 [5]		N/A		100
E Minimum Open Space Set Aside (% of lot area)	10 [6] [7] [8]		N/A		10
F Minimum Street Setback (linear feet) [9] [10]	25 [11]		N/A		25
G Minimum Side Setback (linear feet) [9]	10 [11]		N/A		15
H Minimum Rear Setback (linear feet) [9]	25 [11]		N/A		25
I Minimum Perimeter Setback in a Multi-building Development (linear feet)	N/A		N/A		15 [12]
J Minimum Spacing Between Buildings in a Multi-building Development (linear feet)	N/A		N/A		[13]
K Maximum Building Height (feet/stories) [14]	36/3		N/A		36/3

NOTES:

- [1] Increased to 7 units per acre for ~~pocket neighborhoods, bungalow courts, and~~ conservation subdivisions.
- [2] Decreased to 6,000 square feet for lots in ~~pocket neighborhoods, bungalow courts, and~~ conservation subdivisions.
- [3] Development in the WPO is subject to built-upon limits in Section 3.19.F, Watershed Protection Overlay (WPO) District.
- [4] Increased to 50% for lots in ~~pocket neighborhoods, bungalow courts, and~~ conservation subdivisions.
- [5] Applied to entire development (not individual lots) when configured as a ~~pocket neighborhood, bungalow court, or~~ conservation subdivision.
- [6] Open space set-aside requirements applied to subdivisions of five or more lots.
- [7] Open space set-aside shall be configured with at least 50 percent devoted to active recreation features in accordance with Section 7.1, Open Space Set-Aside.
- [8] Conservation subdivisions shall set aside at least 50% of the development as open space set-aside in accordance with ~~[10] Conservation subdivisions shall set aside at least 50% of the development as open space in accordance with~~ Section 6.10, Conservation Subdivision.
- [9] In cases where development is in a subdivision established prior to the effective date of this Ordinance, no setback shall be required to be greater than the average setback of existing residential structures on the same side of the block or within a distance of 500 feet horizontally on either side when blocks are not present.
- [10] On corner lots of record, the street setback may be reduced by 50 percent on the long side of the lot.
- [11] Reduced to as low as 3 feet for dwellings in ~~pocket neighborhoods, bungalow courts, and~~ conservation subdivisions.
- [12] Applied in lieu of side or rear setbacks in multi-building developments.
- [13] In accordance with the North Carolina Building Code.
- [14] Development in the AHO is subject to building heights in Section 3.19.B, Airport Height Overlay (AHO) District.

3.10. MEDIUM DENSITY RESIDENTIAL (MDR) DISTRICT**A. DISTRICT PURPOSE AND INTENT**

The Medium Density Residential (MDR) district is established to accommodate moderate density residential development and complimentary uses in suburban-to-urban settings throughout the City's jurisdiction. Use of the conservation subdivision configuration is optional for residential subdivisions of five lots or more. The district accommodates utilities as well as various neighborhood-supporting institutional uses such as parks, schools, and public safety facilities. District regulations discourage uses that interfere with the development of residential neighborhoods or that are detrimental to the residential nature of the district. Conservation subdivisions, pocket neighborhoods, or bungalow courts are allowed as optional forms of development.

B. DISTRICT DIMENSIONAL STANDARDS

STANDARD	REQUIREMENT				
	Single-Family Detached	Single-Family Attached [1]	Multi-Family	Mixed Use	Non-residential
A Maximum Residential Density (units/acre)	4.85 [2]			N/A no ne	N/A
B Minimum Lot Area (square feet)	9,000 [3]	1,600 per unit	40,000 [4]	N/A	40,000
C Maximum Lot Coverage (% of lot area) [5]	40 [6]	55 [7]	45	N/A	50
D Minimum Lot Width (linear feet)	75 [8]	80 [9]	80	N/A no ne	80
E Minimum Open Space Set Aside (% of lot area)	10 [10] [11]	25 [11]	10 [11]	N/A 5	8
F Minimum Street Setback (linear feet) [12] [13]	30 [12]	25, 15 from internal street		N/A	30
G Minimum Side Setback (linear feet) [12]	10 [14]	25	10	N/A	10 [15]
H Minimum Rear Setback (linear feet) [12]	25 [14]			N/A 30	25
I Minimum Perimeter Setback in a Multi-building Development (linear feet)	N/A	25 [16]		N/A 30	25 [16]
J Minimum Spacing Between Buildings in a Multi-Building development (linear feet)	N/A	In accordance with the North Carolina Building Code			
K Maximum Building Height (feet/stories) [17]	36/3			N/A 48/ 4	36/3

NOTES:

[1] Includes duplex, triplex, and quadriplex dwellings.

[2] Increased to 7 units per acre in a pocket neighborhood, bungalow court, or conservation subdivision.

[3] Decreased to 6,000 square feet for lots in pocket neighborhoods, bungalow courts, and conservation subdivisions.

[4] This is a minimum development size, not a minimum lot area.

[5] Development in the WPO is subject to built-upon limits in [Section 3.19.F, Watershed Protection Overlay \(WPO\) District](#).

[6] Increased to 50% for lots in pocket neighborhoods, bungalow courts, and conservation subdivisions

[7] Applied to the entire single-family attached development, not to individual lots containing an individual single-family attached dwelling.

[8] Applied to entire development (not individual lots) when configured as a pocket neighborhood, bungalow court, or conservation subdivision.

[9] Standards applied to entire development, not individual lots.

[10] Open space set-aside requirements applied to subdivisions of five or more lots.

[11] Open space set-aside shall be configured with at least 50 percent devoted to active recreation features in accordance with [Section 7.1, Open Space Set-Aside](#).

[12] In cases where development is in a subdivision established prior to the effective date of this Ordinance, no setback shall be required to be greater than the average setback of existing residential structures on the same side of the block or within a distance of 500 feet horizontally on either side when blocks are not present.

[13] On corner lots of record, the street setback may be reduced by 50 percent on the long side of the lot.

[14] Reduced to as low as 3 feet for dwellings in pocket neighborhoods, bungalow courts, and conservation subdivisions.

[15] 20 feet required from lot lines abutting single-family detached residential dwellings.

[16] Applied in lieu of side or rear setbacks in multi-building developments.

[17] Development in the AHO is subject to maximum building heights in [Section 3.19.B, Airport Height Overlay \(AHO\) District](#).

3.11. MEDIUM INDUSTRIAL (MI) DISTRICT



A. DISTRICT PURPOSE AND INTENT

The Medium Industrial (MI) district is established to accommodate modern, technologically-based, clean industrial development that takes place in highly controlled environments. Typical activities taking place in the district include bio-engineering, pharmaceuticals, precision fabrication and assembly, and research and development. The district does not allow heavy industrial uses, residential uses, or retail, except as accessory uses. District standards are intended to prevent the establishment of any use types that would interrupt industrial operations. District standards require that no land or structure be used for any purpose that causes noxious or offensive odors, gas fumes, smoke, dust, vibration, or noise that substantially interferes with other nearby uses.

B. DISTRICT DIMENSIONAL STANDARDS

STANDARD	REQUIREMENT				
	Single-Family Detached	Single-Family Attached	Multi-Family	Mixed Use	Non-residential
A Maximum Residential Density (units/acre)	N/A				
B Minimum Lot Area (square feet)		N/A			43,560 [1]
C Maximum Lot Coverage (% of lot area)		N/A			50
D Minimum Lot Width (linear feet)		N/A			200
E Minimum Open Space Set Aside (% of lot area)		N/A			N/A
F Minimum Street Setback (linear feet) [2]		N/A			40
G Minimum Side Setback (linear feet)		N/A			50 [3]
H Minimum Rear Setback (linear feet)		N/A			50 30
I Minimum Perimeter Setback in a Multi-building Development (linear feet)		N/A			N/A
J Minimum Spacing Between Buildings in a Multi-building Development (linear feet)		N/A			[34]
K Maximum Building Height (feet/stories)		N/A			None [45]

NOTES:

[1] Development within the WPO is subject to the built-upon limits in Section 3.19.F, Watershed Protection Overlay (WPO) District.

[2] On corner lots of record, the street setback may be reduced by 50 percent on the long side of the lot.

[3] When the lot abuts a residential or OI zoning district, the setback shall be at least 15 feet.

[4] In accordance with the North Carolina Building Code.

[54] Development in the AHO is subject to the maximum building heights in Section 3.19.B, Airport Height Overlay (AHO) District.

3.18. PLANNED DEVELOPMENT (PD) DISTRICTS

A. PURPOSE AND INTENT

The Planned Development (PD) and the Planned Development Downtown (PDD) districts are established and intended to encourage innovative land planning and site design concepts that support a high quality of life and achieve a high quality of development, environmental sensitivity, energy efficiency, and other City goals and objectives by:

1. Reducing or diminishing the inflexibility or uniform design that sometimes results from strict application of zoning and development standards designed primarily for individual lots;
2. Allowing greater freedom in selecting the means of providing access, open space, and design amenities;
3. Allowing greater freedom in providing a well-integrated mix of residential and nonresidential land uses in the same development, including a mix of housing types, lot sizes, and densities;
4. Creating a system of incentives for redevelopment and infill in order to revitalize the downtown area;
5. Promoting a vibrant public realm in the lands around downtown by placing increased emphasis on active ground floor uses, pedestrian-oriented building façade design, intensive use of sidewalks, and establishment of public gathering areas;
6. Providing for efficient use of land resulting in smaller networks of utilities and streets and thereby lowering development and housing costs; and
7. Promoting quality design and environmentally sensitive development that respects surrounding established land use character and respects and takes advantage of a site's natural and man-made features, such as trees, estuaries, shorelines, special flood hazard area, and historic features.

B. GENERAL STANDARDS FOR ALL PLANNED DEVELOPMENTS

1. How Established

A planned development is established in a manner similar to the establishment of a conditional zoning district in accordance with the procedures and requirements in [Section 3.18, Planned Development \(PD\) Districts](#).

2. Districts Distinguished

This Ordinance establishes the following two types of planned development district:

- a. The basic Planned Development (PD) district, which is available to all lands in the City's jurisdiction outside of the area eligible for the Planned Development Downtown (PDD) district; and
 - b. The Planned Development Downtown (PDD) district, which is available solely to the lands around the downtown area located within the PDD-Eligibility Boundary depicted on the Official Zoning Map. Application for the rezoning of lands within the PDD-Eligibility Boundary to the PDD district shall be reviewed in accordance with the standards in this section. Applications to rezone land within the PDD-Eligibility Boundary to a zoning district other than the PDD district are hereby declared inconsistent with the City's adopted policy guidance and this Ordinance, and may not be approved by the City Council.
- ~~b.c.~~ In cases where a portion of a lot is within the PDD eligibility boundary, the entire lot shall be considered to be within the PDD eligibility boundary.

3. Master Plan Required

All development configured as a PD or PDD shall be subject to a master plan submitted and approved as part of the application to establish the district. The master plan shall:

- a. Include a statement of planning objectives for the district;
- b. Describe the specific ways in which any modifications to the generally applicable standards in this Ordinance will result in a development of higher quality than would have otherwise resulted if the development was established without any proposed modifications to the standards in this Ordinance.
- c. Identify the general location of individual development areas, identified by land use(s) and/or development density or intensity;
- d. Depict the general configuration and relationship of the principal elements of the proposed development, including general building types;

The uses allowed in a PD or PDD district are identified in [Table 4.2.C, Principal Use Table](#), as allowed subject to a master plan. Allowed uses shall be established in the master plan. Allowed uses shall be consistent with adopted policy guidance, the purpose of the particular type of PD or PDD district, and subject to any additional limitations or requirements set forth in [Section 4.4, Use-Specific Standards](#), for the particular type of PD or PDD district. Nothing shall limit an applicant from seeking to modify an otherwise applicable use-specific standard in accordance with the standards in [Section 3.18.B.3, Master Plan Required](#).

C. PLANNED DEVELOPMENT TERMS AND CONDITIONS

The terms and conditions document shall incorporate by reference or include, but not be limited to:

- 1.** Conditions related to approval of the application for the PD or PDD zoning district classification;
- 2.** The master plan, including any density/intensity standards, dimensional standards, and development standards established in the master plan;
- 3.** Conditions related to the approval of the master plan, including any conditions related to the form and design of development shown in the master plan;
- 4.** Provisions addressing how transportation, potable water, wastewater, stormwater management, and other infrastructure will be provided to accommodate the proposed development;
- 5.** Provisions related to environmental protection and monitoring; and
- 6.** Any other provisions the City Council determines are relevant and necessary to the development of the PD or PDD in accordance with applicable standards and regulations.

D. AMENDMENTS TO APPROVED MASTER PLAN

Amendments or modifications to a master plan shall be considered in accordance with the standards in [Section 3.18, Planned Development \(PD\) Districts](#).

E. ADDITIONAL STANDARDS IN THE PLANNED DEVELOPMENT DOWNTOWN (PDD) DISTRICT

1. Where Applicable

- a.** Only land located within the **PDD** Eligibility Boundary on the Official Zoning Map may be designated to the PDD district (see [Figure 3.18.E: PDD Eligibility Boundary](#)).
- b.** Only those rezoning applications seeking to establish the PDD designation in accordance with these standards shall be approved for lands within the PDD Eligibility Boundary.

TABLE 3.18.E.2: PDD DESIGN PRINCIPLES

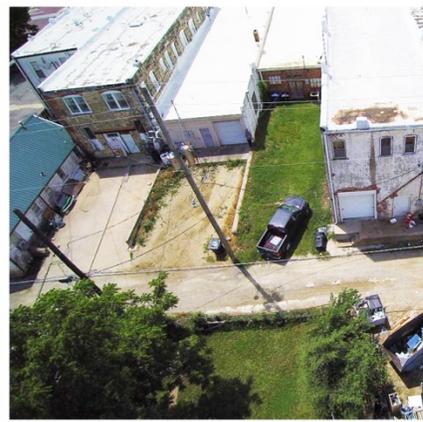
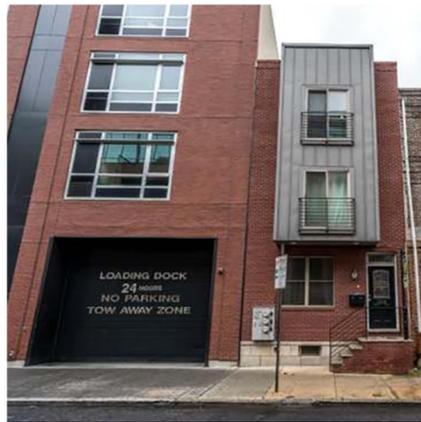
h. Building placement, building height, and basic building configuration shall match the building on the opposing side of the street when the building on the opposing side of the street is configured in accordance with these standards/principles.



i. Development includes a mix of uses in a building or on a site.



j. Loading or service areas are located to the rear or integrated in ways that do not interfere with pedestrian orientation.



k. Sidewalk areas include street trees and street furniture such as pedestrian-scale street lighting, trash receptacles, and seating – all located between the curb and the main travelway for the sidewalk, which is typically adjacent to the building wall.

TABLE 4.2.C: PRINCIPAL USE TABLE [1]

"A" = Allowed if included in Master Plan or Terms and Conditions Statement
 "C" = Permitted, subject to Section 2.4.P, Rezoning, applicable Use-Specific Standards, and identified in conditions of approval
 "P" = Permitted, subject to applicable Use-Specific Standards
 "S" = Permitted subject to Section 2.4.S, Special Use Permit, and applicable Use-Specific Standards
 " " (blank cell) = Prohibited

USE TYPE	PC	RESIDENTIAL					MX	COMMERCIAL				IND.			CONDITIONAL				USE-SPECIFIC STANDARDS [2]	
		RMH	LDR	MDR	HDR			OI	NB	GB	CBD	LI	MI	HI	CR	COI	CB	CI		PD & PDD
RESIDENTIAL USE CLASSIFICATION																				
Assisted Living Facility															C	C	C	C	A	4.4.A.1
Boarding/Rooming House							S	S											A	4.4.A.2
Bungalow Court				P	P			P											A	4.4.A.3
Continuing Care Retirement Community														C	C	C			A	4.4.A.4
Duplex Dwelling				P	P	P													A	
Family Care Home		P	P	P	P	P	P	P											A	4.4.A.5
Group Home					S	S	S	S											A	4.4.A.6
Halfway House					S		S													4.4.A.7
Live/Work Dwelling						P	P	P	P	P									A	4.4.A.8
Manufactured Dwelling		P																		4.4.A.9
Manufactured Dwelling Park														C						4.4.A.10
Mobile Home																				4.4.A.11
Mobile Home Park																				4.4.A.12
Multi-family Dwelling				P	P	P	P	P	P	P									A	4.4.A.13
Pocket Neighborhood				P	P			P											A	4.4.A.14
Nursing Home														C	C	C	C		A	
Single-Family Attached Dwelling				P	P	P	P												A	4.4.A.15
Single-Family Detached Dwelling		P	P	P	P	P	P	P											A	4.4.A.16
Triplex/Quadriplex				P	P	P													A	4.4.A.17
Upper-Story Residential						P			P	P									A	4.4.A.18
INSTITUTIONAL USE CLASSIFICATION																				
Adult Day Care Center		S		S	S	P	P	P	P	P									A	4.4.B.1
Airport and Related Facilities															C	C				
Antenna Collocation, Major						P	P	P	P	P	P	P							A	4.4.B.2
Antenna Collocation, Minor		P	P	P	P	P	P	P	P	P	P	P							A	4.4.B.2
Arboretum or Formal Garden		P	P	P	P	P	P	P											A	
Auditorium						P		P	P	P									A	4.4.B.3
Blood/Tissue Collection							P		P										A	
Broadcasting Studio						S	P		P	P	P	P							A	4.4.B.4
Cemetery, Columbarium, or Mausoleum														C	C	C	C		A	4.4.B.5
Child Day Care Center		S		S	S	P	P	P	P	P									A	4.4.B.6
College or University						P	P		P	P	P								A	
Community/Youth/Senior Center				P	P	P	P	P	P										A	4.4.B.7
Community Garden		P	P	P	P	P	P	P	P										A	

TABLE 4.2.C: PRINCIPAL USE TABLE [1]

"A" = Allowed if included in Master Plan or Terms and Conditions Statement
 "C" = Permitted, subject to Section 2.4.P, Rezoning, applicable Use-Specific Standards, and identified in conditions of approval
 "P" = Permitted, subject to applicable Use-Specific Standards
 "S" = Permitted subject to Section 2.4.S, Special Use Permit, and applicable Use-Specific Standards
 " " (blank cell) = Prohibited

USE TYPE	PC	RESIDENTIAL				MX	COMMERCIAL				IND.			CONDITIONAL				USE-SPECIFIC STANDARDS [2]
		RMH	LDR	MDR	HDR		OI	NB	GB	CBD	LI	MI	HI	CR	COI	CB	CI	
Animal Shelter															C	C		4.4.C.4
Automobile Repair and Servicing (without painting/bodywork)									P	P	P	P					A	4.4.C.5
Automobile Sales or Rentals									P	P							A	4.4.C.6
Automotive Painting/Body Shop									P	P		P					A	4.4.C.7
Automotive Parts and Accessory Sales									P	P	P	P					A	
Automotive Wrecker Service									P	P	P	P					A	4.4.C.8
Bar, Cocktail Lounge, or Private Club						P			P	P	P						A	4.4.C.9
Bed and Breakfast			P	P	P	P	P	P	P								A	4.4.C.10
Boat and Marine Rental, Sales, and Service									P	P	P						A	
Bottle Shop (with on premise consumption)						P		S	P	P	P						A	4.4.C.11
Bulky Items Sales									P	P							A	4.4.C.12
Business Incubator						P	P	P	P	P	P	P					A	4.4.C.13
Campground									P								A	4.4.C.14
Car Wash or Automobile Detailing									P	P							A	4.4.C.15
Catering Establishment						S	P		P	P	P	P					A	
Check Cashing/Payday Lending									P	P							A	
Coffee Shop						P	P	P	P	P							A	4.4.C.16
Computer-related Service						P	P	P	P	P							A	
Convenience Store (no gasoline sales)						P		P	P	P	P						A	
Convenience Store (with gasoline sales)						P		P	P	P							A	4.4.C.17
Co-Working Space						P	P	P	P	P	P						A	4.4.C.18
<u>Electronic Gaming Operation</u>															C			4.4.C.191.1.A.1
Equipment and Tool Rental									P	P								
Event Venue									P	P	P	P					A	4.4.C.19
Fairgrounds															C	C	A	
Financial Service						P	P	P	P	P							A	4.4.C.21
Flea Market									P	P							A	4.4.C.22
Funeral-related Service									P	P	P						A	4.4.C.23
<u>Games of Skill</u>															G			4.4.C.23
Golf Course			P	P	P	P			P	P							A	4.4.C.24
Golf Driving Range									P								A	4.4.C.25
Gymnasium/Fitness Center						P			P	P	P	P					A	4.4.C.26
Hair, Nails, and Skin-related Service						P	P	P	P	P							A	

Dwellings in a manufactured dwelling park shall comply with the standards in [Section 4.4.4.A.12, Mobile Home Park](#); [A.9, Manufactured Dwelling](#).

11. Mobile Home

Mobile homes in the RMH district shall comply with the following standards:

- a. All wheels and other transporting devices shall be removed from the chassis of the mobile home.
- b. The mobile home shall be installed on a permanent masonry foundation that shall completely enclose a crawl space beneath the unit.
- c. A door at either the rear or the end of the dwelling shall provide means of access to the crawl space. The access may be located at the front of the unit when placement at either end is impractical due to topography.
- d. The minimum dimensions of the door to the crawl space shall be the same as required for a standard dwelling under the North Carolina Building Code.
- e. All mobile homes on individual lots shall have unobstructed access to a public street.

12. Mobile Home Park

Mobile home parks shall comply with the following standards:

a. Minimum Area

- i. Every mobile home park shall be located on a well-drained site of not less than six acres.
- ii. A public street may divide the site, provided that each conterminous portion of the site shall contain not less than two acres, and the average horizontal dimensions shall be not less than 120 feet.

b. Internal Circulation

- i. Vehicular circulation within the park shall be by way of a private driveway or by a public street meeting all City standards.
- ii. Private driveways shall maintain a continuous width of 25 feet and have unobstructed access to a public street.
- iii. If public streets are provided for internal circulation, up to 60 feet of the width of such streets may be counted toward the minimum area requirements, but streets that are dedicated prior to the date of establishing the park shall not be credited towards the park area requirements.

c. Perimeter Buffer Required

A Type A perimeter buffer configured in accordance with [Section 5.3.J, Perimeter Buffers](#), shall be installed around the perimeter of the development.

d. Drainage and Flooding

- i. Every mobile home park shall be so graded as to prevent the accumulation or ponding of water on the premises.
- ii. No mobile home park shall be located in a 100-year flood plain or other area subject to flooding.
- iii. The drainage of any mobile home park shall not endanger any public or private water supply.

e. Mobile Home Spaces

- i. The site plan for a mobile home park shall indicate individual mobile home spaces, regardless of whether the spaces are to be sold, rented, or leased.
- ii. The area within the space shall be regarded as a mobile home "lot" for the purpose of this Ordinance.
- iii. Yards and setbacks shall be measured from space boundaries.
- iv. No more than one mobile home may be parked on any mobile home space.

f. Mobile Home Space Dimensional Requirements

[Table 4.4.A.12.f, Mobile Home Space Dimensions](#), sets out the required setbacks for mobile home structures from the space boundaries:

TABLE 4.4.A.12.F: MOBILE HOME SPACE DIMENSIONS

ii. Dwelling Size

- a) A dwelling unit shall not be more than 2,000 square feet in floor area.
- b) At least 2 dwellings in a pocket neighborhood shall maintain a total square footage that differs by at least 200 square feet in floor area from the average square footage of all other dwellings. Nothing shall prohibit a configuration where all dwellings are different sizes.

iii. Fences

- a) Pocket neighborhoods are exempted from the standards in Section 5.3.H.2, Fences and Walls, but shall comply with the following:
- b) Fences within front yards or side yards forward of the front façade plane shall not exceed three feet in height.
- c) Fences in rear yards or side yards behind the front facade plane shall not exceed six feet in height.
- d) In no instance shall a fence be placed within a use or access easement.

iv. Homeowner’s Association

A pocket neighborhood shall include a homeowner(s) or property owner(s) association that maintains control of common areas and takes responsibility for maintenance of common features in the neighborhood established and configured in accordance with Section 6.9, Owner Associations.

15. Single-Family Attached Dwellings

Single-family attached development shall comply with the following provisions:

a. Building Placement

- i. A minimum ten feet of separation shall be maintained between all buildings in the development.
- ii. Buildings must be set back from private drives and parking lots a minimum of ten feet as measured from back of curb or edge of pavement, if no curb is provided.
- iii. Buildings shall be setback from public streets in the development in accordance with the street setbacks for the district where located.

b. Maximum Number of Units per Building

Table 4.4.A.15.b, Maximum Number of Units in a Buildings, sets out the maximum number of attached residential dwelling units allowed in a single building by zoning district:

TABLE 4.4.A.15.b: MAXIMUM NUMBER OF UNITS IN A BUILDING	
ZONING DISTRICT	MAXIMUM NUMBER OF UNITS IN A SINGLE BUILDING (#)
MDR	5
HDR	10
MX	8
OI	7
NB	6
CBD	10

c. Design

Single-family attached development shall comply with the applicable design standards in Section 5.5.D, Multi-Family Residential Design Standards.

d. Recreation Facilities

Active recreation facilities must be placed a minimum of 50 feet from adjacent land used for single-family detached residential purposes.

- c. Coffee shops with outdoor seating (including, but not limited to, seating for dining or listening to live or recorded acoustic or amplified entertainment outside of the building) shall comply with the following standards:
 - i. The outdoor seating area shall be located no closer than 100 feet from any single-family residential zoning district.
 - ii. The outdoor seating area shall not obstruct the movement of pedestrians along sidewalks or through areas intended for public use.

17. Convenience Store (with Gasoline Sales)

Convenience stores with fuel sales shall comply with the following standards:

a. Location of Fuel Pump Islands

Pump islands shall be a minimum of 25 feet from any road right-of-way line, 10 feet from any other lot line, and 12 feet from any principal building. Canopies over the pump islands may be located within 10 feet of a lot line.

b. Location of Fuel Tanks

Gasoline and fuel storage tanks shall be located a minimum of 20 feet from any lot line or building.

18. Co-Working Space

- a. Use types and activities associated with a co-working space shall be limited to the range of activities typically associated with office uses.
- b. Food or beverages produced or sold within the use shall be limited to patrons of co-working space not the general public.
- c. Delivery of personal services within the co-working space (manicure, massage, education, exercise classes, child care, etc.) shall be limited to patrons of the co-working space.
- d. Facilities for pets shall be indoors or fully screened from adjacent streets and other uses.

19. Games of Skill **Electronic Gaming Operation**

A commercial operation offering games of skill shall comply with the following standards:

a. Such uses shall be separated from the following use types by at least one-half mile (2,640 feet):

- i. A bar, cocktail lounge, private club;
- ii. A community/youth/senior center;
- iii. An elementary, middle, or high school;
- iv. A nightclub or dancehall;
- v. A park (whether public or private);
- vi. A pool hall;
- vii. A religious institution; or
- viii. Another commercial operation offering games of skill

b. Such uses shall not operate between the hours of 11:00 PM and 7:00 AM.

c. Such uses shall not include or display electronic sweepstakes.

19.20. Event Venue

Event venues shall be operated in accordance with the following standards:

a. Setbacks

Outdoor activity areas shall be set back from lot lines shared with a residential use by an amount at least twice the minimum rear setback for the district where the use is located.

b. Maximum Number of Guests

The maximum number of guests shall be in accordance with the maximum occupancy of the principal structure as determined by the fire marshal or fire chief.

c. Hours of Operation

Outdoor activities shall not take place between the hours of midnight and 7:00 AM.

d. Lighting

Exterior lighting shall not project into adjoining residential lots. Use of stadium-style or other pole-mounted lighting is prohibited. Lighting of accessible paths may be provided, if necessary.

e. Noise

The event venue must comply with noise restrictions in the City Code of Ordinances.

f. Parking

- i.** In cases where off-site parking is employed, the event venue shall maintain an agreement with the owner of land where vehicles are parked.
- ii.** The venue shall ensure guests may access the venue safely from off-site parking areas.
- iii.** In no instance shall vehicles be parked along streets in ways that block driveways, sight triangles, or emergency access.

g. Trash and Debris

The event venue shall provide sufficient on-site trash receptacles, and shall ensure that windblown trash or other debris does not accumulate anywhere on the site.

h. Outdoor Activity

Event venue uses shall demarcate the boundaries of the event venue site for guests and shall include fences, walls, or other techniques such as landscaping to ensure guests to do not inadvertently trespass on adjacent lots.

i. Emergency Access

Event venues shall ensure adequate ingress and egress from all buildings and structures to accommodate emergencies.

~~20.21.~~ Financial Service

Drive-throughs, if provided, shall be located to the side or rear of the building to the maximum extent practicable.

~~21.22.~~ Flea Market

Flea markets shall comply with the following standards:

a. Hours of Operation

- ~~i.~~ ~~Flea markets shall be open at least three days within any 90-day period.~~
- ~~ii.~~ Hours of operation shall be limited to 7:00 AM to 7:00 PM.

b. Site Features

- i.** Off street parking shall be provided with a minimum of three spaces per stand or rented space.
- ii.** Sanitary facilities shall be provided for both men and women.
- iii.** Provisions shall be made for garbage or trash removal for each day the flea market is open to the public.

c. Location

All rental spaces and buildings shall maintain a 50-foot setback from all residential development or residentially-zoned land.

~~22.23.~~ Funeral-related Service

Funeral-related services shall comply with the following standards:

- a.** Crematories shall not be located within a residential zoning district.
- b.** All storage shall take place within enclosed buildings.
- c.** Display of headstones or other memorials shall be fully screened from any lot line shared with a lot in a residential zoning district.

~~23.1.~~ Games of Skill

~~A commercial operation offering games of skill shall comply with the following standards:~~

- ~~a.~~ ~~Such uses shall be separated from the following use types by at least one-half mile (2,640 feet):~~
 - ~~i.~~ ~~A bar, cocktail lounge, private club;~~
 - ~~ii.i.~~ ~~A community/youth/senior center;~~
 - ~~iii.i.~~ ~~An elementary, middle, or high school;~~
 - ~~iv.i.~~ ~~A nightclub or dancehall;~~
 - ~~v.i.~~ ~~A park (whether public or private);~~
 - ~~vi.i.~~ ~~A pool hall;~~
 - ~~vii.i.~~ ~~A religious institution; or~~
 - ~~viii.i.~~ ~~Another commercial operation offering games of skill~~

TABLE 4.5.E: COMMON ACCESSORY USE TABLE [1]

"A" = Allowed if included in Planned Development Master Plan or Terms and Conditions Statement
 "C" = Permitted, subject to [Section 2.4.P, Rezoning](#), applicable Additional Standards, and identified in conditions of approval
 "P" = Permitted, subject to applicable Additional Standards
 "S" = Permitted subject to [Section 2.4.S, Special Use Permit](#), and Additional Standards
 " " (blank cell) = Prohibited

ACCESSORY USE TYPE	RESIDENTIAL					COMMERCIAL					IND.			PD & PDD	ACC. USE-SPECIFIC STANDARDS
	PC	RMH	LDR	MDR	HDR	MX	OI	NB	GB	CBD	LI	MI	HI		
Tire Storage, Outdoor									P		P		P		4.5.F.28
Tool/Storage Shed		P	P	P	P	P	P	P	P	P	P	P	P	A	
Underground Storage Tank						P		P	P	P	P	P	P	A	4.5.F.28

NOTES:
 [1] Unlisted accessory uses may be permitted in accordance [Section 4.5.C, Procedure For Establishment](#).

F. SPECIFIC STANDARDS FOR SELECTED ACCESSORY USES

Standards for a specific accessory use or structure shall apply to the particular individual accessory use or structure regardless of the zoning district in which it is located or the review procedure by which it is approved, unless otherwise specified in this Ordinance. This section sets forth and consolidates the standards for all accessory uses and structures for which a reference to this section is provided in the "Acc. Use-Specific Standards" column of [Section 4.5.E, Common Accessory Use Table](#). These standards may be modified by other applicable standards or requirements in this Ordinance.

1. Accessory Dwelling Unit

An accessory dwelling unit (ADU) is permitted as accessory to a single-family detached dwelling, and shall comply with the following standards:

- a. No more than one ADU shall be located on a lot with a single-family detached dwelling.
- b. An ADU shall not exceed 35 percent of the total amount of finished floor area in the principal structure.
- c. An ADU shall not exceed one story, but nothing shall limit an ADU from being located on a second or third story provided the structure complies with the applicable maximum height limitations in the district where located.
- d. An ADU and the principal dwelling shall have the same street address and mailbox.
- e. An ADU shall not be subdivided or otherwise separated in ownership from the principal dwelling unit.
- f. An ADU and the principal dwelling shall utilize the same driveway, unless the ADU is accessed from a right-of-way not used by the principal dwelling (e.g., a rear alley or separate street access on a corner or through lot).
- g. An ADU may be served by separate or shared water, sanitary sewer, gas, and electrical utilities.

2. Amateur Ham Radio

- a. Towers associated with an amateur ham radio operator or private television antenna shall not exceed 100 feet above grade.
- b. Towers or antennas attached to a principal structure shall be located on a side or rear elevation.
- c. Freestanding towers or antennas shall be located behind the principal structure.

3. Art Installation

In no instance shall an art installation visible from a street or off-site area depict specified anatomical areas or specified sexual activities as defined by this Ordinance and the North Carolina General Statutes.

4. Automated Teller Machine (ATM)

- b. A height of 15 feet or less;
- c. Be located outside any required sight distance triangles; and
- d. Maintain a minimum distance of five feet from a street right-of-way.

14. Helistop

Auxiliary facilities such as parking, waiting room, fueling, and maintenance equipment are not permitted.

15. Home Occupation

Customary home occupations such as home offices, beauty parlors, dressmaking, laundering, music teaching, tutoring, etc., shall comply with the following standards:

- a. Home occupation accessory uses shall be clearly incidental and subordinate to a dwelling's use for residential purposes by its occupants.
- b. Except for home offices, home occupations shall be engaged in only by a resident on the premises, and not more than one employee may be a nonresident. Home offices shall be limited to no more than two employees not residing on the premises.
- c. No more than 25 percent of the first floor area of a dwelling shall be used for home occupations.
- d. No display of goods or signage shall be visible.
- e. No equipment or process shall be used in such home occupation that creates noise, vibration, glare, fumes, odors or electrical interferences detectable to the normal senses off the lot, if the occupation is conducted in a single-family residence or outside the dwelling unit if conducted in other than a single-family residence. In the case of electrical interference, no equipment or process shall be used that creates visual or audible interference in any radio or television receivers off the premises or causes fluctuations in line voltage off the premises.
- f. No accessory buildings shall be used for home occupations.
- g. Only one commercial vehicle with up to one attached trailer associated with the home occupation may be parked or stored on the lot.
- h. No traffic shall be generated by such home occupation in greater volumes than would normally be expected in a residential neighborhood, and any need for parking generated by the conduct of such home occupation shall be met off the street and other than in a required front yard.

16. Ice House

Ice houses of 50 square feet in size or larger shall comply with the following requirements:

- a. Ice houses shall provide at least one designated off-street parking space and shall not occupy any off-street parking spaces required for the principal use.
- b. Any signage shall comply with the signage provisions for the district where located.
- c. All roof-top mechanical equipment shall be screened.
- d. A litter receptacle shall be provided, and shall be maintained in a sanitary condition.
- e. Ice houses shall not be allowed as a primary use.

17. Outdoor Dining

[\[placeholder\] Outdoor dining shall be in accordance with Section 32.176 of the City Code of Ordinances.](#)

18. Outdoor Display/Sales

The outdoor display and sale of goods shall be limited to a commercial or mixed use and shall comply with the following standards:

- a. Except in the CBD district, an outdoor display/sales area shall not be located within a required front yard or street setback.
- b. In the CBD district, outdoor display/sales areas may be located on or adjacent to the sidewalk provided the display is attached to or located immediately adjacent to a building's front façade wall.
- c. Outdoor display/sales areas shall not be located any closer than five feet from any lot line.
- d. Outdoor display/sales areas shall not be located within any local or State site easement.
- e. Outdoor display areas shall maintain at least five feet of space along the side of the display free of obstruction to allow for pedestrian and handicap movement, such

that pedestrians do not have to step off the sidewalk or enter the drive aisle to see the merchandise.

19. Outdoor Storage

a. General Standards

The following standards shall apply to all outdoor storage areas other than uses where outdoor storage is the principal use of land (see [Table 4.2.C, Principal Use Table](#)).

- i. The extent of the outdoor storage area shall be clearly delineated on a site plan.
- ii. Outdoor storage areas shall comply with the minimum setback standards applicable in the zoning district where the outdoor storage area is located.
- iii. Outdoor storage areas are prohibited between the development's principal structure(s) and an arterial (principal and minor) or collector street.
- iv. Outdoor storage areas shall be fully screened in accordance with the applicable standards in [Section 5.4, Screening](#).
- v. No outdoor storage area shall be located within a required landscaping area.
- vi. Stored goods, materials, and equipment shall be limited to those goods, materials, and equipment associated with the principal use or uses of the lot.
- vii. No materials shall be stored in areas intended for vehicular or pedestrian circulation.
- viii. No materials shall be stored on any potable or non-potable water easement, stormwater easement, or sanitary sewer easement.

b. Screening Requirements

Outdoor storage shall be screened in accordance with the applicable standards in [Section 5.4, Screening](#).

~~20. Parking of Recreational Vehicles~~

~~Nothing herein shall be construed so as to prohibit the parking of personal recreational vehicles including but not limited to motor homes, vans, or campers.~~

~~20.21. Parking of Trucks or Trailers~~

- a. The parking and/or storage of motorized and non-motorized vehicles in excess of 10,000 pounds gross vehicle weight shall be prohibited in all residential districts except for loading and unloading purposes; for emergency home service; for use in the conduct of a legal non-conforming use; for temporary construction purposes; or for bona fide agricultural purposes.
- b. No apparatus designed to be used as a motor vehicle or designed to be towed by a separate motorized unit or vehicle shall be allowed to be used as a storage facility or accessory building in any residential district.

~~21.1. Parking of Recreational Vehicles~~

~~Nothing herein shall be construed so as to prohibit the parking of personal recreational vehicles including but not limited to motor homes, vans, or campers.~~

~~22.1. Storage of Unlicensed or Inoperable Vehicles or Trailers~~

- ~~a. In the residential and OI districts where permitted as an accessory use, a maximum of two unlicensed (lacking a valid license plate) or inoperable vehicles or trailers may be permitted per lot.~~
- ~~b.a. Unlicensed or inoperable vehicles or trailers shall be located within an enclosed building or behind the principal structure and outside of required setbacks.~~

~~23.22. Play Equipment~~

~~Play equipment shall comply with the setback requirements for the zoning district where located, though it may encroach into setbacks in accordance with [Table 0, Allowable Encroachment into Setbacks](#).~~

~~24.23. Produce Stand~~

~~The sale of fresh vegetables and produce, as defined in Section 153A.340.b.2 of the North Carolina General Statutes, from curbside stands or in a similar fashion shall:~~

- ~~a. Be located on the same lot as a principal use;~~

- b. Be limited to retail sale of agricultural or horticultural products grown on-site or in agricultural facilities under the same ownership as the produce stand;
- c. Be located outside sight distance triangles or other areas that may result in visual obstructions to drivers;
- d. Not exceed 1,000 square feet in area; and
- e. Provide adequate ingress/egress and off-street parking.

25.24. Solar Energy System

A solar energy system (SES) shall comply with the following requirements:

- a. A SES may be roof-mounted, attached to a principle or accessory structure, be ground-mounted, or placed over a parking or other hard-surface area.
- b. The footprint of a ground-mounted SES shall not exceed 50 percent of the floorplate of the principal structure, or one acre, whichever is less.
- c. An SES shall comply with the dimensional requirements for the district where located, as modified by Section 4.5.D, General Standards for Accessory uses and Structures.
- d. An SES shall not obscure required sight distance triangles.
- e. A SES may be placed within a required landscaping area provided it does not compromise the screening objective of the landscaping.
- f. Ground-mounted SES facilities are exempted from the screening requirements in Section 5.4, Screening.
- g. Ground-mounted SES facilities shall not exceed 20 feet in height above adjacent pre-construction grade.

26.25. Stable (horses)

Stables shall comply with the following standards:

- a. Stables are not permitted on land within the corporate limits.
- b. The land on which the facility is located shall be at least two acres in size.
- c. No stalls or stables shall be within 200 feet of any existing adjoining residential dwelling and 100 feet from any adjoining well being used for human consumption.
- d. Stables must be operated and maintained in a healthy and safe manner. Healthy and safe is defined as, but not limited to: fences kept in good repair; potable water available on demand; protection from wind or rain; a sign posted indicating the name and phone number of the person to be contacted in case of emergency.

26. Storage of Unlicensed or Inoperable Vehicles or Trailers

- a. In the residential and OI districts where permitted as an accessory use, a maximum of two unlicensed (lacking a valid license plate) or inoperable vehicles or trailers may be permitted per lot.
- b. Unlicensed or inoperable vehicles or trailers shall be located within an enclosed building or behind the principal structure and outside of required setbacks.

27. Swimming Pool/Hot Tub

- a. Swimming pools built as accessory uses to a residential use shall be completely isolated from adjacent lands and streets by a fence or other structure having a minimum height of four feet and configured to prevent small children from gaining unsupervised access to the pool.
- b. Gates or doors opening into the area around the swimming pool from outside the dwelling shall have self-closing and self-latching devices for keeping the gate or door closed at all times when not in use.
- c. These standards shall apply to any built structure placed or constructed for the purpose of bathing or swimming with a depth of two feet or more.
- d. Swimming pools included as an accessory use to a single-family subdivision shall include one off-street parking space for every four persons of design capacity.

28. Tire Storage, Outdoor

- a. In order to minimize their visual impact and reduce their potential as a public nuisance and fire hazard, the outdoor storage of tires shall comply with the following standards:

- i. Tires must be stored in a completely fenced in area concealed from view from a public street and from all adjacent lots.
 - ii. Acceptable screening shall include any of the following methods: solid brick, masonry block (excluding cinder block), wooden fencing, or chain link fencing.
 - iii. When chain link fencing is used, the fencing shall be supplemented with slats or mesh fabric specifically designed for use with chain link fencing. Slats or mesh shall meet or exceed an 80 percent obscenity standard.
 - iv. Plastic tarps or the placement of other materials on chain link fencing is prohibited.
 - v. All fencing shall be a minimum of six feet in height.
 - vi. For lots greater than one acre, the outdoor tire storage area shall not exceed ten percent of the entire area used for the business.
 - vii. Tires shall not be stored within any required yard adjacent to a street.
 - viii. The placement of tires stored outside shall be maintained in accordance with the more restrictive provisions of this Ordinance or the North Carolina Fire Code, Chapter 3, Section 315.
- b. Outdoor display of tires shall be permitted, provided they are located within ten feet of the principal structure building walls (not canopies) and not within required setbacks or buffers.
 - c. A maximum of 24 tires may be displayed in racks and located in an upright position.

28.29. Underground Storage Tank

Underground storage tanks shall comply with the following requirements:

- a.** Underground storage tanks shall not be located within required setbacks, easements, or beneath public rights-of-way.
- b.** Underground storage tanks shall be installed and operated only in accordance with the North Carolina Building Code and all applicable Fire Code requirements.
- c.** Underground storage tanks shall be depicted on site plans and as-builts.

4.6. TEMPORARY USES

A. PURPOSE

This section allows for the establishment of specific temporary uses of limited duration, provided that such uses do not negatively affect adjacent land, and provided that such temporary uses are discontinued upon the expiration of a set time period. Temporary uses shall not involve the construction or alteration of any permanent building or structure.

B. APPLICABILITY

The standards in this section apply to non-permanent uses that take place on a temporary basis whether on the same site or in different locations in the jurisdiction. The activities listed in this section require the issuance of a temporary use permit, except as exempted, in accordance with the standards in Section 2.4.V, Temporary Use Permit, and compliance with the standards in Section 4.6.C, General Standards for Temporary Uses and Structures, and Section 4.6.D, Standards for Specific Temporary Uses.

C. GENERAL STANDARDS FOR TEMPORARY USES AND STRUCTURES

All temporary uses and structures shall comply with the following general standards, unless otherwise specified in this Ordinance:

1. General Standards

An applicant proposing a temporary use or structure shall:

- a. Secure written permission from the landowner;
- b. Obtain the appropriate permits and licenses from the City and other agencies;
- c. Comply with the requirements for ~~temporary~~-supplemental signs in Section 5.6, Signage;
- d. Meet public utility and City requirements for proper connection to water, sewer, electrical and other utility service connections, as applicable;
- e. Not violate the applicable conditions of approval that apply to a site or use on the site;
- f. Not result in a situation where the principal use, if present, fails to comply with the standards of this Ordinance;
- g. Ensure the site of a temporary use or structure contains sufficient land area for the temporary use and for the parking and traffic movement associated with the temporary use, without impacting environmentally sensitive lands;
- h. Ensure temporary uses remain in place no longer than 90 days if located within a special flood hazard area;
- i. Provide adequate on-site restroom facilities (as appropriate); and
- j. Cease all outdoor activities within 500 feet of a residential use by 10:00 pm.

2. General Conditions

In approving a temporary use permit, the Zoning/Subdivision Administrator is authorized to impose any of the following general conditions upon the premises benefited by the permit as may be necessary to reduce or minimize any potential adverse impacts upon other property in the area, as long as the condition relates to a situation created or aggravated by the proposed temporary use. The Zoning/Subdivision Administrator is authorized, where appropriate, to require:

- a. Provision of temporary parking facilities, including vehicular access and egress;
- b. Control of nuisance factors, such as but not limited to, the prevention of glare or direct illumination of adjacent properties, noise, vibrations, smoke, dust, dirt, odors, gases, and heat;
- c. Prohibition of the storage or use of hazardous materials;
- d. Regulation of placement, height, size, and location of equipment;
- e. Provision of sanitary and medical facilities;
- f. Provision of solid waste collection and disposal;
- g. Provision of security and safety measures;
- h. Use of an alternate location or date;
- i. Modification or elimination of certain proposed activities;
- j. Regulation of operating hours and days, including limitation of the duration to a shorter time period than requested or specified in this subsection; and

- k. Submission of a performance guarantee to ensure that any temporary use will be removed from the lot or site within a reasonable time and the lot or site will be restored to its former condition.

D. STANDARDS FOR SPECIFIC TEMPORARY USES

1. Food Truck

Food truck operations shall comply with the standards in City of Burlington's Food Truck Ordinance, which is available for view in the offices of the Planning and Community Development Department during normal business hours.

2. Itinerant Merchant Sales

Itinerant merchant sales, not including food truck vendors, are permitted on lots in business, special, and conditional zoning districts, subject to the following standards:

- a. The sale of merchandise, products, or material must be a permitted principal use in the zoning district where the sales are temporarily located.
- b. Itinerant merchants shall file an indemnification form with the City when engaged in open air sales.
- c. Itinerant merchant sales shall be located outside of street rights-of way, required sight distance triangles, required landscape areas, vehicular circulation areas, or areas where pedestrian access is needed to ensure safe movement through or across a site.
- d. Signage shall comply with the standards for temporary-supplemental signage in Section 5.6, Signage.
- e. All merchandise and related materials shall be removed from the site following the sale.
- f. The maximum period of operation of itinerant merchant sales shall be from 8:00 AM to 11:00 PM.
- g. Permitted itinerant merchant sales shall be limited in duration to a maximum of 45 continuous days from the date the temporary use permit is issued.

3. Outdoor Seasonal Sales

Outdoor seasonal sales are permitted on a lot in all zoning districts, subject to the following standards:

- a. Seasonal sales shall be limited to seasonal agricultural products such as Christmas trees, pumpkins, and living plants.
- b. The maximum hours of operation of an outdoor seasonal sales use shall be from 8:00 AM to 11:00 PM, except when located in a residential district, then the seasonal sales use shall cease by 9:00 PM.
- c. Exterior lighting shall comply with the requirements in Section 5.7, Exterior Lighting.
- d. One recreational vehicle is allowed as a temporary dwelling for security purposes in association with the seasonal sales use, provided it meets the general standards of Section 4.6.D.6, Temporary Dwelling, and is removed at the end of the sales.
- e. The on-site accessory sales of seasonal products by an agricultural use or retail sales use is not considered outdoor seasonal sales and is not subject to these standards.
- f. Outdoor seasonal sales shall be limited in duration to a maximum of 45 continuous days from the date the temporary use permit is issued.

4. Portable Storage Container

Portable storage containers may be permitted as a use accessory to a single-family detached, single-family attached, duplex, triplex, or quadriplex dwelling unit, subject to the following standards.

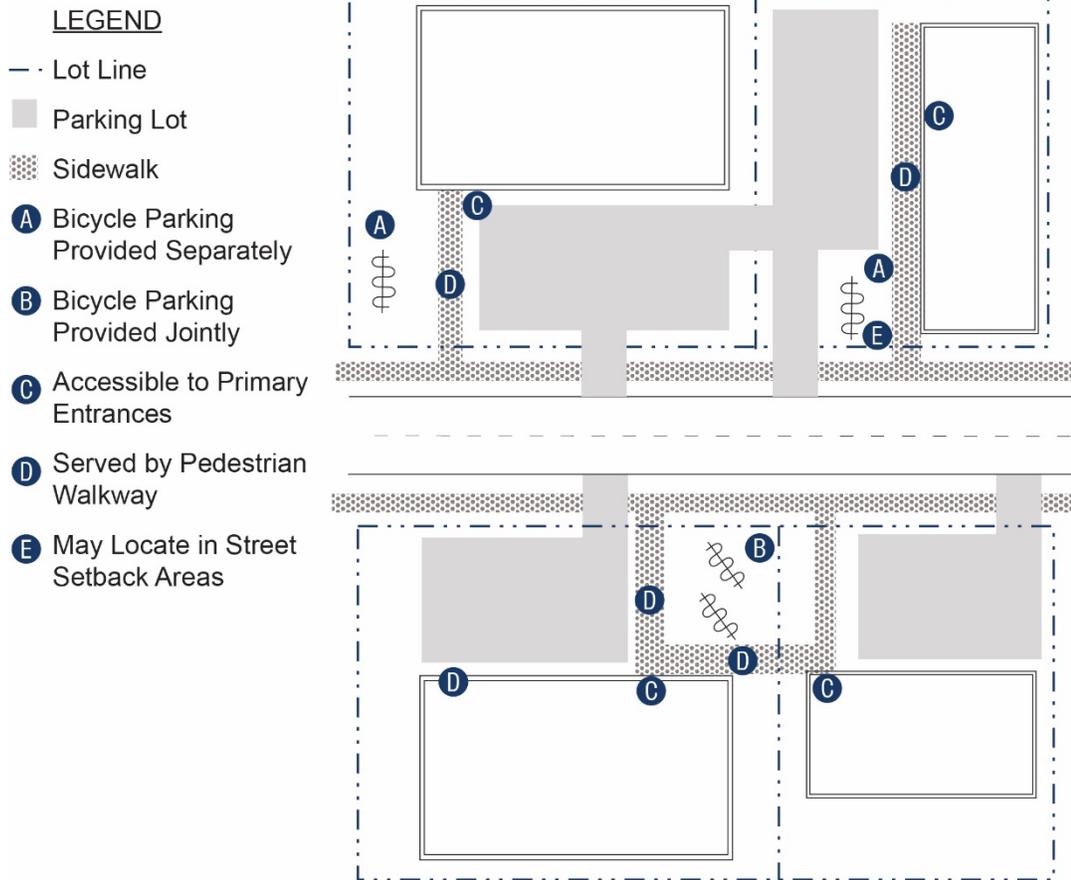
a. Types Distinguished

Portable storage containers shall take one of the following three forms:

- i. A container used for the purposes of storage of personal property such as household items being temporarily stored or relocated.
- ii. A roll-off box, bin, or construction dumpster used for the collection and hauling of waste or debris; or

TABLE 5.1.D.9: MINIMUM OFF-STREET PARKING SPACES REQUIRED

USE TYPE	MINIMUM NUMBER OF REQUIRED OFF-STREET PARKING SPACES [1] [2]
Automotive Painting/Body Shop	2 + 1 per every service bay
Automotive Parts and Accessory Sales	1 per every 200 sf
Automotive Wrecker Service	1 per employee on the largest shift
Bar, Cocktail Lounge, or Private Club	1 per every 150 sf
Bed and Breakfast	2 + 1 per every rental unit
Boat and Marine Rental, Sales, and Service	1 per every 600 sf
Bottle Shop (with on premise consumption)	1 per every 4 seats
Bulky Items Sales	1 per every 600 sf
Business Incubator	1 per every 450 sf
Campground	1 + 1 per every camping space
Car Wash or Automobile Detailing	2 per every washing bay
Catering Establishment	1 per every 300 sf
Check Cashing/Payday Lending	1 per every 200 sf used by public + 1 per every 600 sf not used by the public
Coffee Shop	1 per every 150 sf
Computer-related Service	1 per every 600 sf
Convenience Store (no gasoline sales)	1 per every 200 sf
Convenience Store (with gasoline sales)	1 per every 200 sf
Co-Working Space	1 per every 250 sf
<u>Electronic Gaming Operation</u>	<u>1 per every 200 sf</u>
Equipment and Tool Rental	1 per every 600 sf
Event Venue	1 per every 150 sf
Fairgrounds	1 per every 600 sf of use area
Financial Service	1 per every 200 sf used by public + 1 per every 600 sf not used by the public
Flea Market	1 per every 200 sf
Funeral-related Service	Greater of: 1 per every 200 sf used by public, or 1 per every 4 seats in chapel
Games of Skill	1 per every 200 sf
Golf Course	1 per every 4 persons of design capacity
Golf Driving Range	2 + 1 per every tee
Gymnasium/Fitness Center	1 per every 200 sf
Hair, Nails, and Skin-related Service	1 per every 200 sf
Heavy Equipment Sales, Rental, and Repair	1 per every 600 sf
Hotel or Motel	5 + 1 per every rental unit
Indoor Commercial Recreation	1 per every 200 sf
Kennel, Indoor/Outdoor	1 per every 200 sf
Large Format Retail	1 per every 200 sf
Laundry and Cleaning Service	1 per every 200 sf used by the public
Microbrewery or Microdistillery	1 per every 150 sf
Nightclub or Dance Hall	1 per every 150 sf
Office, Medical	4 per every doctor/practitioner
Office, Professional	1 per every 200 sf used by public + 1 per every 600 sf not

FIGURE 5.1.I: BICYCLE PARKING

4. Shared Parking Spaces

Nothing shall limit uses on the same block face from establishing shared or consolidated bicycle parking spaces in central or mid-block locations, provided there are sufficient bicycle parking spaces for all uses sharing the required bicycle parking.

J. PARKING ALTERNATIVES

Development may deviate from the off-street parking requirements in this section through the requirements and procedures in [Section 2.4.B, Administrative Adjustment](#), [Section 2.4.BB, Zoning/Subdivision Variance](#), or through approval of an alternative parking plan accepted by the Zoning/Subdivision Administrator and configured in accordance with the following:

1. Deviation from Required Minimum

An applicant may propose a reduced rate of provision for off-street parking less than that specified in [Table 5.1.D.9, Table of Minimum Off-Street Parking Requirements](#), in accordance with a parking study prepared by a professional engineer licensed by the State of North [Carolina](#). The parking study shall document why fewer spaces than required will be adequate while still protecting the public's health, safety, and welfare.

2. Provision over the Maximum Allowed

An applicant proposing development subject to the standards in [Section 5.1.D.3, Off-Street Parking Space Maximum](#), may propose a total number of off-street parking spaces that exceeds the maximum allowed only through the provision of a parking study prepared by a professional engineer licensed by the State of North Carolina. The parking study shall document why the provision of off-street parking spaces beyond the maximum authorized is necessary for the public's health, safety, or welfare.

3. Off-Site Parking

5.3. LANDSCAPING

A. SECTION ORGANIZATION

These landscaping standards are organized into three main groups of related standards, as depicted in [Figure 5.3.A, Landscaping Section Structure](#):

1. Applicability and configuration provisions in Subsections [5.3.B](#) through [5.3.H](#);
2. The standards for the five types of required landscaping (parking lots, perimeter buffers, streetscape buffers, and street trees) in Subsection [5.3.I](#) through [5.3.L](#); and
3. The flexibility, maintenance, and replacement standards in subsections [5.3.M](#) through [5.3.Q](#).

B. PURPOSE AND INTENT

The purpose of these provisions is to establish minimum requirements for the provision and maintenance of functionally adequate, attractive screening and buffering of buildings, site features, and off-street parking areas. These standards are intended to:

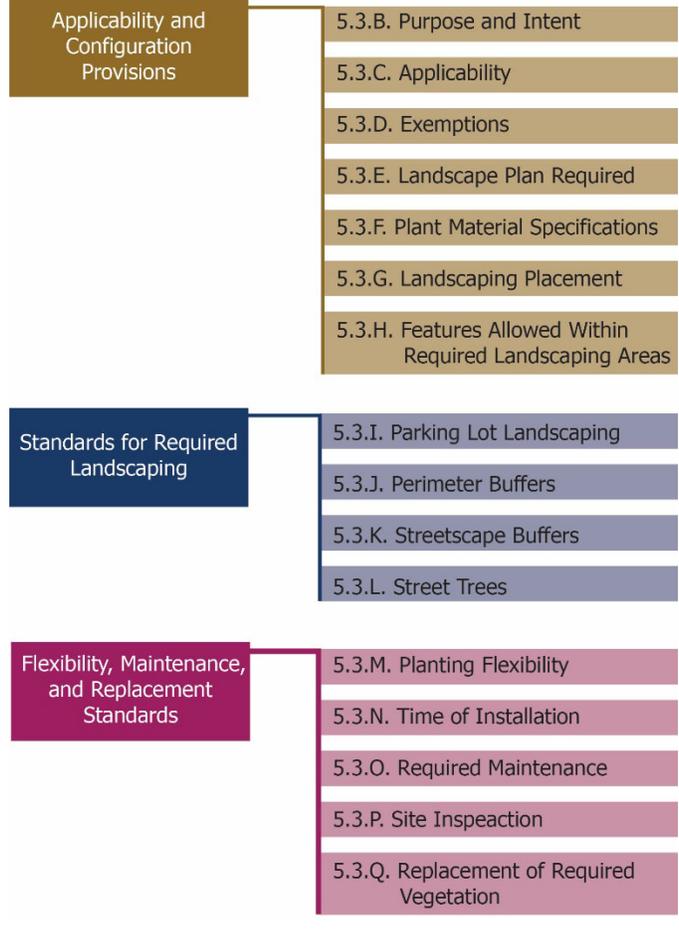
1. Promote and increase design compatibility between different land uses, while ensuring attractive views from streets and adjacent properties;
2. Assist in delineating separations of spaces, structures, uses, and activities on a site, or between adjacent sites;
3. Shield adjacent properties from potentially adverse external impacts of adjacent land uses and activities;
4. Abate glare and moderate temperatures of impervious areas;
5. Help filter air of fumes and dust;
6. Provide shade;
7. Reduce noise;
8. Reduce the visual impact of large expanses of pavement;
9. Promote energy conservation;
10. Reduce the amount and rate of stormwater runoff and erosion;
11. Improve stormwater runoff quality;
12. Increase in the capacity for groundwater recharge; and
13. Enhance the appearance and value of both residential and non-residential development.

C. APPLICABILITY

The standards in this section apply to the following forms of development:

1. **New Principal Buildings or Uses**
New principal buildings or open uses of land, including publically-owned buildings or sites, constructed, reconstructed, or established after November 1, 2019.
2. **Improvements and Expansions**
All improvements, including expansions ~~or remodeling~~ of principal buildings, parking areas, or open uses of land ~~that exceed 3,000 square feet in area~~ shall comply with ~~these standards, subject to the requirements in~~ [Section 9.6, Nonconforming Sites](#).

FIGURE 5.3.A: LANDSCAPING SECTION STRUCTURE



provided they meet the minimum specifications in Section 5.3.F, Plant Material Specifications.

8. Permitted Encroachments

- a.** The following features may be located entirely within required landscaping areas, provided the screening function of the landscaping is maintained and provided any encroachments into a required setback are in accordance with Table 0, Allowable Encroachment into Setbacks:
 - i.** Principal buildings, provided the minimum setbacks of the zoning district where located, are maintained;
 - ii.** Landscaping features such as, ornamental pools, planting boxes, sculpture, arbors, trellises, and birdbaths;
 - iii.** Pet shelters, well houses, and mechanical enclosures;
 - iv.** On-grade patios, steps, benches, outdoor fireplaces, playground equipment serving an individual dwelling unit, accessibility ramps, roof overhangs, and fire escapes;
 - v.** Ornamental entry columns, gates, fences, walls, and retaining walls;
 - vi.** Flagpoles of 30 feet in height or less;
 - vii.** Lamp and address posts;
 - viii.** Utility cabinets of four feet in height or less;
 - ix.** Mailboxes; and
 - x.** Signage.
- b.** The following features may cross a required landscaping area in a manner that minimizes the impact to the required landscaping:
 - i.** Driveways, sidewalks, pedestrian walkways, greenways, or multi-use trails;
 - ii.** Utilities; and
 - iii.** Stormwater management facilities.

9. Prohibited Features

The following features shall not be located within a required landscaping area:

- a.** An accessory structure or open air use;
- b.** Off-street parking or loading areas; or
- c.** Outdoor storage or display of products for sale.

H. FEATURES ALLOWED WITHIN REQUIRED LANDSCAPING AREAS

1. Berms

Berms may be used independently, or in conjunction with a wall or fencing, to meet the screening intent of a perimeter buffer or other required screening when configured in accordance with the following:

- a.** Berms shall have a minimum height of three feet, a minimum crown width of at least three feet, and a slope of no greater than 3:1.
- b.** Berms shall be no taller than twelve feet above the toe of the berm.
- c.** Berms shall be stabilized with vegetation and ground cover.
- d.** A berm may not damage the roots of existing healthy vegetation being preserved for credit towards the landscaping requirements in this Ordinance. Suffocation of existing roots by deposition of fill in excess of 12 inches shall be considered damage to existing tree roots.
- e.** A berm shall not interfere with ~~required~~ a required sight distance triangle (see Section 5.2.G, Sight Distance Triangles).

2. Fences and Walls

- a.** Opaque fences or walls, a minimum of four feet in height, constructed within required landscaping areas, and configured in accordance with Section 5.3.H.2, Fences and Walls, may reduce the minimum and average perimeter buffer width requirement in accordance with Table 5.3.J, Buffer Configuration.
- b.** If utilized, fences or walls shall be located within the required landscaping area and all required shrubs shall be planted between the fence or wall and the lot line.
- c.** Required trees may be planted either in front of or behind the fence or wall.

6. Buffer Application

Table 5.3.J.6, Buffer Application, specifies the type of perimeter buffer that development shall provide between it and adjacent land, based on the zoning district of the development site and that of the adjacent land. The buffer type is indicated by a letter corresponding to one of the three buffer types described in Table 5.3.J, Perimeter Buffer Configuration.

TABLE 5.3.J.6: BUFFER APPLICATION						
ZONING DISTRICT OF DEVELOPING LAND [1] [2]	ZONING DISTRICT OF LAND ADJACENT TO PROPOSED DEVELOPMENT [3] [4] [5] [6]					
	PC, LDR	MDR, RMH, CR	HDR, OI, COI	NB, MX	GB, CB, LI	MI, CI, HI
LDR	A	None	None	A	B	B
MDR, RMH, CR	B	A [76]	A	None	A	A
HDR, OI, COI	C	B	A	A	None	None
NB, MX	D	C	B	A	A	None
GB, CB, LI	D	D	C	B	A	None
MI, CI, HI	D	D	D	D	C	None

NOTES:

[1] Development in PD and PDD districts is subject to the perimeter buffer configurations proposed in the applicable planned development master plan.

[2] No perimeter buffers are required in the CBD district.

[3] A Type A or B perimeter buffer shall not be required when the lot line abuts unbuildable land within a riparian buffer, the FHO, a City-designated tree-save area, a reforestation area, or other City-designated conservation area where existing vegetation will not be removed.

[4] In cases where a Type C or D perimeter buffer is required but the lot line abuts unbuildable land within a riparian buffer, the FHO, a City-designated tree-save area, a reforestation area, or other City-designated conservation area where existing vegetation will not be removed, the required perimeter buffer width and amount of required landscaping material may be reduced by 50 percent (see Table 5.3.J, Perimeter Buffer Configuration).

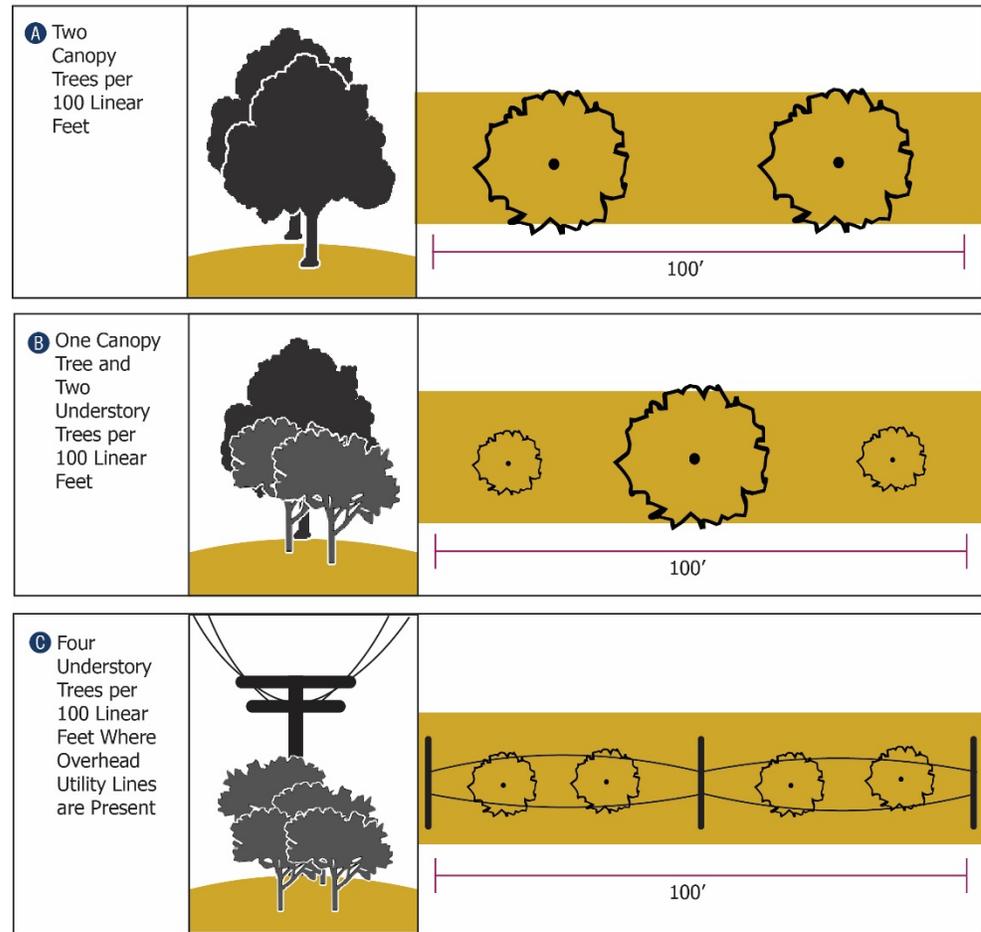
[5] Lot lines abutting public street rights-of-way shall be subject to the standards in Section 5.3.K, Streetscape Buffers.

[6] **A Type A buffer shall be provided along all lot lines bordering the City's jurisdiction.**

[76] Residential development in the MDR district consisting of buildings other than single-family detached dwellings shall provide a type B buffer along all lot lines shared with single-family detached dwellings in the MDR district.

7. Exemptions

Developments consisting of multiple lots that are planned and developed as a single, unified, or consolidated project may be configured so that perimeter buffers are only located around the perimeter of the entire development instead of between lots within the development.

FIGURE 5.3.K: STREETSCAPE BUFFER CONFIGURATION**5. Placement**

- a. Vegetation required as part of a streetscape buffer shall be located outside the street right-of-way.
- b. Canopy trees shall be located within ten feet of the right-of-way edge.
- c. Understory trees shall be located within five feet of the right-of-way edge.
- d. An alternative location may be approved by the Zoning/Subdivision Administrator in cases where underground utilities, drainage easements, topography, or other obstructions make placement of streetscape buffer vegetation in accordance with these standards impractical.

6. Prohibited Features

Off-street parking, off-street loading, merchandise display, or outdoor storage shall not take place within a required streetscape buffer.

L. STREET TREES

Development within the CBD, PD, and PDD districts, as well as development within GCO districts subject to City-adopted or approved plans that call for the establishment of street trees shall provide street trees in accordance with the following standards:

1. Where Required

Street trees shall be located within tree pits or planting strips within the street right-of-way (see Figure 5.3.L: Street Tree Configuration).

2. Location**a. Within Tree Pits**

TABLE 5.4: SCREENING METHODS [1]

LEVEL OF SCREENING		REQUIREMENTS
10. Screening Level 10:	Parapet Wall	
		<p>a. Parapet walls shall be comprised of the same exterior material or be the same color as the building and shall be capped with a cornice, coping, or other decorative molding.</p> <p>b. Parapet walls shall be in alignment with the exterior building wall below.</p> <p>c. Parapet walls shall extend above the roof deck the minimum height necessary to screen roof-mounted equipment as seen from grade-level at the lot line.</p> <p>d. Parapet walls shall be engineered to comply with all applicable North Carolina Building Code requirements, including wind loading.</p>
<p>NOTES:</p> <p>[1] Screening provided in accordance with this section shall be credited towards perimeter buffer and parking lot landscaping requirements (see Section 5.3, Landscaping) when the screening methods contribute to the performance objective of required landscaping.</p>		

F. VIEWS TO BE SCREENED

Site features and activities subject to these standards shall be screened from identified locations in [Table 5.4.F: Views to be Screened](#). The level of screening provided is at the applicant or landowner's discretion, provided it meets or exceeds the minimum screening level specified in the table below.

TABLE 5.4.F: VIEWS TO BE SCREENED

FEATURE OR ACTIVITY TO BE SCREENED	REQUIRED SCREENING LEVEL, BY LOCATION			
	FROM AN ABUTTING PUBLIC STREET, SIDEWALK, GREENWAY, OR OPEN SPACE	FROM ABUTTING LAND IN A RESIDENTIAL OR MIXED-USE ZONING DISTRICT	FROM ABUTTING LAND IN AN OI, NB, GB, CBD, OR CB ZONING DISTRICT	FROM ABUTTING LAND IN AN LI, MI, HI, OR CI ZONING DISTRICT
Refuse or Recycling Containers or Compactors	4 or higher	3 or higher	1 or higher	1 or higher
Ground-based Mechanical Equipment	3 or higher	2 or higher	1 or higher	1 or higher
Roof-mounted Equipment	10	9 or higher		1 or higher
Above Ground Storage Tanks	4 or higher	3 or higher	1 or higher	1 or higher
Outdoor Equipment Storage or Repair	4 or higher	3 or higher	2 or higher	1 or higher
Outdoor Storage of Raw or Semi-finished Materials	3 or higher		2 or higher	1 or higher
Outdoor Storage of Finished Products for Sale	1 or higher	2 or higher	1 or higher	1 or higher
Impounded Vehicles and Equipment	4 or higher	5 or higher	3 or higher	1 or higher
Vehicles and Equipment Being Repaired	4 or higher	5 or higher	3 or higher	1 or higher

TABLE 5.4.F: VIEWS TO BE SCREENED

FEATURE OR ACTIVITY TO BE SCREENED	REQUIRED SCREENING LEVEL, BY LOCATION			
	FROM AN ABUTTING PUBLIC STREET, SIDEWALK, GREENWAY, OR OPEN SPACE	FROM ABUTTING LAND IN A RESIDENTIAL OR MIXED-USE ZONING DISTRICT	FROM ABUTTING LAND IN AN OI, NB, GB, CBD, OR CB ZONING DISTRICT	FROM ABUTTING LAND IN AN LI, MI, HI, OR CI ZONING DISTRICT
Inoperable Vehicles Being Used for Parts	<u>4 or higher</u>	<u>5 or higher</u>	<u>3 or higher</u>	<u>1 or higher</u>

- d) The canopy shall be configured of consistent or complimentary materials and colors as the primary exterior materials, including canopy supports;
- e) The canopy shall be subject to maximum height standards for buildings in the zoning district where located; and
- f) The canopy shall comply with the standards in Section 5.7, Exterior Lighting.

7. Standards for Large Format Retail Uses

The following standards shall apply to large format retail uses.

a. Large Format Retail Uses Distinguished

Large format retail uses are commercial use types (see Table 4.2.C, Principal Use Table) consisting of a single or multiple tenant in one or more buildings totaling more than 70,000 square feet in area when 70% or more of the total floor area is occupied by retail sales activity. ~~in buildings that are:~~

- ~~i. More than 50,000 square feet gross floor area on the ground floor for a single tenant;~~
- ~~ii. More than 150,000 square feet on the ground floor serving multiple tenants, including outparcels.~~

b. Compliance with Commercial Design Requirements

Large format retail uses shall comply with the following commercial design standards:

- i. Section 5.5.B.6.a, Street Network;
- ii. Section 5.5.B.6.c, Building Address Numbers;
- iii. Section 5.5.B.6.d, Building Articulation;
- iv. Section 5.5.B.6.e, Materials and Colors;
- v. Section 5.5.B.6.f, Roof Form;
- vi. Section 5.5.B.6.h, Awnings;
- vii. Section 5.5.B.6.i, Outparcels;
- viii. Section 5.5.B.6.j, Multi-building Development; and
- ix. Section 5.5.B.6.k, Site Features, except off-street parking location.

c. Additional Standards for Large Format Retail Uses

i. Customer Entrances

Large format retail establishments shall comply with the standards in Section 5.5.B.6.b, Customer Entrances, except that primary entrances shall include four of the listed options instead of three.

ii. Fenestration

Building walls on large format retail uses shall incorporate fenestration features in accordance with the following standards (see Figure 5.5.B.7.c.ii, Large Retail Building Fenestration):

a) Primary Building Walls

Primary building walls shall be configured so that:

- i) At least 10 percent of the first floor portion of the primary wall is occupied by visually transparent windows or doors; and
- ii) No more than 50 percent of any single window or door is obstructed by a window sign or other opaque display.

b) Secondary Building Walls

Secondary building walls shall be configured so that at least 5 percent of the ground floor façade is occupied by:

- i) Visually transparent windows or doors;
- ii) False or opaque windows;
- iii) Articulated wall forms designed to mimic window openings that also include an overhang or awning.

D. MULTI-FAMILY RESIDENTIAL DESIGN STANDARDS**1. Purpose and Intent**

These multi-family residential design standards supplement the applicable zoning district and use-specific standards of this Ordinance by providing the minimum requirements for design and configuration of multi-family development within the City's jurisdiction. They are intended to:

- a. Ensure multi-family development takes place in a manner consistent with the context, scale, and proportion of its surroundings;
- b. Promote greater compatibility between new multi-family development and other allowable use types, particularly adjacent residential single-family detached dwellings;
- c. Establish expectations for minimum level of quality for multi-family development;
- d. Encourage creativity in design and promote individual project identity;
- e. Create neighborhoods with enhanced architectural and visual interest; and
- f. Preserve property values and protect public and private investment.

2. Applicability**a. Generally**

Except where expressly exempted in writing in this Ordinance, the standards in this section shall apply to the following forms of development:

- i. New multi-family dwellings;
- ii. New triplex and quadriplex dwellings; and
- iii. New multi-unit residential structures within a continuing care retirement community use type; and
- iv. New assisted living facilities and nursing homes.

b. Voluntary Compliance for Single-Family Attached Dwellings

- i. Single-family attached development shall be exempted from these standards, though a landowner may voluntarily agree to ~~comply with them~~, comply with them as part of a conditional rezoning (see [Section 2.4.P, Rezoning](#)), or comply in order to take advantage of a sustainable development incentive (see [Section 7.6, Sustainability Incentives](#)).
- ii. In cases where an applicant agrees to comply with these standards, a signed copy of the following statement shall be included on all approved site plans and subdivision plats.

The single-family attached development depicted on the attached site plan or subdivision plat is subject to the City of Burlington's Multi-family Residential Design Standards in place at the time the application for this development was determined to be complete. I hereby voluntarily consent to the application of these design standards, the acceptance of which shall run with the land regardless of changes in ownership, and recognize that failure to comply with the applicable requirements following approval is a violation of the Burlington Unified Development Ordinance.

Landowner Signature

Date

- iii. The signed statement of consent and an associated site plan depicting the development's compliance with these standards shall be recorded in the office of the Register of Deeds for the county where the development is located prior to issuance of a building permit.

3. Exemptions

The following forms of development shall be exempted from these standards:

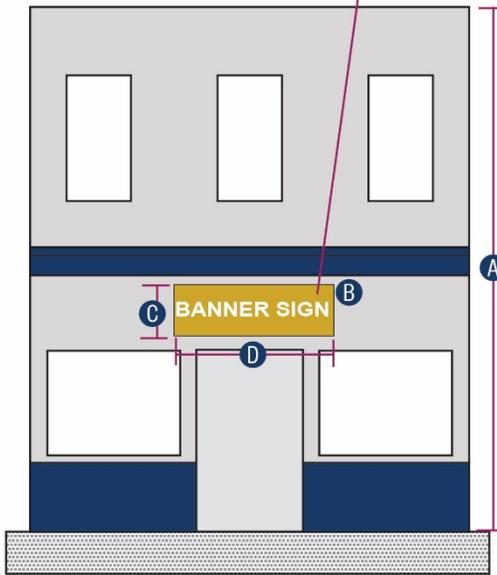
- a. Single-family attached development, unless subject to voluntary consent by the landowner in accordance with subsection (2) above or subject to conditions of approval incorporated in a conditional rezoning approval;
- b. Duplex dwellings;

TABLE 5.6.I: SIGN STANDARDS BY SIGN TYPE

2. Banner



EXAMPLE:
 Facade Length = 30'
 Max. Banner Length = 30% x 30' = 9'
 Potential Banner Area Calculation = 4' x 9' = 36'
 Max. Sign Face Area = **20 sf**



LEGEND

- A** Max. Height: Roof or Top of Parapet Wall
- B** Max. Sign Face Area: 20 sf
- C** Max. Banner Width: 4'
- D** Max. Banner Length: Lesser of 30% of the Façade Length or 20 Linear Feet

a. Definition A sign made of a flexible fabric or plastic material that is affixed to a building or other vertical projection, except utility poles, but is not an awning sign or a flag. Feather flags and bow signs are not banners and are prohibited by this Ordinance.

b. Zoning Districts Where Permitted	RESIDENTIAL & CR	MX & PD	OI & COI	NB	GB & CB	CBD & PDD	INDUSTRIAL & CI
	No	Yes	No	No	No	Yes	No

c. Dimensional Standards

Maximum Number of Banners per Lot	1 per use or non-residential tenant in a multi-tenant building [1]
Maximum Mounting Height	Below the roof or parapet [2] [3]
Maximum Sign Face Area per Individual Banner	20 square feet
Maximum Banner Length	Lesser of: 30% of the façade length or 20 linear feet
Maximum Banner Width	4 linear feet

NOTES:

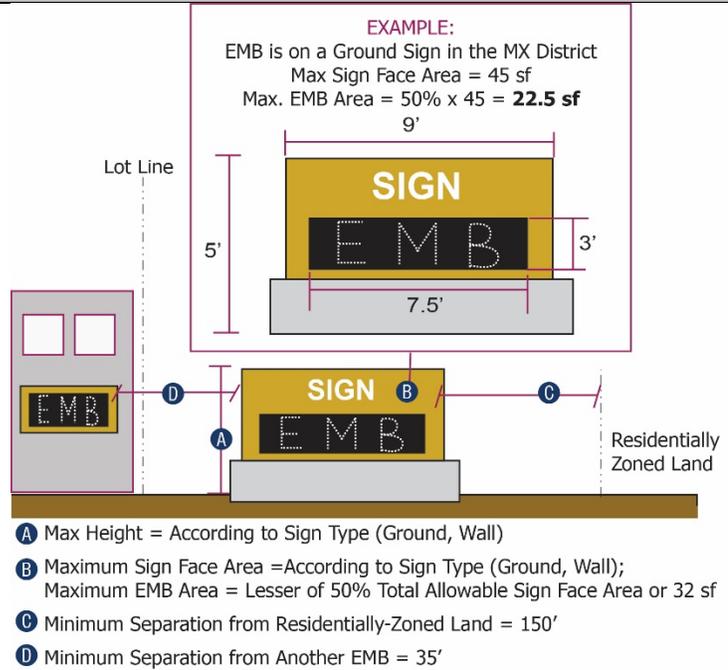
- [1] Maximum of 3 banners per multi-tenant site at any one time.
- [2] When located over a street right-of-way, at least 18 feet above the street pavement and at least 9 feet above a sidewalk.
- [3] When located on a fence, wall, or as a freestanding banner, a maximum height of 12 feet to the highest point. When located on a building wall, the banner shall not be mounted above the first floor.

d. Additional Standards

- i. Banners shall be adequately secured through the use of grommets, d-rings, brackets, or similar fastening devices.
- ii. Banners over 9 square feet in size shall incorporate wind slits.
- iii. Banners shall not be placed within required sight distance triangles or in locations that obstruct the safe movement of vehicles and pedestrians.
- iv. Signage may be subject to additional standards identified in Section 3.19.D, Gateway Corridor Overlay (GCO) District.

TABLE 5.6.I: SIGN STANDARDS BY SIGN TYPE

3. Electronic Message Board (EMB)



a. Definition A wall or ground sign, or portion thereof that displays electronic, non-pictorial, or text information that may or may not change. Sign content is displayed by light emitting diodes (LED's), fiber optics, light bulbs, or other illumination devices arranged in a matrix within the display area. Electronic message boards ("EMBs") do not display animation or imagery that appears to move.

b. Zoning Districts Where Permitted	RESIDENTIAL & CR	MX & PD	OI & COI	NB	GB & CB	CBD & PDD	INDUSTRIAL & CI
	No	No	No	No	Yes	Yes	Yes

c. Dimensional Standards

Maximum Number of EMBs per Lot	One per lot or development
Minimum Separation of EMB from Residentially-Zoned Land	150 linear feet
Minimum Separation from Another EMB	35 linear feet
Maximum Height	In accordance with wall or ground sign standards, as appropriate [1]
Maximum EMB Face Area	In accordance with wall or ground sign standards, as appropriate [2]
Maximum Percentage of Total Sign Face Area Devoted to an EMB	Lesser of: 32 square feet or 50% of the total allowable sign face area for the type of sign proposed (i.e., wall, ground)
Minimum Static Hold Time Between Message Changes	1 minute [3]
Maximum Brightness	465 lumens per square foot during daytime hours
	70 lumen per square foot during dawn, dusk, and nighttime hours

NOTES:

- [1] In no instance shall an EMB extend higher than 30 feet above grade.
- [2] The face area shall include all mounting hardware, framework, and sign supports.
- [3] Transition between images shall take place within one second or less.

d. Additional Standards

- i. EMBs may only be configured as a wall or ground sign, or portion thereof.
- ii. EMBs may only be allowed as part of a permanent sign, not a temporary sign.
- iii. Use of the terms "stop", "caution", or "danger" is prohibited on an EMB for reasons of public safety.
- iv. Appearance of animation or message movement is prohibited.
- v. Signage may be subject to additional standards identified in Section 3.19.D, Gateway Corridor Overlay (GCO) District.
- vi. The owner or operator of an EMB shall attest to the installation of a power supply system that will power the EMB off after a power outage or other condition that causes the sign to blink, flash, or have the appearance of movement.

TABLE 5.6.I: SIGN STANDARDS BY SIGN TYPE

12. Supplemental Signs

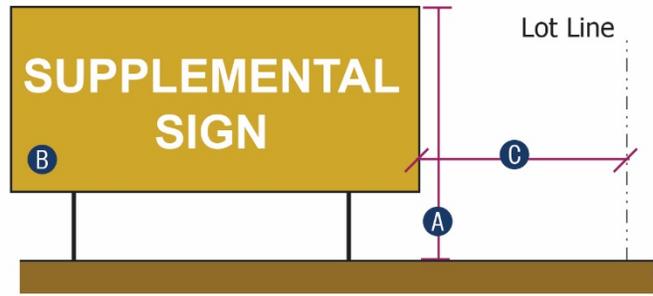
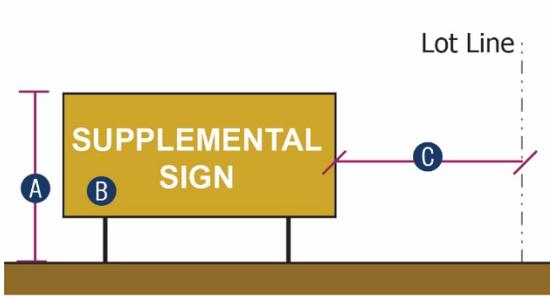


In Residential Districts

- A Maximum Height = 6'
- B Maximum Sign Face Area = 6 sf
- C Min. Setback from Lot Line = 10'

In Nonresidential Districts

- A Maximum Height = 12'
- B Maximum Sign Face Area = 20 sf
- C Min. Setback from Lot Line = 10'



a. Definition Any sign that is not permanently affixed to the ground or a building which can be removed without special handling and that may be located on a lot or site in addition to other forms of signage. Banners and incidental signs are not supplemental signs. Ideological signs are considered supplemental signs.

b. Zoning Districts Where Permitted	RESIDENTIAL & CR	MX & PD	OI & COI	NB	GB & CB	CBD & PDD	INDUSTRIAL & CI
	Yes	Yes	Yes	Yes	Yes	Yes	Yes

c. Dimensional Standards

Maximum Number of Supplemental Signs Per Lot	1 per lot; 1 per nonresidential tenant in a multi-tenant development	
Maximum Sign Height [1]	Residential Districts	6 feet
	All Other Districts	12 feet
Maximum Sign Face Area [2]	Residential Districts	6 square feet
	All Other Districts	20 square feet
Minimum Setback from any Lot Line	10 feet from any lot line	

NOTES:

- [1] Sign support structures shall be included in maximum sign height and face area.
- [2] Signs visible through a window are also subject to the standards for window signs.

d. Additional Standards

- i. Supplemental signs shall not require issuance of a sign permit and are not subject to a maximum duration.
- ii. Supplemental signs shall not be located within a street right-of-way.
- iii. Supplemental signs shall not be placed within required sight distance triangles or in locations that obstruct the safe movement of vehicles and pedestrians.
- iv. Supplemental signs shall not include permanent modifications to a site or building.
- v. Supplemental signs may not be illuminated.
- vi. Supplemental signs shall not block windows or doors.
- vii. Signage may be subject to additional standards identified in Section 3.19.D, Gateway Corridor Overlay (GCO) District.
- viii. Supplemental signage associated with a temporary use shall be removed when the temporary use ends.

5. Proposed street names that duplicate or that are deceptively similar to an existing street name shall not be approved or assigned to a new street.

I. STREET DRAINAGE

1. All required drainage facilities shall be constructed prior to consideration of a final plat.
2. Storm sewers, drains, and structures installed by the subdivider shall be installed of a size, type, and in locations as approved by the TRC, City Engineer, or NCDOT, as appropriate.
3. Street drainage facilities located outside the street right-of-way shall be maintained by the developer, the landowner, or an owners' association, and maintenance responsibility shall be noted on the final plat.
4. The City shall not be responsible for any private or commonly-held subdivision drainage infrastructure connected to publically-maintained drainage facilities, streams, or other outlets having constant flow.

J. STREET SIGNS

1. The City shall install standard street signs as part of new development.
2. In cases where decorative street signs are proposed, the developer or subdivider shall be responsible for the cost of the decorative street signs.
3. Decorative street signs shall be approved as to form and content by the City prior to installation.
4. Street name signs shall conform to City and NCDOT standards.
5. At least two street name signs shall be placed at each four-way street intersection and at least one at each "T" intersection.
6. Street signs shall be installed on the northwest and southeast corners of every four-way intersection.
7. Signs shall be installed free of visual obstruction.

K. TRAFFIC CONTROL SIGNS AND SIGNALS

1. If deemed necessary by the City or by NCDOT, signals shall be installed by the developer at each street intersection within the subdivision and at each intersection of a subdivision street and a state-maintained road or access road.
2. Signs and signals shall comply with NCDOT regulations with regards to size, shape, color, location and information contained thereon.
3. At least two or more traffic-control signs shall be placed at each four-way street intersection and at least one at each "T" intersection.
4. Signs and signals shall be installed free of visual obstruction.

L. STREET LIGHTS

1. Streets and sidewalks shall be illuminated with street lights or pedestrian lighting for security and safety, in accordance with City, utility company, and NCDOT standards.
2. Areas adjacent to the vehicular entrances for non-residential, mixed-use, and multi-family residential developments containing more than four dwelling units shall be adequately lighted to ensure the safety of persons and the security of the buildings.
3. Exterior lighting located outside of a street right-of-way shall be configured in accordance with the standards in Section 5.7, Exterior Lighting.
4. Illumination requirements must be met prior to issuance of an occupancy permit.

M. VEHICULAR GATES

1. Gates to private property shall conform to City requirements for emergency access and be served by a vehicular turnaround.
2. Proposed gates shall be reviewed and decided by the TRC.

N. BRIDGES

All bridges shall be designed by a professional engineer licensed by the State of North Carolina.

O. DAMS

1. Public streets that traverse a dam shall be approved by the TRC and [construction plans/infrastructure permits](#) for the street shall be approved by the City Engineer.

6.5. UTILITIES AND INFRASTRUCTURE**A. POTABLE WATER SYSTEMS****1. Water Supply System Required**

- a. Every lot within a subdivision shall be served by a means of a water supply that is adequate to accommodate the reasonable needs of the use or subdivision lot(s).
- b. No on-site water supply system shall be allowed in cases where the public potable water supply system is adjacent to or within 1,000 linear feet of the lot being developed.
- c. All materials and pipes shall meet or exceed the requirements established under State law and by the City for the potable water system.
- d. The City may, before issuing any permit under this Ordinance, make the investigation and require the developer to submit the information as appears reasonably necessary to ensure that the developer or his or her successor will be able to comply with the water supply system requirements of this Ordinance.

2. Dedication and Acceptance

- a. The subdivider or developer shall install all potable water supply lines and service connections in accordance with the standards in this Ordinance and other State or federal requirements.
- b. The developer shall provide all the necessary pipes and accessories for installation of the required potable water lines.
- c. Potable water supply lines, including water tanks, distribution lines, water mains, and laterals shall be dedicated to the City for maintenance and operation.
- d. Supply lines serving individual lots or uses beyond the water meter shall not be the responsibility of the City.

3. Connection to City Water Supply System

- a. The subdivider shall connect to the City's potable water supply system when new lots are created on existing streets and the water system is adjacent to the lot, or is within 1,000 linear feet of the lots being developed.
- b. Subdivisions of more than two acres containing three or fewer lots on an existing street shall not be required to connect to the City's existing potable water supply system unless it is located adjacent to one or more of the lots being subdivided.

4. Oversizing of Water Supply System-Related Improvements

- a. The water supply system where the subdivision is being developed may require installation of certain oversized facilities, such as water mains in excess of eight inches in diameter, when it is in the interest of future development.
- b. When oversizing is required, the public water system operating where the subdivision is located shall pay for that portion of the improvement that exceeds the standards set forth in this Ordinance.
- c. When oversizing is required, the developer shall enter into a development agreement (see Section 2.4.F, Development Agreement) with the City for reimbursement of the cost of the oversize lines.

5. On-Site Potable Water System

- a. No preliminary plat for a subdivision proposing to use an on-site potable water system shall be approved until the appropriate county health department has certified that each lot shown on the preliminary plat has been inspected and found suitable for an on-site potable water system.
- b. No final plat or other approval for a subdivision proposing to use an on-site potable water system shall be approved until the appropriate county health department has certified that each lot in the subdivision has been inspected and found suitable for an on-site potable water system capable of serving the intended or likely use of the lot.
- c. Subdivisions already subject to preliminary plat approval including such certification shall be exempted from this requirement provided the ultimate use is consistent with the use anticipated during certification at preliminary plat stage.

- ii. Identify potential site development issues, including the best location for the development to ensure its visibility from surrounding areas and major roadways is minimized; and
 - iii. Provide an opportunity to discuss site development concepts, including the general layout of conservation areas and potential locations for proposed structures, utilities, streets, and other development features. Comments made by the staff during the site inspection shall be interpreted as being only suggestive. No official decision on the conservation and development plan shall be made during the site inspection.
- c. **Step 3—Conservation and Development Areas Map**
Based on the site analysis map and the information obtained during the site inspection, the applicant shall prepare a conservation and development areas map that depicts proposed primary conservation areas, secondary conservation areas, and development areas, in accordance with Section 6.10.E, Delineation of Conservation and Development Areas.
- d. **Step 4—Conservation and Development Plan**
Based on the site analysis map, the information obtained during the site inspection, and the conservation and development areas map, the applicant shall prepare and submit to the Zoning/Subdivision Administrator a conservation and development plan. The conservation and development plan shall include the following:
- i. A site analysis map;
 - ii. A conservation and development areas map; and
 - iii. A preliminary site improvements plan, showing proposed site development, including utilities, streets, other development features, buffers (if applicable), and lot lines located in the proposed development area(s).
3. **Review of Conservation and Development Plan**
The Zoning/Subdivision Administrator shall review the conservation and development plan in accordance with the procedures and requirements of Section 6.10.D, Conservation Subdivision Standards, and Section 6.10.E, Delineation of Conservation and Development Areas.
4. **Review and Approval of Conservation Subdivision**
Following review and approval or approval with conditions of the conservation and development plan by the Zoning/Subdivision Administrator, ~~for~~ a preliminary plat of the conservation subdivision shall be submitted and reviewed in accordance with 2.4.N, Preliminary Plat.

D. CONSERVATION SUBDIVISION STANDARDS

A conservation subdivision shall comply with the following standards:

1. **Location**
Conservation subdivisions shall be configured to minimize their visibility from adjacent lands and major roadways.
2. **Minimum Project Size**
Conservations subdivisions shall be at least 10 acres in area.
3. **Required Conservation Area**
 - a. The required conservation area shall occupy at least 40 percent of the total acreage of the conservation subdivision site, but nothing shall limit it from occupying more than 40 percent of a conservation subdivision site.
 - b. The conservation area shall be considered open space set-aside subject to the applicable standards in Section 7.1, Open Space Set-Aside.
4. **Maximum Residential Density**
A conservation subdivision shall be limited to the maximum density for a conservation subdivision in the zoning district in which it is located. Nothing shall prevent a conservation subdivision from increasing the maximum allowable residential density in accordance with Section 7.6, Sustainability Incentives.
5. **Dimensional Requirements**

The term abutting describes a condition where two or more features (a lot line, building, driveway, etc.) are immediately beside or next to one another either on the same lot or on different lots sharing a common lot line.

b. Adjacent

The term adjacent describes a condition where two or more similar features (a lot line, building, use type, structure, site feature, etc.) are proximate to one another, but are separated by some form of intervening feature, such as a street, alley, water feature, railroad, lot or property under separate ownership, or natural feature of sufficient size so as to prevent direct site or impede the movement of sound from one feature to another.

C. LOT DIMENSIONS

1. Lot Measurements

a. Acreage

The total number or gross number of acres on a tract or site.

b. Lot Depth

The dimension measured from the front of the lot to the extreme rear line of the lot. In case of irregularly shaped lots, the mean depth shall be taken..

c. Lot Width

The width of a lot is measured at right angles to its depth at the edge of the street setback or at a proposed building setback line, whichever is further from the street right-of-way.

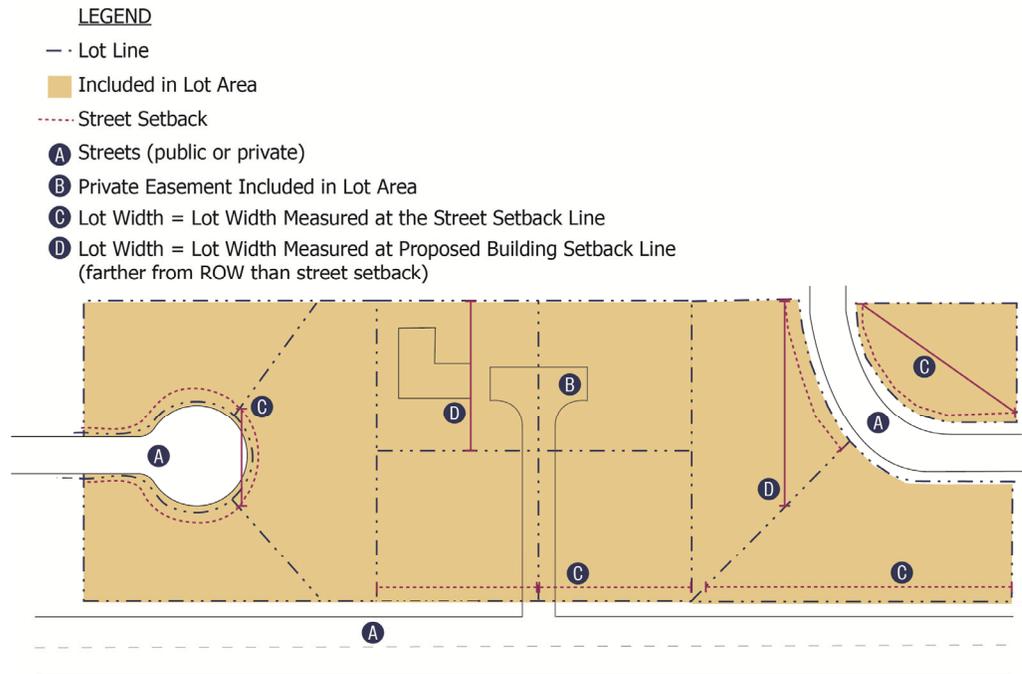
d. Minimum Lot Area

The minimum amount of required land area, measured horizontally, that must be included within the lines of a lot (see [Figure 8.3.C.1.d: Lot Measurement](#)). Lands located within any private easements shall be included within the lot area.

e. Street Frontage

The length of the lot line of a single lot abutting a public or existing private street right-of-way.

FIGURE 8.3.C.1.d: LOT MEASUREMENT

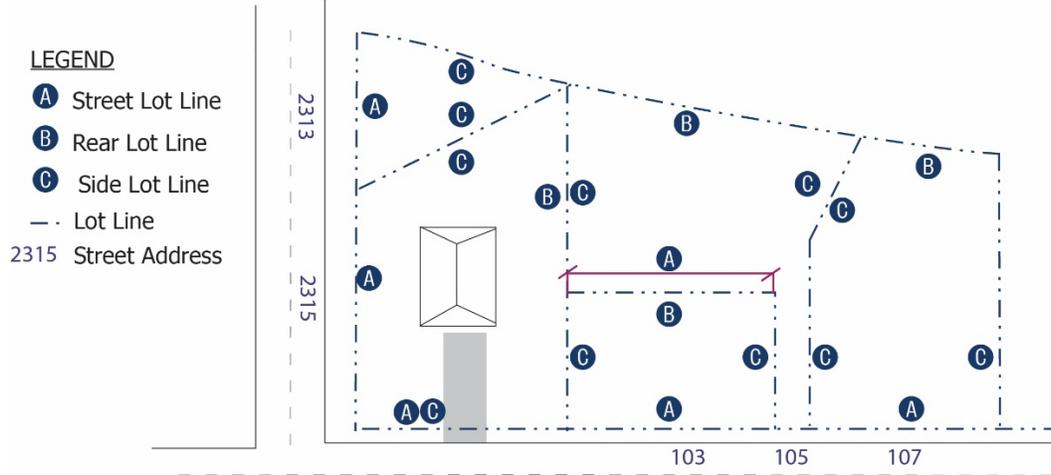


2. Lot Lines

A lot line is a line of record bounding a lot which separates one lot from another lot or separates that lot from a public or private street or any other public space (see [Figure 8.3.C.2: Lot Lines](#)). The following terms describe differing types of lot lines:

- a. **Front-Street Lot Line**
The lot line ~~along the edge of the street that~~ ~~connecting the two side lot lines along the edge of the street that~~ provides a lot's street address or that opposes the primary entrance of a building.
- b. **Rear Lot Line**
The lot line opposite and most distant from the front lot line.
- c. **Side Lot Line**
The lot line connecting the front and rear lot lines regardless of whether it abuts a right-of-way or another lot line.

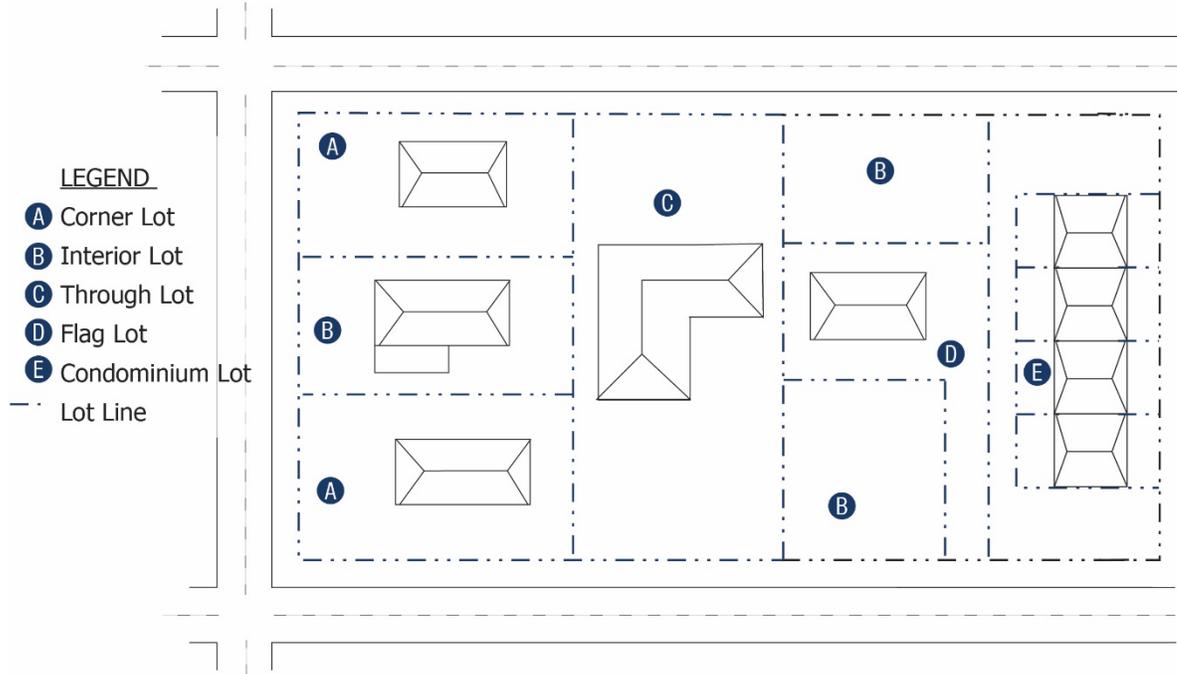
FIGURE 8.3.C.2: LOT LINES



3. Lot Types

- a. **Corner Lot**
A lot which occupies the interior angle at the intersection of two street lines or a single street which make(s) an angle of more than 45 degrees and less than 135 degrees. The front of the lot is the lot line adjacent to the street from which the lot obtains its street address.
- b. **Flag Lot**
A lot having shape and configuration so that it connects to street frontage by an extension and/or arm of the main portion of the lot.
- c. **Interior Lot**
A lot other than a corner lot with only one frontage on a street.
- d. **Lot of Record**
A lot that is a part of a subdivision, a plat of which has been recorded in the office of the Alamance County or Guilford County Register of Deeds, as appropriate or a lot described by metes and bounds, the description of which has been recorded with the Alamance County or Guilford County Register of Deeds, as appropriate.
- e. **Through Lot (Double Frontage Lot)**
A lot which fronts upon two parallel streets, and/or which fronts upon two streets which do not intersect at the boundaries of the lot.

FIGURE 8.3.C.3: LOT TYPES



4. Lots Serving Condominium Use Types

Individual condominium uses, whether residential or nonresidential, are exempted from minimum lot area requirements in this Ordinance, but shall be located on a larger site or parent tract that meets the standards for the zoning district where located.

D. SETBACKS

A setback is the horizontal distance from a lot line or street right-of-way line to the nearest part of the applicable building, structure, sign, or activity, measured perpendicularly to the line.

1. Perimeter Setback

Setbacks applied to multiple building developments or multiple lot developments that apply only to the outermost buildings along the perimeter of a development. A perimeter setback does not apply along streets.

2. Rear Setback

A setback from an interior lot line lying on the opposite side of the lot from the [street front](#) setback.

3. Side Setback

Any interior property line setback other than a rear setback.

4. Setbacks from Railroads or Sidings

Lots in business or special district abutting a railroad or railroading siding are not required to provide a side or rear setback from the railroad or siding.

5. Street Setback

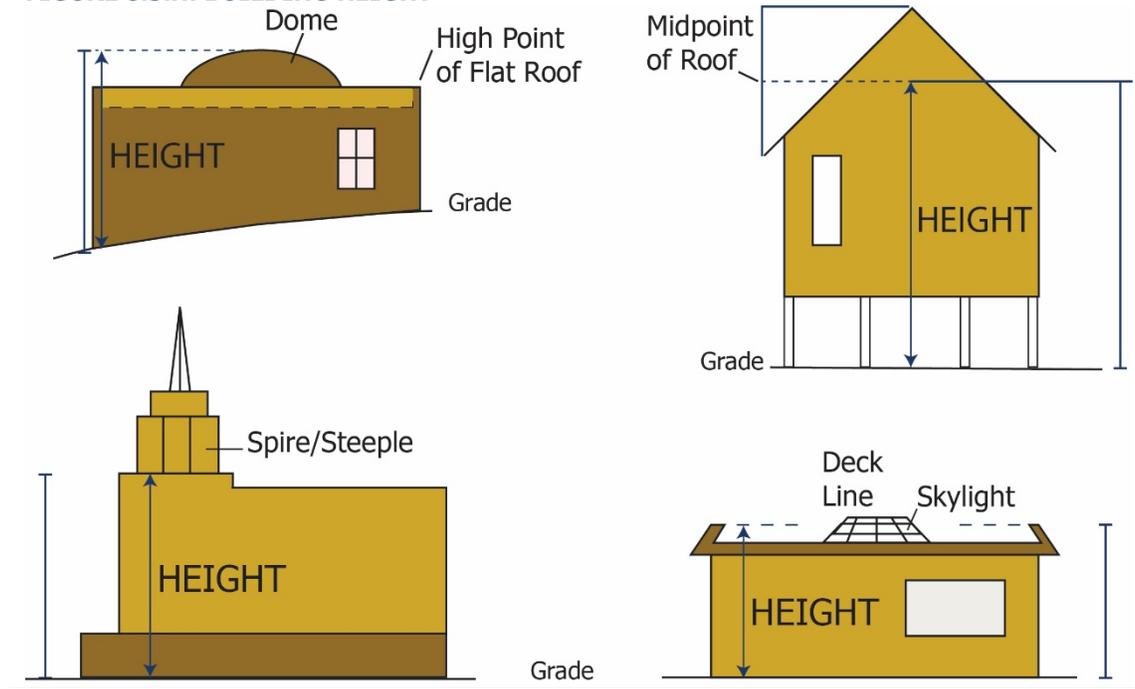
- a.** A setback measured from the right-of-way edge associated with a public or existing private street.
- b.** The street setback is a minimum setback, and nothing shall prohibit a building from being located farther from the street right-of-way.
- c.** In cases where the street right-of-way edge is not readily identifiable, the location of the right-of-way edge shall be determined by measuring outwards from the street centerline one-half of the total right-of-way width. The right-of-way edge location shall be certified by a professional engineer or land surveyor licensed by the State of North Carolina.
- d.** Lots shall provide a street setback from all lot lines abutting a street (excluding alleys).

E. SETBACK ENCROACHMENTS

Table 0, Allowable Encroachment into Setbacks, sets out the kinds of features that are permitted to encroach within a required setback, provided they do not obstruct visibility for motorists at any street intersection (see [Figure Error! Reference source not found.: Setback Encroachments](#)).

TABLE 8.3.E.1: ALLOWABLE ENCROACHMENT INTO REQUIRED SETBACKS	
FEATURE	MAXIMUM ALLOWABLE ENCROACHMENT DISTANCE INTO A REQUIRED SETBACK
Awnings	May encroach into any setback up to eight feet, but shall maintain a minimum height of at least nine feet above a sidewalk or other pedestrian access
Balcony or Bay Window	May extend up to four feet into any required setback within a residential zoning district, but shall be no closer than three feet from any lot line
Bicycle Parking Facilities	Allowed within a setback, but no closer than five feet to the edge of the pavement of a street
Canopy, Attached	May encroach into any setback up to three feet, but shall maintain a minimum height of at least nine feet above a sidewalk or other pedestrian access In the CBD district, a canopy shall maintain a minimum distance of at least two feet from the back of the curb
Canopy, Freestanding	May be located in a setback provided no portion is closer than 15 feet to a street right-of-way
Chimneys, Fireplaces, Outdoor Kitchens, or steps	May extend up to four feet into any setback, but shall be no closer than three feet from any lot line
Cornice, Beltcourse, or Sill	May extend up to one-and-one-half feet into any required setback
Decks, Covered	Subject to the setbacks applied to principal structures
Decks, Uncovered	May extend up to four feet into a required side yard or ten feet into a required street or rear yard Subject to the setbacks applied to principal structures
Decks, Uncovered—Within Six Inches of Grade	May extend up to four feet into a required side yard or ten feet into a required front or rear yard
Driveways	May be located in any required setback
Elevators and Similar Mechanical Devices	May encroach into side setbacks no more than 18 inches and rear setbacks no more than 36 inches
Fences or Walls, excluding Retaining Walls	May be located in any required setback, subject to the limitations in Section 5.3.H.2, Fences and Walls , but shall not be located within a required sight distance triangle
Flagpoles, Mailboxes, Lamp and Address Posts	May be located in any required setback
Garage	May be located within rear yard, provided the structure is more than 10 feet from the principal dwelling
Gazebo or Garden Structure	May not be located within a street setback
Handicap Ramps	May be located in any required setback provided it does not unduly obstruct pedestrian or vehicular access

FIGURE 8.3.H: BUILDING HEIGHT



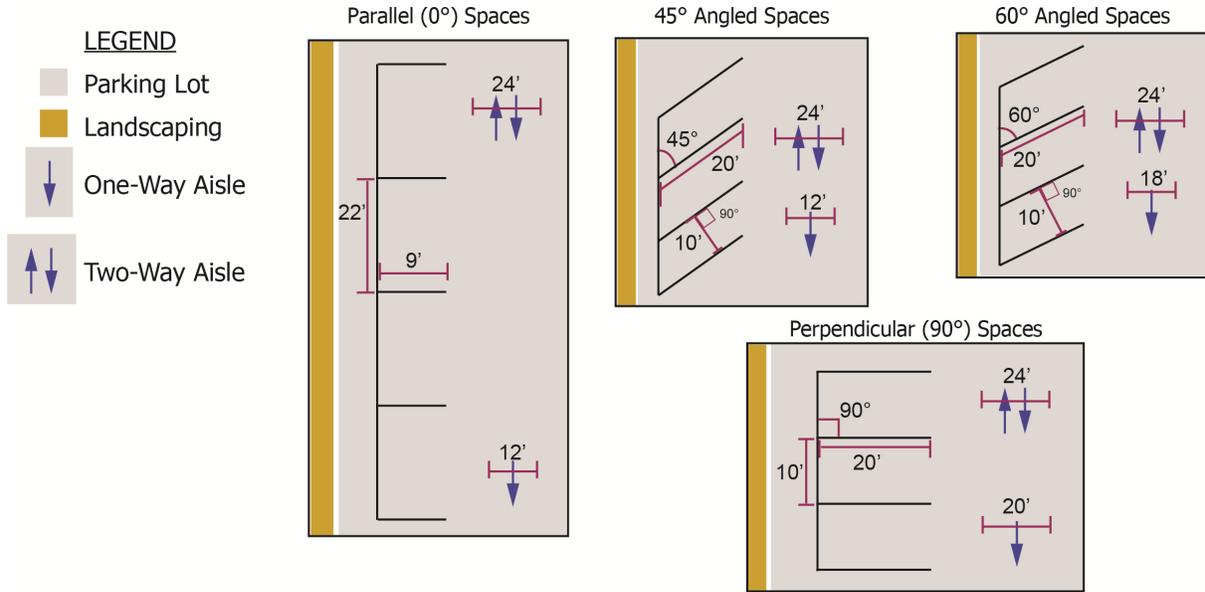
I. LOT COVERAGE

1. Lot coverage is the percentage of a lot or development site that is covered by buildings or roof structures, excluding allowed projecting eaves and balconies.
2. ~~Lot coverage is the percentage of a lot or development site that is covered by impervious, or built-upon area.~~
3. ~~Built-upon area includes buildings, structures, pavement, and site features that are impervious or partially impervious to rain or stormwater runoff.~~
4. ~~The following features are not considered impervious, and as a result are not included within the built-upon area:~~
 - a. ~~A slatted deck or walkway;~~
 - b. ~~The water area of a swimming pool;~~
 - c. ~~A surface covered by number 57 stone, as designated by the American Society for Testing and Materials, laid at least four inches thick over a geotextile fabric;~~
 - d. ~~A trail as defined in Section 113A-85 of the North Carolina General Statutes that is either unpaved or paved as long as the pavement is porous with a hydraulic conductivity greater than 0.001 centimeters per second (1.41 inches per hour); or~~
 - e. ~~Landscaping material, including, but not limited to, gravel, mulch, sand, and vegetation, placed on areas that receive pedestrian or bicycle traffic or on portions of driveways and parking areas that will not be compacted by the weight of a vehicle, such as the area between sections of pavement that support the weight of a vehicle.~~

J. SLOPE AND ELEVATION

1. **Slope**
The degree of deviation of the ground surface from a flat, horizontal elevation, usually expressed in percent or degrees of deviation from horizontal.
2. **Base Flood Elevation (BFE)**
A determination of the water surface elevations of the base flood as published in the flood insurance study.
When the BFE has not been provided for land within the FHO, it may be obtained from engineering studies available from a Federal, State, or other source using FEMA approved engineering methodologies. This elevation establishes the Regulatory Flood Protection Elevation.

FIGURE 8.3.K: PARKING SPACE AND AISLE DIMENSIONS



L. LANDSCAPING

1. Determining Tree Size at Time of Planting

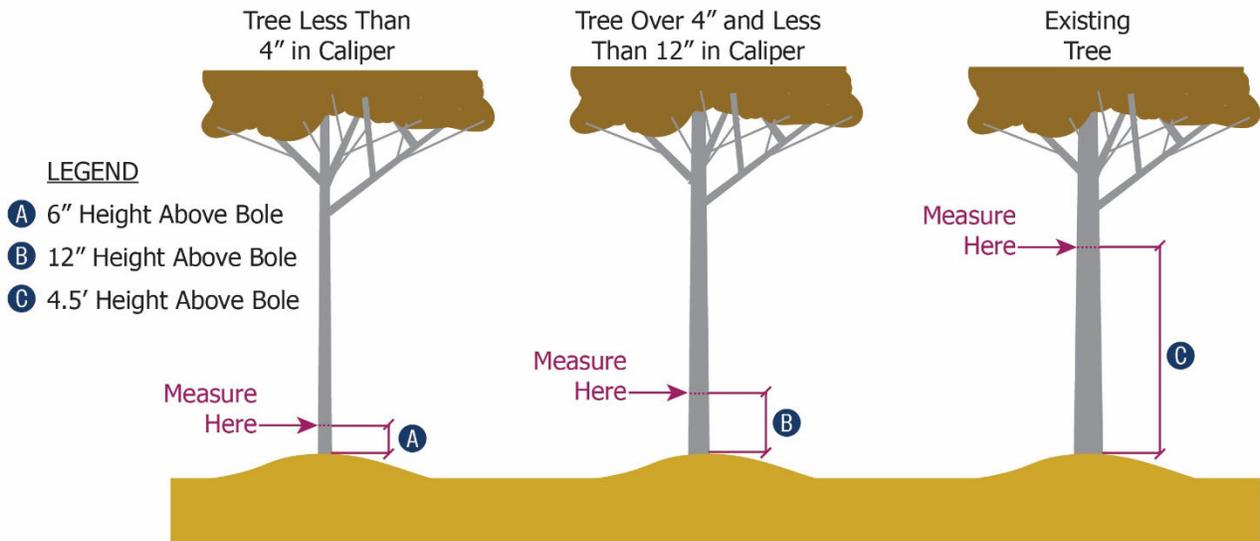
a. Trees under Four Inches in Caliper

Minimum size at time of planting shall be determined by taking a measurement of the girth or circumference of the tree trunk, in inches, at a height of six inches above the bole, or the location where tree trunk meets the soil it is planted in.

b. Trees over Four, but less than Twelve Inches, in Caliper

Minimum size at time of planting shall be determined by taking a measurement of the girth or circumference of the tree trunk, in inches, at a height of 12 inches above the bole, or the location where tree trunk meets the soil it is planted in.

FIGURE 8.3.L: PLANT SIZE DETERMINATION



2. Determining Tree Size of Existing Trees

DEFINITIONS

COMPREHENSIVE PLAN AMENDMENT	An amendment to the adopted comprehensive plan, including the future land use map.
COMPUTER RELATED SERVICE	A commercial establishment engaged in diagnosis and repair of personal computers and associated peripherals, including printers, network equipment, monitors, and related equipment. Such uses may also procure replacement parts and construct computer components or systems for clients. Limited sale of new or reconstructed computers and computer equipment is an accessory use. Manufacture or assembly of computer systems on an industrial scale or for resale to members of the general public is a light manufacturing use.
CONCEPT PLAN	<u>A plan for development intended solely for illustrative purposes to assist a review authority in its consideration of a proposed development. A concept plan may but does not necessarily need to include the detailed elements typically found in a site plan (for example, detailed locations of buildings, location of off-street parking, location of landscaping, etc.).</u>
CONDITION OF APPROVAL	A limitation or stipulation on the range of allowable uses, density, intensity, configuration, or operational parameters of new development or redevelopment. A condition may be proposed by an applicant, a staff member, or a review authority that must be accepted by an applicant and the City to become binding.
CONDITIONAL ZONING DISTRICT	A type of zoning district subject to one or more conditions included as part of the legislative approval by the City Council that establishes the conditional zoning district.
CONDOMINIUM	A development containing individually owned dwelling units and jointly owned and shared areas and facilities that is subject to the North Carolina Unit Ownership Act (North Carolina General Statutes Section Ch. 47A) and/or the North Carolina Condominium Act (North Carolina General Statutes Section Ch. 47C).
CONE OF ILLUMINATION	The detectable spread of illumination from a source of exterior lighting.
CONFERENCE CENTER	A building or group of buildings designed for meetings, lectures, or conferences often consisting of a large hall as well as a number of smaller lecture rooms and related facilities including catering, parking, and storage.
CONICAL SURFACES	As used in the Airport Height Overlay (AHO) District standards, a surface extending outward and upward from the periphery of the horizontal surface at a slope of 20 to 1 for a horizontal distance of 4,000 feet.
CONICAL ZONES	As used in the Airport Height Overlay (AHO) District standards, the conical zone is established on the area that commences at the periphery of the horizontal zone and extends outward therefrom for a distance of 4,000 feet and upward to a slope of 20:1.
CONSERVATION AND DEVELOPMENT AREA	The two portions of a conservation subdivision. The conservation area is the portion of the land protected from development and the development area is the portion of the subdivision utilized for development purposes. Agricultural activities may take place in either or both portions.
CONSERVATION SUBDIVISION	The division of a tract of land into two or more lots, building sites, or other divisions along with additional land area set aside as open space for conservation and/or recreation purposes in accordance with <u>Section 6.10, Conservation Subdivision</u> .

DEFINITIONS

EASEMENT	The right to use or occupy the real property of another owner for a specifically identified purpose. An easement is a recognized interest in real property, but legal title to the underlying land is retained by the owner granting the easement.
EAVE	The projecting lower edges of a roof that overhangs the wall of a building.
EGRESS	An exit from a building or site.
ELECTRIC VEHICLE CHARGING STATION	An off-street parking space that is served by an electrical component assembly or cluster of component assemblies (battery charging station) designed and intended to transfer electric energy, by conductive or inductive means, from the electric grid or other off-board electrical source to a battery or other energy storage device within an electric vehicle.
ELECTRICAL OR PLUMBING FABRICATION	A industrial establishment operated by a contractor, supplier, or distributor engaged in the fabrication and assembly of plumbing fixtures, electrical fixtures, HVAC ducting and equipment, fireplaces, or similar household or commercial features for off-site installation.
<u>GAMES-OF-SKILL</u> ELECTRONIC GAMING OPERATION	<u>A commercial establishment providing patrons with the opportunity to compete against others for cash or other prizes in games where the outcome is based on skill, not chance.</u>
ELECTRONIC MESSAGE BOARD	See Table 5.6.I, Sign Standards by Sign Type.
ELEVATED BUILDING	A building without a basement that has its lowest elevated floor raised above ground level by foundation walls, shear walls, posts, piers, pilings, or columns.
ELEVATION CERTIFICATE	A written certificate of the elevation of a building or structure located in a special flood hazard area used to determine the proper flood insurance premium rate for the building.
ELIGIBLE FACILITY REQUEST	An application for the installation of new or replacement antennas and related wireless telecommunications equipment on an existing telecommunications tower. An eligible facilities request may include increasing the height and/or replacement of an existing telecommunications tower but shall not include any activities that constitute a "substantial modification" as defined in this Ordinance and Section 160A-400.51 of the North Carolina General Statutes. Eligible facility requests are reviewed and decided in accordance with the procedures for a minor collocation.
EMERGENCY MANAGEMENT COMMISSION (EMC)	As used in Section 7.4, Stormwater, the North Carolina Environmental Management Commission.
EMS STATION	A facility housing emergency medical service personnel and equipment intended for provision of out-of-hospital acute medical care, transport to definitive care, and other medical transport to patients with illnesses and injuries which prevent the patient from transporting themselves. Such uses may also including living quarters for EMS personnel, emergency operations centers, storage, and vehicle maintenance facilities.
ENCROACHMENT	The location of a building, structure, or portion of a building or structure in an open space, setback, yard, or other area typically required to remain free of buildings or structures. In flood prone areas, an encroachment is the advance or infringement of uses, fill excavation, buildings, permanent structures or development into a floodplain, which may impede or alter the flow capacity of a floodplain.

DEFINITIONS

FOOTCANDLE	A unit of measure of the intensity of light falling on a surface. It is often defined as the amount of illumination the inside surface of a one-foot-radius sphere would be receiving if there were a uniform point source of one candela in the exact center of the sphere. One footcandle is equal to one lumen per square foot.
FOOTPRINT	See "Building Footprint."
FORESTRY ACTIVITY	An activity related to planting, maintaining, or removing trees as part of a forestry management plan or bona fide farming activity.
FRATERNAL CLUB OR LODGE	A building and related facilities owned and operated by a corporation, association, or group of individuals established for fraternal, social, educational, recreational, or cultural enrichment of its members and primarily not for profit, and whose members meet certain prescribed qualifications for membership and pay dues.
FREEBOARD	The additional amount of height added to the Base Flood Elevation (BFE) to account for uncertainties in the determination of flood elevations. The freeboard requirement plus the Base Flood Elevation equals the Regulatory Flood Protection Elevation.
FRONT FAÇADE	See "Façade, Front."
FRONTAGE STREET	See "Street, Frontage."
FUEL OIL/BOTTLED GAS DISTRIBUTOR	An establishment that stores and distributes fuel oil or bottled gases such as propane, oxygen, or liquid petroleum in bulk quantities for wholesale sale or distribution to retail outlets or end consumers at the point of use. A use engaged in sale of automobile fuel is a retail use.
FUNCTIONALLY DEPENDENT FACILITY	A use or structure which cannot be used for its intended purpose unless it is located in close proximity to water, such as a docking or port facility necessary for the loading and unloading of cargo or passengers, shipbuilding, or ship repair. The term does not include long-term storage, manufacture, sales, or service facilities.
FUNERAL-RELATED SERVICE	A commercial establishment engaged in the provision of services related to funeral services for humans or pets. Such uses may provide embalming, cremation, and memorial services. Chapels and storage areas are accessory uses. Uses for the interment of human or animal remains are park and open space uses.
G	
GABLE	A triangular area of an exterior wall formed by two sloping roofs
GALLERY	A balcony or platform on an upper floor that projects from the primary wall plane of the building that is open underneath.
GAMES OF SKILL	A commercial establishment providing patrons with the opportunity to compete against others for cash or other prizes in games where the outcome is based on skill, not chance.
GARAGE OR YARD SALE	A sale conducted by an occupant of a residence alone or in cooperation with neighbors conducted for the purpose of selling surplus household items for profit or for charitable purposes. Such sales are usually conducted from a garage associated with the residence or from the yard of the residence. Garage or yard sales may be distinguished from flea markets by the number of days of sale.
GAS CONVERSION	An industrial use engaged in the conversion of the heat or gaseous emissions from the decomposition of organic matter into fuel, chemicals, and/or electricity for off-site use.

DEFINITIONS

MIXED USE DEVELOPMENT	A format that integrates some combination of residential, commercial, industrial, or institutional development in one single building or within one single development. Mixed use development may be vertically integrated, where two or more differing types of land use are located on the different floors of a single building, or horizontally integrated where a single development contains two or more buildings, each one devoted to different type of land use. For example, a typical vertically-integrated mixed use development is a single building with retail on the ground floor and residential development (apartments) on the upper floor(s). A typical horizontally-integrated mixed-use development may be a shopping mall that includes an apartment complex on the same lot or development site.
MOBILE HOME	A detached residential dwelling unit constructed prior to July 15, 1976 that does not bear a certification of compliance with National Manufactured Housing Construction and Safety Standards Act of 1974. A mobile home is designed for transportation after fabrication on streets or highways on its own wheels or a flatbed or other trailer, and arriving at the site where it is to be occupied as a dwelling complete and ready for occupancy except for minor and incidental unpacking and assembly operations, location on jacks or other temporary or permanent foundations, connections to utilities, and similar features.
MOBILE HOME PARK	A commercial use where land is divided into individual leaseholds but not individual lots owned in fee simple that are intended for occupation by individual mobile, manufactured, or modular homes. Mobile home parks may include shared or individual accessways, recreation facilities, and other shared accessory uses like laundries, storage, or refuse collection areas.
MOLDING	An ornamentally shaped outline as an architectural feature, especially in a cornice.
MONUMENT	A permanent marker, typically inserted into the ground, showing the location of a lot line, lot corner, or other demarcation associated with a lot or right-of-way.
MOTEL	See "Hotel or Motel."
MOTOR VEHICLE	Every self-propelled vehicle designed to run upon the highways and every vehicle designed to run upon the highways that is pulled by a self-propelled vehicle.
MULTI-FAMILY DEVELOPMENT	A development that includes three five or more dwelling units configured in on or more buildings on the same lot or development site. The development includes shared parking areas, shared open spaces around the development, active recreation features, and centralized waste/refuse collection facilities.
MULTI-FAMILY DWELLING	A structure containing five three or more dwelling units that are not located on individual lots. Units may be located side by side in a horizontal configuration or stacked one above the other in a vertical configuration, sharing common vertical walls or horizontal floors and ceilings. Multi-family dwellings include what are commonly called apartments, or condominium units, but not single-family attached dwellings.
MULTIPLE LOT DEVELOPMENT	Developments that include two or more buildings on two or more lots that is planned, organized, and managed as a single development for the purposes of the development standards..

9.3. NONCONFORMING STRUCTURES

A. APPLICABILITY

Nonconforming principal and accessory structures shall be subject to the standards in this section.

B. CONTINUATION AND REPLACEMENT

1. Continuation

A nonconforming structure may be continued in accordance with Section 9.1.C, Continuation, Minor Repairs, and Maintenance Allowed.

2. Replacement

- a. Nonconforming manufactured or mobile homes may be replaced in accordance with the standards in Section 9.2.C.2, Manufactured or Mobile Homes.
- b. Nothing shall limit activities that increase habitable space of a nonconforming residential structure to a height above the regulatory flood elevation.

3. Relocation

A nonconforming structure shall not be moved, in whole or in part, to another location on the parcel of land on which it is located, unless the relocation removes the nonconformity.

C. ALTERATION AND EXPANSION

No nonconforming structure may be altered in any way which increases the nonconformity; however, any nonconforming structure or portion thereof may be altered to decrease the degree of nonconformity. Nothing shall limit the elevation of a residential structure as necessary to ensure habitable floor area is outside the regulatory flood elevation.

D. CESSATION

~~A nonconforming structure shall not be modified or altered in any way that increases the amount of nonconformity.~~ If a nonconforming structure is damaged or destroyed by any means to an extent of 51 percent or more of its replacement cost or size, it may only be reconstructed in accordance with the requirements of this Ordinance.