

UPDATED UDO

Module 1 Public Draft June 2025

Ch 150: General Provisions

Ch 151: Zoning Districts

Ch 153: Use Regulations

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CLARION

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Chapter 150: General Provisions

Commentary

Chapter 150: General Provisions includes important general provisions that are relevant to the entire Unified Development Ordinance (UDO). Specifically, the chapter includes sections that:

- Establish the title of the document;
- Identify the authority of the Village to adopt the UDO;
- Provide the general purpose and intent of the Village Council in adopting the UDO;
- Set out what persons or entities are subject to the UDO;
- Clarify that when the UDO is in conflict with other regulations, the stricter provision applies, to the extent allowed by law;
- Formally adopts and incorporates by reference the Official Zoning Map, including the option of maintaining a digital (GIS) version, and establishes rules for interpreting the map;
- Establish a zoning district classification for newly annexed land, and procedures for modifying the initial classification;
- Establish rules governing the rights of development approved under the previous UDO and pending development applications submitted before the effective date of the new UDO;
- Show how previous zoning districts translate to new zoning districts;
- Identifies the vested rights that apply to approvals under the UDO;
- Provide a severability provision; and
- Establishes an effective date.

Note: This commentary is provided for reference purposes. It will be deleted in the adopted UDO.

Section 150.01. Title¹

This code shall be officially entitled the “Clemmons Unified Development Ordinance” and may be referred to as the “UDO” or “Ordinance.”

Section 150.02. Authority²

This Ordinance is adopted in accordance with North Carolina General Statutes (N.C.G.S.) Ch. 160D; N.C.G.S. Ch. 160A Article 8; all other relevant general and local laws of the state; and the Village Charter. Whenever any provision of this Ordinance refers to or cites a section of the N.C.G.S. and that section is later amended or superseded, this Ordinance shall be deemed amended to refer to the amended section or the section that most nearly corresponds to the superseded section.

Section 150.03. General Purpose and Intent³

The general purpose of this Ordinance is to promote the public health, safety, and general welfare, and to implement the goals and policies of the Village’s Comprehensive Plan and other Village-

¹ This updates Section B-1-1 of the current UDO.

² This carries forward and updates Section B-1-4.1 of the current UDO.

³ This carries forward and updates Section B-1-2 of the current UDO and incorporates language from N.C.G.S §160D-701. References to the Forsyth County comprehensive plan (*Legacy*) have not been carried forward.

Chapter 150: General Provisions

Section 150.04. Applicability

adopted plans addressing the Village's growth and development. More specifically, the intent of this Ordinance is to:

- A. Provide for the orderly growth and development of the Village in a manner that accommodates reasonable overall community growth, provides opportunities for development of a variety of uses, and supports the efficient use of land, water, streets, and other resources;
- B. Promote compact, vibrant, mixed-use, and walkable development in activity centers, as appropriate;
- C. Better manage or lessen vehicular congestion;
- D. Ensure the provision of adequate open space between uses for light, air, and fire safety;
- E. Prevent the overcrowding of land and avoid undue concentration of population;
- F. Ensure development is compatible with the desired form, design, and character of the district where it is located and with surrounding uses;
- G. Support economic growth and development;
- H. Provide for a variety of housing opportunities;
- I. Reuse, redevelop, or revitalize underutilized properties, particularly along corridors, in ways that better accommodate multiple forms of transportation;
- J. Facilitate the adequate provision of transportation, water, sewage, schools, parks, recreation, emergency services, and other public facilities;
- K. Support sustainable development through sustainable/green building practices and protection of the Village's tree canopy, riparian areas, and other natural resources;
- L. Manage stormwater and reduce the risk of flooding; and
- M. Establish comprehensive, consistent, effective, efficient, and equitable standards and procedures for the review and approval of development that implement adopted plans, respect the rights of landowners, consider the interests of the Village's residents, and comply with state law.

Section 150.04. Applicability⁴

150.04.01 General Applicability

The provisions of this Ordinance shall apply to the development of all land within the corporate limits of the Village of Clemmons, unless the land or development is expressly exempted by a specific provision of this Ordinance.

150.04.02 Application to Governmental Units

The provisions of this Ordinance shall apply to development by the Village, county, state, or federal government or its agencies or departments to the full extent permitted by law.

150.04.03 Compliance Required

No structure or land shall be used; no structure or part of a structure shall be located, erected, moved, reconstructed, extended, converted, demolished, or structurally altered; and no use shall be commenced, maintained, or modified without full compliance with this Ordinance, including any applicable and valid development approvals and permits granted in accordance with this

⁴ This carries forward and updates Section B-1-5 of the current UDO.

Chapter 150: General Provisions

Section 150.05. Relationship With Other Laws, Covenants, or Decrees

Ordinance, and all other applicable Village, state, and federal regulations. Violations of this Ordinance are identified in Chapter 158: Enforcement.

150.04.04 Permit Choice⁵

In cases where this Ordinance is amended (1) between the time a development permit application is submitted and a decision on the application is made, or (2) after a development permit decision has been challenged and found to be wrongfully denied or illegal, the applicant may choose whether the review of and decision on the application will proceed under the requirements of this Ordinance as it was in effect at the time the application was submitted, or under the requirements of this Ordinance as amended, in accordance with N.C.G.S. §§ 160D-108 and 143-755.

Section 150.05. Relationship With Other Laws, Covenants, or Decrees⁶

150.05.01 Conflicts with Other Village Codes or Laws

If the provisions of this Ordinance are inconsistent with one another or if the provisions of this Ordinance conflict with provisions found in other adopted codes or ordinances of the Village, the more restrictive provision shall govern unless the terms in the more restrictive provisions specify otherwise. The more restrictive provision is the one that imposes greater restrictions or burdens or has more stringent controls.

150.05.02 Conflicts with Private Agreements

The Village shall not be responsible for monitoring or enforcing private covenants and restrictions. However, the Village may inquire into private easements and restrictions in reviewing development applications in order to ensure compliance with this Ordinance and other Village requirements.

150.05.03 Conflicts with State or Federal Law⁷

If a state or federal law or regulation preempts a provision in this Ordinance, the state or federal law or regulation shall control. If the provisions of this Ordinance are otherwise inconsistent with the law or regulations of the state or federal government, the more restrictive provision shall control, to the extent permitted by law. The more restrictive provision is the one that imposes greater restrictions or burdens or has more stringent controls.

150.05.04 Existing Agreements or Vested Rights

Nothing in this Ordinance is intended to repeal, supersede, annul, impair, or interfere with any existing private agreements or vested rights previously adopted or issued in accordance with all applicable laws, provided such agreements or rights are lawfully established and remain in effect.

⁵ This updates Section B-6-1.3(l) of the current UDO for clarity and conciseness. Does not include the detail that if the applicant chooses the version applicable at the time of application, the applicant is not required to await the outcome of the amendment prior to acting on the development permit. Does not include the detail that illegal provisions shall not be enforced. Does not include detail about how to proceed when multiple permits are required for a development project.

⁶ This updates Section B-1-7 of the current UDO and incorporates Section B-1-5.4, Minimum Requirements.

⁷ This builds on Sections B-1-7, C-1-7, and other sections of the current UDO.

Section 150.06. Official Zoning Map⁸

150.06.01 Generally

The Official Zoning Map (“Zoning Map”) designates the location and boundaries of the various base zoning districts and overlay zoning districts under this Ordinance.

150.06.02 Incorporated by Reference

The Zoning Map, including all its notations, is incorporated into this Ordinance by reference and is on file in the Planning Department for public inspection during normal business hours. The Village may maintain the Zoning Map as an electronic map layer in the Village’s Geographic Information System (GIS) database or another suitable database.

150.06.03 Interpretation of Zoning Map Boundaries⁹

The Planning Director shall be responsible for interpretation of the Zoning Map in accordance with Section 156.05.21, Interpretation, and the following standards:

- A. When a district boundary is shown as approximately following a street, highway, alley, road, right-of-way, parkway, public utility right-of-way, railroad, stream or watercourse, the boundary shall be deemed to be the center line of such feature.
- B. Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines.
- C. Boundaries indicated as approximately following established municipal limits and county borders shall be construed as following such lines.
- D. Boundaries indicated as separated from but approximately parallel to any of the features indicated in subsection A through C above, or any landmarked or monumental line, shall be deemed to be parallel to the feature, landmarked, or monumental line.
- E. Distances not specifically indicated on the Zoning Map shall be determined by the scale of the map.
- F. Where a street, highway, railroad or other physical monument or marker on the ground, by which a boundary is determined, varies from that as shown on the Zoning Map, the physical monument or marker located on the ground shall control.
- G. Where physical features, such as floodplains, vary from those shown on the Zoning Map, or in other circumstances not covered by subsections A through F above, the Planning Director shall determine the district boundaries. Any aggrieved person may appeal such determination to the Board of Adjustment, in accordance with Section 156.05.22, Appeals.

150.06.04 Zoning Classification of Newly Annexed Lands

Lands added to the Village’s jurisdiction shall be classified to one or more of the base zoning districts set forth in this Ordinance in accordance with state law.

⁸ This carries forward and simplifies Section B-2-2 in the current UDO. In particular, the official zoning map is established as the representation in the Village’s GIS system (or the county’s, if the county continues to maintain the map), and references to printed maps are not carried forward.

⁹ This updates Section B-2-2.2 with some simplification; in particular, the reference to a field survey has been removed, and the zoning map shall be considered to be the canonical record of the zoning map boundaries, subject to the interpretative rules in this section. References to zoning of water areas has not been carried forward. Subsection (c), Lot Divided by District Boundary, has not been carried forward. Subsection (D), Split Jurisdiction, has not been carried forward (but the identical provision in N.C.G.S. § 160D-203 will continue to apply).

Section 150.07. Transitional Provisions¹⁰

150.07.01 Violations

Any violation of the previous Unified Development Ordinance and other regulations replaced by this Ordinance shall continue to be a violation under this Ordinance, and subject to the penalties set forth in Chapter 158: Enforcement, unless the development complies with the express terms of this Ordinance.

150.07.02 Nonconformities

If any use, structure, lot of record, or site feature that was legally established on the date of its development, but does not fully comply with the standards of this Ordinance, it shall be considered nonconforming and subject to the provisions of Chapter 157: Nonconformities. If a use, structure, lot of record, or site feature that was legally nonconforming under the previous Unified Development Ordinance becomes conforming under this Ordinance, it shall no longer be deemed nonconforming nor subject to the provisions of Chapter 157: Nonconformities.

150.07.03 Complete Applications

Applications submitted and accepted by the Village prior to the adoption of this Ordinance, but upon which a final decision has not yet been made, shall be processed and reviewed, at the option of the applicant, either (1) under the standards and time frames for review, approval, and completion established in the Unified Development Ordinance in effect at the time of application acceptance, or (2) under the standards and time frames for review, approval, and completion established in this Ordinance. The standards and time frames of the Unified Development Ordinance in effect at the time of application acceptance or this Ordinance shall be applied in whole. The application of specific standards and procedures from both the Unified Development Ordinance in effect at the time of application acceptance and this Ordinance, if different, is prohibited.

150.07.04 Approved Applications

Any development approvals granted prior to the adoption of this Ordinance shall remain valid until their expiration date. Projects with valid approvals or permits may be carried out in accordance with the development standards in effect at the time of approval, provided the permit or approval is valid and has not lapsed. Any re-application for an expired approval shall meet the standards of this Ordinance.

150.07.05 Approved Special Use Permits

Lands subject to a special use permit approved prior to the effective date of this Ordinance (whether associated with a conditional zoning classification or otherwise) shall continue to be subject to the terms and conditions of the special use permit even if the district classification is amended to a new base or conditional zoning district as part of the adoption of this Ordinance.

150.07.06 Transitions to New Zoning Districts

Table 150-1: Transition to New Zoning Districts, shows the zoning districts established in Chapter 151, Zoning Districts of this Ordinance next to comparable zoning districts established in the prior

¹⁰ This section is new and addresses how to handle applications that were submitted before the adoption of this Ordinance, but were not fully processed and/or approved before the Ordinance took effect, and the effect of the establishment of the new lineup of zoning districts.

Chapter 150: General Provisions
Section 150.07. Transitional Provisions

unified development ordinance. If the zoning district in this Ordinance is new and does not have a comparable zoning district established in the prior UDO, or if the zoning district established in the prior UDO is deleted, that is indicated in Table 150-1 in parentheses.

Table 150-1: Transition to New Zoning Districts	
Former District	New District
Conservation	
YR: Yadkin River Conservation	C: Conservation
AG: Agricultural	(DELETED)
Residential	
RS-40: Residential Single Family	RSF-1: Residential Single Family 1
RS-30: Residential Single Family	
RS-20: Residential Single Family	RSF-2: Residential Single Family 2
RS-15: Residential Single Family	
RS-12: Residential Single Family	(DELETED)
RS-9: Residential Single Family	RSF-3: Residential Single Family 3
RSQ: Residential Single Family Quadraplex	(DELETED)
RS-7: Residential Single Family	R-M: Residential Mixed
RM-5: Residential Multifamily	
RM-8: Residential Multifamily	
RM-12: Residential Multifamily	RMF-Medium: Residential Multifamily Medium
RM-18: Residential Multifamily	RMF-High: Residential Multifamily High
RM-U: Residential Multifamily	(DELETED)
MH: Manufactured Housing Development	R-MH: Residential Manufactured Housing
Institutional and Public	
IP: Institutional and Public	IP: Institutional and Public
C: Campus	(DELETED)
Business	
NO: Neighborhood Office	CN: Commercial Neighborhood
NB: Neighborhood Business	
LB: Limited Business	CL: Commercial Limited
GB: General Business	CG: Commercial General
HB: Highway Business	CH: Commercial Highway
CPO: Corporate Park Office	(DELETED)
CB: Central Business	(DELETED)
MRB-S: Major Retail Business — Special	(DELETED)
Mixed-Use Districts	
PB: Pedestrian Business	MU: Mixed-Use
NSB: Neighborhood Shopping Center Business	
MX-S: Mixed Use — Special	(DELETED)
Industrial Districts	
LI: Limited Industrial	IL: Industrial Light
CPI: Corporate Park Industrial	(DELETED)

Table 150-1: Transition to New Zoning Districts

Former District	New District
GI: General Industrial	IH: Industrial Heavy
CI: Central Industrial	(DELETED)
Overlay Districts	
Lewisville Clemmons Road (South Overlay District)	LCR-O: Lewisville-Clemmons Road Overlay
TO: Thoroughfare Overlay	T-O: Thoroughfare Overlay
	VP-O: Village Point Overlay (NEW)
NCO: Neighborhood Conservation Overlay	(DELETED)
AO: Airport Overlay	(DELETED)
H: Historic	(DELETED)
HO: Historic Overlay	(DELETED)
Legacy Districts	
LO: Limited Office	L-LO: Legacy Limited Office
GO: General Office	L-GO: Legacy General Office

Section 150.08. Vested Rights¹¹

- A. Nothing in this Ordinance is intended to repeal, supersede, annul, impair, or interfere with any common law or statutory vested rights under applicable law, so long as the vested rights remain in effect.
- B. In accordance with N.C.G.S. § 160D-108.1, a landowner may establish a vested right that entitles the landowner to develop land in accordance with an approved site-specific vesting plan. A site-specific vesting plan The following are the full list of development approvals that are site-specific vesting plans under this Ordinance:
 - (1) Conditional zoning map amendment (Section 156.05.03)
 - (2) Major subdivision preliminary subdivision (Section 156.05.05A);
 - (3) Major subdivision final plat (Section 156.05.05B);
 - (4) Site plan (Section 156.05.08); and
 - (5) Special use permit (Section 156.05.09).
- C. A statutory vested right shall expire if development work is intentionally and voluntarily discontinued for a period of not less than 24 consecutive months and the exceptions of N.C.G.S. § 160D-108(d) do not apply.
- D. In accordance with N.C.G.S. § 160A-31(h) and 160A-58.1(d), petitioners filing for voluntary annexation shall submit a signed statement declaring whether or not vested rights with respect to the properties subject to the petition have been established under N.C.G.S. § 160D-108 or N.C.G.S. § 160D-108.1. If the statement declares that such rights have been established, the petitioners shall provide proof of such rights. A statement which declares that

¹¹ This section simplifies Section B-1-5.2 of the current UDO. Specifics regarding the length of time of the vesting have not been carried forward; state law will continue to apply. The one-year expiration of most development approvals will be carried forward in Section 156.04.10, Post-Decision Actions. Specifics regarding extension of the vested rights period have not been carried forward. References to building permits have not been carried forward.

Chapter 150: General Provisions

Section 150.09. Severability

no vested rights have been established under N.C.G.S. § 160D-108 or N.C.G.S. § 160D-108.1 shall be binding on the landowner and any such vested right shall be terminated.

- E. Whenever the Village acquires jurisdiction over lands previously subject to the jurisdiction of another local government, any person who has acquired vested rights under a permit, certificate, or other evidence of compliance issued by the local government surrendering jurisdiction may exercise those rights as if no change of jurisdiction had occurred. The Village may take any action regarding the permit, certificate, or other evidence of compliance that the local government surrendering jurisdiction could have taken under that local government's ordinances and regulations.

Section 150.09. Severability¹²

- A. The Village Council's intent in adopting this Ordinance is that each section, subsection, paragraph, sentence, clause, and phrase of this Ordinance shall be effective, regardless of whether any other section, subsection, paragraph, sentence, clause, or phrase of this Ordinance is for any reason held by a court of competent jurisdiction to be invalid, and that such holding shall not affect the validity and continued enforcement of any other section, subsection, paragraph, sentence, clause, or phrase of this Ordinance.
- B. If a court of competent jurisdiction holds any section, subsection, paragraph, sentence, clause, or phrase of this Ordinance to be invalid for any reason, such judgment shall not affect the validity of the remaining portions of this Ordinance.
- C. If a court of competent jurisdiction holds any condition attached to a development approval or permit granted in accordance with this Ordinance to be invalid for any reason, such judgment shall not affect the validity of any other conditions of the approval or permit not specifically included in the judgment.
- D. If a court of competent jurisdiction invalidates the application of any provision of this Ordinance to a development, such judgment shall not affect the application of that provision to any other development not specifically included in the judgment.

Section 150.10. Effective Date¹³

This Ordinance shall become effective on <effective date>.

¹² Builds on Section B-1-6 in current UDO with additional specificity.

¹³ This section is new.

Chapter 151: Zoning Districts

Commentary

Chapter 151: Zoning Districts establishes the dimensional and other basic regulations for the base and overlay zoning districts in the Village. Most of the districts are structured as follows:

- Purpose statements;
- Readable tables with density and dimensional standards, along with graphics that correspond with and illustrate setback and dimension measurements; and
- References to a consolidated use table and other standards.

Section 151.01, General Standards, establishes the different types of zoning districts, describes the organization of the zoning districts, states that compliance with district standards is required for all development, and establishes general standards.

Section 151.02, Conservation District, establishes the C: Conservation district

Section 151.03, Residential Districts, establishes three primarily single-family residential districts, one mixed residential district, two multifamily districts, and one manufactured housing district

Section 151.04, Institutional and Public District, establishes the IP: Institutional and Public district.

Section 151.05, Business Districts, establishes four business districts that allow a variety of commercial uses in different development contexts.

Section 151.06, Mixed-Use District, establishes the MU: Mixed-Use district that is a conditional zoning district intended to support a mix of residential and nonresidential uses.

Section 151.07, Industrial Districts, establishes two industrial districts.

Section 151.08, Overlay Districts, establishes three overlay districts, which are districts that apply over base zoning districts and establish additional regulations.

Section 151.09, Legacy Districts, establishes two legacy districts, which are districts that are carried forward from the current UDO but are not intended to be applied to new land following adoption of the new UDO.

Note: This commentary is provided for reference purposes. It will be deleted in the adopted UDO.

Section 151.01. General Standards¹⁴

151.01.01 Establishment of Zoning Districts

A. Establishment of Base and Overlay Districts

This Ordinance establishes the base, overlay, and legacy zoning districts identified in Table 151-1: Zoning Districts Established. The boundaries of the zoning districts are identified on the Zoning Map, in accordance with Section 150.06, Official Zoning Map.

¹⁴ The minimum 40-foot setback for certain nonresidential districts abutting residential districts has not been carried forward. This scenario will be addressed in Section 153.10, Residential Compatibility Standards.

B. Establishment of Conditional Districts¹⁵

The districts listed with a “C” in the third column of Table 151-1: Zoning Districts Established may be assigned to land as conditional zoning districts. A landowner may apply for a conditional zoning district in cases where the standards of a general use zoning district are inadequate to ensure that development allowed by the district will conform to the Village’s adopted plans or to appropriately address the impacts expected to be generated by development. A conditional rezoning in accordance with Section 156.05.03, Conditional Zoning Map Amendment, establishes a conditional zoning district that is equivalent to a corresponding general use zoning district, but is subject to additional conditions or restrictions that the applicant and Village mutually agree to in order to ensure conformance with local government ordinances, plans adopted in accordance with N.C.G.S. § 160D-501, and the impacts reasonably expected to be generated by the development or use of the sites. Conditional districts shall be designated on the Zoning Map with “-C” after the district name—e.g., CG-C for a Commercial General Conditional district.¹⁶

Table 151-1: Zoning Districts Established		
District	Section	Conditional District Option
Conservation District		
C: Conservation	Section 151.02.01	C
Residential Districts		
RSF-1: Residential Single Family 1	Section 151.03.02	C
RSF-2: Residential Single Family 2	Section 151.03.03	C
RSF-3: Residential Single-Family 3	Section 151.03.04	C
R-M: Residential Mixed	Section 151.03.05	C
RMF-Medium: Residential Multifamily Medium	Section 151.03.06	C
RMF-High: Residential Multifamily High	Section 151.03.07	C
R-MH: Residential Manufactured Housing	Section 151.03.08	C
Institutional and Public District		
IP: Institutional and Public	Section 151.04.01	C
Business Districts		
CN: Commercial Neighborhood	Section 150.01.01	C
CL: Commercial Limited	Section 150.01.01	C
CG: Commercial General	Section 151.05.04	C
CH: Commercial Highway	Section 151.05.05	C

¹⁵ Builds on Section B-2-1.1(C) of the current UDO and replaces special use districts, as discussed on page II-12 of the UDO Assessment. The specific requirements for a conditional district rezoning, including the requirement for the conditions to be in writing and the types of standards that may be varied, will be addressed in the procedures for conditional districts in Section 156.05.03, Conditional Zoning Map Amendment.

¹⁶ This may be updated pending the disposition of legislation currently under consideration in the state legislature.

Table 151-1: Zoning Districts Established		
District	Section	Conditional District Option
Mixed-Use District		
MU: Mixed Use [1]	Section 151.06.01	C [1]
Industrial Districts		
IL: Industrial Light	Section 150.01.01	C
IH: Industrial Heavy	Section 151.07.03	C
Overlay Districts		
LCR-O: Lewisville Clemmons Road Overlay	Section 151.08.02	
T0-O: Thoroughfare Overlay	Section 151.08.03	
VP-O: Village Point Overlay	Section 151.08.04	
Legacy Districts		
L-LO: Legacy Limited Office	Appendix	
L-LO: Legacy General Office		

NOTES:

[1] The MU district may only be assigned as a conditional district.

151.01.02 Organization of Zoning Districts

A. Base Zoning Districts

Section 151.02 through Section 151.07 follow a common structure. For each zoning district, the regulations set out:

- (1) The district's purpose;
- (2) Intensity and dimensional standards that apply to district development;
- (3) References to other standards in this Ordinance that generally apply to development in the district (see the Appendix for Legacy district standards); and
- (4) An illustration that demonstrates visually how the district's dimensional standards apply to lots and buildings. The illustration is intended to show the general character of the district but does not show specific locations or buildings and does not illustrate all standards that may apply. If an illustration is inconsistent with the respective table of lot and building standards, the standards in the table shall govern.

B. Overlay Districts

The overlay districts in Section 151.08 establish standards that apply in addition to, or instead of, the standards governing development in the underlying base zoning district or planned development district. If the regulations governing an overlay district expressly conflict with those governing an underlying base zoning district, the regulations governing the overlay district shall control, unless expressly stated to the contrary. If land is classified into multiple overlay districts and the regulations governing one overlay district expressly conflict with those governing another overlay district, the more restrictive regulations shall control.

151.01.03 Compliance with Zoning District Standards¹⁷

All development shall comply with the standards that apply in the zoning districts in which the land is located, subject to all the other standards in this Ordinance which may establish setback, height, or other standards that are more or less restrictive than the standards that apply in the zoning district, including the exceptions in Section 159.03.02, Exceptions and Variations. No part of a yard, lot area, off-street parking area, or loading area required in connection with any building or use for the purpose of complying with this Ordinance, shall be included as part of a yard, lot area, off-street parking area, or loading area similarly required for any other building or use, except as otherwise provided in this Ordinance.

151.01.04 Minimum Lot Size¹⁸

In all Residential districts, if public or community water supply and sewage disposal systems are not available, the minimum lot size shall be the minimum lot size established in the zoning district, 20,000 square feet, or as determined by Forsyth County Health and Human Services, whichever is greater.

¹⁷ Second sentence carries forward Section B-2.3.3 of the current UDO.

¹⁸ Carries forward Section B-3-1.2(P) of the current UDO.

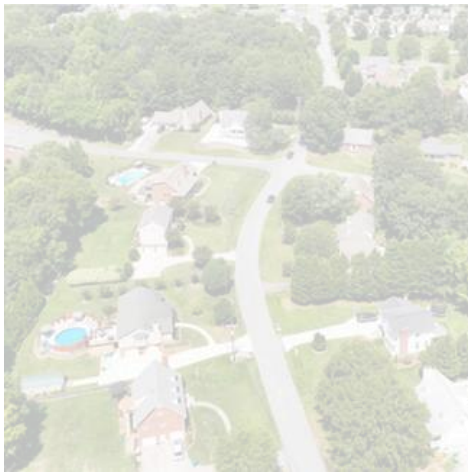
Section 151.02. Conservation District

151.02.01 C: Conservation¹⁹

A. Purpose and Intent²⁰

The C District is intended primarily to protect the community's main water supply, preserve natural and historic features, encourage agricultural activities, and support a continuous conservation corridor along the Yadkin River and other environmental features that retains the land's natural topography and vegetation.

B. Concept²¹



C. Use Standards

Allowed uses and use-specific standards for principal, accessory, and temporary uses are established in Chapter 152 Use Regulations.

D. Intensity and Dimensional Standards

Development in the C district shall comply with the standards in Table 151-2: C District Intensity and Dimensional Standards and Section 151.01, General Standards.

Table 151-2: C District Intensity and Dimensional Standards

Standard		Value	Standard		Value
Lot Area, min (acres)		3	Setbacks, min (ft) [1]		
A	Lot width, min (ft)	300	C	Front	45
B	Height, max (ft)	40	Side	D Street	30
Impervious Surface Cover, max		N/A		E Interior Side	20
			F	Rear	50

¹⁹ This carries forward the YR: Yadkin River Conservation District from Section B-2-1.2(A) of the current UDO with slight changes to allow for application of the district in areas outside the Yadkin River corridor.

²⁰ Updates the purpose statement in Section B-2-1.2(A)(1) of the current UDO.

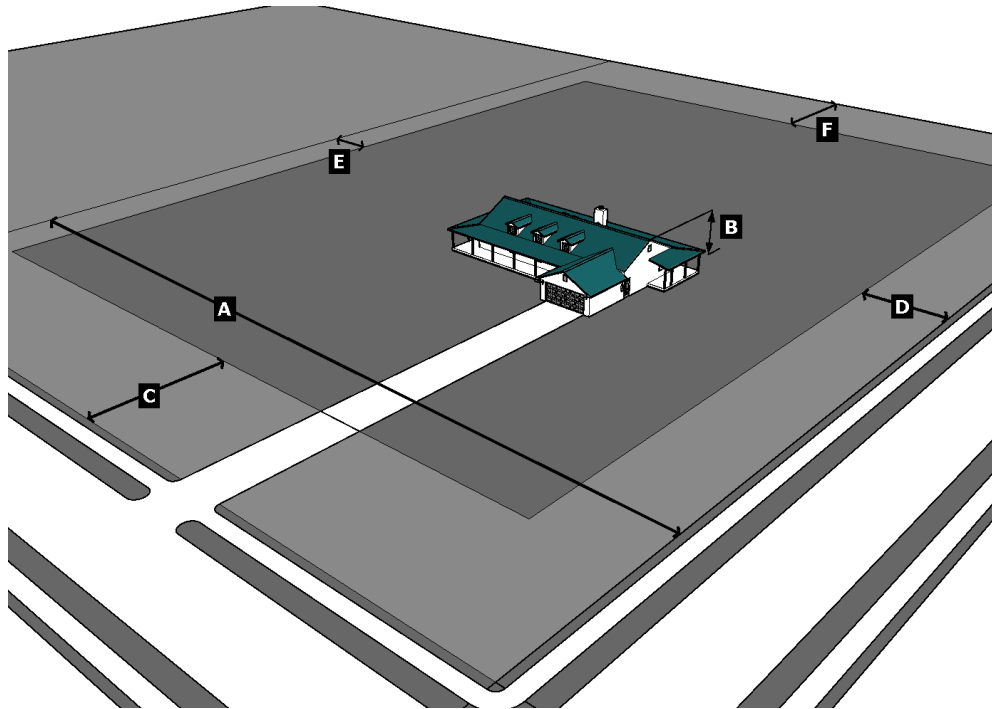
²¹ Concept images in the zoning districts are placeholders.

Table 151-2: C District Intensity and Dimensional Standards

Standard	Value	Standard	Value
<i>du</i> = dwelling units	<i>min</i> = minimum	<i>max</i> = maximum	<i>ft</i> = feet

NOTES:

- [1] All structures shall be set back at least 200 feet from the edge of the Yadkin River channel except for major and minor utilities.²²



E. Development Standards

Development in the C district shall comply with all applicable standards in this Ordinance, including but not limited to the standards referenced in Chapter 153: Site Development Standards, Chapter 154: Environmental Standards, and Chapter 155: Subdivision Standards.

²² Updated from “public utility systems” because major and minor utilities are defined uses in the updated UDO.

Section 151.03. Residential Districts

151.03.01 General Purpose of Residential Districts²³

The general purpose of the residential districts is to:

- A. Provide appropriately located lands for residential development that are consistent with the goals, policies, and objectives of the comprehensive plan and other adopted plans in the Village;
- B. Support the development pattern and character of the Village's established neighborhoods, and protect those neighborhoods from incompatible development;
- C. Support safe and convenient vehicular and pedestrian movement and provide connections to surrounding development;
- D. Maintain the Village's neighborhoods as safe and convenient places to live;
- E. Ensure compatible infill development; and
- F. Ensure the requirements of this Ordinance are in accordance with the comprehensive plan.

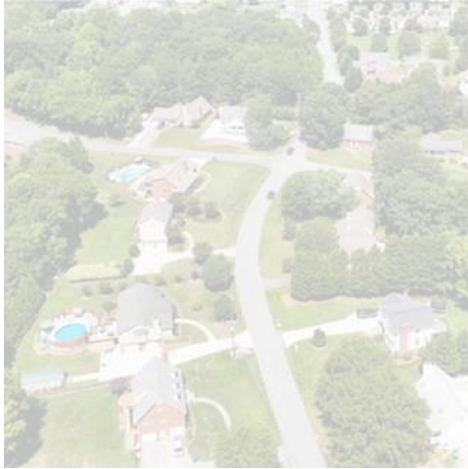
²³ This purpose statement is new.

151.03.02 RSF-1: Residential Single Family 1²⁴

A. Purpose and Intent²⁵

The RSF-1 district is primarily intended to accommodate single-family detached dwellings on large lots in areas without access to public water and sewer services, especially in areas where environmental features, public service capacities, or soil characteristics necessitate very limited development.

B. Concept



C. Use Standards

Allowed uses and use-specific standards for principal, accessory, and temporary uses are established in Chapter 152 Use Regulations.

D. Intensity and Dimensional Standards

Development in the RSF-1 district shall comply with the standards in Table 151-3: RSF-1 District Intensity and Dimensional Standards and Section 151.01, General Standards.

Table 151-3: RSF-1 District Intensity and Dimensional Standards²⁶

Standard		Value	Standard		Value
Lot Area, min (sq ft)		30,000	Setbacks, min (ft)		
A	Lot width, min (ft)	100	C	Front	35
B	Height, max (ft)	40	Side	D Street	20

²⁴ This consolidates the RS-40 and RS-30 districts from Sections 2-1.2(C) and 2-1.2(D) of the current UDO as discussed on page II-28 of the UDO Assessment.

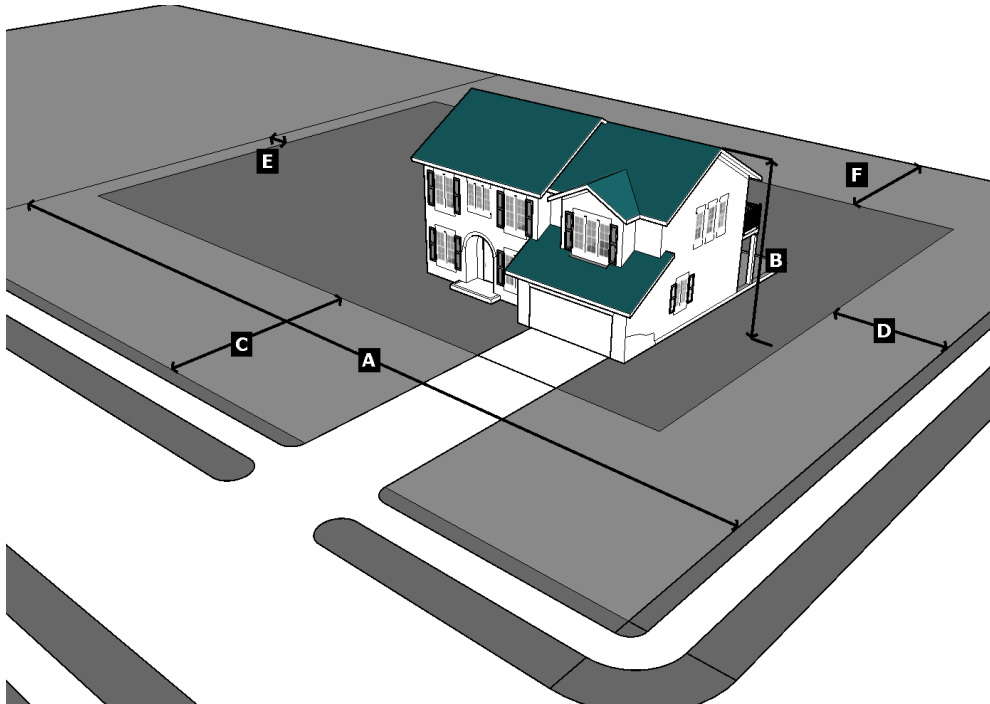
²⁵ This purpose statement is carried forward predominantly from Section B-2-1.2(C)(1) of the current UDO, for the RS-40 zoning district. This purpose statement encourages more limited application than the RS-30 district (despite its greater application in practice), which may be of use to the Village Council and Planning Board when considering rezonings and supporting higher density RSF-2 and RSF-3 development.

²⁶ Sections 2-1.2(C) (RS-40) and 2-1.2(D) (RS-30) of the current UDO share the same values for lot width, front and street-side setback, surface cover, and maximum height. Those are carried forward without change. For the interior side and rear setbacks, and the minimum zoning lot area, we have carried forward the more permissive value (those from the RS-30 district) in order to avoid nonconformities, as discussed on page II-28 of the UDO Assessment. This allows for 30,000 square foot lots to be developed in areas that are currently zoned only for 40,000 square foot lots but would avoid creating nonconformities in the 11 acres currently zoned RS-30.

Table 151-3: RSF-1 District Intensity and Dimensional Standards²⁶

Standard	Value	Standard	Value
Impervious Surface Cover, max	N/A	E Interior Side	7
		F Rear	35

du = dwelling units min = minimum max = maximum sq ft = square feet



E. Development Standards

Development in the RSF-1 district shall comply with all applicable standards in this Ordinance, including but not limited to the standards referenced in Chapter 153: Site Development Standards, Chapter 154: Environmental Standards, and Chapter 155: Subdivision Standards.

151.03.03 RSF-2: Residential Single Family 2²⁷

A. Purpose and Intent²⁸

The RSF-2 district is intended to accommodate primarily low- to moderate-density single family detached dwellings, along with compatible public, civic, and institutional uses, on lands with public water and sewer and with access to other infrastructure such as streets and parks.

B. Concept



C. Use Standards

Allowed uses and use-specific standards for principal, accessory, and temporary uses are established in Chapter 152 Use Regulations.

D. Intensity and Dimensional Standards

Development in the RSF-2 district shall comply with the standards in Table 151-4: RSF-2 District Intensity and Dimensional Standards and Section 151.01, General Standards.

Table 151-4: RSF-2 District Intensity and Dimensional Standards²⁹

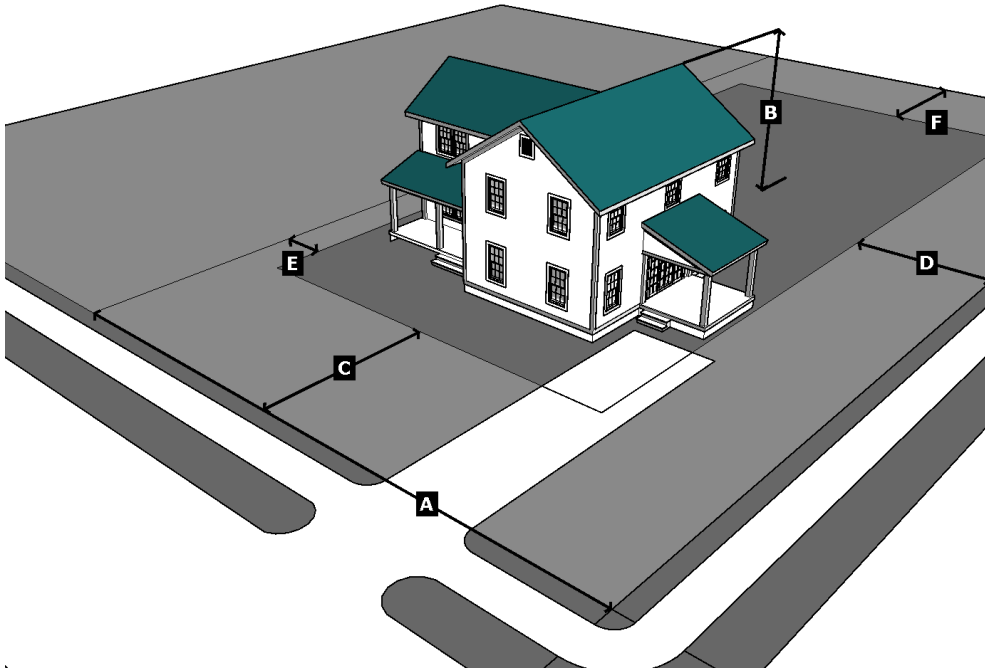
Standard	Value	Standard	Value
Lot Area, min (sq ft)	15,000	Setbacks, min (ft)	
A Lot width, min (ft)	85	C Front	25
B Height, max (ft)	40	Side	D Street 20
Impervious Surface Cover, max	N/A		E Interior Side 7
		F Rear	25

du = dwelling units min = minimum max = maximum sq ft = square feet

²⁷ This consolidates the RS-20 and RS-15 districts from Sections 2-1.2(E) and 2-1.2(F) of the current UDO as discussed on page II-28 of the UDO Assessment.

²⁸ This carries forward the purpose statement from Section B-2-1.2(F)(1) of the current UDO with revisions for Clemmons' land use context (e.g., removing the reference to "urban" areas).

²⁹ As discussed on page II-28 of the UDO Assessment, this section carries forward the more permissive requirements of Section B-2-1.2(F)(2) (RS-15 Residential Single Family District) of the current UDO in order to minimize nonconformities.



E. Development Standards

Development in the RSF-2 district shall comply with all applicable standards in this Ordinance, including but not limited to the standards referenced in Chapter 153: Site Development Standards, Chapter 154: Environmental Standards, and Chapter 155: Subdivision Standards.

151.03.04 RSF-3: Residential Single Family 3³⁰

A. Purpose and Intent³¹

The RSF-3 district is intended to accommodate higher density single-family detached dwellings where public facilities, including public water and sewer, public roads, parks, and other governmental support services, are available.

B. Concept



C. Use Standards

Allowed uses and use-specific standards for principal, accessory, and temporary uses are established in Chapter 152 Use Regulations.

D. Intensity and Dimensional Standards

Development in the RSF-3 district shall comply with the standards in Table 151-5: RSF-3 District Intensity and Dimensional Standards and Section 151.01, General Standards.

Table 151-5: RSF-3 District Intensity and Dimensional Standards

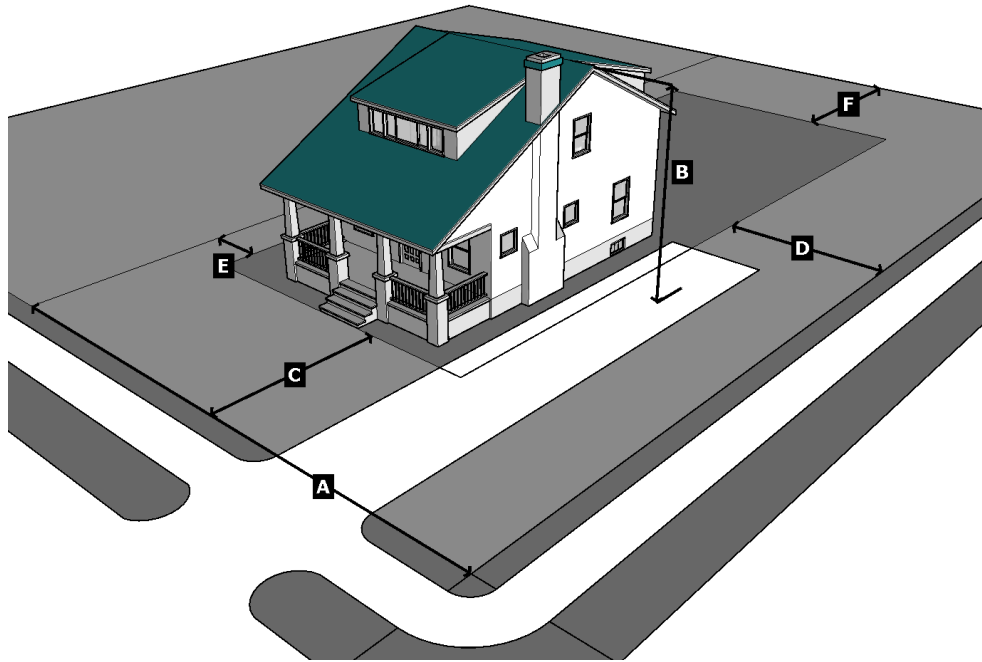
Standard	Value	Standard	Value
Lot Area, min (sq ft)	9,000	<i>Setbacks, min (ft)</i>	
A Lot width, min (ft)	65	C Front	20
B Height, max (ft)	40	Side	D Street 20
Impervious Surface Cover, max	N/A		E Interior Side 7
		F Rear	20 ³²

du = dwelling units min = minimum max = maximum sq ft = square feet

³⁰ This carries forward the RS-9 district from Sections 2-1.2(H) of the current UDO.

³¹ This carries forward Section B-2-1.2(H)(1) of the current UDO with slight revisions for Clemmons' land use context.

³² Reduced from 25 for consistency with RSF-1 and RSF-2.



E. Development Standards

Development in the RSF-3 district shall comply with all applicable standards in this Ordinance, including but not limited to the standards referenced in Chapter 153: Site Development Standards, Chapter 154: Environmental Standards, and Chapter 155: Subdivision Standards.

151.03.05 R-M: Residential Mixed³³

A. Purpose and Intent³⁴

The R-M district is intended to accommodate single-family residences, duplexes, twin homes, townhouses, and multifamily uses, alongside other compatible uses at a relatively low density and intensity where public facilities, including public water and sewer, public roads, parks, and other governmental support services are available.

B. Concept



C. Use Standards

Allowed uses and use-specific standards for principal, accessory, and temporary uses are established in Chapter 152 Use Regulations.

D. Intensity and Dimensional Standards

Development in the R-M district shall comply with the standards in Table 151-6: R-M District Intensity and Dimensional Standards and Section 151.01, General Standards.

Table 151-6: R-M District Intensity and Dimensional Standards

Standard	Value	Standard	Value
Lot Area, min (sq ft)	N/A ³⁵	Setbacks, min (ft) ³⁶	

³³ This consolidates the RS-7, RM-5, and RM-8 districts from Sections 2-1.2(I), 2-1.2(K), and 2-1.2(L) of the current UDO as discussed on page II-28 of the UDO Assessment.

³⁴ This carries forward the purpose statement for the RM-8 district (Section B-2-1.2(L)(1)) of the current UDO with substantial alterations to account for the consolidation of the RS-7 and RM-5 districts.

³⁵ Minimum lot areas are removed for this district in accordance with the discussion on page II-28 of the UDO Assessment. This effectively eliminates Table B.3.3 of the current UDO, which sets minimum lot sizes for the RM-5, RM-8, RM-12, RM-18, and RM-U districts.

³⁶ The values for the front, street side, and rear setbacks are carried forward from the dimensional requirements shared by all uses in the current RM-5 zoning district (Section B-2-1.2(K)(2)). Twin homes and town houses are not listed in that table as requiring the same setbacks, but table notes (1) and (4) effectively give 15-foot front and street side setbacks for both, given that shared walls cannot be front or street-side. This supersedes the front, street side, and rear setbacks for the RS-7 and RM-8 districts (15, 20, & 25, and 25, 20, & 25, respectively), as it creates the fewest nonconformities in the consolidated new district.

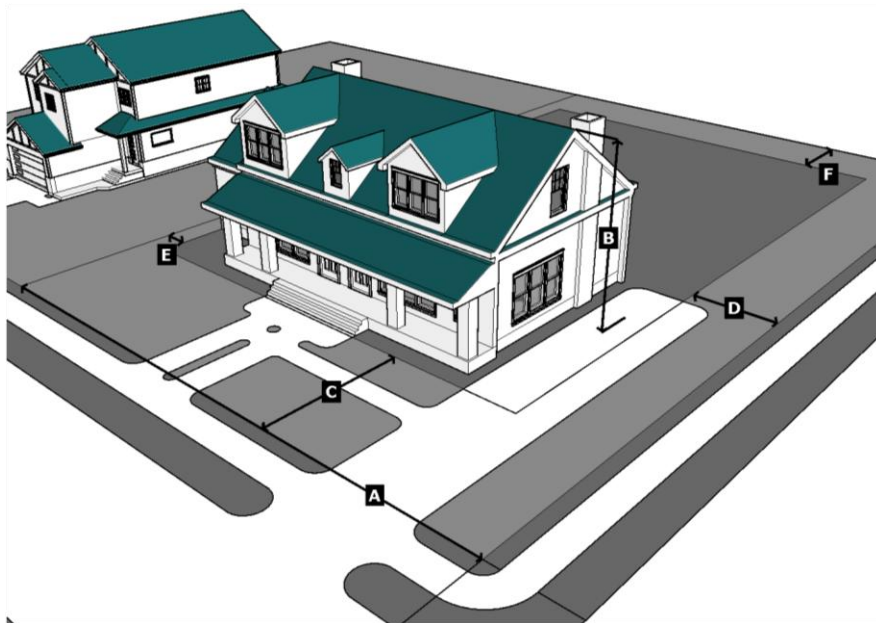
Table 151-6: R-M District Intensity and Dimensional Standards

Standard		Value	Standard		Value
A	Lot width, min (ft)	40 ³⁷	C	Front	15
B	Height, max (ft)	40	Side	D Street	15
	Impervious Surface Cover, max	70 ³⁸		E Interior Side	5 ³⁹ [1]
	Density (du/acre)	8 ⁴⁰	F	Rear	20 ⁴¹

du = dwelling units min = minimum max = maximum sq ft = square feet

NOTES:

- [1] Dwellings in buildings sharing a common wall such as twin homes and townhouses are exempt from interior side setback requirements.⁴²



E. Development Standards

Development in the R-M district shall comply with all applicable standards in this Ordinance, including but not limited to the standards referenced in Chapter 153: Site Development Standards, Chapter 154: Environmental Standards, and Chapter 155: Subdivision Standards.

³⁷ This value is carried forward from the dimensional requirements for single-family uses within the current RM-5 zoning district (Section B-2-1.2(K)(2)), as it is the most permissive lot width between the three districts consolidated by the R-M district and creates the fewest nonconformities.

³⁸ This value is carried forward from the current RM-8 zoning district (Section B-2-1.2(L)(2)) in accordance with the discussion on page II-28 of the UDO Assessment.

³⁹ This value is carried forward from the dimensional requirements for single-family uses within the current RM-5 zoning district (Sec. 2-1.2(K)(2)) as it is the most permissive setback, superseding those for other uses within the RM-5 zoning district and for the RS-7 and RM-8 districts in order to minimize nonconformities in accordance with the discussion on page II-28 of the UDO Assessment.

⁴⁰ This is carried forward from Table B.3.3 note (1) of the current UDO in accordance with the discussion on page II-28.

⁴¹ Increased from 15 for consistency with RSF-1, RSF-2, and RSF-3.

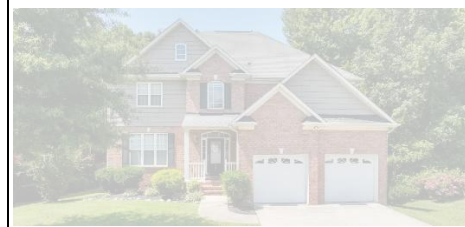
⁴² This replaces Section B-2-1(K)(3)-(4) of the current UDO, which considers connected twin home and town house units to be part of the same constituent building and applies setbacks differently from buildings located on only one lot. The new provision regulates side setbacks by unit, rather than by building, and applies the same building setbacks that apply to buildings located on a single lot to the constituent buildings of twin homes and town houses.

151.03.06 RMF-Medium: Residential Multifamily Medium⁴³

A. Purpose and Intent⁴⁴

The RMF-Medium district is intended to accommodate multifamily uses at a medium density and intensity alongside other appropriate uses where public facilities, including public water and sewer, public roads, parks, and other governmental support services are available.

B. Concept



C. Use Standards

Allowed uses and use-specific standards for principal, accessory, and temporary uses are established in Chapter 152 Use Regulations.

D. Intensity and Dimensional Standards

Development in the RMF-Medium district shall comply with the standards in Table 151-7: RMF-Medium District Intensity and Dimensional Standards and Section 151.01, General Standards.

Table 151-7: RMF-Medium District Intensity and Dimensional Standards

Standard	Value	Standard	Value
Lot Area, min (sq ft)	N/A ⁴⁵	<i>Setbacks, min (ft)</i>	
A Lot width, min (ft)	70	C Front [2]	25
B Height, max (ft)	45	Side	D Street 20
Impervious Surface Cover, max	75		E Interior Side 15 [1]
Density (du/acre)	12 ⁴⁶	F Rear	25

⁴³ This carries forward Section B-2-1.2(M) of the current UDO with adjustments as discussed on page II-28 of the UDO Assessment.

⁴⁴ This carries forward the purpose statement for the RM-12 district (Section B-2-1.2(M)(1)) of the current UDO with revisions that reflect the recommendations from page II-28 of the UDO Assessment.

⁴⁵ Minimum lot areas are removed for this district in accordance with the discussion on page II-28 of the UDO Assessment. This effectively eliminates Table B.3.3 of the current UDO, which sets minimum lot sizes for the RM-5, RM-8, RM-12, RM-18, and RM-U districts.

⁴⁶ This is carried forward from Table B.3.3 note (1) of the current UDO in accordance with the discussion on page II-28 of the UDO Assessment.

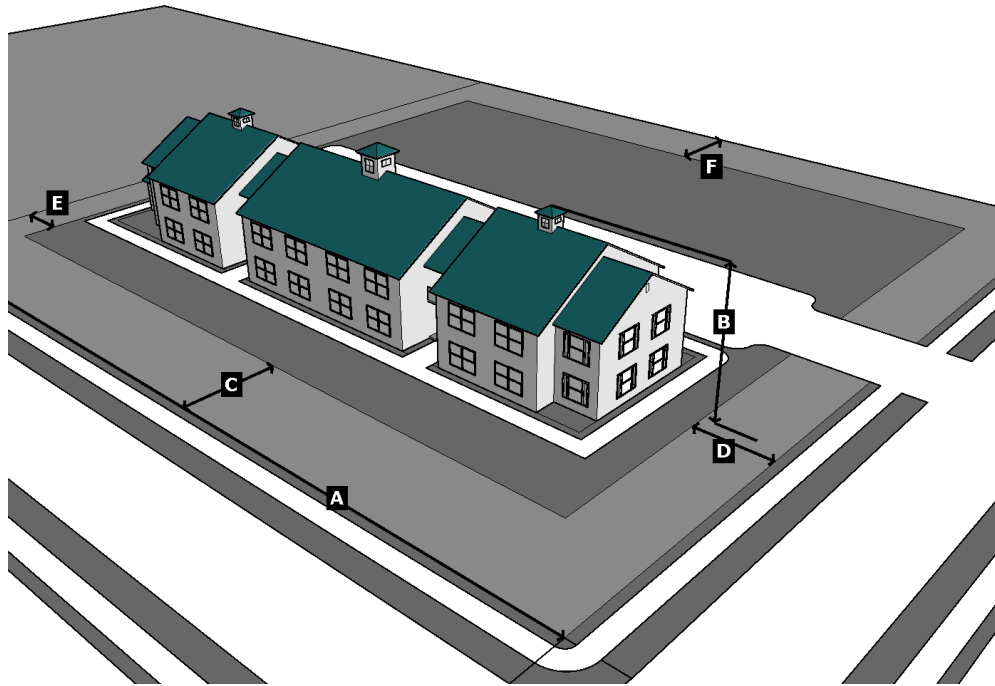
Table 151-7: RMF-Medium District Intensity and Dimensional Standards

Standard	Value	Standard	Value
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du = dwelling units min = minimum max = maximum sq ft = square feet

NOTES:

- [1] Dwellings in buildings sharing a common wall such as twin homes and townhouses are exempt from interior side setback requirements.⁴⁷



E. Development Standards

Development in the RMF-Medium district shall comply with all applicable standards in this Ordinance, including but not limited to the standards referenced in Chapter 153: Site Development Standards, Chapter 154: Environmental Standards, and Chapter 155: Subdivision Standards.

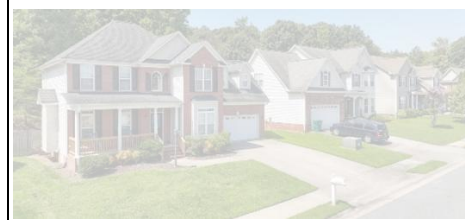
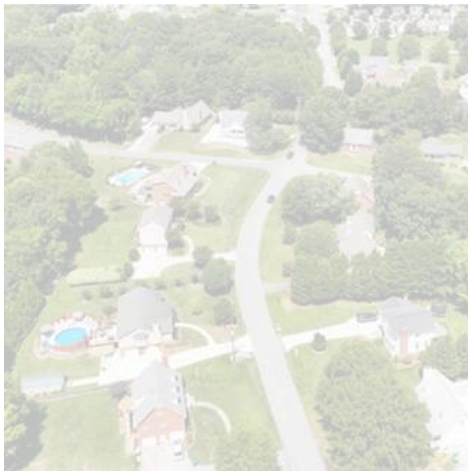
⁴⁷ Section B-2-1.2(M) of the current UDO does not include regulations for twin homes or town houses, despite them being permitted in the RM-12 district (twin homes by right) in Table B.2.6, Permitted Uses. As such, we have carried forward the same standard applied for those uses in the R-M district.

151.03.07 RMF-High: Residential Multifamily High⁴⁸

A. Purpose and Intent⁴⁹

The RMF-High district is intended to accommodate multifamily uses at the highest density available in the Village, alongside other appropriate uses where public facilities, including public water and sewer, public roads, parks, and other governmental support services are available. It is intended to be applied to lands with direct access to a major or minor thoroughfare.

B. Concept



C. Use Standards

Allowed uses and use-specific standards for principal, accessory, and temporary uses are established in Chapter 152 Use Regulations.

D. Intensity and Dimensional Standards

Development in the RMF-High district shall comply with the standards in Table 151-8: RMF-High District Intensity and Dimensional Standards and Section 151.01, General Standards.

Table 151-8: RMF-High District Intensity and Dimensional Standards

Standard	Value	Standard	Value
Lot Area, min (sq ft)	N/A ⁵⁰	<i>Setbacks, min (ft)</i>	
A Lot width, min (ft)	70	C Front	25
B Height, max (ft)	60	Side	D Street 20
Impervious Surface Cover, max	80		E Interior Side 15 [1]

⁴⁸ This carries forward Section B-2-1.2(N) of the current UDO with adjustments as discussed on page II-29 of the UDO Assessment.

⁴⁹ This carries forward the purpose statement for the RM-18 district (Section B-2-1.2(M)(1)) of the current UDO with revisions that reflect the recommendations from page II-29 of the UDO Assessment.

⁵⁰ Minimum lot areas are removed for this district in accordance with the discussion on page II-28 of the UDO Assessment. This effectively eliminates Table B.3.3 of the current UDO, which sets minimum lot sizes for the RM-5, RM-8, RM-12, RM-18, and RM-U districts

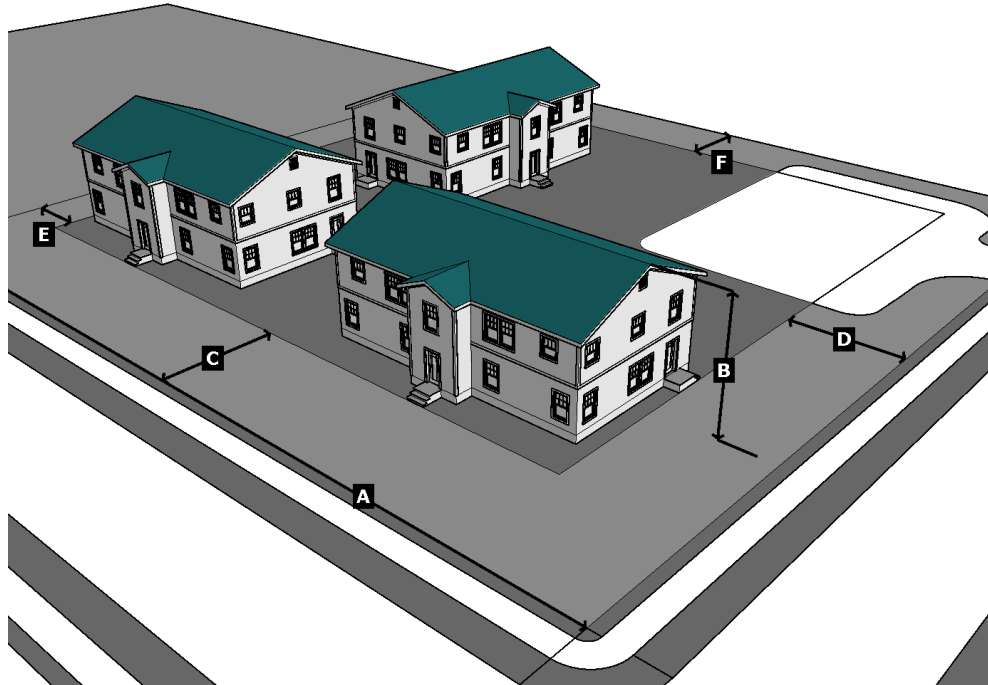
Table 151-8: RMF-High District Intensity and Dimensional Standards

Standard	Value	Standard	Value
Density (du/acre)	18 ⁵¹	F Rear	25

du = dwelling units min = minimum max = maximum sq ft = square feet

NOTES:

- [1] Dwellings sharing a common wall such as twin homes and townhouses are exempt from interior side setback requirements⁵²



E. Development Standards

Development in the RMF-High district shall comply with all applicable standards in this Ordinance, including but not limited to the standards referenced in Chapter 153: Site Development Standards, Chapter 154: Environmental Standards, and Chapter 155: Subdivision Standards.

⁵¹ This is carried forward from Table B.3.3 note (1) of the current UDO in accordance with the discussion on page II-28.

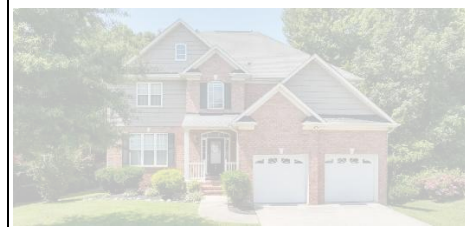
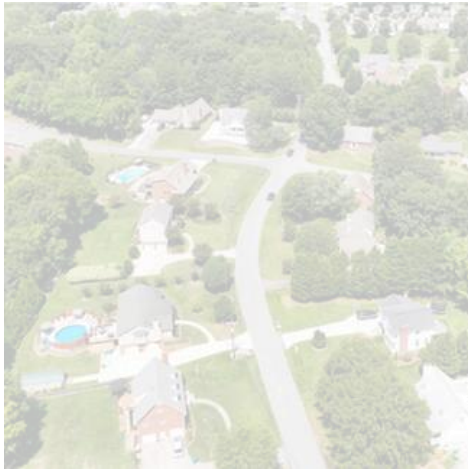
⁵² Section B-2-1.2(N) of the current UDO does not include regulations for twin homes or town houses, despite them being permitted in the RM-18 district (twin homes by right) in Table B.2.6, Permitted Uses. As such, we have carried forward the same standard applied for those uses in the R-M district.

151.03.08 R-MH: Residential Manufactured Housing⁵³

A. Purpose and Intent

The MH district is primarily intended to accommodate manufactured home developments where public facilities, including public water and sewer, public roads, parks, and other governmental support services, are available.

B. Concept



C. Use Standards

Allowed uses and use-specific standards for principal, accessory, and temporary uses are established in Chapter 152 Use Regulations.

D. Intensity and Dimensional Standards

- (1) Except as provided in subsection (2) below, development in the R-MH district shall comply with the standards in Table 151-9: R-MH District Intensity and Dimensional Standards and Section 151.01, General Standards.
- (2) Development of a manufactured home development shall comply with the standards in Section 152.02.04C(1)(f), Manufactured Home Development.

Table 151-9: R-MH District Intensity and Dimensional Standards

Standard	Value	Standard	Value
Lot Area, min (sq ft)	10,000	Setbacks, min (ft)	
A Lot width, min (ft)	70	C Front	30
B Height, max (ft)	40	Side	D Street 20
Impervious Surface Cover, max	N/A		E Interior Side 10
		F Rear	20

du = dwelling units min = minimum max = maximum sq ft = square feet

⁵³ This carries forward Section B-2-1.2(P) of the current UDO (MH Manufactured Housing Development District) with a slight change to the name for consistency.

Chapter 151: Zoning Districts

Section 151.03. Residential Districts

E. Development Standards

Development in the R-MH district shall comply with all applicable standards in this Ordinance, including but not limited to the standards referenced in Chapter 153: Site Development Standards, Chapter 154: Environmental Standards, and Chapter 155: Subdivision Standards.

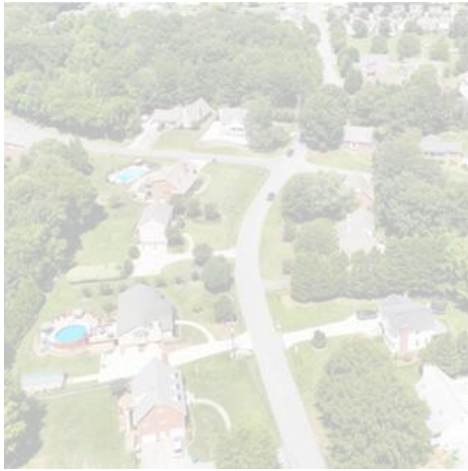
Section 151.04. Institutional and Public District⁵⁴

151.04.01 IP: Institutional and Public District

A. Purpose and Intent

The IP District is intended to accommodate public and institutional uses which have a limited impact on surrounding areas.

B. Concept



C. Use Standards

Allowed uses and use-specific standards for principal, accessory, and temporary uses are established in Chapter 152 Use Regulations.

D. Intensity and Dimensional Standards

Development in the IP district shall comply with the standards in Table 151-10: IP District Intensity and Dimensional Standards and Section 151.01, General Standards.

Table 151-10: IP District Intensity and Dimensional Standards

Standard		Value	Standard		Value
Lot Area, min (sq ft)		10,000	Setbacks, min (ft)		
A	Lot width, min (ft)	65	C	Front	25
B	Height, max (ft)		Side	D Street	20
Impervious Surface Cover, max		60%		E Interior Side	5
			F	Rear	10

min = minimum max = maximum sq ft = square feet

⁵⁴ This district was inadvertently excluded from the UDO Assessment and has been added back in this draft.

Chapter 151: Zoning Districts

Section 151.04. Institutional and Public District

E. Development Standards

Development in the IP district shall comply with all applicable standards in this Ordinance, including but not limited to the standards referenced in Chapter 153: Site Development Standards, Chapter 154: Environmental Standards, and Chapter 155: Subdivision Standards.

Section 151.05. Business Districts

151.05.01 General Purpose of Business Districts

The general purpose of the business districts is to:

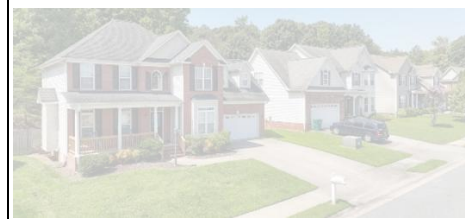
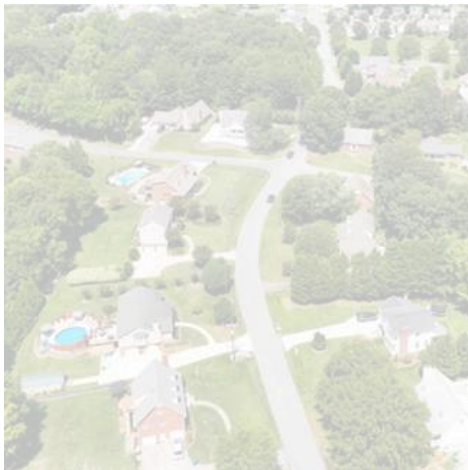
- A. Provide centers of commerce, employment, and entertainment for residents and visitors;
- B. Support development that is scaled to local, community, and regional needs;
- C. Facilitate the redevelopment and revitalization of underused and vacant sites;
- D. Accommodate infill development;
- E. Ensure safe connections to nearby neighborhoods using multiple modes of transportation;
- F. Encourage high-quality design of the built environment and public spaces; and
- G. Ensure the requirements of this Ordinance are in accordance with the comprehensive plan.

151.05.02 CN: Commercial Neighborhood⁵⁵

A. Purpose and Intent⁵⁶

The CN district is intended to accommodate very low intensity office, retail, and personal service uses close to or within residential areas. The district is established to provide convenient locations for businesses which serve the everyday household needs of nearby residents without disrupting the character of the neighborhood, as well as convenient locations offices that create little traffic or require limited parking. The district is not intended to accommodate retail uses which attract customers from outside the neighborhood or which primarily cater to motorists.

B. Concept



C. Use Standards

Allowed uses and use-specific standards for principal, accessory, and temporary uses are established in Chapter 152 Use Regulations.

D. Intensity and Dimensional Standards

Development in the CN district shall comply with the standards in Table 151-11: CN District Intensity and Dimensional Standards and Section 151.01, General Standards.

Table 151-11: CN District Intensity and Dimensional Standards⁵⁷

Standard		Value	Standard		Value
Lot Area, min (sq ft)		6,000	Setbacks, min (ft)		
A	Lot width, min (ft)	65	C	Front	10
B	Height, max (ft)	40	Side	D Street	20

⁵⁵ This consolidates the NO and NB districts from Sections 2-1.3(A) and 2-1.2(E) of the current UDO as discussed on page II-29 of the UDO Assessment.

⁵⁶ This carries forward Section B-2-1.3(E)(1) of the current UDO, the purpose statement for the current NB district, with slight revisions to include the compatible elements of Section B-2-1.3(A)(1), the purpose statement for the current NO district.

⁵⁷ Sections 2-1.3(A)(2) and 2-1.3(E)(2) of the current UDO share the same values, and are carried forward here, except for the measurements for front setback (carried forward from subsection (E)), density (carried forward from subsection (A)), and maximum floor area (subsection (A) for all structures, subsection (E) for additional limitations).

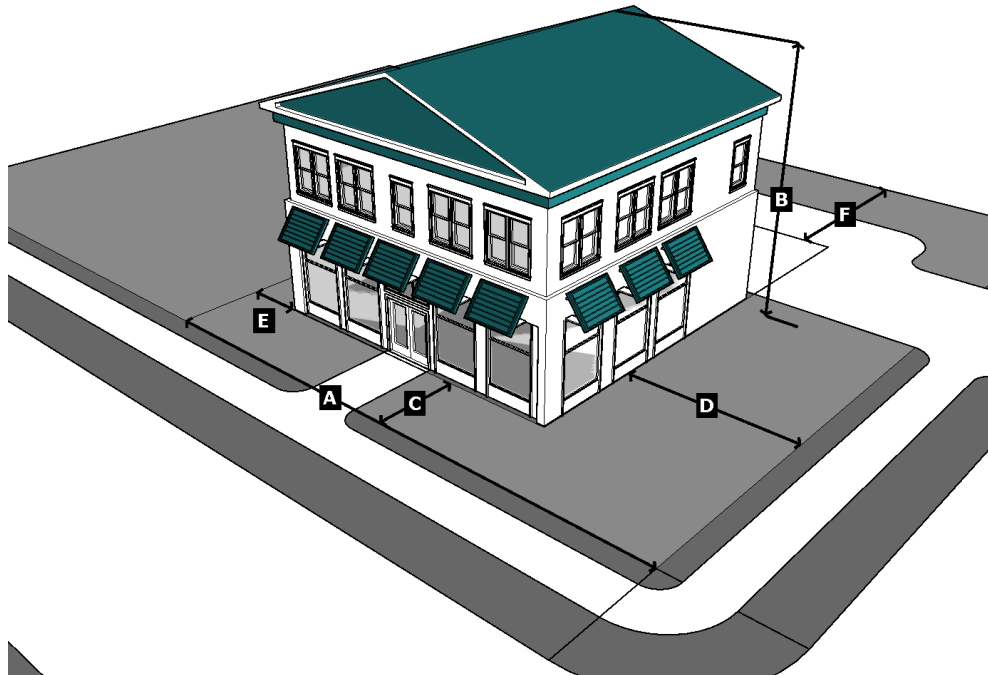
Table 151-11: CN District Intensity and Dimensional Standards⁵⁷

Standard	Value	Standard	Value
Impervious Surface Cover, max	60%	E Interior Side	7 [1] [2]
Density (du/acre)	4 [3]	F Rear	25 [2]
Maximum Floor Area (sq ft)	4,000 [4]		

du = dwelling units min = minimum max = maximum sq ft = square feet

NOTES:

- [1] No interior setback is required for buildings on adjacent lots with a shared wall.⁵⁸
- [2] Minimum side or rear setback is 40 feet when abutting a lot with a use in the Residential use classification other than multifamily dwelling.
- [3] This only applies for multifamily residential uses within the CN district. Multifamily residential buildings within this district may only contain 4 dwelling units per building.
- [4] This standard only applies to new structures within the CN district. In addition, for new development,⁵⁹ the following uses shall be restricted to a maximum floor area of no more than 2,500 square feet per lot: banking and financial services, convenience stores, drug stores, food stores, government offices, medical and surgical offices, neighborhood organization offices, professional offices, and similar uses. Uses that do not comply with the maximum floor area standards in this district shall not be considered to be nonconforming and may be rebuilt up to the same footprint following a casualty in accordance with Chapter 157: Nonconformities, but shall not be allowed to expand in size.



⁵⁸ This is new.

⁵⁹ Applying this 2,500 square foot limitation for certain uses only to new development is new and intended to minimize the creation of nonconformities in accordance with the discussion on page II-29 of the UDO Assessment, since some of the uses permitted by right in the current NO district are limited to 2,500 square feet in the NB district. While it would be possible to avoid creating nonconformities by removing the 2,500 square foot limitation, maintaining small lot sizes for these uses within districts intended to have a “neighborhood” can promote maintaining that character. The final sentence of this table note is included to ensure that any of these uses that currently exist within the NO district do not become nonconforming, but also cannot expand further.

E. Development Standards

Development in the CN district shall comply with all applicable standards in this Ordinance, including but not limited to the standards referenced in Chapter 153: Site Development Standards, Chapter 154: Environmental Standards, and Chapter 155: Subdivision Standards.

F. Additional Standards⁶⁰

The CN district shall not be applied to land if more than one acre of contiguous area would be assigned to the district.

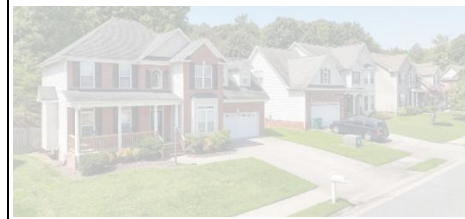
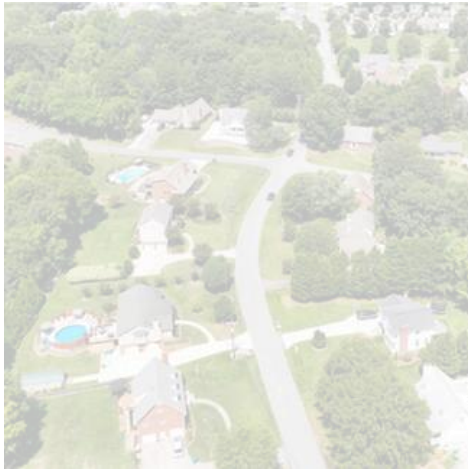
⁶⁰ This carries forward 2-1.3(E)(3)(a) of the current UDO, with amendments to minimize nonconformities created by merging the current NB and NO districts, only of which the former includes these regulations. Please see the footnote for Table Note 3 of Table 151-11: CN District Intensity and Dimensional Standards for further discussion on avoiding creating nonconformities within the new CN district. Removes separation requirements.

151.05.03 CL: Commercial Limited⁶¹

A. Purpose and Intent⁶²

The CL district is intended to accommodate moderately intense neighborhood shopping and service centers close to residential areas. This district may serve as a transition between residential districts and other, more intense commercial districts.

B. Concept



C. Use Standards

Allowed uses and use-specific standards for principal, accessory, and temporary uses are established in Chapter 152 Use Regulations.

D. Intensity and Dimensional Standards

Development in the CL district shall comply with the standards in Table 151-12: CL District Intensity and Dimensional Standards and Section 151.01, General Standards.

Table 151-12: CL District Intensity and Dimensional Standards

Standard	Value	Standard	Value
Lot Area, min (sq ft)	10,000	<i>Setbacks, min (ft)</i>	
A Lot width, min (ft)	100	C Front	20
B Height, max (ft)	40	Side	D Street 20 [1]
Impervious Surface Cover, max	75%		E Interior Side [1] [2]
		F Rear	5

min = minimum max = maximum sq ft = square feet

⁶¹ This carries forward Section B-2-1.3(G) of the current UDO (LB Limited Business District) with a name change.

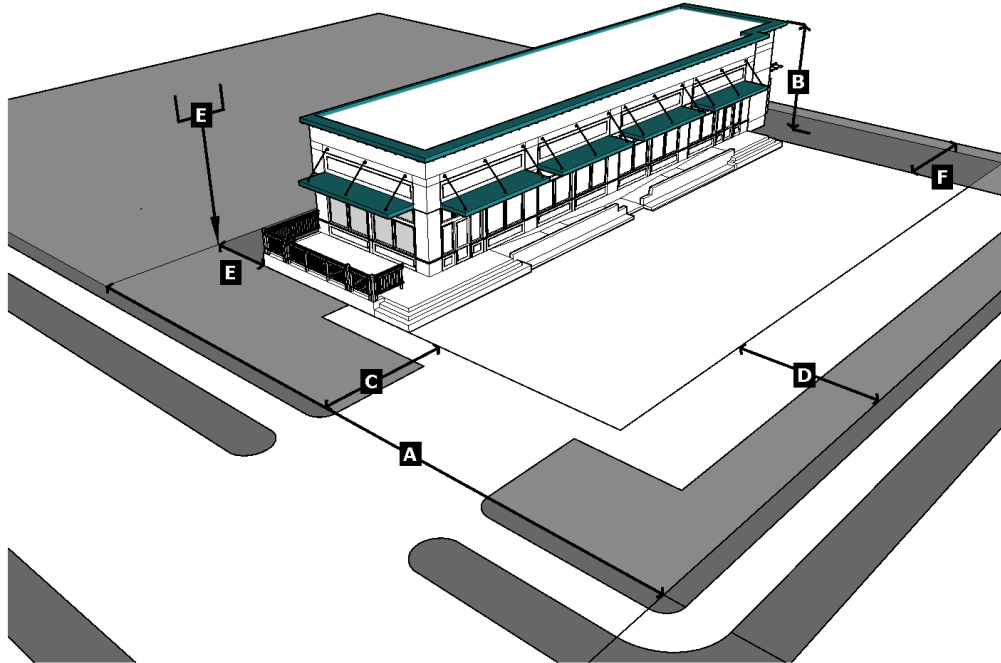
⁶² This is carried forward with revisions from Section B-2-1.3(G)(1), the purpose statement for the current UDO's LB district. Reference to ten-acre minimum in rural areas has been removed.

Table 151-12: CL District Intensity and Dimensional Standards

Standard	Value	Standard	Value
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NOTES:

- [1] Minimum side or rear setback is 40 feet when abutting a lot with a use in the Residential use classification other than multifamily dwelling.
- [2] No interior side setback is required, but if a building is not built on the lot line, the minimum setback line shall be 12 feet.⁶³



E. Development Standards

Development in the CL district shall comply with all applicable standards in this Ordinance, including but not limited to the standards referenced in Chapter 153: Site Development Standards, Chapter 154: Environmental Standards, and Chapter 155: Subdivision Standards.

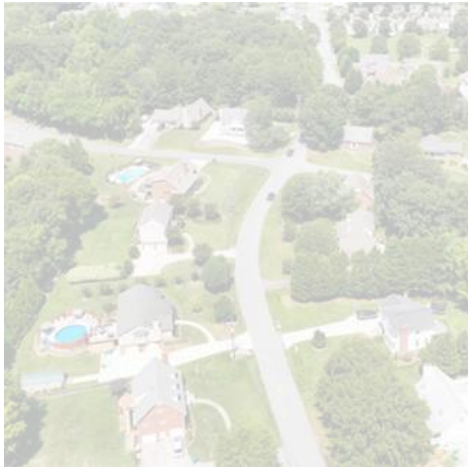
⁶³ This carries forward with revisions the zero lot-line provision of Table Note [2] of Section B-2-1.3(G)(2) of the current UDO, in concert with 159.03.02B(2), regarding rules of measurement for side setbacks. This UDO seeks to limit instances where yards are regulated independently from setbacks, which is a feature of the current UDO, and can introduce confusion. This provision has been revised in accordance with this principle. The required 40 foot setback adjacent to residential lands (in this district and other commercial districts) will be addressed in Section 153.09, Form and Design Standards..

151.05.04 CG: Commercial General⁶⁴

A. Purpose and Intent

The CG district is intended to accommodate a wide range of retail, service, and office uses located along thoroughfares in areas which have developed with minimal front setbacks. It is intended to be applied to lands along major corridors in the Village which have good vehicular access. The district is not intended to encourage or accommodate strip commercial development.

B. Concept



C. Use Standards

Allowed uses and use-specific standards for principal, accessory, and temporary uses are established in Chapter 152 Use Regulations.

D. Intensity and Dimensional Standards

Development in the CG district shall comply with the standards in Table 151-13: CG District Intensity and Dimensional Standards and Section 151.01, General Standards.

Table 151-13: CG District Intensity and Dimensional Standards

Standard	Value	Standard	Value
Lot Area, min (sq ft)	10,000	<i>Setbacks, min (ft)</i>	
A Lot width, min (ft)	75	C Front	20
B Height, max (ft)	60 ⁶⁵	Side	D Street 20
Impervious Surface Cover, max	N/A		E Interior Side 0 [1]
		F Rear	0 [1]

min = minimum max = maximum sq ft = square feet

⁶⁴ This carries forward Section B-2-1.3(J) of the current UDO (GB General Business District) with a name change.

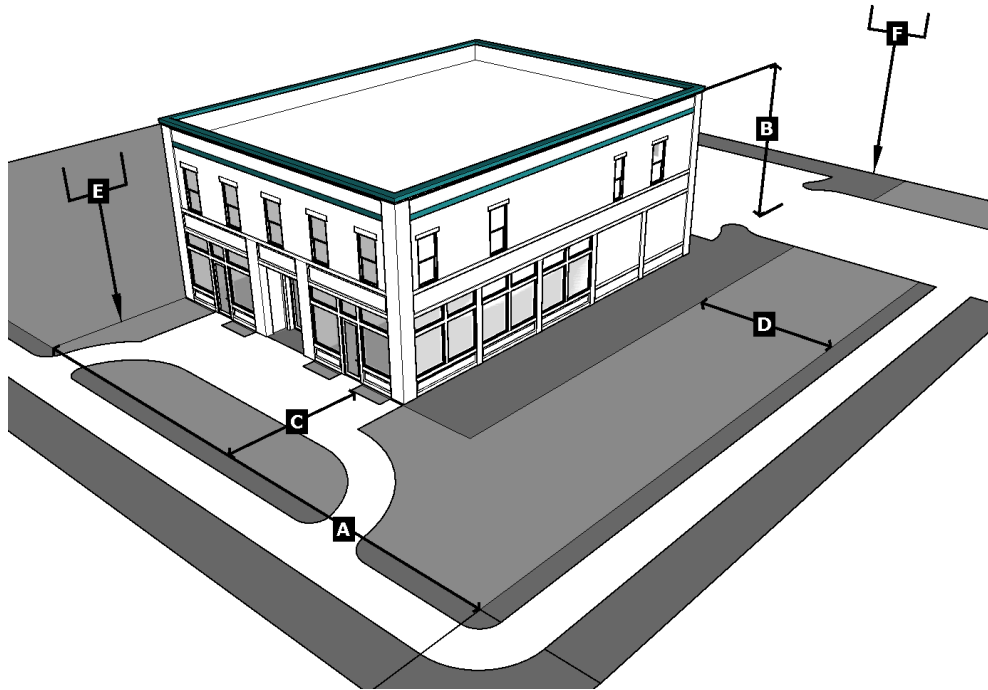
⁶⁵ Height limit now applies to all development; previously, height was limited to 60 feet adjacent to RS, RM (except RM-U), YR, AG, or H, and otherwise unlimited. In addition, allowance for additional height adjacent to the RS, RM (except RM-U), YR, AG, or H districts (one additional foot of height for each additional height of setback from those districts beyond 40 feet of setback) has not been carried forward.

Table 151-13: CG District Intensity and Dimensional Standards

Standard	Value	Standard	Value
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NOTES

- [1] Minimum side or rear setback is 40 feet when abutting a lot with a use in the Residential use classification other than multifamily dwelling.



E. Development Standards

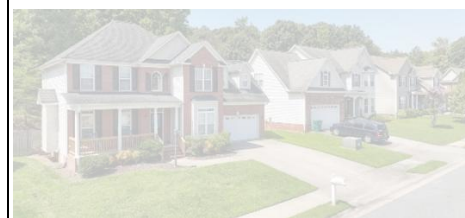
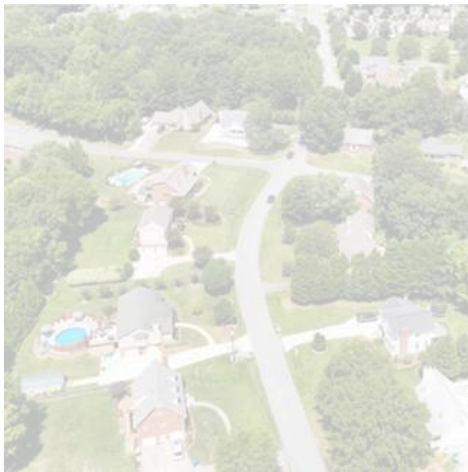
Development in the CG district shall comply with all applicable standards in this Ordinance, including but not limited to the standards referenced in Chapter 153: Site Development Standards, Chapter 154: Environmental Standards, and Chapter 155: Subdivision Standards.

151.05.05 CH: Commercial Highway⁶⁶

A. Purpose and Intent

The CH district is intended to accommodate a broad range of commercial uses, including animal care, eating and drinking, office, personal and business services, recreational, retail sales and services, vehicle sales and services, and visitor accommodation uses, that are aimed both at local residents and regional travelers accessing the Village using major roads such as I-40, Lewisville-Clemmons Road, and Clemmons Road. Uses in the district should have direct access to a major thoroughfare. The district is not intended to encourage or accommodate strip commercial development.

B. Concept



C. Use Standards

Allowed uses and use-specific standards for principal, accessory, and temporary uses are established in Chapter 152 Use Regulations.

D. Intensity and Dimensional Standards

Development in the CH district shall comply with the standards in Table 151-14: CH District Intensity and Dimensional Standards and Section 151.01, General Standards.

Table 151-14: CH District Intensity and Dimensional Standards

Standard	Value	Standard	Value
Lot Area, min (sq ft)	20,000	<i>Setbacks, min (ft)</i>	
A Lot width, min (ft)	100	C Front	25 ⁶⁷
B Height, max (ft)	60	Side	D Street 20 [1]
Impervious Surface Cover, max	85%		E Interior Side [1] [2]
		F Rear	20

min = minimum max = maximum sq ft = square feet

⁶⁶ This carries forward Section B-2-1.3(I) of the current UDO (HB Highway Business District) with a name change.

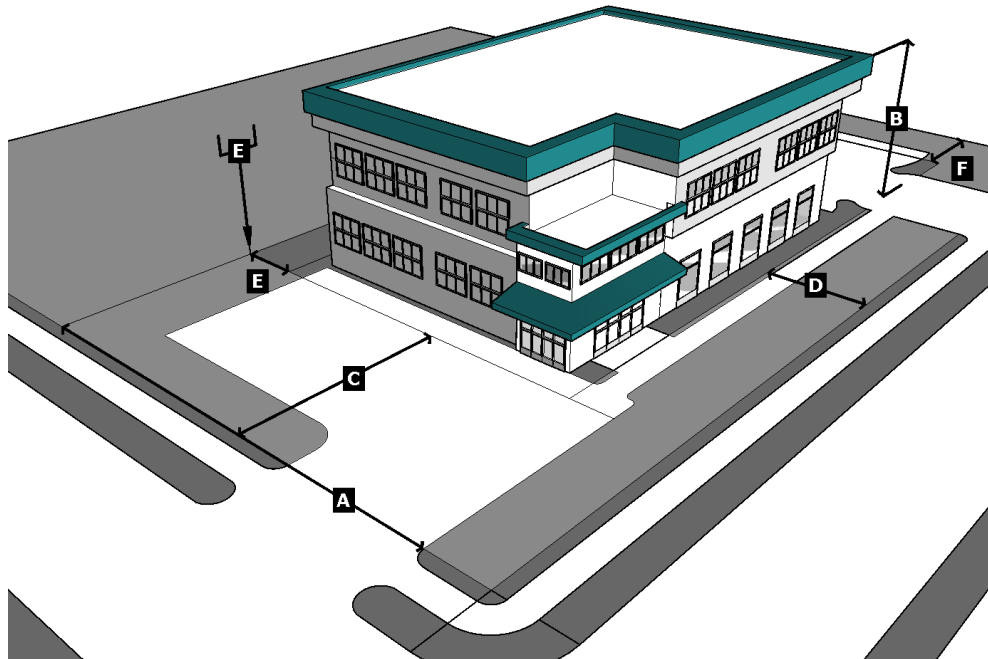
⁶⁷ Reduced from 40 feet.

Table 151-14: CH District Intensity and Dimensional Standards

Standard	Value	Standard	Value
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NOTES:

- [1] Minimum side or rear setback is 40 feet when abutting a lot with a use in the Residential use classification other than multifamily dwelling.
- [2] No interior side setback is required, but if a building is not built on the lot line, the minimum setback line shall be 12 feet.⁶⁸



E. Development Standards

Development in the CH district shall comply with all applicable standards in this Ordinance, including but not limited to the standards referenced in Chapter 153: Site Development Standards, Chapter 154: Environmental Standards, and Chapter 155: Subdivision Standards.

⁶⁸ This carries forward with revisions the zero lot-line provision of Table Note [2] of Section B-2-1.3(l)(2) of the current UDO, in concert with 159.03.02B(2), regarding rules of measurement for side setbacks. This UDO seeks to limit instances where yards are regulated independently from setbacks, which is a feature of the current UDO, and can introduce confusion. This provision has been revised in accordance with this principle.

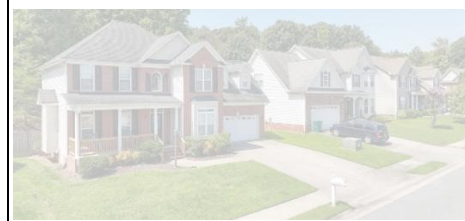
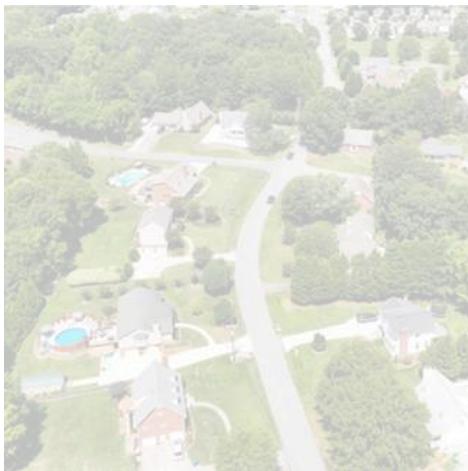
Section 151.06. Mixed-Use District

151.06.01 MU: Mixed-Use⁶⁹

A. Purpose and Intent⁷⁰

The MU district is a conditional zoning district intended to accommodate office, retail, service, institutional and high density residential uses which customarily serve community and convenience business needs. Shopping and service centers within the district should meet the daily retail and service needs of residents in the surrounding areas. The district should demonstrate pedestrian-oriented design include elements such as buildings pulled up to the street, on-street parking, street trees, covered arcades, awnings, storefront display windows, public/private outdoor spaces, wide sidewalks, and building entrances facing the street. Uses should be compatible with nearby residential uses, and be appropriately buffered.

B. Concept



C. Use Standards

Allowed uses and use-specific standards for principal, accessory, and temporary uses are established in Chapter 152 Use Regulations.

D. Intensity and Dimensional Standards

Development in the MU district shall comply with the standards in Table 151-15: MU District Intensity and Dimensional Standards and Section 151.01, General Standards.

⁶⁹ This consolidates the PB and NSB districts from Sections 2-1.3(F) and 2-1.2(H) of the current UDO as discussed on page II-30 of the UDO Assessment. Because development within the current NSB district is contingent on site plan approval, and because the MU district will only be available through the conditional zoning map amendment process, the majority of the regulations within this district are carried forward from the PB district.

⁷⁰ This section combines Sections 2-1.3(F)(1) and 2-1.3(H)(1) of the current UDO with substantial revisions.

Table 151-15: MU District Intensity and Dimensional Standards⁷¹

Standard		Value	Standard		Value
A	Height, max (ft)	60 ⁷²	Setbacks, min (ft)		
Lot Area, min (sq ft)		To be established in district conditions	Front		To be established in district conditions
Lot width, min (ft)			Side	Street	
Impervious Surface Cover, max			Interior Side		
			Rear		

min = minimum max = maximum sq ft = square feet

E. Development Standards

Development in the MU district shall comply with all applicable standards in this Ordinance, including but not limited to the standards referenced in Chapter 153: Site Development Standards, Chapter 154: Environmental Standards, and Chapter 155: Subdivision Standards.

F. Additional Standards

The MU district shall only be assigned to land in the Village as a conditional zoning district, in accordance with Section 156.05.03, Conditional Zoning Map Amendment.⁷³

⁷¹ These values are carried forward from Section B-2-1.3(F)(2) of the current UDO (General Dimensional Requirements – PB), in accordance with the discussion on page II-30 of the UDO Assessment. The values from Section 2.1.3(H)(2) (General Dimensional Requirements – NSB) are eliminated in order not to create nonconformities.

⁷² Reduced from 80 feet.

⁷³ This section is new and establishes that MU may only be applied as a conditional district, in accordance with the discussion on page II-30 of the UDO Assessment.

Section 151.07. Industrial Districts

151.07.01 General Purpose of Industrial Districts

The general purpose of the industrial districts is to:

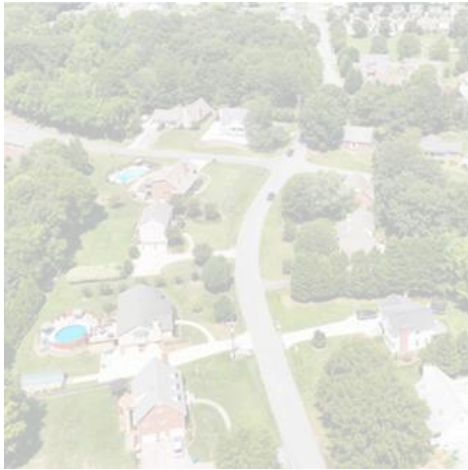
- A. Provide appropriately located lands for the full range of industrial uses required by the Village's residents, businesses, and workers, in accordance with the Comprehensive Plan.
- B. Preserve lands for industrial uses and prevent the use of those lands for incompatible residential, institutional, or commercial uses.
- C. Create suitable environments for uses that have heavy freight traffic and which may generate noise, odors, or other impacts;
- D. Ensure industrial development is located and designed to protect and preserve the character of existing residential districts and neighborhoods;
- E. Provide a place to locate uses that are generally incompatible with other uses in other zoning districts; and
- F. Ensure the requirements of this Ordinance are in accordance with the comprehensive plan.

151.07.02 IL: Industrial Light⁷⁴

A. Purpose and Intent

The IL District is intended to accommodate limited manufacturing, wholesaling, warehousing, research and development, and related commercial and service activities which, in their normal operations, have little or no adverse effect upon adjoining properties.

B. Concept



C. Use Standards

Allowed uses and use-specific standards for principal, accessory, and temporary uses are established in Chapter 152 Use Regulations.

D. Intensity and Dimensional Standards

Development in the IL district shall comply with the standards in Table 151-16: IL District Intensity and Dimensional Standards and Section 151.01, General Standards.

Table 151-16: IL District Intensity and Dimensional Standards

Standard		Value	Standard			Value
Lot Area, min (sq ft)		10,000	Setbacks, min (ft)			
A	Lot width, min (ft) [1]	100	C Front			20
B	Height, max (ft)	60 ⁷⁵	Side	D	Street	20
Impervious Surface Cover, max		90%		E	Interior Side	0 or 12 [1]
Maximum Floor Area		[2]	F Rear			20

min = minimum max = maximum sq ft = square feet

⁷⁴ This carries forward Section B-2-1.4(A) of the current UDO (LI Limited Industrial District) with a name change.

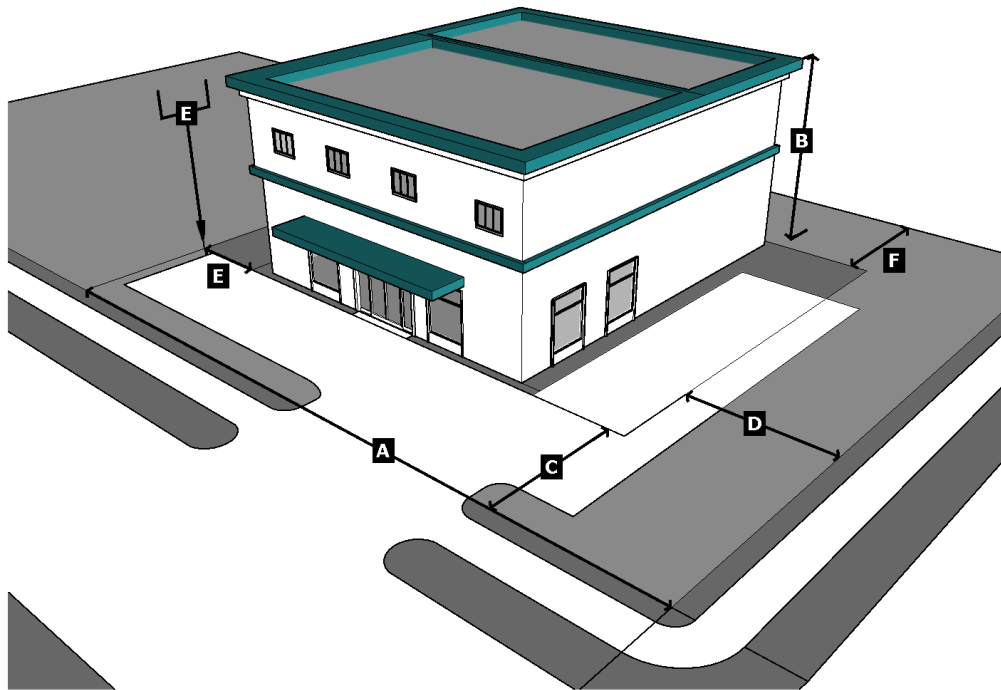
⁷⁵ New; LI district did not have a height limit.

Table 151-16: IL District Intensity and Dimensional Standards

Standard	Value	Standard	Value
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NOTES:

- [1] No interior side setback is required, but if a building is not built on the lot line, the minimum setback line shall be 12 feet.
- [2] Retail uses shall not exceed 25 percent of the floor area of the principal industrial building on a lot, unless otherwise allowed in this Ordinance.



E. Development Standards

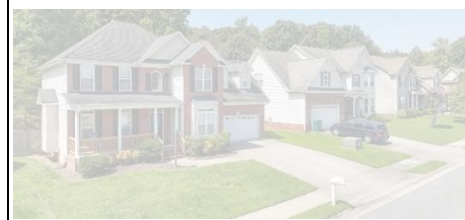
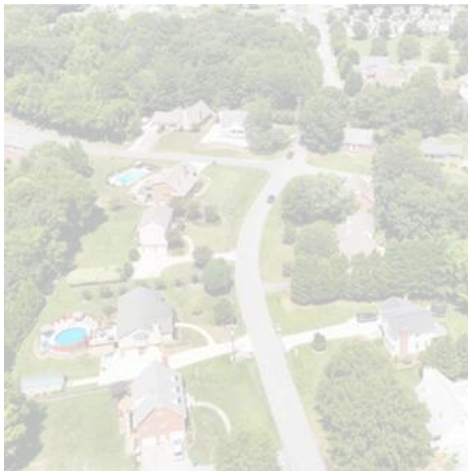
Development in the IL district shall comply with all applicable standards in this Ordinance, including but not limited to the standards referenced in Chapter 153: Site Development Standards, Chapter 154: Environmental Standards, and Chapter 155: Subdivision Standards.

151.07.03 IH: Industrial Heavy⁷⁶

A. Purpose and Intent

The IH District is intended to accommodate a wide range of assembling, fabricating, and manufacturing activities. The district is established for the purpose of designating appropriate locations and establishing development regulations for uses which may have significant environmental impacts or which require special measures to ensure compatibility with adjoining properties.

B. Concept



C. Use Standards

Allowed uses and use-specific standards for principal, accessory, and temporary uses are established in Chapter 152 Use Regulations.

D. Intensity and Dimensional Standards

Development in the IH district shall comply with the standards in Table 151-17: IH District Intensity and Dimensional Standards and Section 151.01, General Standards.

Table 151-17: IH District Intensity and Dimensional Standards

Standard		Value	Standard		Value
Lot Area, min (acres)		1	Setbacks, min (ft) [1]		
A	Lot width, min (ft)	150	C	Front	40
B	Height, max (ft)	60 ⁷⁷	Side	D Street	20
Impervious Surface Cover, max		N/A		E Interior Side	0 or 12 [1]
			F	Rear	20

du = dwelling units min = minimum max = maximum sq ft = square feet

⁷⁶ This carries forward Section B-2-1.4(C) of the current UDO (GI General Industrial District) with a name change.

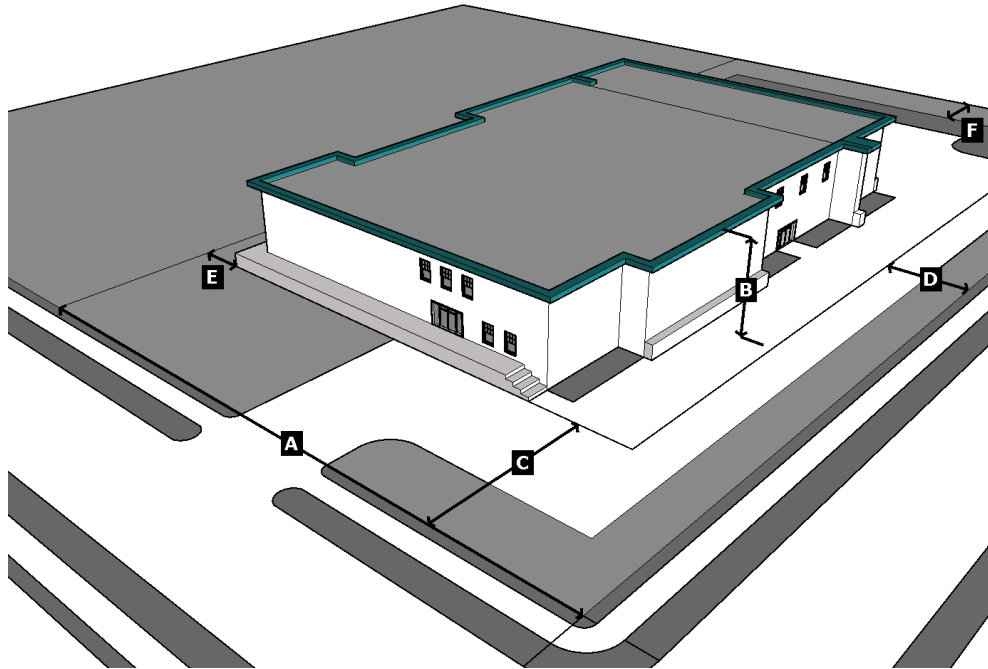
⁷⁷ New; GI district did not have a height limit.

Table 151-17: IH District Intensity and Dimensional Standards

Standard	Value	Standard	Value
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NOTES:

- [1] No interior side setback is required, but if a building is not built on the lot line, the minimum setback line shall be 12 feet.



E. Development Standards

Development in the IH district shall comply with all applicable standards in this Ordinance, including but not limited to the standards referenced in Chapter 153: Site Development Standards, Chapter 154: Environmental Standards, and Chapter 155: Subdivision Standards

F. Additional Standards

Retail uses shall not exceed 25 percent of the floor area of the principal industrial building on a lot, unless otherwise allowed in this Ordinance.

Section 151.08. Overlay Districts

151.08.01 Purpose and General Standards⁷⁸

A. Purpose of Overlay Districts

The purpose and intent of overlay zoning districts is to provide supplemental standards with respect to special areas, design, land uses, or environmental features that supersede the standards of the underlying base zoning district.

B. General Standards

The provisions of an overlay zoning district shall prevail over a provision in a base zoning district, unless stated to the contrary. When there is a conflict between provisions of two or more applicable overlay zoning districts, unless otherwise stated in this Ordinance, the more restrictive provision controls.

⁷⁸ The purpose statement is new.

151.08.02 LCR-O: Lewisville-Clemmons Road Overlay⁷⁹

A. Purpose and Intent

The purpose of the LCR-O: Lewisville-Clemmons Road Overlay district is to encourage the development and redevelopment of land in the district in a form that improves development quality, supports the development of a mix of residential, office, and commercial uses that are linked by safe pedestrian facilities, and provides additional connections between the commercial and mixed-uses along Lewisville-Clemmons Road and adjacent residential neighborhoods. In particular, the intent of the district is to:

- (1) Provide additional vehicular connections and safe pedestrian connections between nonresidential uses;
- (2) Support safe pedestrian and bicycle access within developments, and between the nonresidential uses and adjacent residential neighborhoods;
- (3) Improve safety by encouraging the consolidation of access and egress onto Lewisville-Clemmons Road; and
- (4) Enhance site design and landscaping beyond the requirements of the Ordinance.

B. Applicability

- (1) All new development except for development of single-family dwellings shall comply with the standards of this district.
- (2) All expansion or alteration of development shall comply with the standards of this Section to the maximum extent practicable, if the expansion increases building floor area by 25 percent or more, or the alteration involves 25 percent or more of the building gross floor area, as measured over any five-year period.

C. Standards

(1) Permitted Uses⁸⁰

The following uses are prohibited in the LCR-O district, even if they are permitted in the underlying base district:

- (a) Boarding house;
- (b) Transitional residential facility;
- (c) Habitation facility, small, medium, and large;
- (d) Heliport
- (e) Helistop;
- (f) Building contractor, heavy
- (g) Theater, drive-in; and
- (h) All uses in the Industrial Uses classification;

(2) Dimensional and Intensity Standards

All development shall comply with the dimensional and intensity standards that apply in the applicable base zoning district and Table 151-18: LCR-O District Intensity and

⁷⁹ This builds on the Lewisville Clemmons Road (South Overlay District) in Section B-2.16(E) of the current UDO with additional (and more measurable) standards to support the redevelopment of the area in a more walkable form with higher quality design.

⁸⁰ This replaces the list of permitted uses in Section B-2-1.6(E)(4) with a list of uses that are not permitted in the district, even if they are permitted in the underlying base district.

Dimensional Standards. To the extent there is a conflict between the standards in the base zoning district and Table 151-18, the standards in Table 151-18 shall apply.

Table 151-18: LCR-O District Intensity and Dimensional Standards

Standard		Buildings and Development with Frontage on Lewisville-Clemmons Road	All Other Development
Lot Area, min (sq ft)		n/a	n/a
A	Lot width, min (ft)	n/a	n/a
B	Height, max (ft)	55	45
Impervious Surface Cover, max		80	80
Setbacks, min (ft)			
Front build-to zone, min max (ft)		20 40	15 30
C	Side	Street	10
D		Interior Side	5
E	Rear	15	15
Building width in build-to zone, min (% of lot width)		75	60
Density, max (du/acre of net lot area)		12	12
Floor Area Ratio (FAR), max		0.8	0.6

du = dwelling units min = minimum max = maximum sq ft = square feet

(3) Site Design

Each development shall be laid out in blocks, streets, and alleys, and shall connect with existing or proposed streets to the maximum extent practicable.

(4) Building Placement and Orientation

Building orientation refers to the location of the building wall facing a street and entrances to a building (including a building located on an outparcel).

- Buildings shall comply with the building width within the build-to zone requirements in Table 151-18. The build-to line and the build-to zone may be set back up to an additional 15 feet if a common activity area (like a plaza or meeting place) or outdoor dining is provided in the front of the building.
- The front façade of a building shall be defined by its primary entrance and shall be oriented on and front onto a public or private street, courtyard, or plaza.
- If a building is adjacent to a public street, the building shall orient towards a public street. If a building is adjacent to multiple public streets, the building shall orient the road with the higher classification (e.g., Lewisville-Clemmons Road versus a collector road).
- If the building is not adjacent to a public street, it shall orient towards a private street or drive.

- (e) If a site is on a corner lot and fronts on more than one public right-of-way, buildings shall be designed to comply with the build-to zones on both frontages.

(5) Parking Lot

- (a) A parking lot shall be located at the side or rear of the building, except along Lewisville-Clemmons Road, a maximum of two rows of parking served by a single drive aisle is permitted in the front of the building between the front façade of the building and Lewisville-Clemmons Road.
- (b) To the maximum extent practicable, the placement of a new parking lot shall avoid conflicts between vehicular and pedestrian activities.

(6) Pedestrian Connectivity

- (a) The pedestrian network shall provide direct pedestrian and bicycle pathways to surrounding buildings, adjacent parcels, surrounding streets, external sidewalks, adjacent trails, transit stops, parking areas, and future phases of development.
- (b) Sidewalks and other pedestrianways shall be provided along all building frontages.
- (c) For properties adjacent to Lewisville-Clemmons Road, direct pedestrian access shall be provided from the sidewalk and multi-use path along Lewisville-Clemmons Road to each building entrance. The pedestrianway between the sidewalk and building entrances shall be at least five feet in width.
- (d) The design of pedestrian facilities shall comply with the following standards:
 - (1) Sidewalks and pedestrian pathways shall be well lit and physically separated from driveways and parking spaces by landscaping, other vegetative barriers, grade separations, or other methods to protect pedestrians from vehicular traffic.
 - (2) A crosswalk shall be provided at all points where a sidewalk crosses a lane of vehicular travel, including a street, driveway, cross access, or other paved area accessible to vehicles. Crosswalks shall be designed and coordinated to move people safely across the vehicular path. The crosswalk shall be marked by a change in color or materials.

(7) Public Frontage Standards

- (a) All new development within the LCR-O district shall provide the following adjacent to buildings and along public streets and private streets or drives (see Figure 151-1: Public Frontage Configuration).
 - (1) Adjacent to the building, an activity area at least two feet in width.
 - (2) Adjacent to the activity area, a sidewalk at least five feet in width.
 - (3) Between the sidewalk and the street or drive, a planting area at least seven feet in width, in accordance with the following:
 - (A) The planting area shall include street trees, which shall be large variety trees with a maximum spacing of 50 feet on-center, or medium or small variety trees with a maximum spacing of 40 feet on center.
 - (B) The remainder of the planting area shall include ground cover in accordance with Section 153.03.05D, Ground Cover.

Figure 151-1: Public Frontage Configuration

[Graphic to be provided in a future draft]

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- (b) The activity area may serve as a transition between the sidewalk and a building. Structures and activities allowed within the activity area include balconies, canopies, awnings, overhangs, arcades, porches, stoops, outdoor dining/sitting areas, and public plazas.

(8) Site Access and Egress⁸¹

- (a) Along Lewisville-Clemmons Road, curb cuts for driveway entrances and other purposes shall be consolidated to the maximum extent practicable.
- (b) All new development and redevelopment shall incorporate safe drop-off facilities for persons arriving and departing via taxi or rideshare that minimize conflicts with vehicular, bicycle, and pedestrian circulation.

⁸¹ This needs to be coordinated with NCDOT's plans for Lewisville-Clemmons Road.

151.08.03 T-O: Thoroughfare Overlay⁸²

A. Purpose and Intent

The purpose of the T-O: Thoroughfare Overlay district is to protect the function of major roadways and improve the visual quality of the Village, and thereby promote traffic safety and improve the values of property in the Village.

B. Location⁸³

The T-O district is identified on the Zoning Map, and at a minimum shall consist of the public right-of-way and lands within 100 feet of either side of the right-of-way of I-40, including access roads and on-ramps. The T-O district shall not include land lying underneath bridges or elevated portions of streets.

C. Applicability

- (1) All new development except for development of single-family, duplex, or twin homes dwellings shall comply with the standards of the T-O district.
- (2) Development that existed on the date of adoption of the T-O district⁸⁴ shall be exempt from all standards of the T-O district for expansion that increases building floor area by less than 25 percent or increases the number of off-street parking spaces on the site by less than 25 percent, provided:
 - (a) No expansion occurs into the setback established in subsection D(1) below.
 - (b) Only one such expansion is permitted.
- (3) Vacant lots of record that existed on the date of adoption of the T-O district and that are less than 150 feet shall only be required to comply with the perimeter planting requirements in subsection D(1) below.
- (4) All expansion or alteration of development shall comply with the standards of this Section to the maximum extent practicable, if the expansion increases building floor area by 25 percent or more, or the alteration involves 25 percent or more of the building gross floor area, as measured over any five-year period.

D. Standards

- (1) All development shall be set back at least 20 feet from the I-40 right-of-way. Perimeter landscaping shall be installed within the 20-foot setback in accordance with Section 153.03.06B, Parking Lot Perimeter Landscaping.
- (2) Any outdoor storage that is permitted as an accessory use in accordance with Section 152.03.04N, Outdoor Storage, shall not occupy more than one-half of the area covered by the principal building on the site and shall be screened from view of I-40 in accordance with Section 153.03.09B, Outdoor Storage Areas and Large Trash or Recycling Receptacles.
- (3) All loading areas and entrances to motor vehicle repair bays shall be screened from view of I-40 by a Type 3 transitional buffer, in accordance with Section 153.03.07, Transitional Buffer Standards, or a combination of a wider buffer and existing plantings that the Planning Director determines provides an equivalent level of screening.

⁸² This carries forward the TO Thoroughfare Overlay District in Section B-2-1.6(B) of the current UDO, with updates for clarity and to cross-reference updated standards in the UDO, including the use of more measurable criteria.

⁸³ In lieu of referencing throughfares,

⁸⁴ It would be good to list a date here.

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- (4) All utilities providing service to individual buildings on a site shall be placed underground.⁸⁵

E. Variances

For purposes of a variance from the standards of the T-O district, in accordance with Section 156.05.18, Variance, the Board of Adjustment may consider the following conditions that may constitute a hardship for which relief may be granted:

- (1) There are unusually narrow sections of land available for planting within the back or side yards because of existing permanent structures, existing paving, or natural features such as rock outcroppings.
- (2) In the area where screening would be located, an elevation change greater than 12 feet.
- (3) The site is intended for specialized land uses such as public utilities or airports where strict adherence with the screening and setback standards in subsection D(1) above would significantly interfere with the function of that use and would create a public safety problem.
- (4) Actions of a public agency have created the hardship.
- (5) There are difficulties arising from the recorded platting or deeding of land prior to the adoption of the T-O district.

⁸⁵ Did not carry forward the following language: "All distribution lines running parallel to the roadway within the TO District and installed or relocated in conjunction with construction of a new thoroughfare or widening of an existing thoroughfare which involves the relocation of power lines and poles shall be located underground, unless required to be placed above ground by the applicable utility provider." The Village may not have the power to require this. See N.C.G.S. § 160D-804(h).

151.08.04 VP-O: Village Point Overlay⁸⁶

A. Purpose and Intent

The purpose of the VP-O: Village Point Overlay district is to implement the community's vision that the Village Point area be developed as the central core as the community, focused around a "main street" featuring development that is designed to be pedestrian-oriented, with buildings along narrow streets that support multiple modes of travel, with buildings placed close to the street and that feature primary entrances facing the sidewalk. Development in the VP-O district is intended to support and encourage a mix of residential, civic, office, restaurant, and retail uses, along with high-quality open space and linkages to the Village's greenway network.

B. Applicability

- (1) All new development shall comply with the standards of this district.
- (2) All expansion or alteration of development shall comply with the standards of this Section to the maximum extent practicable, if the expansion increases building floor area by 25 percent or more, or the alteration involves 25 percent or more of the building gross floor area, as measured over any five-year period.

C. Standards

(1) Site Design

- (a) All utility services on the site shall be installed underground.
- (b) Piping and channelization of creeks and streams should be avoided.
- (c) An undisturbed vegetative barrier at least 50 feet in width shall be provided on lots adjacent to I-40 right-of-way. Additional trees and evergreen plants as needed shall be planted to meet the standards of a Type 3, Option 2 transitional buffer in Table 153-13: Transitional Buffer Options, in Section 153.03.07, Transitional Buffer Standards.

(2) Street Standards

(a) Street Types

All new streets in the VP-O district shall consist of one of the following street types and shall comply with the standards in Table 151-19: VP-O Street Types, except the standards may be modified where the Village Engineer determines they conflict with Village or NCDOT technical requirements. The street types are listed in order of highest to lowest classification.

(1) Commercial Main Street

A commercial main street serves as a small-scale, low-speed connector. It provides frontage for buildings with higher intensity and density uses such as offices, shops, apartment buildings, and townhouses. The street is urban in character, with raised curbs, closed drainage, wide sidewalks, parallel parking, trees in individual planting areas, and buildings aligned on short setbacks.

⁸⁶ This new district incorporates into the new UDO and updates the design guidelines in the Village Point Design Guidelines. Some of the standards in the Village Point Design Guidelines are duplicative of standards in the updated UDO and have not been carried forward.

(2) Local Commercial Street

A local commercial street serves as a small-scale, low-speed connector. It provides frontage for medium-to-low-density mixed-use and commercial buildings. A local commercial street is urban in character, with raised or rolled curbs, closed drainage, sidewalks, occasional parallel parking on one side, trees in continuous planting areas, and buildings aligned on medium setbacks.

(3) Residential Main Street

The residential main street serves as a small-scale, low-speed connector. It provides frontage for medium density residential buildings such as townhomes and apartments. A residential main street is urban in character, with raised or rolled curbs, closed drainage, sidewalks, occasional parallel parking on one side, trees in continuous planting areas, and buildings aligned on medium setbacks.

(4) Local Street

The local street serves as a small-scale, low-speed connector. It provides frontage for medium-to-low-density residential buildings such as detached homes with alleys and duplexes. A local street is urban in character, with raised or rolled curbs, closed drainage, sidewalks, occasional parallel parking on one side, trees in continuous planting areas, and buildings aligned on medium setbacks.

(5) Minor Street

The minor street is a small-scale, low-speed connector that serves low-density residential buildings which accommodate parking on-site. A minor street tends to be more rural in character with rolled curbs, open or closed drainage, narrow sidewalks, continuous plantings, and buildings set way back. On-street parking is not permitted except when the minor Street is designed for one-way traffic.

(6) Rear Alley⁸⁷

The rear alley is a narrow access route behind lots without driveways along the frontages. Rear alleys generally have a narrow strip of paving in the center, concrete edging, and serve as areas for underground utilities. It is privately maintained.

Table 151-19: VP-O Street Types

Standard	Comm. Main Street	Local Comm. Street	Res. Main Street	Local Street	Minor Street	Rear Alley
Right-of-way width, min (ft)	70	52	76	48	20	24
Vehicle Travelway						
Curb-to-curb width, max (ft)	40	30	36	26	42	16

⁸⁷ Removes option of a public alley or reduction in pavement width to 12 feet.

Table 151-19: VP-O Street Types

Standard	Comm. Main Street	Local Comm. Street	Res. Main Street	Local Street	Minor Street	Rear Alley
Number of Lanes	2	2	2	2	2	1
Travel lane width (ft)	11-12	10-11	10	9	9	16
On-Street Parking	Both sides (8 ft wide)	One side (8 ft wide)	Both sides (8 ft wide)	One side (8 ft wide)	No	No
Design speed (mph)	25	15-25	15-25	20	20	n/a
Sidewalk area						
Planting area width, min (ft) [1]	[2]	6	[2]	6	6	[3]
Sidewalk width, min (ft)	[2]	5	[2]	5	5	[3]

ft = feet mph = miles per hour min = minimum

NOTES

- [1] The planting area shall be placed between the curb and gutter on the edge of the road and the sidewalk. The sidewalk shall be placed between the planting area and the adjacent lot.
- [2] The combined width of the planting area and sidewalk shall be at least 15 feet. The minimum width of the planting area shall be 6 feet, and the minimum width of the sidewalk shall be 6 feet.
- [3] A rear alley shall have a four feet clear zone on either side of the paved travel way.

(b) General Standards

- (1) All streets shall have raised curb and gutter, except for minor streets, which may have rolled curb, and alleys, which shall not be curbed. Curbs shall be constructed in accordance with NCDOT standards, and meet the following standards:
 - (A) Vertical face curbing is required along all streets with on-street parking and around all required landscaping areas and parking lots.
 - (B) Mountable curbing is permitted around center medians, roundabouts, and other features in order to facilitate the infrequent use by vehicles with larger turning radii.
 - (C) Valley curbing is permitted along streets which serve homes with front-loaded off-street parking or that have infrequent on-street parking.
- (2) Sidewalks shall be at least six feet wide adjacent to residential uses, and ten feet wide adjacent to mixed-use and commercial uses. The use of wider sidewalks to accommodate outdoor dining and other activities that support the pedestrian realm is encouraged.
- (3) Drainage shall be provided using curb and gutter piped systems along all streets except along parkways that may use open swales. Any drainage grates shall be designed to be safe for bicyclists, with grating that is perpendicular or diagonal to the street centerline.

- (4) Each planting strip shall include canopy trees with a minimum two-and-a-half (2.5) inch caliper that are planted an average of 40 feet on-center. Trees may be planted in the planting strip or in tree wells.
- (5) A planting strip shall meet the minimum width standards in Table 151-19: VP-O Street Types, except the planting strip shall be at least eight feet in width if large canopy trees such as willow oaks or red maples are planted.
- (6) All on-street parking shall be parallel; the use of angled parking is prohibited.
- (7) The use of geometric street designs intended to slow vehicular traffic and better support multimodal travel is encouraged, subject to approval by the Village Engineer. The use of traffic calming devices such as raised intersections, landscaping bulb-outs, and traffic circles are also encouraged.

(3) Pedestrian Connectivity

- (a) The pedestrian network shall provide direct pedestrian and bicycle pathways to surrounding buildings, adjacent parcels, surrounding streets, external sidewalks, adjacent trails, transit stops, parking areas, and future phases of development.
- (b) Sidewalks and other pedestrianways shall be provided along all building frontages.
- (c) The design of pedestrian facilities shall comply with the following standards:
 - (1) Sidewalks and pedestrian pathways shall be well lit and physically separated from driveways and parking spaces by landscaping, other vegetative barriers, grade separations, or other methods to protect pedestrians from vehicular traffic.
 - (2) A crosswalk shall be provided at all points where a sidewalk crosses a lane of vehicular travel, including a street, driveway, cross access, or other paved area accessible to vehicles. Crosswalks shall be designed and coordinated to move people safely across the vehicular path. The crosswalk shall be marked by a change in color or materials.

(4) Off-Street Parking Standards

- (a) All off-street parking spaces shall be set back at least 10 feet from the front building line.
- (b) The perimeter landscaping required in accordance with Section 153.03.06B, Parking Lot Perimeter Landscaping, may be substituted with any combination of shrubs, brick walls (using brick that matches the material used on the adjacent building), and wrought iron fencing that provides a screen at least four feet in height. If shrubs or other landscaping are used, the planting area shall be at least four feet in width.

(5) Open Space

In addition to the standards in Section 153.05, Open Space Set-Aside Standards, development shall comply with the following open space standards:

- (a) Notwithstanding the priority list in Section 153.05.05C(1), Areas and Features Prioritized, development in the VP-O district shall prioritize gathering places such as squares, forecourts, and plazas that are compatible with the desired urban environment in the VP-O district.
- (b) For every 1,000 square feet of open space set-aside, one tree shall be planted. The trees required in this paragraph are in addition to the street trees required in subsection (2)(b) above.

- (c) For every 1,000 square feet of open space set-aside, five seating units shall be provided. For purposes of this paragraph,
 - (1) Two movable chairs are equal to one seating unit.
 - (2) Five linear feet of seating that is between 12 and 30 inches in height and at least 16 inches deep is equal to one seating unit.
 - (3) Five linear feet of seating that is between 12 and 30 inches in height, at least 28 inches deep, and accessible from two sides is equal to two seating units.
- (d) For every 5,000 square feet of open space set aside, one water tap and one garbage receptacle shall be provided in physically separated open space set-asides.
- (e) The provision of outdoor public art is encouraged.

(6) Exterior Lighting

- (a) The use of decorative bases, posts, luminaries, and bollards is recommended in lieu of standard wood poles.
- (b) The colocation of light fixtures with other streetscape elements (e.g. street lighting and pedestrian lighting on the same pole) is recommended.

(7) Multifamily Building Design Standards⁸⁸

Multifamily buildings shall comply with the following standards; to the extent these standards conflict with the standards in Section 153.09.04, Multifamily Form and Design Standards, these standards shall control:

(a) General

- (1) Useable porches and stoops (those at least six feet deep and that extend for more than 50 percent of the façade) shall form a predominate motif of the building design and be located on the front or sides of the building.
- (2) If a building faces multiple streets, garage doors are not permitted along the frontage facing the higher classification street.
- (3) All facades visible from the street shall provide doors, porches, balconies, and/or windows. “Percent of elevation” is measured as the horizontal plane (lineal feet) containing doors, porches, balconies, terraces and/or windows. This standard applies to each full and partial building story.
- (4) At least three of the following architectural features shall be included on each building façade; the architectural features may vary based on the different facades:
 - (A) Dormers;
 - (B) Gables;
 - (C) Recessed entries;
 - (D) Covered porch entries;
 - (E) Cupolas or towers;
 - (F) Pillars or posts;
 - (G) Eaves (minimum six-inch projection);

⁸⁸ The design standards for detached houses and townhouses have not been incorporated into this district because they are not permitted by state law.

- (H) Off-sets in building face or roof (minimum 16 inches);
- (I) Window trim (minimum four inches wide);
- (J) Bay windows;
- (K) Balconies;
- (L) Decorative patterns on exterior finish (e.g. scales/shingles, wainscoting, and ornamentation); and
- (M) Decorative cornices and roof lines (for flat roofs).

(b) Materials

- (1) Permitted building materials are wood clapboard, wood shingle, wood drop siding, wood board and batten, cementitious fiber board, brick, stone, stucco, vinyl siding, and materials similar in appearance and durability.
- (2) Accessory buildings with a floor area greater than 150 square feet shall be clad in materials similar in appearance to the principal structure.
- (3) Roofs shall be clad in wood shingles, standing seam metal, terne, slate, dimensional asphalt shingles, or similar material.
- (4) If two wall materials are combined horizontally on one façade, the heavier material should be below.

(c) Roof Configuration

Main roofs on residential buildings shall be symmetrical gables or hips with a pitch between 6:12 and 12:12. Monopitch (shed) roofs are allowed only if they are attached to the wall of the main building and shall not have a pitch less than 6:12.

(d) Additional Standards

- (1) Windows, doors, columns, eaves, parapets, and other building components shall be proportional to the overall scale of the building. Windows shall be vertically proportioned, wherever possible. It is recommended upper story windows shall be vertically aligned with the location of windows and doors on the ground level.
- (2) The crawlspace of buildings shall be enclosed.
- (3) Off-street parking is only permitted to the rear of the principal building.
- (4) No vehicular curb cuts are permitted except to access driveways that connect to off-street parking.

(8) Nonresidential and Mixed-Use Building Design Standards

Nonresidential and mixed-use buildings shall comply with the following standards; to the extent these standards conflict with the standards in Section 153.09.05, Nonresidential and Mixed-Use Form and Design Standards, these standards shall control:

(a) General

- (1) At least 40 percent of the ground level street-facing façade of a building shall consist of windows or doorways, or 50 percent for buildings within 20 feet of a sidewalk. All street level windows shall be visually permeable, and mirrored glass is prohibited. Faux or display easements are not permitted.
- (2) No frontage wall shall remain unpierced by a window or functional general access doorway for more than 20 linear feet.

- (3) A principal functional doorway for public or direct-entry access into a building shall be from the fronting street, except that on corner lots, the principal functional doorway shall be provided on the corner.
- (4) A canopy, awning, or similar weather projection may be provided and shall project between three and five feet from the façade.

(b) Materials

- (1) Permitted building materials are brick, stucco, stone, marble, or other materials similar in appearance and durability. Regular concrete block may be used on building walls not visible from a public street.
- (2) Decorative concrete block, siding, Exterior Insulation and Finish System (EIFS), and other minority elements may be used as an accent material only.
- (3) Accessory buildings shall be clad in materials similar in appearance to the principal structure.
- (4) Pitched roofs shall be clad in wood shingles, standing seam metal, corrugated metal, slate, dimensional asphalt shingles or similar material.
- (5) If two wall materials are combined horizontally on one façade, the heavier material should be below.

(c) Roof Configuration

Decorative cornices shall be provided for buildings with a flat roof. Alternatively, eaves shall be provided with a pitched roof.

(d) Additional Standards

- (1) Windows, doors, columns, eaves, parapets, and other building components shall be proportional to the overall scale of the building. Windows shall be vertically proportioned, wherever possible, except that ground-level storefront windows may be square. It is recommended that upper story windows be vertically aligned with the location of windows and doors on the ground level.
- (2) Skylights shall be flat (non-bubble).
- (3) Except for chimneys, all roof-based mechanical equipment, vents, pipes, antennas, satellite dishes, and other roof penetrations shall be located on the rear elevations or otherwise be configured and screened (if necessary) to have a minimal visual impact as seen from any public right-of-way.
- (4) Windows shall be set to the inside of the building face wall.

(9) Public, Civic, and Institutional Building Dimensional and Design Standards

The following standards apply to buildings whose principal or only use is in the Public, Civic, and Institutional Uses classification:

(a) General

- (1) Schools, religious institutions, and government buildings should be built so that they terminate a street vista whenever possible, and shall be designed to create visual anchors for the community. Any buildings incidental to the principal structures shall be placed at least 20 feet behind the front façade of the principal building or buildings. Multiple buildings shall be arranged to create secondary gathering spaces.

- (2) Off-street parking may not occur within a front or corner side setback, although a driveway may be provided across the street frontage for circulation and pick-up/drop-off only.
- (3) It is encouraged that the front setback of buildings be adjusted if needed to preserve views or significant trees.

(b) Materials

- (1) Permitted building materials are clapboard, stone, stucco, brick, or marble. Decorative cast concrete and wood or vinyl siding may be used as a minority element on facades facing public streets.
- (2) Roofs shall be clad in slate, sheet metal, corrugated metal, or dimensional asphalt shingles, or other material similar in appearance and durability.
- (3) The orders (columns and supporting members), if provided, should be made of wood or cast concrete.
- (4) The use of stained glass or other decorative window treatments is encouraged.
- (5) Two wall materials may be combined horizontally on one facade. The heavier material should be below.

(c) Additional Standards

- (1) Except for chimneys, all roof-based mechanical equipment, vents, pipes, antennas, satellite dishes, and other roof penetrations shall be located on the rear elevations or otherwise be configured and screened (if necessary) to have a minimal visual impact as seen from any public right-of-way.
- (2) Windows shall be set to the inside of the building face wall.

Section 151.09. Legacy Districts⁸⁹

151.09.01 Established Legacy Districts

The legacy districts established by this Ordinance are the L-LO: Legacy-Limited Office district and the L-GO: Legacy-General Office district.

151.09.02 Legacy District Regulations

Standards that apply to each of; the legacy districts are established in Appendix <>.

⁸⁹ The Legacy district regulations will be carried forward without change from the current UDO. They will be included in a later draft.

Chapter 152: Use Regulations

Commentary

Chapter 152: Use Regulations consolidates all use regulations, including principal uses, accessory uses and structures, and temporary uses and structures. It includes consolidated use tables that identify what uses are allowed in what zoning districts. It also includes standards that apply generally and standards that apply to specific principal, accessory, and temporary uses.

Section 152.01, General Provisions, outlines the organization of Chapter 152 and the requirement that all uses comply with applicable local and state regulations.

Section 152.02, Principal Uses, organizes, consolidates, renames, and refines the uses into a table of permitted uses. The use table lists principal uses and indicates whether they are permitted by right, require a special exception permit, or are prohibited. It also includes references to use-specific standards applicable to specific uses.

Section 152.03, Accessory Uses and Structures, organizes, consolidates, renames, and refines the accessory uses and structures into a table of permitted uses and structures. The table for accessory uses and structures is organized in a similar manner as the principal use table. It also includes general standards for all accessory uses and structures, and standards that apply to specific accessory uses and structures.

Section 152.04, Temporary Uses and Structures, organizes, consolidates, and adds regulations for temporary uses and structures. It includes a use table that identifies temporary uses and structures and whether they are allowed or prohibited. It also includes general standards for all temporary uses and structures, and standards that apply to specific temporary uses and structures.

Note: This commentary is provided for reference purposes. It will be deleted in the adopted UDO.

Section 152.01. General Provisions

152.01.01 Organization of This Article

Chapter 152, Use Regulations, is organized into four sections.

- A. Section 152.01, General Provisions, describes the general organization of the article and includes other general provisions.
- B. Section 152.02, Principal Uses, sets out which land uses are allowed as principal uses of a parcel, where they are allowed, what type of permit or review is required to establish them, and any special standards applicable to particular principal uses.
- C. Section 152.03, Accessory Uses and Structures, identifies a number of land uses and structures commonly allowed as accessory to principal uses and sets out where they are allowed, what type of permit or review is required to establish them, general standards applicable to all accessory uses and structures, and any special standards applicable to particular accessory uses and structures.
- D. Section 152.04, Temporary Uses and Structures, sets out which land uses or structures are allowed on a temporary basis, general standards applicable to all temporary uses and structures, and any special standards applicable to particular temporary uses and structures.

152.01.02 Compliance with Applicable State and Local Regulations

Uses established in accordance with this article shall comply with all applicable state and local regulations, including but not limited to obtaining all required licenses, certificates, and other authorizations.

Section 152.02. Principal Uses

152.02.01 General

- A. Table 152-1: Principal Use Table, identifies principal uses of land and specifies whether they are allowed by right, allowed subject to approval of a special use permit, or prohibited within each zoning district. It also references standards applicable to the specific use, which are found in Section 152.02.04, Standards Specific to Principal Uses.
- B. A lot may include one or more principal uses, provided that all principal uses comply with the standards of this Section 152.02, the dimensional and intensity standards that apply to the applicable zoning district in Section 151.01, General Standards, all applicable use-specific standards in Section 152.02.04, Standards Specific to Principal Uses, and all other standards in this Ordinance.⁹⁰

152.02.02 Principal Use Table

A. Organization of Principal Uses

Table 152-1: Principal Use Table, organizes allowable uses by use classifications, use categories, and use types as described in 152.02.03, Classification of Principal Uses. The use table provides a systematic basis for identifying and consolidating uses, distinguishing uses not explicitly listed in the table to determine whether a particular use is allowed in a particular zoning district and accommodating future additions of new uses to the table.

B. Abbreviations in Principal Use Table Cells

Table 152-1: Principal Use Table uses the following abbreviations to identify whether a principal use is allowed in a particular zoning district and the procedure required to establish the use.

P	Permitted use. A “P” in a cell of the table in a column indicates that the use in the left-most column in that row is allowed by right in the zoning district identified at the head of that column, subject to any use-specific standards referenced in the right-most column in that row. Permitted uses are subject to all other applicable requirements of this Ordinance.
S	Special use. An “S” in a cell of the table indicates that the use in the left-most column in that row is allowed in the zoning district identified at the head of that column upon approval of a special use permit by the Board of Adjustment in accordance with Section 156.05.09, Special Use Permit. Uses requiring a special use permit are subject to all other applicable requirements of this Ordinance.
	Prohibited use. An empty cell of the table indicates that the use in the left-most column in that row is prohibited in the zoning district identified at the head of that column.

⁹⁰ This is new and makes clear that a single lot can include multiple principal uses.

C. Reference to Use-Specific Standards

A particular use allowed as a principal use in a zoning district may be subject to standards that are specific to the particular use. The applicability of such use-specific standards is noted in the right-most column of Table 152-1: Principal Use Table through a reference to standards in Section 152.02.04, Standards Specific to Principal Uses.

D. Unlisted Uses

The Planning Director shall determine whether or not any use not explicitly listed in Table 152-1: Principal Use Table, is part of an existing use category or use type in accordance with Section 152.02.03H, Interpretation of Unlisted Uses.

E. Principal Use Table

Table 152-1: Principal Use Table																	
P = Permitted by right S = Special use permit required Blank cell = Prohibited use																	
	Residential							Business				Indus.					
Use Classification/ Use Category/ Use	C	RSF-1	RSF-2	RSF-3	R-M	RMF-Med	RMF-High	R-MH	CN	CL	CG	CH	MU	IL	IH	IP	Use-Specific Standards
Agricultural Uses ⁹¹																	
Agricultural production, crops ⁹²	S	S	S														
Fish hatchery ⁹³														P	P		
Residential Uses																	
Household Living																	
Dwelling, single-family ⁹⁴	P	P	P	P	P	P	P	P	P				P				152.02.04C(1)(a)
Dwelling, twin home ⁹⁵					P	P	P		P				P				152.02.04C(1)(b)
Dwelling, duplex ⁹⁶					P	P	P		P				P				
Dwelling, townhouse ⁹⁷					P	P	P		P				P				152.02.04C(1)(c)
Dwelling, cottage home development ⁹⁸					P	P	P		P				P				152.02.04C(1)(d)
Dwelling, multifamily ⁹⁹					P	P	P		P		P		P				152.02.04C(1)(e)
Manufactured home ¹⁰⁰								P									
Manufactured home development ¹⁰¹								P									152.02.04C(1)(f)

⁹¹ Did not carry forward animal feeding operation use and standards in current Section B-2-5.6.

⁹² Use carried forward.

⁹³ Use carried forward.

⁹⁴ Use renamed 'Dwelling, Single-Family' from 'Residential Building, Single Family.' Previously permitted in the PB district but not the NSB district.

⁹⁵ Use renamed 'Dwelling, Twin home' from 'Twin Home.' Previously permitted in RM5 and RM8, but not RS7; and previously permitted in NO but not NB.

⁹⁶ Use renamed 'Dwelling, Duplex' from 'Duplex.' Previously permitted in RM5 and RM8, but not RS7; and previously permitted in NO but not NB.

⁹⁷ Use renamed 'Dwelling, Townhouse' from 'Townhouse.' Previously subject to planning board review in every district they were allowed in, except for the MRB-S AND MX districts, which no longer exist. Previously permitted in RM5 and RM8, but not RS7; previously permitted in NO but not NB; previously permitted in PB but not NSB.

⁹⁸ New use.

⁹⁹ Use renamed 'Dwelling, Multifamily' from 'Multifamily.' Previously subject to planning board review in every district it was allowed in, except for MRB-S and MX, which no longer exist. Previously permitted in RM5 and RM8, but not RS7; previously permitted in NO but not NB; previously permitted in PB but not NSB.

¹⁰⁰ All manufactured home uses (A-D) are consolidated into a new manufactured home use. Manufactured homes that meet design criteria are permitted in the listed districts; manufactured homes that do not meet those design criteria may only be located in a manufactured home park or district. Class A manufactured homes previously permitted in RS20 but not RS15. Class B and C previously permitted only in MH; Class D previously not permitted.

¹⁰¹ Manufactured housing developments were previously subject to planning board review.

Chapter 152: Use Regulations

Section 152.02. Principal Uses

Table 152-1: Principal Use Table

P = Permitted by right S = Special use permit required Blank cell = Prohibited use

	Residential								Business				Indus.				
Use Classification/ Use Category/ Use	C	RSF-1	RSF-2	RSF-3	R-M	RMF-Med	RMF-High	R-MH	CN	CL	CG	CH	MU	IL	IH	IP	Use-Specific Standards
Group Living																	
Boarding house ¹⁰²						P	P						P				
Congregate care facility ¹⁰³					P	P	P				P		P				152.02.04C(2)(a)
Group home A ¹⁰⁴	P	P	P	P	P	P	P	P									152.02.04C(2)(b)
Group home B ¹⁰⁵					P	P	P				P		P			P	152.02.04C(2)(b)
Group home C ¹⁰⁶						P	P				P		P			P	152.02.04C(2)(c)
Group home D ¹⁰⁷						S	S				P		P				152.02.04C(2)(d)
Life care community ¹⁰⁸					P	P	P				P		P			P	152.02.04C(2)(e)
Nursing care institution ¹⁰⁹		S	S		P	P	P				P		P			P	152.02.04C(2)(f)
Transitional residential facility ¹¹⁰											S		S				152.02.04C(2)(g)
Public, Civic, and Institutional Uses																	
Community Services																	
Adult day care center ¹¹¹					S	S	S		S	P	P	P	P	P		P	152.02.04D(1)(a)
Child care, drop-in ¹¹²									P	P	P	P	P	P	P	P	152.02.04D(1)(b)
Child care institution ¹¹³											P		P			P	152.02.04D(1)(c)
Child day care center ¹¹⁴					S	S	S		S	P	P	P	P	P		P	152.02.04D(1)(d)
Club or lodge ¹¹⁵										P	P	P	P				
Community recreation center ¹¹⁶	P	P	P	P	P	P	P	P					P			P	

¹⁰² Use renamed 'Boarding house' from 'Boarding or Rooming House.' Previously permitted in PB but not NSB. Use-specific standards were not carried forward because minimum lot sizes for the districts previously known as RM (R-M, RMF-Medium, and RMF-High) were eliminated.

¹⁰³ Previously subject to planning board review in every district it was allowed in, except for MRB-S and MX, which no longer exist. Previously permitted in RM8 but not RS7 or RM5; previously permitted in PB but not NSB.

¹⁰⁴ Use renamed from 'Family Group Home A.'

¹⁰⁵ Use renamed from 'B.' Previously subject to planning board review in every district it was allowed in, except for LO (and for MRB-S and MX, which no longer exist). Previously permitted in RM8 but not RS7 or RM5; previously permitted in PB but not NSB.

¹⁰⁶ Use renamed from 'C.' Previously subject to planning board review in every district it was allowed in, except for MRB-S and MX, which no longer exist. Previously permitted in PB but not NSB.

¹⁰⁷ Use renamed and updated from 'Group Care Facility A.' Previously subject to planning board review in LO, GB, PB, and CB. Previously permitted in PB but not NSB. Note that the definition for Group Care Facility A was not carried forward.

¹⁰⁸ Previously subject to planning board review in every district it was allowed in, except for MRB-S, C, and MX, which no longer exist. Previously permitted in RM8 but not RS7 or RM5; previously permitted in PB but not NSB.

¹⁰⁹ Previously permitted in RS20 (with a special use permit) but not RS15; previously permitted in RM8 but not RS7 or RM5; previously permitted in PB but not NSB.

¹¹⁰ Use renamed from 'Group Care Facility B.' Previously subject to planning board review in every district it was allowed in, except for IP (and MRB-S and MX, which no longer exist). Previously permitted in PB but not NSB.

¹¹¹ Previously subject to planning board review in all districts not requiring a special use permit. Previously permitted (with a special use permit) in RM8 but not RS7 or RM5; previously required a special use permit for NO and planning board approval for NB.

¹¹² Previously permitted in NB but not NO.

¹¹³ Previously subject to planning board review in every district it was allowed in. Previously permitted in PB but not NSB. **NOTE:** May want to check that this use is still needed in the table.

¹¹⁴ Use consolidates 'Child Care (Sick Children)' with 'Child Day Care Center.' These uses had identical permissions except for in the C district, which has been deleted. Previously subject to planning board review in all districts not requiring a special use permit (except MRB-S and MX, which have been deleted). Previously permitted (with a special use permit) in RM8 but not RS7 or RM5.

¹¹⁵ Previously permitted in PB but not NSB. The use-specific standards were not carried forward because they only applied to the IP district (in which the use was not allowed and continues not to be allowed).

¹¹⁶ Use renamed 'Community recreation center' from 'Swimming Pool, Private' and broadened to include other recreation. Previously permitted in PB but not NSB.

Chapter 152: Use Regulations

Section 152.02. Principal Uses

Table 152-1: Principal Use Table

P = Permitted by right S = Special use permit required Blank cell = Prohibited use

	Residential								Business				Indus.				
Use Classification/ Use Category/ Use	C	RSF-1	RSF-2	RSF-3	R-M	RMF-Med	RMF-High	R-MH	CN	CL	CG	CH	MU	IL	IH	IP	Use-Specific Standards
Correctional institution ¹¹⁷															S		
Cultural facility ¹¹⁸		P	P	P	P	P	P		P	P	P	P	P			P	152.02.04D(1)(e)
Funeral home ¹¹⁹										P	P	P	P			P	
Government office ¹²⁰		P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
Habitation facility, small ¹²¹		S	S	S	S	P	P										152.02.04D(1)(f)
Habitation facility, medium ¹²²						P	P										152.02.04D(1)(g)
Habitation facility, large ¹²³						S	S				P	P	P				152.02.04D(1)(g)
Post office ¹²⁴											P	P	P	P	P		
Public safety facility ¹²⁵		P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
Religious or public assembly, community ¹²⁶	P	P	P	P	P	P	P	S		P	P	P	P	P	P	P	152.02.04D(1)(h)
Religious or public assembly, neighborhood ¹²⁷	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	152.02.04D(1)(i)
Education																	
College or university ¹²⁸											P	P	P	P		P	
Institutional vocational training facility ¹²⁹											P	P	P			P	
School, K-12 ¹³⁰		P	P	P	P	P	P	P		P	P	P	P			P	152.02.04D(2)(a)
School, vocational or professional ¹³¹										P	P	P	P	P		P	
Health Care																	
Hospital ¹³²											P	P	P	P			
Parks and Open Space																	
Cemetery ¹³³		P									P	P				P	152.02.04D(4)(a)
Public park ¹³⁴	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	

¹¹⁷ Previously permitted, subject to planning board review, in PB but not NSB.

¹¹⁸ Use combines 'Library, Public' with 'Museum or Art Gallery.' Libraries previously required planning board review in AG, RS40, RS30, and RS20. Museums and art galleries were previously only allowed in LO, LB, GB, HB, GO, PB, NSB, CB, MRB-S, CI, IP, C and MX.

¹¹⁹ Previously permitted in PB but not NSB.

¹²⁰ Use carried forward.

¹²¹ Use renamed 'Habitation facility, Small' from 'Habitation Facility A.' Previously subject to planning board review in RM12 and RM18.

¹²² Use renamed 'Habitation facility, Medium' from 'Habitation Facility B.' Previously subject to planning board review in every district it was allowed in, except for MRB-S and MX, which no longer exist.

¹²³ Use renamed 'Habitation facility, Large' from 'Habitation Facility C.' Previously subject to planning board review in all districts not requiring a special use permit (except MRB-S and MX, which have been deleted). Previously permitted (with a special use permit) in PB but not NSB.

¹²⁴ Previously permitted in PB but not NSB.

¹²⁵ Use renamed from 'Police or Fire Station.'

¹²⁶ Use renamed from 'Church or Religious Institution, Community.' Previously subject to planning board review in YR, RS40, RS30, RW20, RS15, RS9, RS7, RM5, RM8, RM12, RM18, IP, and several districts that have been deleted in the updated table.

¹²⁷ Use renamed from 'Church or Religious Institution, Neighborhood.'

¹²⁸ Previously permitted in PB but not NSB.

¹²⁹ Previously permitted in PB but not NSB.

¹³⁰ Use combines 'School, Private' with 'School Public.' These uses had identical permissions in all districts. Previously subject to planning board review in every district they were allowed in, except for MRB-S, C, and MX, which no longer exist. Previously permitted in PB but not NSB.

¹³¹ Previously subject to planning board review in IP.

¹³² Use renamed 'Hospital' from 'Hospital or Health Center.' Previously permitted in PB but not NSB.

¹³³ Use combines 'Cemetery, Licensed' with 'Cemetery, Unlicensed.' These uses had identical permissions in all districts.

¹³⁴ Use carried forward.

Chapter 152: Use Regulations

Section 152.02. Principal Uses

Table 152-1: Principal Use Table

P = Permitted by right S = Special use permit required Blank cell = Prohibited use

	Residential							Business					Indus.				
Use Classification/ Use Category/ Use	C	RSF-1	RSF-2	RSF-3	R-M	RMF-Med	RMF-High	R-MH	CN	CL	CG	CH	MU	IL	IH	IP	Use-Specific Standards
Transportation, Communication, and Utilities																	
Airport, private ¹³⁵															P		152.02.04D(5)(a)
Airport, public ¹³⁶															S		
Broadcast studio										P	P	P	P	P	P		
Heliport ¹³⁷															P		152.02.04D(5)(b)
Helistop ¹³⁸											S	S	S	S	P	S	152.02.04D(5)(b)
Park and ride lot ¹³⁹		S	S	S	S	S	S	S	S	P	P	P	P	P	P	P	152.02.04D(5)(c)
Parking, commercial ¹⁴⁰										P	P	P	P	P	P		
Terminal, bus or taxi ¹⁴¹											P	P	P	P	P		
Utility, major ¹⁴²														P	P		152.02.04D(5)(d)
Utility, minor ¹⁴³	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	152.02.04D(5)(e)
Wireless communication facility, attached or freestanding stealth tower		P	P		P	P	P	P		P	P	P	P	P	P	P	152.02.04D(5)(f)
Wireless communication facility, freestanding tower ¹⁴⁴		S	S		S	S	S	S		P	P	P	P	P	P	S	152.02.04D(5)(f)
Commercial Uses																	
Adult Establishments																	
Adult establishment ¹⁴⁵												P					152.02.04E(1)(a)
Animal Care																	
Dog day care ¹⁴⁶										P	P	P	P	P	P		152.02.04E(2)(a)
Kennel ¹⁴⁷											P	P		P	P		152.02.04E(2)(b)
Pet café ¹⁴⁸										P	P	P	P				152.02.04E(2)(c)
Pet grooming ¹⁴⁹										P	P	P	P	P	P		152.02.04E(2)(d)
Veterinary services ¹⁵⁰										P	P	P	P		P		152.02.04E(2)(e)

¹³⁵ Previously subject to planning board review.

¹³⁶ Use carried forward.

¹³⁷ Previously subject to planning board review.

¹³⁸ Use carried forward.

¹³⁹ Use renamed 'Park and ride lot' from 'Park and Shuttle Lot.'

¹⁴⁰ Use carried forward.

¹⁴¹ Previously permitted in PB but not NSB.

¹⁴² This is a new use, similar to the existing 'Utilities' use, meant for more intense utility uses like a power plant.

¹⁴³ Use renamed 'Utility, minor' from 'Utilities.' This is meant for less intense utility uses like an electrical substation. Previously required planning board review in YR, RS40, RS30, RS20, RS15, RS9, RS7, RM5, RM8, RM12, RM16, MH, NO, NB, and several districts not carried forward.

¹⁴⁴Based on 'transmission tower' allowances- Previously subject to planning board review in LO, LB, GB, HB, CPO, GO, PB, NSB, CB, LI, and GI districts. Previously allowed (with a special use permit from the Board of Adjustment) in RS20 but not RS15, and RM5 and RM8 but not RS7.

¹⁴⁵ Use carried forward.

¹⁴⁶ New use

¹⁴⁷ Use carried forward.

¹⁴⁸ New use.

¹⁴⁹ New use.

¹⁵⁰ Previously permitted in NSB but not PB.

Chapter 152: Use Regulations

Section 152.02. Principal Uses

Table 152-1: Principal Use Table

P = Permitted by right S = Special use permit required Blank cell = Prohibited use

Use Classification/ Use Category/ Use	Residential								Business				Indus.				Use-Specific Standards
	C	RSF-1	RSF-2	RSF-3	R-M	RMF-Med	RMF-High	R-MH	CN	CL	CG	CH	MU	IL	IH	IP	
Eating and Drinking Establishments																	
Distillery ¹⁵¹												P		P	P		
Microbrewery ¹⁵²										P	P	P	P	P	P		
Restaurant ¹⁵³										P	P	P	P		P		
Office Services																	
Building contractor, general ¹⁵⁴											P	P	P	P	P		
Building contractor, heavy														P	P		
Office, general ¹⁵⁵									P	P	P	P	P	P	P		
Personal and Business Services																	
Arts and crafts studio ¹⁵⁶									P	P	P	P	P	P	P		
Banking and financial services									S	P	P	P	P	P	P		
Business services ¹⁵⁷										P	P	P	P	P	P		
Personal services ¹⁵⁸									P	P	P	P	P				
Recreation																	
Electronic sweepstakes operations																	
Fishing ¹⁵⁹	S	S	S														152.02.04E(6)(a)
Golf course ¹⁶⁰	P	P	P	P	P	P	P	P				P			P	P	152.02.04E(6)(b)
Golf driving range												P			P		152.02.04E(6)(c)
Recreation, indoor ¹⁶¹										P	P	P	P		P	P	152.02.04E(6)(d)
Recreation, outdoor ¹⁶²											P	P	P		P	P	152.02.04E(6)(e)
Riding stable ¹⁶³	S	S	S									S					152.02.04E(6)(f)
Shooting range, indoor ¹⁶⁴												P			P		152.02.04E(6)(g)
Shooting range, outdoor ¹⁶⁵																	
Theater ¹⁶⁶											P	P	P				
Theater, drive-in												P					152.02.04E(6)(h)
Retail Sales and Services																	
Liquor sales ¹⁶⁷										P	P	P	P				

¹⁵¹ New use.

¹⁵² This is a new use.

¹⁵³ Use combines 'Restaurant (without drive-through service)' with 'Restaurant (with drive-through service).' 'Drive-through facility' is now an accessory use.

¹⁵⁴ 'Previously permitted in PB but not NSB.

¹⁵⁵ Use combines and renames 'Offices, Miscellaneous,' 'Professional Office,' and 'Testing and Research Lab.' 'Offices, Miscellaneous' and 'Professional Office' had the same permissions, except that 'Professional Office' was allowed in NO and NB. 'Testing and Research Lab' was previously only allowed in LI, GI, and several districts not carried forward.

¹⁵⁶ Previously permitted in NB but not NO.

¹⁵⁷ Use renamed 'Business services' from 'Service, Business A.'

¹⁵⁸ Use renamed 'Personal services' from 'Services, Personal.' Previously permitted in NB but not NO.

¹⁵⁹ Use renamed 'Fishing' from 'Fishing, Fee Charged.'

¹⁶⁰ Previously required planning board review for all districts except HB, GI, and IP.

¹⁶¹ Use renamed 'Recreation, Indoor' from 'Recreation Services, Indoor.'

¹⁶² Use renamed 'Recreation, Outdoor' from 'Recreation Services, Outdoor.' Previously permitted in PB but not NSB.

¹⁶³ Previously permitted in RS20 but not RS15.

¹⁶⁴ This is a new use.

¹⁶⁵ Previously listed as a use but not listed in the use table. Prohibited in the Village.

¹⁶⁶ Use renamed 'Theater' from 'Theater, Indoor.'

¹⁶⁷ Use renamed 'Liquor sales' from 'ABC Store (liquor).'

Chapter 152: Use Regulations

Section 152.02. Principal Uses

Table 152-1: Principal Use Table

P = Permitted by right S = Special use permit required Blank cell = Prohibited use

Use Classification/ Use Category/ Use	Residential								Business				Indus.				Use-Specific Standards
	C	RSF-1	RSF-2	RSF-3	R-M	RMF-Med	RMF-High	R-MH	CN	CL	CG	CH	MU	IL	IH	IP	
Plant nursery, lawn, and garden supply store ¹⁶⁸										P	P	P	P				
Retail sales ¹⁶⁹									P	P	P	P	P				
Self-storage ¹⁷⁰											P	P		P	P		152.02.04E(7)(a)
Tobacco and/or vape store ¹⁷¹												P					152.02.04E(7)(b)
Vehicle Sales and Services																	
Car wash ¹⁷²											P	P	P				152.02.04E(8)(a)
Gas station ¹⁷³											P	P		P	P		152.02.04E(8)(b)
Vehicle body or paint shop ¹⁷⁴											P	P		P	P		152.02.04E(8)(c)
Vehicle rental and leasing ¹⁷⁵											P	P	P	P	P		152.02.04E(8)(d)
Vehicle repair, light ¹⁷⁶											P	P	P	P	P		152.02.04E(8)(e)
Vehicle sales ¹⁷⁷											P	P	P				152.02.04E(8)(f)
Visitor Accommodations																	
Bed and breakfast ¹⁷⁸		S	S	S	S	P	P		S	P	P	P	P		P	P	152.02.04E(9)(a)
Hotel or motel ¹⁷⁹											P	P	P				
Recreational vehicle park	S	S															152.02.04E(9)(b)
Industrial Uses																	
Extraction or Production																	
Asphalt and concrete plant															P		
Borrow site ¹⁸⁰	S	S	S					S		S	S	S	S	S	S		152.02.04F(1)(a)
Extraction ¹⁸¹															S		152.02.04F(1)(b)
Manufacturing, heavy ¹⁸²															P		152.02.04F(1)(c)
Manufacturing, light ¹⁸³														P	P		

¹⁶⁸ Use renamed 'Plant nursery, lawn, and garden supply store' from 'Nursery, Lawn and Garden Supply Store, Retail.'

¹⁶⁹ 'Retail sales' is the result of consolidating several other uses: 'Convenience Store,' 'Food or Drug Store,' 'Furniture and Home Furnishings Store,' 'General Merchandise Store,' 'Hardware Store,' 'Retail Store, Specialty or Miscellaneous,' and 'Shopping Center.' These uses had nearly identical permissions, except that Furniture and Home Furnishing Stores and Shopping Centers were not allowed in NB. The remaining uses were permitted in NB but not in NO. Did not carry forward use condition for shopping center, as it essentially permitted all uses permitted in the applicable zoning district, which is information already clearly communicated in the use table. Staff and consultants are considering re-adding a shopping center use to accommodate commercial uses with multiple different retail tenants.

¹⁷⁰ Use renamed from 'Storage services'

¹⁷¹ This is a new use. Permissions follow the permissions for liquor sales.

¹⁷² Previously permitted in NSB but not PB.

¹⁷³ Use renamed from 'Fuel Dealer.'

¹⁷⁴ Use renamed from 'Body or Paint Shop.'

¹⁷⁵ Use renamed from 'Motor vehicle rental and leasing.'

¹⁷⁶ Use renamed from 'Repair and Maintenance.' Previously permitted in NB but not NO.

¹⁷⁷ Use combines and renames 'Motorcycle Dealer' and 'Outdoor Display Retail.' 'Outdoor Display Retail' was previously not permitted in PB or NSB.

¹⁷⁸ Previously required a special use permit from the board of adjustment for RS7 and RM5, but only a permit from the zoning officer for RM8. Previously permitted in PB but not NSB.

¹⁷⁹ Previously permitted in PB but not NSB.

¹⁸⁰ Previously permitted in RS20 but not RS15. Previously permitted in NB but not NO.

¹⁸¹ Use renamed 'Extraction' from 'Mining, Quarry, or Extractive Industry.'

¹⁸² Use renamed from 'Manufacturing C.'

¹⁸³ 'Manufacturing, Light' is the result of combining 'Manufacturing A' and 'Manufacturing B.' With the updated district lineup, A and B had identical permissions.

Table 152-1: Principal Use Table

P = Permitted by right S = Special use permit required Blank cell = Prohibited use

Use Classification/ Use Category/ Use	Residential								Business				Indus.				Use-Specific Standards
	C	RSF-1	RSF-2	RSF-3	R-M	RMF-Med	RMF-High	R-MH	CN	CL	CG	CH	MU	IL	IH	IP	
Meat packing plant ¹⁸⁴															P		152.02.04F(1)(d)
Industrial Services																	
Heavy vehicle sales, rental, maintenance, and repair ¹⁸⁵												P			P		
Industrial services ¹⁸⁶												P		P	P		
Warehousing, Freight Movement, and Wholesale																	
Data center															P		
Dirt storage ¹⁸⁷	S	S	S						S	S	S	S	S	S	S		152.02.04F(3)(a)
Flammable bulk storage ¹⁸⁸															P		
Freight terminal															P		
Outdoor storage (as a principal use)														P	P		152.02.04F(3)(b)
Postal processing facility ¹⁸⁹														P	P		
Warehouse ¹⁹⁰														P	P		
Wholesale trade ¹⁹¹														P	P		
Waste-Related Uses																	
Hazardous waste management facility															S		152.02.04F(4)(a)
Landfill, construction and demolition ¹⁹²															P		152.02.04F(4)(b)
Landfill, land clearing and inert debris ¹⁹³		S													S		152.02.04F(4)(c)
Landfill, sanitary		S													S		152.02.04F(4)(d)
Recycling center															P		
Recycling plant														P	P		
Storage and salvage yard ¹⁹⁴															P		152.02.04F(4)(e)

152.02.03 Classification of Principal Uses

A. Purpose

This section is intended to provide a framework for identifying, describing, categorizing, consolidating, and distinguishing land uses in a way that makes it easier to determine whether a particular use, activity, or combination of activities should be considered a use

¹⁸⁴ Previously required planning board review.

¹⁸⁵ Renamed from 'Implement Sales and Service.'

¹⁸⁶ Use combines 'Services, Business B' with 'Building Materials Supply.' 'Services, Business B' was previously permitted in PB but not NSB; 'Building Materials Supply' was previously permitted in NSB but not PB. Use conditions for 'Services, Business B' not carried forward, as they only applied to the CB District, which was not carried forward into the new district lineup.

¹⁸⁷ Previously permitted in RS20 but not RS15. Previously permitted in NB but not NO.

¹⁸⁸ Renamed from 'Bulk Storage of Petroleum Products.'

¹⁸⁹ Previously permitted in PB but not NSB.

¹⁹⁰ Renamed from 'Warehousing.' Previously permitted in PB but not NSB.

¹⁹¹ Use combines 'Wholesale Trade A' and 'Wholesale Trade B.' Wholesale Trade B was previously not permitted in GB or HB, while Wholesale Trade A was permitted in those districts.

¹⁹² Previously required planning board review in all districts.

¹⁹³ Previously required planning board review in all districts now marked as permitted by right.

¹⁹⁴ Use combines 'Motor Vehicle Dismantling and Wrecking Yard' and 'Storage and Salvage Yard.' Motor vehicle dismantling and wrecking was previously only allowed in GI and required planning board review.

listed as an allowable principal use in Table 152-1: Principal Use Table, and if the use is subject to other use-specific provisions in this Ordinance.

B. Structure of Principal Use Classification System

The following three-tiered hierarchy of use classifications, use categories, and use types is used to organize allowable uses listed in Table 152-1: Principal Use Table and the use-specific standards listed in Section 152.02.04, Standards Specific to Principal Uses.

(1) Use Classifications

Use Classifications are very broad and general (e.g., Agricultural Uses; Residential Uses; Public, Civic, and Institutional Uses; Commercial Uses; and Industrial Uses).

(2) Use Categories

Use Categories represent major subgroups of the use classifications that have common functional, product, or physical characteristics, such as the type and amount of activity, type of occupants or customers, or operational characteristics. For example, the Commercial Uses classification is divided into multiple use categories, including Eating and Drinking Establishments; Recreation; and Retail Sales and Services. Each use category is described in terms of the common characteristics of included uses (including common or typical accessory uses), examples of common use types included in the category, and, for a number of use categories, exceptions—i.e., those uses that might appear to fall within the use category but are included in another use category.

(3) Use Types

Use Types identify specific principal land uses whose characteristics are considered to fall within the various use categories. For example, car washes and light vehicle repair are use types within the Vehicle Sales and Services category, which is in the Commercial Uses Classification. Use types are defined in Section 159.04, Definitions (listed alphabetically with other defined terms).

C. Agricultural Uses¹⁹⁵

The Agricultural category includes use types related to the production of field crops, fruits, vegetables, ornamental and flowering plants, and the breeding, raising, or keeping of fish. This category also includes use types that provide support and services to agricultural uses or are otherwise closely related to agricultural production in their form and function. This use category does not include the breed, raising, or keeping of livestock, poultry, swine, bees, or other animals for food or other marketable products, or the processing of animal or plant products for wholesale or retail sale purposes off the site of where the agricultural product is grown or raised, which is generally considered an industrial use. Accessory uses may include offices, storage areas, barns, irrigation systems, and repair facilities related to the agricultural activities. Some accessory uses, including livestock, are subject to additional regulations (see Section 152.03.04, Standards Specific to Accessory Uses and Structures).

D. Residential Uses

(1) Household Living Uses

The Household Living category includes use types providing for the residential occupancy of a dwelling unit by a family. Tenancy is generally arranged on a month-to-month or

¹⁹⁵ The definition of agriculture has been limited to crop production and fish-related activities, which narrows the types of agricultural activities permitted in the current UDO.

longer basis. Use types include single-family, twin home, duplex, townhouse, cottage home development, multifamily, manufactured home, and manufactured home development. This use category does not include residential use types that generally involve some level of managed personal care for a larger number of residents (e.g., group home), which are categorized in the Group Living category. Accessory uses common to Household Living uses may include recreation activities, raising of domestic pets, gardens, and parking of the occupants' vehicles. Some accessory uses (e.g., accessory dwelling units, home occupations) are subject to additional regulations (see Section 152.03.04, Standards Specific to Accessory Uses and Structures).

(2) Group Living Uses

The Group Living category includes use types providing for the residential occupancy of a group of living units by people who sometimes (but not always) do not constitute a single family or housekeeping unit and may receive some level of personal care. Individual living units often consist of a single room or group of rooms without cooking and eating facilities (even though some do have such facilities), but unlike a hotel, motel, or short-term rental, are generally occupied on a monthly or longer basis. Use types include boarding houses, congregate care facilities, group homes, life care communities, nursing care institutions, and transitional residential facilities. This category does not include use types where persons generally occupy living units for periods of less than 30 days, which are categorized in the Visitor Accommodations category. Accessory uses common to group living uses include recreational facilities, administrative offices, and food preparation and dining facilities.

E. Public, Civic, and Institutional Uses

(1) Community Services Uses

The Community Services category includes use types primarily of a public, civic, nonprofit, or charitable nature providing services to residents and visitors in the Village, which are distinguished by enhanced benefits to the general public (e.g., childcare, cultural, recreational, counseling, training, or religious services). Generally, such uses provide ongoing continued service on-site or have employees at the site on a regular basis. Use types may include adult day care, child care, clubs or lodges, community recreation centers, correctional institutions, cultural facilities, funeral homes, government offices, habitation facilities, post offices, public safety facilities, and religious or public assembly uses. This use category does not include private or commercial health clubs or recreational facilities, which are categorized in the Recreation category within the Commercial classification, or passenger terminals for public transportation services, which are categorized in the Transportation, Communication, and Utilities category. Accessory uses may include offices, meeting areas, food preparation and dining areas, and for certain uses indoor and outdoor recreational facilities.

(2) Education Uses

The Education category includes use types such as public schools and private schools (including charter schools) at the elementary, middle, and high school levels that provide education meeting state requirements for curriculum, instruction, and assessment. This use category also includes college and university uses, and other institutions of higher learning such as vocational or trade schools that offer courses of general or specialized study leading to a degree or certification, and research facilities (operated by

government or educational institutions). Accessory uses at schools may include offices, play areas, recreational and sport facilities, cafeterias, auditoriums, and before- or after-school day care. Accessory uses at colleges or universities may include offices, dormitories, food service, laboratories, health care facilities, recreational and sports facilities, theaters, meeting areas, maintenance facilities, and supporting commercial uses (e.g., eating or drinking establishments, bookstores).

(3) Health Care Uses

The Health Care category includes use types providing a variety of health care services, including surgical or other intensive care and treatment, various types of medical treatment and preventative care, nursing care, and diagnostic and laboratory services. Care may be provided on an inpatient, overnight, or outpatient basis. Use types include hospitals. This category generally does not include use types that focus on providing personal care rather than medical care to residents, which are categorized in the Group Living category. Accessory uses may include food preparation and dining facilities, offices, meeting rooms, teaching facilities, maintenance facilities, staff residences, and limited accommodations for patients' families.

(4) Parks and Open Space Uses

The Parks and Open Space category includes use types focusing on open space areas largely devoted to natural landscaping and tending to have few structures, and which may include passive or limited active outdoor recreation. Use types include cemeteries and public parks. This category does not include athletic fields (unless part of a public park), golf courses, or other outdoor recreation uses (categorized in the Recreation category). Accessory uses may include caretaker's quarters, clubhouses, statuary, fountains, maintenance facilities, concessions, and parking.

(5) Transportation, Communication, and Utilities Uses

The Transportation, Communication, and Utilities category includes use types providing major utilities (infrastructure services that provide regional or community-wide service), minor utilities, vehicle parking and passenger transportation services, facilities providing regional or community-wide communications services, and similar uses. Services may be publicly or privately provided and may include on-site personnel. Accessory uses may include offices, monitoring, or storage areas.

F. Commercial Uses

(1) Adult Establishments Uses

The Adult Establishments category includes use types providing services, entertainment or products that are distinguished or characterized by an emphasis on or related to specified sexual activities or specified anatomical areas. The use type is adult establishment.

(2) Animal Care Uses

The Animal Care category includes use types related to the provision of veterinary services and boarding services for household pets and domestic animals. Use types include dog day care, kennel, pet café, pet grooming, veterinary services, and similar uses.

(3) Eating and Drinking Establishments Uses

The Eating or Drinking Establishments Uses category consists of establishments primarily engaged in the preparation and serving of food or beverages for on- or off-premises consumption. Use types include distilleries, microbreweries, restaurants, and similar uses. Accessory uses may include areas for outdoor seating, facilities for live entertainment, and valet parking services. Drive-through facilities may or may not be allowed and are subject to additional standards in accordance with Section 152.03.04, Standards Specific to Accessory Uses and Structures.

(4) Office Services Uses

The Office Uses category includes office buildings housing activities conducted in an office setting, usually with limited contact with the general public, and generally focusing on the provision of business services, professional services (e.g., lawyers, accountants, engineers, architects), or financial services (e.g., lenders, brokerage houses, tax preparers). Use types include business/professional office, general building contractor, and heavy building contractor. This use category does not include offices that are a component of or accessory to a principal use in another use category, such as administrative government services (categorized in the Community Services category), medical/dental offices (categorized in the Health Care Uses category), or banks (Personal Services category). Accessory uses may include cafeterias, recreational or fitness facilities, incidental commercial uses, or other amenities primarily for the use of employees in the business or office park.

(5) Personal and Business Services Uses

The Personal and Business Services category consists of establishments primarily engaged in providing frequent or recurrent needed services of a personal or business nature. Use types include arts and crafts studios, banking and financial services, business services, personal services, and similar uses. This category does not include establishments primarily engaged in the provision of financial, professional, or business services in an office setting (categorized in the Office Services category).

(6) Recreation Uses

The Recreation category includes use types providing indoor or outdoor facilities for recreation or entertainment-oriented activities by patrons or members. Use types include fishing, golf courses and driving ranges, indoor and outdoor recreation, riding stables, indoor and outdoor shooting ranges, theaters, and drive-in theaters. It does not include recreational facilities that are accessory to parks (categorized in the Open Space category), or that are reserved for use by a particular residential development's residents and their guests (considered a community recreation center in the Community Services category). Accessory uses may include offices, concessions, snack bars, and maintenance facilities.

(7) Retail Sales and Services Uses

The Retail Sales and Services category includes use types involved in the sale, rental, and incidental servicing of goods and commodities that are generally delivered or provided on the premises to a consumer. Use types include: liquor sales; plant nursery, lawn, and garden supply stores; retail sales; self-storage; and tobacco and/or vape stores. This use category does not include sales or service establishments related to vehicles (categorized in the Vehicle Sales and Services category), establishments primarily selling supplies to

contractors or retailers (categorized as a wholesale trade use under the Warehousing, Freight Movement, and Wholesale category), the provision of financial, professional, or business services in an office setting (categorized in the Office category), uses providing recreational or entertainment opportunities (categorized in the Recreation category), uses that provide personal services (categorized in the Personal Services category), or sexually-oriented businesses (categorized in the Adult Establishment category). Accessory uses may include offices, storage of goods, assembly or repackaging of goods for on-site sale, concessions, ATM machines, and outdoor display of merchandise.

(8) Vehicle Sales and Services Uses

The Vehicle Sales and Services category includes use types involving the direct sales and servicing of motor vehicles (including automobiles, trucks, motorcycles, and recreational vehicles, as well as trailers) whether for personal transport, commerce, or recreation. Use types include car wash, gas station, vehicle body or paint shop, vehicle rental and leasing, light vehicle repair, and vehicle sales. Accessory uses may include offices, sales of parts, maintenance facilities, outdoor display of merchandise, and vehicle storage.

(9) Visitor Accommodations Uses

The Visitor Accommodations category includes use types providing lodging units or rooms for short-term stays of typically less than 30 days for rent or lease. Use types include bed and breakfast uses, hotels and motels, and recreational vehicle parks. This use category does not include boarding or rooming houses, which are generally occupied for tenancies of a month or longer and are categorized in the Group Living Uses category. Accessory uses may include pools and other recreational facilities, restaurants, bars, limited storage, laundry facilities, gift shops, supporting commercial activities, meeting facilities, and offices.

G. Industrial Uses

(1) Extraction or Production Uses

The Extraction or Production category is characterized by activities related to the extraction of naturally occurring materials and the manufacturing, processing, fabrication, packaging, or assembly of goods. Products may be finished or semi-finished and are generally made for the wholesale market, made for transfer to other plants, or made to order for firms or consumers. Use types include asphalt and concrete plants, borrow sites, extraction, heavy and light manufacturing, and meat packing plants. Goods are generally not displayed or sold on-site, but if so, such sales are a subordinate part of total sales. Relatively few customers come to the site. Accessory uses may include limited retail sales and wholesale sales, offices, cafeterias, employee recreational facilities, warehouses, storage yards, repair facilities, truck fleets, fueling facilities, and security and caretaker's quarters.

(2) Industrial Services Uses

The Industrial Services category includes use types involving the maintenance, repair, or servicing of industrial, business, scientific, or consumer machinery equipment, products, or by-products. Firms that service consumer goods do so by mainly providing a centralized source of services for separate retail outlets. Contractors and building maintenance services and similar uses perform services off-site. Few customers come to the site. Use types include industrial services and heavy vehicle sales, rental, maintenance, and repair. Accessory activities may include offices, parking, and storage.

(3) Warehousing, Freight Movement, and Wholesale Uses

The Warehousing, Freight Movement, and Wholesale category includes uses involving the movement, storage, and distribution of goods. Goods are generally delivered to other firms or the final consumer. There is little on-site sales activity with the customer present. Use types include data center, dirt storage, flammable bulk storage, freight terminal, outdoor storage (as a principal use), postal processing facility, warehouse, and wholesale trade. Accessory uses may include offices, truck fleet parking, outdoor storage, maintenance areas, greenhouses (for plant nurseries), and repackaging of goods.

(4) Waste-Related Uses

The Waste-Related Uses category includes use types receiving solid or liquid wastes from others for on-site disposal, storage, processing, or transfer to another location for processing or disposal; or uses that manufacture or produce goods or energy from the composting of organic material or from the reuse, recycling, or processing of scrap or waste material. Use types include hazardous waste management facilities, construction and demolition landfills, land clearing and inert debris landfills, sanitary landfills, recycling centers, recycling plants, and storage and salvage yards. Accessory uses may include offices, outdoor storage, recycling of materials, and repackaging and trans-shipment of by-products.

H. Interpretation of Unlisted Uses¹⁹⁶

(1) Procedure for Interpreting Unlisted Uses

The Planning Director shall make a determination of whether a particular principal use or accessory use or structure not expressly listed in the use tables is allowable in a particular zoning district, as a permitted or special use, based on the standards in this section and in accordance with the procedures in Section 156.05.21, Interpretation.

(2) Standards for Allowing Unlisted Principal Uses

The Planning Director shall interpret an unlisted principal use as a permitted use or special use in a particular zoning district only after finding that the nature, function, and duration of the use and the impact of allowing it in the zoning district are so similar to those of a use type or use category that is allowed in the zoning district that the unlisted use should be deemed allowed in the same manner (i.e., as a permitted use or special use) as the similar use type or use category and subject to the same use-specific standards. In making such interpretation, the Planning Director shall consider the relevant characteristics of the unlisted use relevant to those of listed and defined use types and/or of the use categories described in this section, the purpose and intent statements in this Ordinance concerning the zoning district, and the character of use types allowable in the zoning district. The relevant characteristics of the unlisted use that should be considered in making this interpretation include, but are not limited to, the following:

- (a) Actual or projected characteristics of each activity likely to occur as part of the unlisted use;
- (b) The type, size, orientation, and nature of buildings and structures devoted to each activity;

¹⁹⁶ This is new and builds on Section B-2-4.3 of the current UDO.

- (c) The North American Industry Classification System (NAICS) code for the unlisted use and for potentially similar uses;
- (d) The number of employees and customers per unit area of site in relation to business hours and employment shifts;
- (e) Vehicles used and their parking requirements, including the ratio of the number of spaces required per unit area or activity;
- (f) Transportation demands, including the volume and frequency of trips generated to and from the site, the split of traffic volume among various means of transportation, and other characteristics of trips and traffic;
- (g) Relative amounts of sales from each activity;
- (h) The nature and location of storage and outdoor display of merchandise, whether enclosed, open, inside or outside the principal building, and the predominant types of items stored;
- (i) Customer type for each activity;
- (j) How the use is advertised, including signage;
- (k) The amount and nature of any nuisances generated on the premises, including but not limited to noise, smoke, odor, glare, vibration, radiation, and fumes;
- (l) Any special public utility requirements for serving the use, including but not limited to water supply, wastewater output, pre-treatment of wastes and emissions required or recommended, and any significant power structures and communications towers or facilities; and
- (m) The impact on adjacent lands created by the use, which should not be greater than that of other use types allowed in the district.

(3) Interpretations of Uses Not Expressly Listed Made Available to Public

Within a reasonable period of time after the Planning Director interprets a use or structure that is not expressly listed in accordance with this section, the interpretation may be made available to the public upon request. Such interpretation may be made available in the office of the Planning Department during normal business hours or may be placed on the Planning Department's website.

(4) Effect of Allowing Uses Not Expressly Listed as Permitted or Special Uses

On interpreting a use or structure not expressly listed as allowed in a district in accordance with subsection (2) above, and on finding that the use or structure is likely to be common or would lead to confusion if it remains not expressly listed, the Planning Director may initiate an application for a text amendment to this Ordinance in accordance with Section 156.05.01, UDO Text Amendment, to expressly list the use as a permitted or special principal use, and to define the use, as appropriate. Until final action is taken on the text amendment application, the interpretation of the Planning Director shall be binding.

152.02.04 Standards Specific to Principal Uses

A. General

This section sets forth the standards specific to principal uses, which are identified in the right-most column of Table 152-1: Principal Use Table. Unless stated to the contrary, the

standards set forth in this section apply to the individual principal use, regardless of the review procedure by which it is approved.

B. Agricultural Uses¹⁹⁷

C. Residential Uses

(1) Household Living

(a) Dwelling, Single-Family¹⁹⁸

In the C, RSF-1, RSF-2, and RSF-3 districts, only one single-family dwelling is permitted on a lot.

(b) Dwelling, Twin Home¹⁹⁹

Twin home dwellings shall comply with the general dimensional and building spacing requirements of the applicable zoning district as if the two dwelling units were on the same lot.

(c) Dwelling, Townhouse²⁰⁰

- (1) The standards in Section 152.02.04C(1)(e), Dwelling, Multifamily, apply to townhouse dwellings.
- (2) Townhouse dwellings shall comply with all the dimensional standards of the zoning district, except as follows:
 - (A) The minimum side setback standards do not apply, except for units on the end of a row of attached houses; and
 - (B) The minimum lot width is 16 feet.

(d) Dwelling, Cottage Home Development²⁰¹

A cottage home development shall comply with the following standards:

(1) Site Standards

A cottage home development shall be located on a site at least one-half (0.5) acre in size and include at least four dwellings. A cottage home development shall not exceed the maximum density of the zoning district in which it is located.

(2) Dimensional Standards for Individual Lots

Each cottage home shall be placed on an individual lot in accordance with the standards in Table 152-2: Cottage Home Development Individual Lot Dimensional Standards.

¹⁹⁷ This is a placeholder; it is recommended that this section be retained, although it is empty, so that if in the future use-specific standards are added for agricultural uses, the use-specific standards for use in later classifications are not all renumbered.

¹⁹⁸ This carries forward the standards limiting sites to one principal residential building per lot in the YR district (Section B-2.1.2(A)(3)(c)), RS-40, RS-30, RS-20, RS-15, and RS-9 districts.

¹⁹⁹ Simplifies the standards that apply to twin homes, removing standards around building spacing, superseding dimensional standards in all districts except for R-M, and parking location requirements in R-M.

²⁰⁰ Carries forward standards from Section B-2-5.62 in current UDO and simplifies the dimensional standards by applying all general dimensional standards except for the side setback and lot width on attached units.

²⁰¹ New standards that accommodate a new housing type that is slightly more dense than single-family detached homes and that are arranged around a central green space.

Table 152-2: Cottage Home Development Individual Lot Dimensional Standards

Standard		Value
Lot area, min (sf)	Lot with frontage on perimeter of cottage home development	100 percent of minimum lot area in zoning district where lot is located
	All other lots	No minimum
Lot coverage, max (percent of site area)		80%
Front yard setback, min (ft)	From common space	10
	From street	100% of minimum front yard setback in zoning district where lot is located
Side yard setback, min (ft)		15 one side, 0 other side
Rear yard setback, min (ft)	Lot that includes a driveway	20
	All other lots	No minimum
Building height, max (ft)		24 ft

ft = feet sf = square feet max = maximum min = minimum

(3) Minimum Percentage of Dwellings Fronting Open Space

At least 60 percent of the dwellings in a cottage home development shall front common open space.

(4) Common Open Space

- (A) A cottage home development shall include common open space that comprises at least 30 percent of the total site. The common open space shall include a central green or lawn area fronting some or all of the dwellings, one or more shared surface off-street parking area(s) located away from the dwellings and common area, and a perimeter buffer area that incorporates landscaping materials, existing vegetation, or other features to buffer the cottage home development from adjacent development.
- (B) The central green or lawn area shall include at least 375 square feet of area for each dwelling in the cottage home development.
- (C) A common building located within the common open space area may be included as an accessory use, but in no instance shall the common building be larger than 1,500 square feet or serve as a permanent dwelling unit.
- (D) Open space areas shall include improved pedestrian walkways that provide pedestrian access to each dwelling, shared parking areas, any common buildings, and the public sidewalk network.
- (E) Ownership of the open space shall remain either with the developer or be conveyed to a homeowners' association or comparable legal entity under the state law.
- (F) Maintenance of the land as permanent open space shall be ensured via the recordation of covenants or similar documents in the public records of the County and noted (or referenced) on the site plan or final plat. This documentation shall also prescribe the nature and extent of continuing maintenance to the open space designed to preclude the creation of any nuisances.

(5) Transitional Buffer Yard

A cottage home development shall incorporate a Type 1 landscape buffer in accordance with Section 153.03, Landscaping, Buffering, and Screening Standards, along all lot lines shared with existing single-family detached dwellings.

(6) Internal Streets

Vehicular entryways into a cottage home development and internal streets serving the development shall be configured as private drives with a maximum pavement width of 22 feet.

(7) Off-Street Parking

- (A) All parking shall be set back at least five feet from the property line and include vegetative screening between the parking and the property line in accordance with Section 153.03.06B, Parking Lot Perimeter Landscaping.
- (B) A cottage home development shall include at least one shared parking area that accommodates resident or guest parking.
- (C) Surface parking include at least one designated guest parking space for every four dwelling units.
- (D) Provision of resident parking spaces within a shared parking area is not required in cases where resident parking is provided through individual driveways, garages, or by parking spaces along internal streets or alleys.
- (E) A surface parking area shall not be located more than 450 linear feet from the dwelling it serves.
- (F) A surface parking area shall be visible from at least one dwelling unit window in the development.

(8) Detached Shared Garages

Detached garages serving more than one dwelling shall not exceed five car bays or include individual garage doors wider than 12 feet each.

(9) Storage Space

Each dwelling shall be provided with at least 40 square feet of covered storage space outside the heated floor area. Storage space may be located on an individual lot or on common land adjacent to a common building.

(10) Individual Lot Configuration

Development on individual lots within a cottage home development shall comply with the following standards:

(A) Dwelling Size

The maximum size of a dwelling shall be 1,400 square feet of gross floor area.

(B) Dwelling Orientation

A dwelling that fronts an internal or perimeter street shall be oriented so that the front door of the dwelling faces the street.

(C) Front Porch

It is recommended that a dwelling incorporate a covered front porch having a minimum width of ten feet and a minimum depth of six feet between the front facade of the dwelling and the street.

(D) Windows

- (1) The front facade shall incorporate a sufficient amount of windows to facilitate observation of the common area from within the dwelling.
- (2) Windows on the side of the dwelling facing a side yard subject to a no-build easement held by an adjoining land owner shall remain opaque or be located above eye level to ensure privacy in the side yard of the abutting dwelling unit.
- (3) A window placement on an exterior wall shall not be configured in a manner that allows direct sight into the interior of another dwelling located within 30 feet of the window.

(E) Street-Facing Garage

A street facing garage, if provided, shall be located at least ten feet behind the front facade plane of the dwelling, including porches, and it is recommended that it include at least two of the following features:

- (1) A garage door configured to appear as carriage house doors that open to the sides;
- (2) Arbor or trellis with a minimum depth of three feet over the garage door;
- (3) A roof overhang of at least two feet over garage door with columns, corbels, or another support structure;
- (4) An arch or arches over the garage door;
- (5) Window dormers or a shed dormer;
- (6) An entry door with a minimum width of 30 inches;
- (7) A garage door and door trim of natural wood or material configured to appear as unpainted wood;
- (8) Windows within or above the garage door; or
- (9) Eaves with exposed rafters, dentil moulding, or other detail appropriate to the architectural style of the structure.

(F) Fences

- (1) Fences within front yards or side yards forward of the front façade plane shall not exceed 36 inches in height.
- (2) Fences in rear yards or side yards behind the front facade plane shall not exceed 72 inches in height.
- (3) In no instance shall a fence be placed within a no-build easement.

(G) Refuse Collection Containers

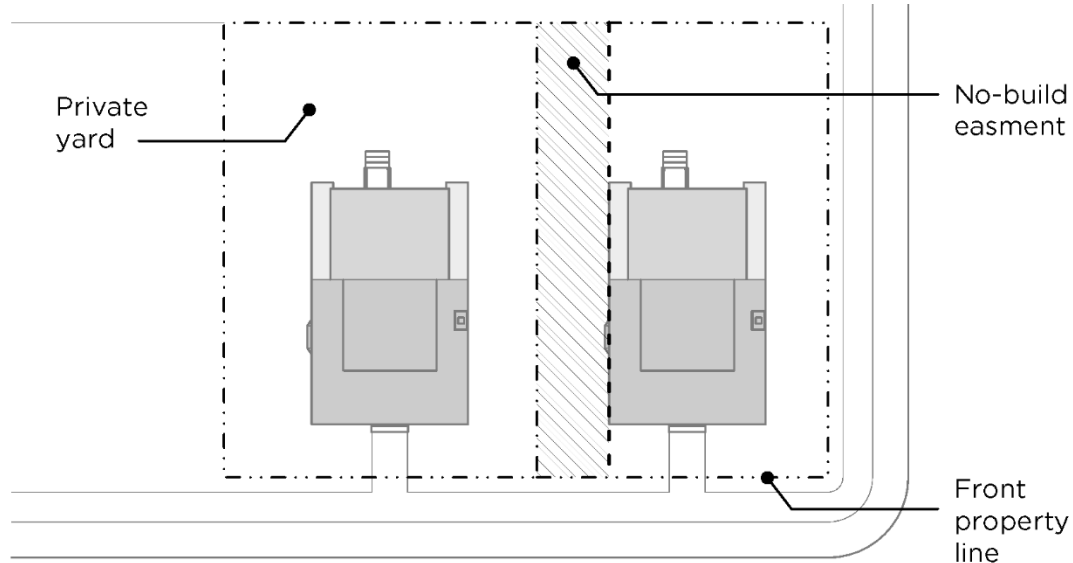
Each dwelling shall maintain individual refuse collection containers, which shall be screened from view and located to the side or rear of the dwelling.

(H) No-Build Easement

Any lot abutting another lot used for residential purposes in a cottage home development shall include a no-build easement on one side that extends

from the lot line to the exterior wall of the dwelling (see Figure 152-1: No-Build Side-Yard Easement). The purpose for the use easement is to ensure that the adjoining property owner can use the entire side yard as private outdoor space.

Figure 152-1: No-Build Side-Yard Easement



(I) Homeowner's Association

Each cottage home development shall include a homeowner's or property owner's association, or comparable legal entity under the state law, that maintains control of common areas and takes responsibility for maintenance of common features in the development, in the event the developer has transferred ownership of the common areas. Homeowner's association documents shall be submitted to and reviewed by the Village prior to approval of a subdivision of land for a cottage home development.

(e) Dwelling, Multifamily²⁰²

- (1) Streets, driveways, parking areas, and other public and private drives shall comply with the following:
 - (A) They shall not block, impede, or interfere with the orderly development of the public street system.
 - (B) Adequate provision shall be made for vehicular traffic to and from the premises and for vehicular traffic and pedestrian traffic to and from the proposed buildings, structures, and parking areas on the premises, including fire fighting and police equipment and personnel, ambulance service, garbage collection service, postal service, delivery service, and

²⁰² Carries forward standards from Section B-2-5.62 in current UDO. Removed reference to site plan review by planning board. Removed references to the RSQ District (district not carried forward). The reference to "adequate air and light" has been removed because it is hard to measure. The spacing requirements in Section B-3.1,2(K) have not been carried forward. Regulations regarding bulk, space, and length and width of buildings have been removed and replaced with general form and design standards in Section 153.09, Form and Design Standards. Adds standard regarding centralized collection of refuse, at staff's suggestion.

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other public and private services and individuals who would require access to the premises.

- (2) A multifamily dwelling development with 15 or more units shall provide refuse collection through centralized refuse containers.
- (3) A multifamily dwelling development containing 40 or more units shall provide common recreation space in accordance with the following:
 - (A) Common recreation area that complies with the standards in Section 153.05, Open Space Set-Aside Standards, may be used to meet the requirements of Section 153.05.
 - (B) The amount of common recreation area shall equal at least 100 square feet per dwelling unit.
 - (C) Common recreation space requirements may be met in one or more separate areas on the site, provided each common recreation space is at least 4,000 square feet in area, and the average length of each space may not exceed two times the average width.
 - (D) Common recreation space shall be constructed on land where the average finished grade does not exceed five percent, is well drained, and can accommodate the purposes of the recreation space, and shall include landscaping as needed to minimize negative impacts among dwellings.
 - (E) The common recreation area shall be maintained in accordance with the standards that apply to maintenance of open space in Section 153.05.06, Ownership, Management, and Maintenance of Open Space Set-Asides.
 - (F) Common recreation spaces shall not include streets, access easements, rights-of-way, parking areas, required transitional buffers or screening, required yards, or areas used for motor vehicle traffic except for maintenance purposes.
 - (G) Common recreation spaces shall not be located over a septic system drainage field.
- (4) Developments in the R-M, RMF-Medium, and RMF-High Districts shall meet the following requirements:²⁰³
 - (A) Off-street parking shall comply with the standards in Section 153.02, Off-Street Parking and Loading Standards, and the following:
 - (1) In the R-M District, all parking shall be set back at least five feet from the property line, and include vegetative screening between the parking and the property line in accordance with Section 153.03.06B, Parking Lot Perimeter Landscaping.
 - (2) A required side or rear transitional buffer may be reduced to allow a driveway to the rear of the property which accesses the off-street parking if Planning Director determines that such reduction is necessary due to lot size, lot shape, or topographic features.
 - (3) A landscaped area at least three-and-a-half (3.5) feet wide shall be provided between any parking area and any building wall which provides access into the units.²⁰⁴

²⁰³ Removed reference to minimum lot sizes for these districts but carried forward other standards for these districts.

²⁰⁴ RM-5 previously only required a three-foot-wide landscaped area, but that distinction was removed in this draft.

- (B) Pitched roofs are required on all buildings.
- (C) All visitor spaces shall be designated “visitor only.”²⁰⁵

(f) Manufactured Home Development²⁰⁶

- (1) A manufactured home development shall comply with the dimensional standards in Table 152-3: Manufactured Home Development Dimensional Standards for the manufactured home development as a whole, and for the individual spaces within the manufactured home development where manufactured homes are placed.

Table 152-3: Manufactured Home Development Dimensional Standards

Standard	Value
<i>Lot standards</i>	
Density, max (du/gross acre)	5 [1]
Size, min. (acres)	4 [2]
Width, min. (ft)	250
Minimum number of manufactured home spaces	10
<i>Manufactured home space standards</i>	
Area, min. (sq ft)	4,000 (5,000) [3]
Width, min. (ft)	40 (50) [3]
Setback, min., front (ft)	20
Setback, min., side (ft)	5
Setback, min., rear (ft)	10

du = dwelling unit min = minimum max = maximum ft = feet sq ft = square feet

NOTES:

- [1] Maximum density of 5.5 manufactured home spaces per acre if at least 12 percent of the gross site area is used for common recreation space in accordance with the requirements in this section.
- [2] If public or community water supply and sewage disposal systems are not available, the minimum lot size shall be determined by Forsyth County Health and Human Services.²⁰⁷
- [2] The minimum area and width for a manufactured home space with a single-section home is 4,000 square feet and 40 feet respectively; the minimum area and width for a manufactured home space with a multi-section home is 5,000 square feet and 50 feet, respectively.

- (2) Utilities in a manufactured home development shall comply with the following:
 - (A) All utilities within a manufactured home development shall be located underground.
 - (B) All manufactured homes shall be connected to a public water system.

²⁰⁵ Carries forward standard from Table B.3.8 of the current UDO.

²⁰⁶ Carries forward standards from Section B-2-5.47 in the current UDO. Updates reference to State of North Carolina Regulations for Manufactured Homes. The provision about allowing Class D homes to remain but not be replaced was not carried forward, as this will be addressed in the nonconformities section. Provision noting that accessory structures and uses need to meet the standards in the accessory uses section and the dimensional requirements section is removed, as there is no indication that manufactured home parks would be exempt from other provisions of this ordinance. Updated site plan review section such that staff, not the planning board, review the site plan to determine if important conditions are met. Removed provision with the schedule for improvements, since those improvements were required to be made by July 1, 2001. Removed provision allowing some expansion of nonconforming manufactured housing developments (i.e., now all expansions must comply with these regulations).

²⁰⁷ Carries forward standards from Section B-3-1.2(P(2)) in current UDO.

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- (C) Fire hydrants shall be installed in accordance with Village standards.
- (D) All manufactured homes shall be connected to a public sewer system or an approved package treatment plant.
- (3) A transitional buffer shall be established along each property line. The transitional buffer shall be at least 50 feet in width along external private streets or public rights-of-way or else at least 30 feet in width.
- (4) No manufactured home space shall have direct vehicular access to a public or private street outside the development.
- (5) Each manufactured home space shall have direct vehicular access to an internal private access easement and street.
- (6) A manufactured home development shall provide common recreation space in accordance with the following:
 - (A) Common recreation area that complies with the standards in Section 153.05, Open Space Set-Aside Standards may be used to meet the requirements of Section 153.05.
 - (B) The amount of common recreation area shall equal at least 100 square feet per dwelling unit.
 - (C) Common recreation space requirements may be met in one or more separate areas on the site, provided each common recreation space is at least 4,000 square feet in area, and the average length of each space may not exceed two times the average width.
 - (D) Common recreation space shall be constructed on land where the average finished grade does not exceed five percent, is well drained, and can accommodate the purposes of the recreation space, and shall include landscaping as needed to minimize negative impacts among dwellings.
 - (E) The common recreation area shall be maintained in accordance with the standards that apply to maintenance of open space in Section 153.05.06, Ownership, Management, and Maintenance of Open Space Set-Asides.
 - (F) Common recreation spaces shall not include streets, access easements, rights-of-way, parking areas, required transitional buffers or screening, required yards, or areas used for motor vehicle traffic except for maintenance purposes.
 - (G) Common recreation spaces shall not be located over a septic system drainage field.
- (7) Each manufactured home space shall:
 - (A) Be constructed in compliance with the applicable edition of the State of North Carolina Regulations for Manufactured Homes.
 - (B) Include a patio or deck area at least 144 square feet in area that is constructed of concrete, brick, flagstone, wood, or other hard surface material and being a minimum of 144 square feet in area.
 - (C) Include a hard surface walkway at least two feet in width from the major entrance of the manufactured home to its parking spaces or to the street.
 - (D) Include at least one solid waste container with a tight-fitting cover and a capacity of not less than 32 gallons, or dumpsters of adequate capacity

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may be substituted. If dumpsters are provided, each such container shall be located on a concrete slab and screened on three sides by an opaque fence at least eight feet in height.

- (E) Include a minimum of one vehicular parking space within the applicable manufactured home space. Additional parking required by Table 153-3: Minimum Number of Off-Street Vehicular Parking Spaces may be located in group parking areas no farther than 150 feet from the units being served.²⁰⁸
- (8) The manufactured home shall be set up in accordance with the standards established by the North Carolina Office of State Fire Marshall.
- (9) A continuous, permanent, masonry foundation or masonry curtain wall constructed in accordance with the standards of the Residential Building Code, unpierced except for required ventilation and access, shall be installed under the perimeter. If the manufactured home is located on land leased to the homeowner, masonry foundation or masonry curtain wall is not required and skirting shall be installed no later than 60 days after the set-up of the home in accordance with the following:
 - (A) The skirting shall be durable, suitable for exterior exposure, and made of noncombustible material or material that will not support combustion.
 - (B) Any wood framing used to support the skirting shall be of approved moisture-resistant treated wood.
 - (C) The skirting shall be vented in accordance with the Residential Building Code.
 - (D) Skirting manufactured specifically for this purpose shall be installed in accordance with the manufacturer's specifications.
 - (E) All skirting shall be properly maintained.
- (10) Prefabricated structures built by a manufacturer of manufactured home extensions meeting United States Department of Housing and Urban Development standards and any other additions meeting the Residential Building Code may be added to any manufactured home, provided that setbacks within the space can be met and a building permit is obtained.
- (11) No storage of unoccupied and/or damaged manufactured homes is permitted.
- (12) A site plan for the manufactured home development shall be submitted with an application for a site plan in accordance with Section 156.05.11, Zoning Permit. In approving site plans for manufactured home developments, the decision-making body shall determine that adequate provision is made for:
 - (A) Vehicular traffic to and from the development, and traffic internal to the development, including adequate access for emergency vehicle and personnel, postal service, delivery service, and other public and private services and individuals who would require access to the premises;
 - (B) Pedestrian traffic to and from the proposed manufactured home sites, common facilities, and parking areas on the premises; and
 - (C) Adequate types of common recreation areas, including any needed screening or landscaping.

²⁰⁸ Carries forward standard from Table B.3.8 of the current UDO.

- (13) Prior to the issuance of a certificate of occupancy, a final development plan indicating each manufactured home space and prepared in conformance with this Ordinance shall be approved by the Planning Director and recorded in the public records of the county. In addition, the corners of all manufactured home spaces shall be clearly marked on the ground with iron stakes.

(2) Group Living

(a) Congregate Care Facility²⁰⁹

The use-specific standards in Section 152.02.04C(1)(e), Dwelling, Multifamily, apply to congregate care facilities except that common recreation space is not required to be provided.

(b) Group Home, A or B²¹⁰

- (1) If not state licensed, a Group Home A or B use shall have written operating procedures or manuals, established goals and objectives for persons receiving therapy or treatment, a structured system of management with a Board of Directors, and on-premises management.
- (2) A Group Home A or B use shall be located at least 2,500 feet from any other Group Home use.

(c) Group Home, C²¹¹

- (1) If not state licensed, a Group Home C use shall have written operating procedures or manuals, established goals and objectives for persons receiving therapy or treatment, a structured system of management with a Board of Directors, and on-premises management.
- (2) A Group Home C use shall provide at least 100 square feet of conditioned interior space per resident.
- (3) A Group Home C use shall be located at least 2,500 feet from any other Group Home use.

(d) Group Home, D²¹²

- (1) If not State licensed, a Group Home D use shall have written operating procedures or manuals, established goals and objectives for persons receiving therapy or treatment, a structured system of management with a board of directors, on-premises management/supervisory personnel, and admission standards that allow only residents that have a commitment and desire to adjust to society and are not dangerous to others as defined in State law.
- (2) The Group Home D use shall provide at least 100 square feet of conditioned interior space per resident.

²⁰⁹ Carries forward standards from Section B-2-5.23 in current UDO.

²¹⁰ Carries forward standards from Section B-2-5.26 in current UDO. Minimum lot area references were removed, as there is no minimum lot area requirement in the updated relevant districts (RM, RMF-Medium, and RMF-High).

²¹¹ Carries forward standards from Section B-2-5.27 in current UDO. Minimum lot area references were removed, as there is no minimum lot area requirement in the updated relevant districts (RM, RMF-Medium, and RMF-High). Measurement method moved to definitions section under "Distance between uses."

²¹² Carries forward standards from Section B-2-5.32 in current UDO. Minimum lot area references were removed, as there is no minimum lot area requirement in the updated relevant districts (RMF-Medium and RMF-High). Changed requirement from 'heated building' to 'conditioned interior space.' Measurement method moved to definitions section under "Distance between uses."

- (3) A Group Home D use shall be located at least 2,500 feet from any other Group Home D or transitional residential facility use.

(e) Life Care Community²¹³

- (1) Senior independent living facilities within a life care community are only permitted as a conditional district and at a maximum density of 18 units per acre.
- (2) A senior living facility within a life care community shall have a maximum height of three stories. All senior living facilities shall not have more than three stories.²¹⁴
- (3) New facilities shall provide direct pedestrian access to all existing facilities and, when topography allows, provide vehicular access connections. If a site cannot provide vehicular access, the developer shall provide a certified letter from a licensed engineer on why the connection cannot be completed.
- (4) The development shall provide 25 percent of the total parcel as common open space, in accordance with the standards in Section 153.05, Open Space Set-Aside Standards.²¹⁵
- (5) The application for any conditional zoning map amendment in accordance with Section 156.05.03, Conditional Zoning Map Amendment, shall include a traffic impact analysis evaluating the impact of the proposed life care community on surrounding streets.

(f) Nursing Care Institution²¹⁶

- (1) In the RSF-1 district, a nursing care institution shall be at least two acres in size. In the RSF-2 district, a nursing care institution shall be at least one acre in size.
- (2) The site shall have direct access to a major or minor thoroughfare in the RSF-1, RSF-2, and IP Districts.
- (3) All nursing care institutions shall be licensed by the state and comply with applicable federal and state laws and regulations.
- (4) The maximum density of a nursing institution shall be calculated in accordance with the following:
 - (A) In the RSF-1 and RSF-2 districts, the maximum density shall be 18 beds per acre.
 - (B) In the R-M, RMF-Medium, and RMF-High districts, the maximum density permitted in the district applies, with three beds equal to one dwelling unit.

(g) Transitional Residential Facility²¹⁷

- (1) If not state licensed, a transitional residential facility shall have written operating procedures or manuals, established goals and objectives for persons

²¹³ Carries forward standards from Section B-2-5.42 in current UDO. Transitional buffer requirements adjacent to single-family residential districts have been removed from this section and are addressed in Section 153.03.07, Transitional Buffer Standards.

²¹⁴ A limitation on height to two stories adjacent to single-family residential districts has not been carried forward and will be addressed in Section 153.10, Residential Compatibility Standards.

²¹⁵ In light of this standard, the 70 percent impervious surface maximum has been removed.

²¹⁶ Carries forward standards from Section B-2-5.54 in current UDO. Removes reference to GMAs.

²¹⁷ Carries forward standards from Section B-2-5.32 in current UDO for Group care facility B. Minimum lot area references were removed, as there is no minimum lot area requirement in the updated relevant districts (RMF-Medium and RMF-High). Changed requirement from 'heated building' to 'conditioned interior space.' Measurement method moved to definitions section under "Distance between uses."

receiving therapy or treatment, a structured system of management with a board of directors, on-premises management/supervisory personnel, and admission standards that allow only residents that have a commitment and desire to adjust to society and are not dangerous to others as defined in State law.

- (2) A transitional residential facility shall provide at least 100 square feet of conditioned interior space per resident.
- (3) A transitional residential facility shall be located at least 2,500 feet from any other transitional residential facility.
- (4) Accessory production of goods shall occur only within the principal structure. The area used for production activities shall not exceed 25 percent of the gross floor area of the principal structure.
- (5) No outside or inside display of any goods or products is allowed on the property.
- (6) No retail sales shall take place on the property.
- (7) Only one sign with a maximum of one square foot of copy area may be erected on the property.

D. Public, Civic, and Institutional Uses

(1) Community Services Uses

(a) Adult Day Care Center²¹⁸

- (1) The adult day care center shall provide at least 50 square feet of conditioned interior space per enrolled person.
- (2) Outdoor activities shall only take place between 8:00 a.m. and 8:00 p.m.
- (3) At least one off-street passenger loading and unloading space separate from the parking area shall be provided for every 20 persons enrolled, plus adequate turnaround space.
- (4) The use shall be certified by the North Carolina Department of Health and Human Services.

(b) Child Care, Drop-in²¹⁹

- (1) Any outdoor play area provided shall be enclosed by a security fence at least four feet in height.
- (2) The use shall be certified by the North Carolina Department of Health and Human Services.

(c) Child Care Institution²²⁰

- (1) The minimum lot area of a child care institution shall be based on the maximum number of children receiving services at the institution any one time, in accordance with Table 152-4: Child Care Institution Minimum Lot Area.

²¹⁸ Carries forward standards from Section B-2-5.2 in current UDO. Changed requirement from 'heated space' to 'conditioned interior space.' Clarifies that state certification is through NC DHHS.

²¹⁹ Carries forward standards from Section B-2-5.13 in current UDO. Clarifies that state certification is through NC DHHS. Removes space requirements; will rely on state requirements instead.

²²⁰ Carries forward standards from Section B-2-5.14 in current UDO. Clarifies that state certification is through NC DHHS.

Table 152-4: Child Care Institution Minimum Lot Area

Maximum Number of Children Receiving Services at Any One Time	Minimum Lot Area
More than 25 up to 75 children	5 acres
More than 75 up to 125 children	10 acres
More than 125 up to 175 children	15 acres
More than 175 children	20 acres

- (2) All buildings, dumpsters, or recreation areas shall be at least 100 feet from any property line adjacent to land in a Residential district.
- (3) The use shall be certified by the North Carolina Department of Health and Human Services and shall comply with all applicable State and local building, fire, and health codes.

(d) Child Day Care Center²²¹

- (1) At least 25 square feet of inside space shall be provided for each child enrolled.
- (2) Any outdoor play areas shall be enclosed by a security fence at least four feet tall. Outdoor activities are limited to the fenced area, and may only occur between 8:00 a.m. and 10:00 p.m.
- (3) At least one off-street passenger loading and unloading space separate from parking shall be provided for every 20 children enrolled, plus adequate turnaround area.
- (4) The review and approval of site plans by the staff and approving authorities should give special consideration to internal traffic circulation and safety of the children on the site.
- (5) The use shall be certified by the North Carolina Department of Health and Human Services.
- (6) In the IH district, a Child Day Care Center is permitted as an accessory use with a special use permit when operated solely for the benefit of the employees of the principal use on the same zoning lot.

(e) Cultural Facility²²²

The following conditions apply in residential districts:

- (1) The site shall have direct access to a major or minor thoroughfare.
- (2) The building square footage shall not exceed 10,000 square feet.
- (3) The maximum site size shall be five acres.

(f) Habitation Facility, Small²²³

- (1) At least 100 square feet of heated space shall be provided for each person enrolled.

²²¹ Carries forward standards from Section B-2-5.16 in current UDO. Clarifies that state certification is through NC DHHS. Removes outdoor space requirements; now defaults to NC DHHS requirements (75 square feet for each child using outdoor space at same time).

²²² Carries forward standards from Section B-2-5.41 in current UDO.

²²³ Carries forward standards from Section B-2-5.33 in current UDO.

- (2) An outdoor play area of 100 square feet for each person enrolled, with a 4,000 square foot minimum shall be provided. If the facility provides services for children under the age of 18 years old, such outdoor play area shall be enclosed by a five-foot-high security fence if the facility provides services for children under the age of 18 years old. Outdoor activities shall be limited to between 8:00 a.m. and 8:00 p.m.
- (3) At least one off-street passenger loading or unloading space separate from the parking area shall be provided, plus adequate turn around space.
- (4) Licensing by the State is required.

(g) Habitation Facility, Medium and Habitation Facility, Large²²⁴

- (1) At least 100 square feet of heated space shall be provided for each person enrolled.
- (2) An outdoor play area of 100 square feet for each person enrolled, with a 4,000 square foot minimum shall be provided. If the facility provides services for children under the age of 18 years old, such outdoor play area shall be enclosed by a five foot high security fence if the facility provides services for children under the age of 18 years old.
- (3) At least one off-street passenger loading or unloading space separate from parking shall be provided for each 20 persons enrolled, plus adequate turn around.
- (4) Licensing by the State is required.

(h) Religious or Public Assembly, Community²²⁵

- (1) The site shall have direct access to a major or minor thoroughfare or a collector street.
- (2) In the RSF-1, RSF-2, RSF-3, R-M, and IP districts, impervious surface cover for all religious or public assembly property within the block of the principal building shall not exceed 60 percent. Impervious surface cover in these districts and the IP district may be increased to 70 percent with staff approval of a landscaping plan which demonstrates:
 - (A) At least double the planting ratio required in Section 153.03.06D(3)(d) and
 - (B) A reduction of the spacing requirements in Section 153.03.06D(3)(e) by at least one-half.
- (3) The following principal uses are permitted as accessory uses in a community religious or public assembly, in accordance with the following:
 - (A) An adult day care center, provided it complies with the standards in subsection (a) above and is operated on the same zoning lot and within the same buildings also used for religious or public assembly activities in all zoning districts.
 - (B) Drop-in child care, provided it complies with the standards in subsection (b) above and is operated on the same zoning lot and within the same

²²⁴ Carries forward standards from Section B-2-5.34 in current UDO.

²²⁵ Carries forward standards from Section B-2-5.19 in current UDO, except off-street parking alternatives are addressed in the general off-street parking standards.

buildings also used for religious or public assembly activities in all zoning districts.

- (C) A child day care center, provided it complies with the standards in subsection (d) above and is operated on the same zoning lot and within the same buildings also used for religious or public assembly activities in all zoning districts.
- (D) A small habitation facility, provided it complies with the standards in subsection (f) above and is operated on the same zoning lot and within the same buildings also used for religious or public assembly activities in all zoning districts.
- (E) A medium or large habitation facility, provided it complies with the standards in subsection (g) above and is operated on the same zoning lot and within the same buildings also used for religious or public assembly activities in all zoning districts.
- (F) Unlicensed cemetery, provided it complies with the standards in Section 152.02.04D(4)(a) below and is operated on the same zoning lot also used for religious or public assembly activities in all zoning districts.

(i) Religious or Public Assembly, Neighborhood²²⁶

- (1) In the RSF-1, RSF-2, RSF-3, and R-M districts, impervious surface cover for all religious or public assembly property within the block of the principal building shall not exceed 60 percent. Impervious surface cover in these districts and the IP district may be increased to 70 percent with staff approval of a landscaping plan which demonstrates:
 - (A) At least double the planting ratio required in Section 153.03.06D(3)(d); and
 - (B) A reduction of the spacing requirements in Section 153.03.06D(3)(e) by at least one-half.
- (2) Principal uses permitted as accessory uses to community religious or public assembly uses in subsection (h)(3) above shall not be permitted as accessory uses to neighborhood religious or public assembly uses.

(2) Education Uses

(a) School, K-12²²⁷

(1) Stadiums

- (A) School stadiums may be located on the same lot as any school including grades 6 through 12. If the stadium is adjacent to land in a Residential district or a lot with a residential use, the stadium shall be screened from the residential district or use by a fence or wall in accordance with Section

²²⁶ Carries forward standards from Section B-2-5.20 in current UDO, except off-street parking alternatives are addressed in the general off-street parking standards.

²²⁷ Carries forward standards from Sections B-2-5.64 and B-2-5.65 in current UDO. School stadiums were previously only allowed on public school lots, now they are also allowed for private schools. References to the Planning Board were replaced with the Planning Director, and the section on exemption from planning board review was removed, since the planning board review process no longer applies. Additional requirements for schools in GMA-1 and the CB District were removed, as both GMAs and the CB District have been removed in this draft. References to the Community Appearance Commission were removed. A requirement that new schools identify areas on which mobile units are to be placed has been removed. Minimum site area requirements for private schools were removed.

153.07, Fence and Wall Standards and by landscaping in accordance with Section 153.03, Landscaping, Buffering, and Screening Standards.

- (B) All school playgrounds, stadiums, and parking areas used to support the stadiums shall be set back at least 50 feet from the property line when adjacent to property in a Residential district.

(2) Mobile Units

Mobile units on school campuses shall comply with the following criteria:

- (A) Mobile units shall be placed where they are not prominently visible from the front of the school or a street. If they are placed in the front of the school or along a street, landscaping that is consistent with school landscaping shall be added to the site to minimize the visual impact. Other landscaping may consist of adding canopy trees along nearby parking lots, along the street, or along the front of the school.
- (B) It is recommended that mobile units be clustered around a central courtyard or green area rather than side by side so that a usable central outdoor space is created and a central walkway may be shared by the different classrooms. The designated cluster area shall be located close to a hallway entrance of an existing school building. The cluster of classrooms shall be linked to the main building by a landscaped walkway.
- (C) Units shall be placed in a manner that minimizes harm to or the necessity of removing existing trees.
- (D) It is recommended that trees be installed for shade where mobile units are exposed to direct southern or western sun. Trees shall be placed not inconsistent with the landscape plan for the school so they can become permanent features, and not interfere with recreation areas or moving of the classrooms.
- (E) Skirting compatible with mobile units shall be provided if they are visible from and closer than 200 feet from an adjacent public street.
- (F) All mobile units and any appurtenances shall comply with all Building Code requirements.
- (G) Installation of mobile units shall comply with the temporary use provisions of Section 152.04, Temporary Uses and Structures.
- (H) The Planning Director may verify compliance with these standards by an inspection within three months after their installation.

(3) Accessory Uses

The following uses are permitted as accessory uses in a school, in accordance with the following:

- (A) Drop-in child care, provided it complies with the standards in Section 152.02.04D(1)(b) above, and is operated on the same lot and within the same buildings also used for school activities.
- (B) A child day care center, provided it complies with the standards in Section 152.02.04D(1)(d) above, and is operated on the same lot and within the same buildings also used for school activities.

(3) Health Care Uses²²⁸

(4) Parks and Open Space Uses

(a) Cemetery²²⁹

- (1) Any structure or building, except a gate house, shall be set back at least 100 feet from any property line.
- (2) Any grave or burial plot shall be set back at least 50 feet from any property line, except that any grave or burial plot shall be set back not less than three feet from any property line of an adjacent cemetery.
- (3) A landscaped buffer in accordance with Section 153.03, Landscaping, Buffering, and Screening Standards shall be provided.
- (4) A cemetery shall comply with all state requirements for a perpetual care cemetery.

(5) Licensed Cemeteries

- (A) Licensed cemeteries shall meet all licensing requirements of State law.
- (B) Licensed cemeteries shall have direct access to a major or minor thoroughfare.

(6) Unlicensed Cemeteries

- (A) Unlicensed cemeteries more than five acres in size shall have direct access to a major or minor thoroughfare.
- (B) The entrance to and access within the unlicensed cemetery shall be maintained by the property owner.
- (C) Unlicensed cemeteries are not permitted on lots less than one acre in size.
- (D) Unlicensed cemeteries existing at the time of adoption of this Ordinance which have not been platted shall be recorded prior to the issuance of any permit for the property, except cemeteries accessory to and located on the main campus of religious or public assembly uses.

(5) Transportation, Communication, and Utilities Uses

(a) Airport, Private²³⁰

- (1) The landing strip must be set back at least 200 feet from any land in the YR, RSF-1, RSF-2, RSF-3, R-M, RMF-Medium, RMF-High, or R-MH districts.
- (2) Hangars and other structures shall comply with the dimensional standards that apply to principal buildings in the district.
- (3) Repair and maintenance facilities are limited to those necessary for the aircraft using the private airport. All such facilities, except fuel storage and pumps, must be located within a hangar.

²²⁸ This is a placeholder; it is recommended that this section be retained, although it is empty, so that if in the future use-specific standards are added for health care uses, the use-specific standards for use in later classifications are not all renumbered.

²²⁹ Carries forward standards from Section B-2-5.11 and B-2-5.12 in current UDO. Removed provision stating that cemeteries shall meet platting and other requirements of the Subdivision ordinance, since it is a given that applicants must comply with all applicable regulations, and changed spacing requirement from "exterior property line" to "property line."

²³⁰ Carries forward standards from Section B-2-5.6 in current UDO. R-MH was the only residential district originally not included in the setback requirement and was added here. Updated to require the 200-foot set back even if the land in one of those districts is not immediately adjacent. Removed provision permitting a private airport as an accessory use in the YR and RSF-1 districts.

- (4) The use shall comply with all federal and state standards and maintain all applicable approvals.

(b) Heliport or Helistop²³¹

- (1) The minimum site size of the use shall comply with the following:
 - (A) For heliports, the minimum site size shall be 200 feet in width by 400 feet in length for a rectangular area, or 325 feet in diameter for a circular area.
 - (B) For helistops, the minimum site size shall be 100 feet in width by 100 feet in length for a rectangular area, or 120 feet in diameter for a circular area.
- (2) Landing pads for on-grade helistops and heliports shall be set back at least 100 feet from any property line and 400 feet from schools, hospitals, public parks, or any building used for residential purposes.
- (3) Heliports shall be located at least 1,000 feet from other heliports or on-grade helistops and 50 feet from the easements for high voltage transmission lines.
- (4) Heliports may not be located on structures. Helistops located on structures require certification of the structure's integrity by an engineer licensed by the State.
- (5) All minimum setback and distance requirements may be reduced by one foot for each foot that the helistop is elevated above ground level.
- (6) An on-grade helistop or heliport shall be surrounded by a fence or other barrier which prohibits access except at a controlled access point. Adequate access for fire and other emergency vehicles shall be provided to on-ground sites.
- (7) The helistop or heliport landing area shall be constructed of a material free of dust and loose particles which may be blown about by the down blast of the helicopter rotor. Adequate drainage shall be provided for the site and approved by the Planning Director.
- (8) Lighting for helistops or heliports shall be oriented as much as possible away from adjacent uses.
- (9) Except for emergency use for public safety or medical purposes, heliports and helistops may not be operated between 10:00 p.m. and 6:00 a.m.
- (10) A heliport or helistop may be operated at an airport facility with the approval of the Federal Aviation Administration and airport administration.
- (11) All heliports and helistops shall meet the standards and requirements imposed by the Federal Aviation Administration and all other federal, State, or local agencies having jurisdiction. This includes helicopter landing pad design, taxiways, parking positions, pavement grades, lighting, approach surfaces and transitional surfaces for landings and take-offs, and all other relevant standards and requirements. Approach surfaces and transitional surfaces for landings and take-offs shall be sufficiently clear of obstructions to meet Federal Aviation Administration slope standards. If necessary, a curved approach may be used. The landing area shall be aligned to give maximum into-the-wind operation.

²³¹ Carries forward standards from Section B-2-5.36 in current UDO except requires that the engineer certifying structural integrity for helistops on structures is licensed by the state, and removes lighting requirements which is addressed comprehensively in Section 153.06, Exterior Lighting Standards.

(c) Park and Ride Lot²³²

- (1) A newly built park-and-ride lot that is not reuse of an existing parking lot that complies with the standards of Section 153.02, Off-Street Parking and Loading Standards, shall be set back at least 15 feet from any land in a Residential district or a lot with a residential use.
- (2) All parking shall comply with the design standards and requirements in Section 153.02, Off-Street Parking and Loading Standards.
- (3) Parking lots in non-residential districts may be partially designated as a park and ride lot.

(d) Utility, Major²³³

The standards in this section apply to all major utility uses except for lines for the transportation, transmission, and distribution of the various utilities. The exemption from the standards in this section applies to but is not limited to electricity, telegraph, and telephone services and their supporting structures, other than buildings; the lines related to sewerage, water, oil, steam and gas; and rail trackage.

- (1) Any structure erected or use instituted shall be set back at least 40 feet from property lines of any adjacent property in a Residential district.
- (2) The following conditions apply in Residential districts to all major utilities uses except for reservoirs, water treatment plants, and wastewater treatment plants:
 - (A) All uses which may produce health or safety hazards shall be enclosed by a fence a minimum of six feet in height, in accordance with Section 153.07, Fence and Wall Standards.
 - (B) All uses which may be potential nuisances by creating glare, dirt, noise or other adverse impacts, except for driveways, shall be screened with a Type 1 landscape buffer in accordance with Section 153.03, Landscaping, Buffering, and Screening Standards.

(e) Utility, Minor²³⁴

All standards for major utilities in subsection (d) above shall apply to minor utilities.

(f) Wireless Communication Facility (WCF)²³⁵

(1) Applicability

- (A) These WCF standards shall apply to the following WCF types located outside of the public right-of-way:
 - (1) Attached WCF;
 - (2) Freestanding WCF, Stealth Tower; and
 - (3) Freestanding WCF, Tower.
- (B) These WCF standards shall not apply to:
 - (1) Any WCF lawfully operating on the effective date of this Ordinance that is inconsistent with the provisions of this Ordinance, which shall be

²³² Carries forward standards from Section B-2-5.56 in current UDO.

²³³ Carries forward standards from Section B-2-5.71 in current UDO.

²³⁴ Carries forward standards from Section B-2-5.71 in current UDO.

²³⁵ Replaces current 2-5.70, transmission towers.

deemed a nonconforming use (see Section 157.02, Nonconforming Uses).

- (2) Any WCF for which a permit has been properly issued prior to the effective date of this Ordinance shall not be required to comply with this section, except that: (a) Changes and additions to pre-existing WCFs (including trading out of antennas for an equal number of antennas) shall comply with applicable requirements of this section; and (b) Any modifications to a pre-existing WCF that qualifies as an application for an eligible facility shall be evaluated under this section.
- (3) Amateur radio antennas that are owned and operated by a federally licensed amateur radio station operator or are used exclusively for receive-only antennas, provided the antenna is no taller than the distance from the base of the antenna to the property line.
- (4) Antennas used for reception of television, multichannel video programming, and radio such as OTARD antennas, television broadcast band antennas, and broadcast radio antennas.
- (5) A WCF installed upon the declaration of a state of emergency by the federal, state, or local government, or a written determination of public necessity by a governmental agency with authority to issue such declaration.

(2) General Provisions

(A) Federal Requirements

All WCFs shall meet the current standards and regulations of the Federal Aviation Administration (FAA), the Federal Communications Commission (FCC), and any other agency of the federal government with the authority to regulate WCFs. If such standards and regulations are changed, then the owners of the WCF shall bring such facility into compliance with such revised standards and regulations within the time period mandated by the controlling federal agency.

(B) Radio Frequency Standards

All WCFs shall comply with federal standards for radio frequency emissions. If concerns regarding compliance with radio frequency emissions standards for a WCF have been made to the Village, the Village may request that the owner or operator of the WCF provide information demonstrating compliance. If such information suggests, in the reasonable discretion of the Village, that the WCF may not be in compliance, the Village may request and the owner or operator of the WCF shall then submit a project implementation report which provides cumulative field measurements of radio frequency emissions of all antennas installed at the subject site, and which compares the results with established federal standards. If, upon review, the Village finds that the facility does not meet federal standards, the Village may require corrective action within a reasonable period of time, and if not corrected, may require removal of the WCF pursuant to this section. Any reasonable costs incurred by the Village, including reasonable consulting costs to verify compliance with these requirements, shall be paid by the owner or operator.

(C) Signal Interference

All WCFs shall be designed and sited, consistent with applicable federal regulations, so as not to cause interference with the normal operation of radio, television, telephone, and other communication services utilized by adjacent residential and nonresidential properties; nor shall any such facilities interfere with any public safety communications.

(D) Collocation

Access to available technically feasible space on any WCF shall not be denied to any competitive users or service providers, unless the additional use would cause objectionable interference or present a danger to the structural safety or stability of the WCF.

(E) Control of Land

All land necessary for improvements, including the WCF, buildings, fencing, and landscaping, shall be in ownership of or under lease by the WCF operator.

(F) Abandonment and Removal

Any antenna or support structure that is not operated for a continuous period of 180 days shall be considered abandoned, and the owner of such facility shall physically remove the antenna or support structure within 120 days of the date it is taken out of service. If there are two or more users of a single support structure or antenna, then this provision shall not become effective until all users cease using the support structure or antenna for the prescribed period. "Physically remove" shall include, but not be limited to:

- (1) Removal of antennas, mount, equipment shelters and security barriers from the subject property;
- (2) Proper disposal of the waste materials from the site in accordance with local and state solid waste disposal regulations; and
- (3) Restoring the location of the facility to its natural condition, except that any landscaping and grading shall remain in the after condition.

In the event that a wireless support structure is not removed by its owner in the specified time, the support structure and associated structures may be removed by the Village and the costs of removal assessed against the wireless support structure or property owner. The Village shall ensure and enforce removal by means of its existing regulatory authority.

(G) Eligible Facilities Requests

Eligible facilities requests shall be processed in accordance with N.C.G.S §160D-934(b) and (c), and federal laws and regulations as appropriate. In approving any eligible facilities request, the Village solely intends to comply with a requirement of federal law or state law and not to grant any property rights or interests except as compelled by federal or state law. Without limitation, approval of an eligible facilities request does not exempt the applicant from or prevent the Village from opposing a proposed modification that is subject to complaint under the National Historic Preservation Act or the National Environmental Policy Act.

(3) Preferred WCF Types

- (A) The Village's preferred types of WCF are listed below in order of preference with the Village's highest preference listed first. The applicant shall choose the type of facility highest in preference that provides the type of service required, to the maximum extent practicable.
 - (1) Attached WCF (Eligible Facilities Request)
 - (2) Attached WCF (New)
 - (3) Freestanding WCF, Stealth Tower (Eligible Facilities Request)
 - (4) Freestanding WCF, Stealth Tower (New)
 - (5) Freestanding WCF, Tower (Eligible Facilities Request)
 - (6) Freestanding WCF, Tower (New)
- (B) If the applicant proposes a WCF other than an attached WCF (eligible facilities request), the applicant shall provide written documentation demonstrating that each of the preferred types listed before the chosen type in subsection (A) above was not technically or commercially feasible and that the chosen type is necessary to close a coverage gap.

(4) Design Standards for All WCFs

WCFs shall be designed and located to minimize impact on the surrounding area and to maintain the appearance of the Village, consistent with other provisions of this Ordinance and the following:

- (A) All WCFs and any related transmission equipment shall not be visibly apparent and use design, camouflage, or concealment options that will blend the WCF to the surrounding natural setting and/or built environment. For purposes of this paragraph, "visibly apparent" shall mean a WCF that is easily recognizable as a WCF to a person able to view the facility as a whole and in the context of any adjacent improvements and landscaping from publicly accessible locations, based on the scale and height of nearby and surrounding natural or architectural features. Due to differences in site characteristics, a determination that a particular WCF will not be visibly apparent at one location shall not establish a precedent for the same determination for a facility of the same or similar design or construction at a different location.
- (B) Transmission and accessory equipment, including equipment enclosures, shall be visually similar to the architectural style of the surrounding building environment with consideration given to exterior materials, roof form, scale, mass, color, texture, and character, or shall be screened using natural or manmade features that are consistent with surrounding landscaping, trees, and foliage.
- (C) Unless otherwise required by the FAA, the finish of the transmission tower shall be non-shiny or glossy; any painted color shall be muted or neutral; and no lights or strobe lights shall be placed on the tower. If lights are required by the FAA, the least obtrusive lighting option available under FAA guidelines shall be installed; white strobe lights are discouraged from use.
- (D) No signs shall be allowed on any WCF and any associated ground-mounted accessory or transmission equipment except as may be required by federal law.

(5) Design Standards for Attached WCFs

- (A) Attached WCFs shall only be located on nonresidential structures.
- (B) A building-mounted facility shall be mounted on a wall of an existing building in a configuration as flush to the wall as technically possible. The antenna and any associated screening or transmission equipment shall not project above the wall on which it is mounted, excluding any conduit that may extend over and behind the roofline or parapet wall, except that a small wireless facility in accordance with N.C.G.S. § 160D-931.
- (C) Screening of roof-mounted WCFs may include the use of existing parapets, walls, or similar architectural elements provided that it is painted and texturized to integrate with the architecture of the surrounding structure. Screening may be waived by the Planning Director on buildings where the height of the roofline is 35 feet or less based on evidence provided by the applicant that the roof cannot structurally support the screen.

(6) Design Standards for Freestanding WCFs

- (A) All new freestanding WCFs shall be structurally and mechanically capable of accommodating the antenna or array of antennae of more than one user/transmitter. Monopoles shall accommodate a minimum of two total users, and lattice or other types of towers shall accommodate a minimum of three total users. Certification as to the WCF's structural and mechanical capability to accommodate colocation shall be provided by a professional engineer or other qualified professional.
- (B) Freestanding WCFs shall not exceed 199 feet in height.
- (C) Freestanding WCFs shall be set back at least 100 feet from any adjacent zoning lot in the C, RSF, R-M, RMF, and R-MH districts and 40 feet from any other adjacent zoning lot or public street. Freestanding WCFs within electrical utility company right-of-way are exempt from this setback limitation.
- (D) Security fencing at least six feet in height shall be installed around the freestanding WCF and any associated ground-mounted accessory or transmission equipment.
- (E) No freestanding WCF shall be designed or sited such that it poses a potential hazard to nearby residences or surrounding properties or improvements. Any support structure or antenna, not located a distance equal to the height of the support structure plus 50 feet away from all habitable structures, property lines, or other support structures, shall be designed to withstand the maximum forces expected from wind and ice when the support structure is fully loaded with antennas, transmitters and other equipment. Compliance with this requirement shall be certified by a professional engineer licensed by the state in a report describing the support structure, specifying the number and type of antennas it is designed to accommodate, providing the basis for the calculations done, and documenting the actual calculations performed.

E. Commercial Uses

(1) Adult Establishments Uses

(a) Adult Establishment²³⁶

- (1) Adult establishments shall not be located within one-half (0.5) miles of:
 - (A) An RSF-1, RSF-2, RSF-3, R-M, RMF-Medium, RMF-High, or R-MH district;
 - (B) A school or child day care center;
 - (C) Any other adult establishment;
 - (D) A community religious or public assembly or neighborhood religious or public assembly); or
 - (E) A public park or outdoor recreation.
- (2) Except for business signs permitted by Section 153.08, Signs, any signs, pictures or promotional materials shall not be visible to the public from sidewalks, walkways, parking areas, or streets (private or public).

(2) Animal Care Uses

(a) Dog Day Care²³⁷

- (1) The minimum lot size for a dog day care shall be one acre.
- (2) Any portion of a building containing a dog day care and any outdoor enclosure shall be set back at least 20 feet from any side lot line and 40 feet from any rear lot line. Any portion of a building containing a dog day care and any outdoor enclosure shall be set back at least 100 feet from land in a Residential district.
- (3) Outdoor enclosures for the purpose of exercise are permitted only in accordance with the following:
 - (A) Each enclosure shall be at least four feet by 10 feet.
 - (B) Any outdoor enclosures shall only be used between 8:00 a.m. and 5:00 p.m., and all other outdoor activity for animals shall require a leash. Any use of the outdoor enclosures for animals shall occur under the supervision of responsive individuals, with animal waste being managed daily in accordance with applicable sanitation codes.
 - (C) The perimeter of areas on the site with outdoor enclosures shall be enclosed with an opaque fence at least five feet high.
- (4) The facility shall be conditioned, in accordance with the Building Code.
- (5) The facility shall maintain at least 25 square feet of indoor area per animal.
- (6) The facility shall be insulated and soundproofed to minimize noise impacts on adjacent parcels.

(b) Kennel²³⁸

- (1) The minimum lot size of a kennel shall be five acres.

²³⁶ Carries forward standards from Section B-2-5.4 in current UDO. Measurement method moved to definitions section under "Distance between uses."

²³⁷ New standards for a new use.

²³⁸ Carries forward standards from Section B-2-5.37 in current UDO. Removes specific construction materials requirements, replaces with requirement for insulation and soundproofing. This version removes a provision allowing setbacks to be reduced through a special

- (2) Any portion of a building containing a kennel and any outdoor enclosure shall be set back at least 20 feet from any side lot line and 40 feet from any rear lot line. Any portion of a building containing a kennel and any outdoor enclosure shall be set back at least 100 feet from land in a Residential district.
- (3) Outdoor enclosures for the purpose of exercise are permitted only in accordance with the following:
 - (A) Each enclosure shall be at least four feet by 10 feet.
 - (B) Any outdoor enclosures shall only be used between 8:00 a.m. and 5:00 p.m., and all other outdoor activity for animals or pets shall require a leash. Any use of the outdoor enclosures for animals or pets shall occur under the supervision of responsive individuals, with animal waste being managed daily in accordance with applicable sanitation codes.
 - (C) The perimeter of areas on the site with outdoor enclosures shall be enclosed with an opaque fence at least five feet high.
- (4) The kennel shall be conditioned, in accordance with the Building Code.
- (5) The facility shall maintain at least 25 square feet of kennel area per animal.
- (6) The kennel shall be insulated and soundproofed to minimize noise impacts on adjacent parcels.

(c) Pet Cafe²³⁹

- (1) The facility shall be insulated and soundproofed to minimize noise impacts on adjacent lots.
- (2) The facility shall comply with all applicable sanitation requirements.
- (3) Outdoor seating shall only be permitted in the CG and CH districts.

(d) Pet Grooming²⁴⁰

- (1) The facility shall be insulated and soundproofed to minimize noise impacts on adjacent lots.
- (2) Outdoor enclosures are permitted only in accordance with the following:
 - (A) Each enclosure shall be at least four feet by 10 feet.
 - (B) Any outdoor enclosures shall only be used between 8:00 a.m. and 5:00 p.m., and all other outdoor activity for animals shall require a leash. Any use of the outdoor enclosures for animals shall occur under the supervision of responsive individuals, with animal waste being managed daily in accordance with applicable sanitation codes.
 - (C) The perimeter of areas on the site with outdoor enclosures shall be enclosed with an opaque fence at least five feet high.
 - (D) Any outdoor enclosure shall be set back at least 100 feet from land in a Residential district.

use rezoning process. This version also removes elected body approval for outdoor enclosures and elected body power to require additional setbacks beyond minimum UDO standards; it is suggested that adequate setbacks be incorporated into the regulations.

²³⁹ New standards for a new use.

²⁴⁰ New standards for a new use.

(e) Veterinary Services²⁴¹

- (1) The area of a building containing a veterinary services use shall be set back at least 20 feet from any side lot line, 40 feet from any rear lot line, and 40 feet from any property line abutting a use in a Residential district.
- (2) The veterinary services use shall be fully enclosed. There shall be no outside use of the property for the animals or pets.
- (3) To provide for safety of the animals and to limit noise, windows, sunroofs, and other openings shall use dual-pane windows or include similar sound absorbing features that are secured to prevent the escape of animals. All windows or building openings shall remain closed except in the case of a power failure or other extreme emergency.
- (4) The building shall be insulated and soundproofed to minimize noise impacts on adjacent parcels.
- (5) All solid and liquid waste shall be disposed of daily into an adequate septic tank or approved sewer system in accordance with the standards in this Ordinance.
- (6) All stalls, cages, and animal exercise areas inside the building shall be cleaned daily.

(3) Eating and Drinking Establishments Uses²⁴²

(4) Office Services Uses²⁴³

(5) Personal and Business Services Uses²⁴⁴

(6) Recreation Uses

(a) Fishing²⁴⁵

- (1) Any building or fishing area shall be at least 100 feet from any property line.
- (2) Any parking area shall be at least 100 feet from the right-of-way of any public street or other property line.

(b) Golf Course²⁴⁶

- (1) Any building shall be at least 100 feet from any property line.
- (2) In the RSF-1, RSF-2, RSF-3, R-M, RMF-Medium, and RMF-High Districts, hours of operation shall be limited to between the hours of 6:00 a.m. and 10:00 p.m.
- (3) In the RSF-1, RSF-2, RSF-3, R-M, RMF-Medium, and RMF-High Districts, no lighting is permitted for nighttime outdoor operations, including accessory golf driving ranges.

²⁴¹ Carries forward standards from B-2-5.72 in current UDO. Removes specific construction materials requirements, replaces with requirement for insulation and soundproofing

²⁴² This is a placeholder; it is recommended that this section be retained, although it is empty, so that if in the future use-specific standards are added for eating and drinking establishments uses, the use-specific standards for use in later classifications are not all renumbered.

²⁴³ This is a placeholder; it is recommended that this section be retained, although it is empty, so that if in the future use-specific standards are added for office services uses, the use-specific standards for use in later classifications are not all renumbered.

²⁴⁴ This is a placeholder; it is recommended that this section be retained, although it is empty, so that if in the future use-specific standards are added for personal and business services uses, the use-specific standards for use in later classifications are not all renumbered.

²⁴⁵ Carries forward standards from Section B-2-5.28 and Table B.3.8 in current UDO.

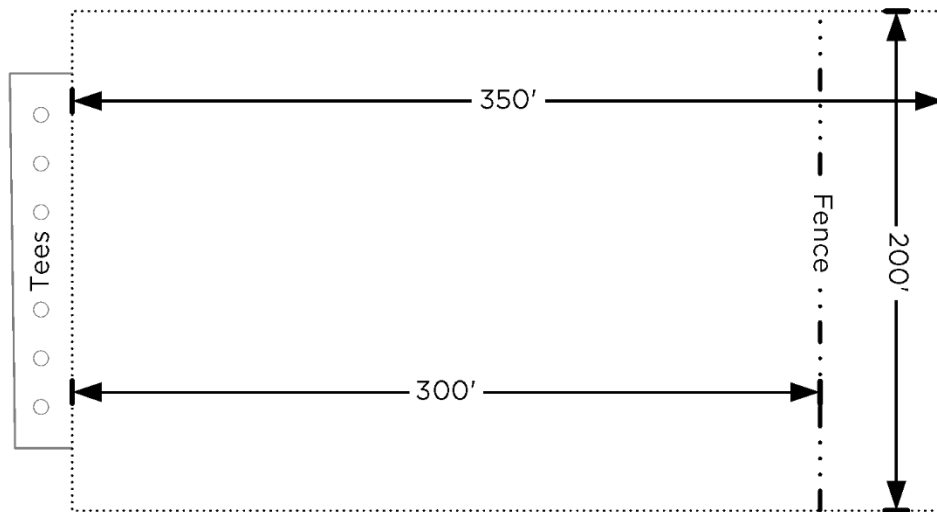
²⁴⁶ Carries forward standards from Section B-2-5.30 in current UDO.

- (4) In the C District, best management practices for the protection of water quality shall be utilized in golf course design and operation.

(c) Golf Driving Range²⁴⁷

- (1) The depth of a driving range along the driving axis shall be not less than 350 yards measured from the location of the tees. The depth of the driving range may be reduced to 300 yards if a fence designed to stop rolling balls is installed at the far end of the driving axis.
- (2) The breadth of a driving range perpendicular to the driving axis shall be not less than 200 yards at a distance of 350 yards from the tees.

Figure 152-2: Golf Driving Range Dimensions



- (3) Any lighting shall be oriented away from adjacent residential properties.

(d) Recreation, Indoor

- (1) Any structure or parking area shall be set back at least 40 feet from the property line of any land in a Residential district or a lot with a residential use.
- (2) Public address systems shall not be permitted except within a building.

(e) Recreation, Outdoor

- (1) The use of any public address or other loudspeaker system for an outdoor recreation use shall be restricted to that necessary for safety purposes, and shall not be used for the playing of music or other entertainment.
- (2) All structures and activity areas, including but not limited to outdoor amphitheatres, ball fields, basketball courts, tennis courts, pickleball courts, swimming pools, playgrounds, and parking or unloading areas, shall be located a minimum of 50 feet from any land in a Residential district or a lot with a residential use.
- (3) Uses that generate significant noise, such as go-karts, pickleball courts, and basketball courts, shall be oriented away from and located at least 50 feet from

²⁴⁷ Carries forward standards from Section B-2-5.31 in current UDO.

any land in a Residential district or a lot with a residential use, and shall be screened with a Type 3 buffer in accordance with Section 153.03.07, Transitional Buffer Standards.

(f) Riding Stable²⁴⁸

- (1) The minimum lot size for any riding stable shall be five acres.
- (2) Any riding stable, including any structures housing permitted veterinarian services for equine species or cattle, shall be set back at least 150 feet from a property line adjacent to an abutting property, and 100 feet from any property line adjacent to a public right-of-way.
- (3) Any riding area shall be set back at least 100 feet from any street or property line.

(g) Shooting Range, Indoor²⁴⁹

- (1) The indoor shooting range shall be located within a structure that is fully enclosed with steel plate and acoustical tiles, or other materials with comparable bullet-stopping and soundproofing capacities.
- (2) Any structure on the site that includes the shooting range shall be set back at least 150 feet from the lot line of any land in Residential district, any use in the Residential Uses classification, and any use in the Community Services Uses and Education Uses categories.
- (3) The owners, operators, tenants, or occupants of an indoor shooting range shall implement appropriate environmental management practices for containing, controlling, and removing lead from the range in accordance with the latest edition of "Best Management Practices for Lead at Outdoor Shooting Ranges" from the U.S. Environmental Protection Agency (EPA).

(h) Theater, Drive-In²⁵⁰

- (1) Off-street stacking area for motor vehicles shall be provided, in the amount of five percent of the motor vehicle capacity of the theater.
- (2) One or more exits, at locations other than the point of entry, shall be provided.
- (3) A Type 1 landscape buffer in accordance with Section 153.03.07, Transitional Buffer Standards shall be installed in the area between the street property line and the setback line. However, a street may be constructed across such area.
- (4) A Type 1 landscape buffer in accordance with Section 153.03.07, Transitional Buffer Standards shall be provided adjacent to uses in the Public, Civic, and Institutional Uses or Commercial Uses classifications.
- (5) A solid fence or wall not less than eight feet in height shall be erected to entirely enclose the theater except at driveways. The fence or wall shall be installed along frontage on the setback line required for principal structures, and shall be installed along other property lines to allow planting area for the landscape buffer in accordance with Section 153.03, Landscaping, Buffering, and Screening Standards. The fence shall or wall be painted, and no such fence shall contain

²⁴⁸ Carries forward standards from Section B-2-5.63 in current UDO. In the current standards, riding stables are required to be set back 150 feet from an adjoining parcel of land, or 100 feet from any property line or street. We have simplified.

²⁴⁹ New standards.

²⁵⁰ Carries forward standards from Section B-2-5.69 in current UDO.

advertising other than lettering which identifies the operation carried on within the enclosure. All fences or walls must comply with the standards in Section 153.07, Fence and Wall Standards.

- (6) The theater screen shall be so oriented as not to attract the attention of motorists on streets.
- (7) Any mechanically produced sound shall be delivered to each motor vehicle by an individual speaker.

(7) Retail Sales and Services Uses

(a) Self-Storage²⁵¹

- (1) Parking at storage units shall be accommodated by either a minimum 21-foot-wide drive aisle or adequate building spacing. Sufficient width shall be provided to permit a moving vehicle to safely and efficiently pass a vehicle parked adjacent to an individual consolidated storage unit.
- (2) The subject property shall front on and have direct vehicular access to an existing street with sufficient capacity to accommodate the type and amount of traffic expected to be generated by the use.
- (3) The exterior and architectural façade of the building shall be compatible with the prevailing architecture and appearance of other development in the surrounding neighborhood.
- (4) No entrances to individual self-storage units shall be visible from a street or from adjoining land in a Residential district or a lot with a residential use.
- (5) Entrances to individual self-storage units shall be either oriented toward the interior of the development or completely screened from view by a solid wall, with landscaping along the outside thereof.
- (6) The maximum structure height shall be 36 feet.

(b) Tobacco and/or Vape Store

Tobacco and/or vape stores shall not be located within one mile of any education use, any religious or public assembly use, or other tobacco and/or vape stores.

(8) Vehicle Sales and Services Uses

(a) Car Wash²⁵²

- (1) Car washes shall be set back at least 25 feet from any public right-of-way.
- (2) Vacuum facilities shall meet setbacks of the applicable zoning district and shall be oriented away from public street frontage.
- (3) The facility shall be designed to allow adequate traffic flow for cars to enter and exit the facility safely. No portion of an exit or an entrance shall be less than 50 feet from the right-of-way of an intersection.
- (4) Car washes shall be designed such that service bays are not directly visible from an adjoining street.

²⁵¹ Carries forward standards from Table B.3.8 in current UDO.

²⁵² Carries forward standards from Section B-2-5.10 in current UDO, except that stacking standards will be addressed in Section 153.02, Off-Street Parking and Loading Standards.

- (5) A car wash that uses a conveyor or chain drag system for moving motor vehicles through the washing area shall provide adequate space at the building exit to allow for a dry down area of three times the number of vehicles which can be accommodated at one time within the washing structure.

(b) Gas Station

- (1) The site shall have frontage on a street having a functional classification of collector or higher.
- (2) All new gas stations shall be located at least 100 feet from all land in Residential districts and lots with residential uses, uses in the Education use category, or child care uses.
- (3) Gasoline pumps and other service appliances shall be set back at least 25 feet from the street right-of-way.
- (4) Canopies over gas pumps shall have no more than 15 feet of clearance above fueling stations unless state or federal law require higher clearance.

(c) Vehicle Body or Paint Shop

- (1) Vehicle body or paint shops shall be designed such that service bays are not directly visible from an adjoining street.
- (2) Vehicle storage is allowed as an accessory use in accordance with Section 152.03.04Q, Vehicle Storage.

(d) Vehicle Rental and Leasing²⁵³

- (1) Customer parking shall not be used for vehicle rental and leasing parking.
- (2) Vehicle storage is allowed as an accessory use in accordance with Section 152.03.04Q, Vehicle Storage.

(e) Vehicle Repair, Light²⁵⁴

A legally established light vehicle repair use which has inoperative motor vehicles on site shall store such vehicles:

- (1) In an enclosed building; or
- (2) Outdoors, in accordance with Section 152.03.04Q, Vehicle Storage.

(f) Vehicle Sales²⁵⁵

- (1) No outdoor speaker used as part of a public address system may be located within 300 feet of a Residential district. Any outdoor speaker shall be oriented away from adjacent residential properties.
- (2) Vehicle sales shall not be located within one-half (0.5) miles of any other vehicle sales use.
- (3) Landscaping in accordance with Section 153.03.06, Parking Lot and Motor Vehicle Display Area Landscaping shall be installed on the along any adjacent public street right-of-way.
- (4) Vehicle storage is allowed as an accessory use in accordance with Section 152.03.04Q, Vehicle Storage.

²⁵³ Carries forward standard from Table B.3.8 of the current UDO.

²⁵⁴ Carries forward standards from Section B-2-5.52 and Section B-2-5.53 in current UDO.

²⁵⁵ Carries forward standards from Section B-2-5.55 in current UDO.

(9) Visitor Accommodations Uses

(a) Bed and Breakfast²⁵⁶

The following shall apply to all bed and breakfast uses in the RSF-1, RSF-2, and RSF-3 districts:

- (1) All off-street parking shall be provided to the rear or to the side of the principal structure. The side parking area may be no closer to the street than the principal structure.
- (2) The bed and breakfast shall have a landscaped buffer in accordance with Section 153.03, Landscaping, Buffering, and Screening Standards.

(b) Recreational Vehicle Park²⁵⁷

- (1) In addition to the landscape buffers required in accordance with Section 153.03.07, Transitional Buffer Standards, a Type 1 landscape buffer is required adjacent to public rights-of-way.
- (2) Each recreational vehicle space shall be located a minimum of 100 feet from the recreational park property lines and public rights-of-way.
- (3) A recreational vehicle park shall have direct access to a major or minor thoroughfare. Spaces for individual recreational vehicles shall not have direct vehicular access to a public street, and shall only have direct vehicular access to an internal private street which accesses a public street.
- (4) No recreational vehicle sites shall be located in a floodplain.
- (5) Each recreational vehicle space shall have a planting area, at least 150 feet in area with a radius of at least seven feet that includes one deciduous or evergreen tree with a minimum height of eight feet and a diameter of two inches measured six feet above ground level at the time of installation. The use of existing trees to meet this requirement is encouraged.
- (6) Adequate sanitary facilities and sewage and garbage disposal shall be provided and shall conform with all applicable codes.
- (7) No recreational vehicle shall be used as a permanent place of residence. For purposes of this section, occupancy of a recreational vehicle in the Village for more than 90 days within any 12-month period shall be presumed to be permanent occupancy.²⁵⁸
- (8) Management offices, recreational facilities, toilets, showers, dumping stations, coin-operated laundry facilities, and other uses and structures incidental to the operation of a recreational vehicle park are permitted as accessory uses to the park. In addition, other uses may be permitted as accessory uses in the district where such uses are not allowed as principal uses, provided the uses:
 - (1) Along with their off-street parking, do not occupy more than five percent of the gross area of the park;
 - (2) Are limited to use only by occupants of the park;

²⁵⁶ Carries forward standards from Section B-2-5.7 in current UDO.

²⁵⁷ Carries forward standards from Section B-2-5.60 in current UDO.

²⁵⁸ This language as updated to make clear that you can't simply move the RV to another location and reset the temporary occupancy clock.

- (3) Present no visible evidence from any street outside the park of a commercial nature which would attract customers other than occupants of the park; and
 - (4) Are accessible only from a street within the park and not from a public street.
- (B) No manufactured home may be parked or stored in a recreational vehicle park, except that one manufactured home may be located within the park for the exclusive use as the principal dwelling unit for the park manager or operator.
- (9) The following additional conditions also apply to recreational vehicle parks in the CH district:²⁵⁹
 - (A) The minimum contiguous area of any recreational vehicle park shall be three acres.
 - (B) There shall be a maximum of 15 recreational vehicle spaces per acre.
 - (C) Each recreational vehicle space shall be at least 1,500 square feet in area.
- (10) The following also apply to recreational vehicle parks in the C and RSF-1 districts:²⁶⁰
 - (A) The application for special use permit shall include a site plan that identifies the location of recreational vehicle spaces; vehicular and pedestrian circulation within the site; access to a public street; the location of all accessory uses; and otherwise demonstrates compliance with the standards of this section.
 - (B) The minimum contiguous area of any recreational vehicle park shall be 10 acres.
 - (C) There shall be a maximum of 10 recreational vehicle spaces per acre.
 - (D) Each recreational vehicle space shall be at least 2,500 square feet in area.

F. Industrial Uses

(1) Extraction or Production Uses

(a) Borrow Site²⁶¹

(1) Applicability

The standards of this section shall apply to all borrow sites except for a borrow site operated by a developer or builder in conjunction with active development of a subdivision within five years of final plat approval. For the purposes of this subsection, active development of a subdivision includes land grading, removal, or filling within the subdivision where the fill material is placed on sites within the subdivision.

(2) Initiation

- (A) Prior to commencement of a borrow site use, the applicant shall file an operational statement with the Inspections Division that identifies:

²⁵⁹ The purpose statement was not carried forward.

²⁶⁰ The purpose statement was not carried forward.

²⁶¹ Carries forward standards from Section B-2-5.9 in current UDO with reorganization for clarity.

- (1) The approximate date of the beginning of operations and expected duration;
 - (2) The estimated type and volume of extraction;
 - (3) A description of method of operation, including the disposition of topsoil, overburden, and by-products;
 - (4) A description of equipment to be used in the extraction process; and
 - (5) Any phasing of the operation and the relationship of the various phases.
- (B) A grading permit is required for any borrow site at least 10,000 square feet in size.

(3) General Standards

- (A) The operator of any borrow site shall file with the Planning Director evidence of ownership or control of property, plans for rehabilitation, and all notices of intent required in this Section. This documentation shall be recorded in the public records of the County. The Planning Director shall inspect the premises annually to determine that all specific conditions are being met. Violation of the requirements of this section shall constitute a violation of this Ordinance and may be enforced in accordance with Chapter 158: Enforcement: Enforcement.
- (B) No excavation shall take place within easements for underground transmission lines for oil or natural gas, or other potentially hazardous material.
- (C) Any excavation to a depth greater than five feet shall be fenced except if the Planning Director determines that the installation of fencing would be impracticable.
- (D) A borrow site shall only operate between 7:00 am and 6:00 pm between Monday and Saturday, except in cases of emergency relating to safety on the site.
- (E) The borrow site shall have direct access onto a major or minor thoroughfare.
- (F) A borrow site which impacts more than one acre of land shall comply with the standards in Section 152.02.04F(1)(b), Extraction.

(4) Temporary Discontinuation

Notice of intent to temporarily discontinue a borrow site shall be filed with the Planning Director prior to discontinuance. During any period that a borrow site is discontinued temporarily, the site, along with all structures, machinery, and fencing, shall be properly maintained in a safe and orderly condition.

(5) Permanent Discontinuation

- (A) Notice of intent to permanently discontinue a borrow site shall be filed with the Planning Director and shall include a plan for reuse or rehabilitation of the site.
- (B) Except where redevelopment for another permitted use is in progress on the site of a discontinued borrow site, the final operator or landowner shall

perform the following within one year, except that revegetation shall comply with the deadlines contained in Section 154.04, Erosion Control.

- (1) All buildings and equipment shall be removed;
- (2) All nonregulated waste piles, overburden, and other materials shall be graded so that the material assumes its natural angle of repose. These materials shall be planted with vegetation to prevent erosion; and
- (3) Any excavation shall be so graded as to provide for natural drainage; if the collection of water in an excavation is unavoidable, the area shall be fenced.

(b) Extraction²⁶²

(1) Applicability

The standards of this section shall apply to all extractive operations which affect more than one acre of land.

(2) Initiation

Prior to commencement of an extraction use, the applicant shall file an operational statement with the Inspections Division that identifies:

- (A) The approximate date of the beginning of operations and expected duration;
- (B) The estimated type and volume of extraction;
- (C) A description of method of operation, including the disposition of topsoil, overburden, and by-products;
- (D) A description of equipment to be used in the extraction process; and
- (E) Any phasing of the operation and the relationship of the various phases.

(3) General Standards

The operator of any extractive use shall file with the Planning Director evidence of ownership or control of property, plans for rehabilitation, and notices of intent required in this Section. The Planning Director shall inspect the premises annually to determine that all specific conditions are being met. Violation of the requirements of this section shall constitute a violation of this Ordinance and may be enforced in accordance with Chapter 158: Enforcement.

- (A) Extractive operations shall meet the minimum distances from public right-of-way and adjacent property established in Table 152-5: Minimum Distance Between Extractive Activity and Public Right-of-Way or Adjacent Property.

Table 152-5: Minimum Distance Between Extractive Activity and Public Right-of-Way or Adjacent Property

Mining Activity	Minimum Distance (ft)
Any extraction area, road, or pit	50
Any crushing of rock, processing of stone, gravel, or other material	100

²⁶² Carries forward standards from Section B-2-5.50 in current UDO. Removed reference to GMAs 4 and 5. Removed column from table with standards for any district except IG (previously GI), since Extraction is allowed only in the IG district under the new ordinance.

Any blasting	200
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- (B) No excavation shall take place within easements for underground transmission lines for oil or natural gas, or for other potentially hazardous material.
- (C) Any excavation to a depth greater than five feet shall be fenced. However, no fencing shall be required on any property if the Planning Director determines fencing would be impracticable due to the property's location in a floodplain.
- (D) Extractive operations shall only operate between 7:00 am and 6:00 pm between Monday and Saturday, except in cases of emergency relating to safety on the site.
- (E) The site of the mining operation shall have direct access onto a major or minor thoroughfare. Improvements that are necessary to any street accessed by the mining operation may be required as a condition of approval.
- (F) The loading of trucks shall be accomplished in such a way as to prevent spillage on roads. The effluent of extraction or processing going into streams shall comply with requirements of state law.
- (G) Prior to commencing any extraction or other activities that could create a flooding hazard, the operator of the site shall erect, maintain, and monitor dikes, barriers, and other structures as needed to provide the same level of protection from flooding on adjacent lands as if no excavation or other activities were taking place. No mining operation shall impede the flow of any watercourse.
- (H) Dredging operations shall be conducted in a manner which does not result in the erosion of the banks of a stream. The use of drag lines or other devices which remove vegetation and sediment from the banks of a stream are specifically prohibited.

(4) Temporary Discontinuation

Notice of intent to discontinue temporarily an extractive operation shall be filed with the Planning Director prior to discontinuance. During any period that an extractive operation is discontinued temporarily, the site, along with all structures, machinery, and fencing, shall be properly maintained in a safe and orderly condition.

(5) Permanent Discontinuation

- (A) Notice of intent to discontinue permanently an extractive operation shall be filed with the Planning Director at least three months in advance of the permanent discontinuance and shall include a plan for reuse or rehabilitation of the site.
- (B) Except where redevelopment for another permitted use is in progress on the site of a discontinued extractive operation, the last operator shall perform the following within one year:
 - (1) All buildings and equipment shall be removed.

- (2) All nonregulated waste piles, overburden, and other materials shall be graded so that the material assumes its natural angle of repose. These materials shall be planted with vegetation so as to prevent erosion.
- (3) Any quarry walls shall be cleared of loose materials.
- (4) Any excavation shall be so graded as to provide for natural drainage. If the collection of water in an excavation is unavoidable, the area shall be fenced.

(c) Manufacturing, Heavy²⁶³

Uses involved in manufacturing pesticides, fertilizers, chemicals, pyrotechnics, and batteries that are commenced after the effective date of this Ordinance shall comply with the following:

- (1) The minimum lot area is 25 acres.
- (2) The establishment shall only be located in a conditional district,
- (3) The operation and establishment of these uses must comply with all applicable local, state, and federal laws. A hazardous materials management plan shall be submitted to the Village for approval as part of the site plan review process, prior to the issuance of a building permit.
- (4) The establishment shall not be located within a public surface water supply watershed as designated by the North Carolina Department of Environmental Quality (DEQ) or Forsyth County Health and Human Services.
- (5) All facilities, including buildings, storage and processing areas, loading and unloading areas, truck operations, and rail operations shall be located a minimum of 400 feet from any exterior property line.
- (6) A security fence or wall at least six feet in height shall enclose all facilities associated with these manufacturing uses from adjoining properties.
- (7) Landscaping meeting the standards of Section 153.03, Landscaping, Buffering, and Screening Standards, shall be installed outside the fencing along any adjacent public street right-of-way.

(d) Meat Packing Plant

- (1) Any building or other enclosure used for retention of animals or processing of animal products shall be at least 300 feet from property in a Residential district or the IP district.
- (2) Building design and construction shall comply with applicable state requirements.
- (3) The rendering of animal products is expressly prohibited except to produce lard.
- (4) All animal solid and liquid byproducts and waste shall be disposed of daily in an adequate septic tank or public sewerage system approved in accordance with of Section 151.01, General Standards.

²⁶³ Carries forward standards from Section B-2-5.48 in current UDO.

(2) Industrial Services Uses²⁶⁴

(3) Warehousing, Freight Movement, and Wholesale Uses

(a) Dirt Storage²⁶⁵

(1) Applicability

The standards of this section apply to all dirt storage sites except for dirt storage sites operated by a developer or builder in conjunction with active development of a subdivision within five years of final plat approval are exempt from the use conditions of this section and the special use permit requirements in Section 156.05.09, Special Use Permit. For the purposes of this subsection, active development of a subdivision includes land grading, removal, filling, or storage within the subdivision where the fill material is placed on sites within the subdivision.

(2) Initiation

- (A) The Board of Adjustment shall establish the period of validity of a special use permit approving a dirt storage use, up to a maximum of three years. An applicant may apply for a renewal of an approved special use permit for up to a maximum of three years.
- (B) A rehabilitation or reuse plan shall be submitted with a site plan application or application for special use permit, and shall be implemented by the owner of the site within the deadlines for establishing ground cover and slope revegetation in accordance with Section 154.04, Erosion Control.

(3) General Standards

- (A) Access to the dirt storage area shall be controlled with security fencing or other barrier to vehicular access.
- (B) Dirt storage sites in the RSF-1 or RSF-2 districts that are located within 100 feet of an adjacent property shall be completely enclosed with a combination of security fencing at least six feet in height, or an existing natural or constructed barrier that the Planning Director determines is adequate to protect public health and safety.
- (C) No transitional buffer in accordance with Section 153.03.07, Transitional Buffer Standards, is required if a permit for dirt storage is granted for less than six months, the site remains at least 100 feet from the property line, and the area between the dirt storage and property line is left undisturbed. Landscape buffers meeting the standards of Section 153.03.07 shall be installed on the outside of the security fencing along any adjacent public street right-of-way.

(4) Temporary Discontinuation

Notice of intent to temporarily discontinue a dirt storage site shall be filed with the Planning Director prior to discontinuance. During any period that a dirt storage operation is temporarily discontinued, the site, along with all structures,

²⁶⁴ This is a placeholder; it is recommended that this section be retained, although it is empty, so that if in the future use-specific standards are added for industrial services uses, the use-specific standards for use in later classifications are not all renumbered.

²⁶⁵ Carries forward standards from Section B-2-5.25 in current UDO. Removed reference to GMAs.

machinery, and fencing, shall be properly maintained in a safe and orderly condition.

(5) Permanent Discontinuation

Notice of intent to permanently discontinue a dirt storage operation shall be filed with the Planning Director.

(b) Outdoor Storage (as a Principal Use)²⁶⁶

- (1) Outdoor storage areas shall be completely screened from view at ground level from all rights-of-way, Residential uses, and lots in a Residential district. Screening shall be constructed of durable, weather-proof, permanent materials such as concrete or stone block, metal, vinyl, wood, or similar material, and shall use materials and color that are consistent and compatible with those of the principal building(s) on the site. Fences constructed of chain link and fabric mesh or of sheet metal and barbed and razor wire, with or without slats of wood or metal inserted, shall not be considered as sufficient to screen outdoor storage areas.
- (2) On-site retail sales of equipment stored on site is prohibited.
- (3) All outdoor storage areas shall maintain adequate emergency access lanes around and through the outdoor storage areas.
- (4) Outdoor storage uses shall be maintained in an orderly manner with no junk, trash or debris.
- (5) Outdoor storage areas shall be located outside any parking, traffic circulation, right of way or landscaping area that serves the site.

(c) Wholesale Trade

Except in the IL and IH districts, all merchandise shall be stored within an enclosed building, and activities such as physically assembling, sorting, and grading goods in large lots and breaking bulk for redistribution in smaller lots shall be conducted inside enclosed buildings.

(4) Waste-Related Uses

(a) Hazardous Waste Management Facility²⁶⁷

A hazardous waste management facility shall comply with the following:

- (1) The minimum site size shall be 10 acres.
- (2) All facilities, including internal streets and driveways, shall be located at least 200 feet from any exterior property line and at least 1,320 feet from any Residential district.
- (3) A chain link security fence at least six feet in height shall enclose all facilities designed or used for the storage and handling of hazardous waste.
- (4) A landscape buffer meeting the standards of Section 153.03, Landscaping, Buffering, and Screening Standards shall be installed outside the required fencing along any adjacent public street right-of-way.

²⁶⁶ New.

²⁶⁷ Carries forward standards from Section B-2-5.35 in current UDO.

- (5) Vehicular access to the facility will be provided on a major or minor thoroughfare or on a street improved to necessary industrial capacity as determined by the Planning Director and NCDOT.
- (6) All storage and handling of hazardous waste shall occur at least 500 feet from a designated floodplain or wetland area.
- (7) No hazardous waste management facility shall be located within a public surface water supply watershed.
- (8) All surface water and groundwater on the property shall be protected so as to minimize to the greatest possible extent, using the best technology available, the probability of contamination by hazardous waste.
- (9) All public sewer and stormwater management systems on the property shall be protected so as to minimize to the greatest possible extent, using the best available technology, the probability of contamination by hazardous waste.
- (10) Storage of hazardous waste shall occur above ground and in a manner consistent with applicable state or federal regulations covering each specific type of stored waste.
- (11) The establishment and operation of any hazardous waste management facility must comply with all applicable federal and State laws. A certification from the appropriate local, State, or federal agencies that the use for the proposed site is in compliance with the appropriate local, State, or federal regulations governing air quality, water quality, and wastewater discharge shall be required.

(b) Landfill, Construction and Demolition²⁶⁸

- (1) A construction and demolition landfill shall only be located in a conditional district.
- (2) No landfill disposal areas shall be located in a designated water supply watershed, floodplain, or wetland area, nor shall any landfill disposal area block a natural drainage way such that water is impounded.
- (3) A transitional buffer at least 100 feet in width shall be established along all property lines. No activities shall take place in the buffer except for streets or driveways providing access to the site and monitoring wells. All existing trees within the transitional buffer shall be preserved except as needed for streets or driveways providing access to the site and monitoring wells, and construction of accessways and monitoring wells. Additional vegetation shall be planted to meet the planting standards for a Type 4 landscape buffer, in accordance with Section 153.03.07, Transitional Buffer Standards.
- (4) A buffer that meets the standards of a Type 4 landscape buffer, in accordance with Section 153.03.07, Transitional Buffer Standards, shall be placed along all public rights-of-way, except where driveways or other access is provided.
- (5) A chain link security fence at least six feet in height shall enclose the entire site. The fence may be placed inside the transitional buffer if the Planning Director determines that it will not impact the effectiveness of the transitional buffer.

²⁶⁸ Carries forward standards from Section B-2-5.38 in current UDO. Removed reference to GMAs.

- (6) Vehicular access to the facility will be provided on a major or minor thoroughfare or on a street improved to necessary industrial capacity as determined by the Planning Director and NCDOT.
- (7) Prior to issuance of a certificate of occupancy, the developer of the landfill shall file in the public records of the County a reclamation plan for the reuse of the site. The reclamation plan shall indicate that the developer, or other entity approved by the Village Council, shall remain the owner and be liable for the site until and unless the Village Council approves a transfer of the ownership of and responsibility for the site.
- (8) The establishment and operation of any landfill shall comply with all applicable federal and state laws.

(c) Landfill, Land Clearing and Inert Debris²⁶⁹

(1) Applicability

The standards of this section apply to all land clearing and inert debris landfills unless the landfill:

- (A) Affects areas 10,000 square feet or less and the fill material consists only of inert debris strictly limited to concrete, brick, concrete block, uncontaminated soil, rock, gravel, and asphalt; or
- (B) Is operated by a developer or builder in conjunction with active development of a subdivision within five years of final plat approval, including land grading, removal, or filling within the subdivision where the fill material is placed on sites within the subdivision.

(2) Initiation

- (A) The Board of Adjustment shall establish the period of validity of a special use permit approving a dirt storage use, up to a maximum of three years. An applicant may apply for a renewal of an approved special use permit for up to a maximum of three years.
- (B) A rehabilitation or reuse plan shall accompany an application for a special use permit or site plan, and shall be implemented by the owner of the site within the deadlines for establishing ground cover and slope revegetation contained in Section 154.04, Erosion Control.
- (C) No permits or site plans for land clearing and inert debris landfills shall be approved until all plans, including plans for rehabilitation of sites, have been reviewed and approved by the State Department of Environmental Quality.
- (D) Any land clearing and inert debris landfills which received approval from the State Department of Environment and Natural Resources (DENR) and were established prior to December 31, 1994, and for which a valid State permit has been continuously maintained, shall not be required to obtain a special use permit.²⁷⁰

²⁶⁹ Carries forward standards from Section B-2-5.39 in current UDO. Updates references from DENR to DEQ. Updated requirements for rehabilitation/reuse plan to match the substantially similar requirements for such plans under the 'dirt storage' use. Removed language requiring compliance within two years of the effective date of this Ordinance. We are discussing with staff as to whether the December 31, 1993 reference is still valid.

²⁷⁰ Under review to determine if it is still relevant.

(3) General Standards

- (A) Land clearing and inert debris landfills which are within a Residential district and lie within one block in which at least 50 percent of the lots are developed, or where either of the adjacent lots are developed, shall be completely enclosed with a combination of security fencing at least six feet in height, or an existing natural or constructed barrier that the Planning Director determines is adequate to protect public health and safety.
- (B) No transitional buffer in accordance with Section 153.03, Landscaping, Buffering, and Screening Standards is required if a permit for the land clearing and inert debris landfill is granted for less than six months, or if the land clearing and inert debris landfill site remains at least 100 feet from the property line and the area between the landfill and property line is left undisturbed. A landscape buffer in accordance with Section 153.03.07, Transitional Buffer Standards, shall be installed on the outside of the security fencing along any adjacent public street right-of-way.
- (C) The Board of Adjustment may, as part of an approved special use permit, authorize the separation, processing, storage, or wholesale sale of materials received through lawful operation of the land clearing and inert debris landfill on the site as an accessory use on the same site as the landfill, provided such activities occur within the original boundaries of the landfill and are conducted at least 100 feet from any adjacent land in a Residential district.
- (D) In a Residential district, a land clearing and inert debris landfill shall only operate between 7:00 a.m. and 7:00 p.m.
- (E) Land clearing and inert debris landfills (LCID) shall comply with State law, including siting criteria found in 15 A NCAC 138, Section .0564.

(4) Temporary Discontinuation

- (A) Notice of intent to temporarily discontinue a land clearing and inert debris landfill shall be filed with the Planning Director at least three months in advance of such temporary discontinuance.
- (B) During any period that a land clearing and inert debris landfill is discontinued temporarily, the site, along with all structures, machinery, and fencing, shall be properly maintained in a safe and orderly condition.

(5) Permanent Discontinuation

Notice of intent to permanently discontinue a land clearing and inert debris landfill shall be filed with the Planning Director.

(d) Landfill, Sanitary²⁷¹

All sanitary landfills shall comply with the following:

- (1) A landfill disposal area shall not be located in a floodplain or wetland area and shall not block a natural drainage way so that water is impounded. No new landfills shall be located in a designated water supply watershed. Expansion of legally existing landfills in water supply watersheds is permitted provided the

²⁷¹ Carries forward standards from Section B-2-5.40 in current UDO. Special use permit approval is no longer the responsibility of the Village Council. Removed references to GMAs.

expansion is limited to contiguous land area and is conducted in accordance with state laws and regulations and other provisions of this Ordinance.

- (2) A transitional buffer at least 100 feet in width shall be established along all property lines. No activities shall take place in the buffer except for streets or driveways providing access to the site and monitoring wells. All existing trees within the transitional buffer shall be preserved except as needed for streets or driveways providing access to the site and monitoring wells, and construction of accessways and monitoring wells. Additional vegetation shall be planted to meet the planting standards for a Type 4 landscape buffer, in accordance with Section 153.03.07, Transitional Buffer Standards.
- (3) A buffer that meets the standards of a Type 4 landscape buffer, in accordance with Section 153.03.07, Transitional Buffer Standards, shall be placed along all public rights-of-way, except where driveways or other access to the site is provided.
- (4) A chain link security fence, at least six feet in height, shall enclose the entire site. The fence may be placed inside the transitional buffer if the Planning Director determines that it will not impact the effectiveness of the transitional buffer.
- (5) Vehicular access to the landfill site shall be provided on a major or minor thoroughfare or on a road improved to necessary industrial capacity as determined by the Planning Director and NCDOT.
- (6) Prior to issuance of a certificate of occupancy, the developer of the sanitary landfill shall file in the public records of the County a reclamation plan for the reuse of the site. The reclamation plan shall indicate that the developer, or other entity approved by the Village Council, shall remain the owner and be liable for the site until or unless Village Council approves a transfer of the ownership of and responsibility for the site.
- (7) The establishment and operation of any landfill must comply with all applicable federal and state laws.

(e) Storage and Salvage Yard²⁷²

A storage and salvage yard shall comply with the following standards.

- (1) Fencing shall be installed in accordance with the following standards:
 - (A) An opaque fence or wall shall be erected along any property line which is adjacent to any street.
 - (B) All business activity, including storage of vehicles or other materials, shall be conducted behind the fence. Customers of the business may park their personal vehicles outside the fence on private property, provided the vehicles are not within the right-of-way of the street and do not impair the view of motorists using the street.

²⁷² Carries forward standards from Section B-2-5.51, Section B-2-5.67, and Table B.3.8 in current UDO (Motor Vehicle Dismantling and Wrecking Yard, Storage and Salvage Yard, and Off-Street Parking Requirements). Removed provision giving lawfully existing operations three years after the Ordinance effective date to comply with fencing standards; since these provisions are relatively unchanged from the previous UDO, this allowance is no longer needed. In the motor vehicle dismantling and wrecking yard use, the UDO previously had conflicting provisions about the distance threshold from the ROW for the required fence height (eight foot or six-foot-high fence between 50 and 100 feet) (B-2-5.51(A)(1)(a)); the standards in the storage and salvage yard did not conflict and have been carried forward.

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- (C) The fence shall be at least eight feet high if within 50 feet of the right-of-way boundary, or at least six feet high if 50 or more feet from the right-of-way.
- (D) The fence shall be constructed of materials manufactured, sold, and used exclusively as fencing materials with consistent height, materials, and color.
- (E) All fences shall be maintained in sound condition at all times.
- (F) Fences shall not contain advertising or other lettering, except for lettering or a sign which identifies the operation carried on within the enclosure.
- (2) In addition to the landscape buffer requirements of Section 153.03.07, Transitional Buffer Standards, a Type 1 landscape buffer shall be provided along the side and rear lot lines adjacent to industrial uses.
- (3) Open burning is prohibited.
- (4) No dismantling, disassembling, salvaging, wrecking, or processing operation shall occur between 9:00 p.m. and 7:00 a.m.
- (5) Any gasoline, oil, or other materials spilled or collected on the site shall be contained and disposed of in accordance with state and federal laws.

Section 152.03. Accessory Uses and Structures

152.03.01 General

The purpose of this section is to authorize the establishment and continuation of accessory uses and structures, which are land uses and structures that are incidental and customarily subordinate to principal uses. This section is intended to allow a broad range of accessory uses and structures, so long as they comply with the standards set forth in this section to reduce potentially adverse impacts on surrounding lands. Table 152-6: Accessory Use/Structure Table identifies the zoning district in which specific accessory uses and structures are allowed. Section 152.03.03: General Standards for All Accessory Uses and Structures sets out general standards applicable to all accessory uses and structures. Section 152.03.04: Standards Specific to Accessory Uses and Structures sets out any special standards applicable to particular accessory uses and structures.

152.03.02 Accessory Use/Structure Table

A. Table Organization

Table 152-6: Accessory Use/Structure Table is organized as follows:

- (1) The left-most column in the table identifies accessory uses and structures in alphabetical order.
- (2) The right-most column identifies any additional standards that are specific to a particular accessory use or structure, through a reference to use-specific standards in this Ordinance.
- (3) The cells in the table use the following abbreviations to designate whether an accessory use or structure is allowed in the zoning district identified in the column heading:

P	Permitted accessory use or structure. A “P” in a cell of the accessory use/structure table indicates that the use or structure is allowed by right as an accessory use or structure in the corresponding base zoning district subject to compliance with the use-specific standards referenced in the final column of the table. Permitted accessory uses and structures are subject to all other applicable regulations of this Ordinance.
S	Special accessory use or structure. An “S” in a cell of the accessory use/structure table indicates that the use or structure is allowed in the corresponding base zoning district as an accessory use or structure only upon approval of a Special Use Permit in accordance with Section 156.05.09: Special Use Permit, and any use-specific standards referenced in the final column of the table. Accessory uses and structures requiring a special use permit are subject to all other applicable regulations of this Ordinance
	Prohibited use. A blank cell in a cell of the accessory use/structure table indicates that the use or structure is prohibited in the corresponding zoning district.

B. Unlisted Accessory Uses

The Planning Director shall evaluate potential accessory uses or structures that are not identified in Table 152-6: Accessory Use/Structure Table in accordance with Section 156.05.21: Interpretation. In making the interpretation, the Planning Director shall consider the following:

- (1) Accessory uses identified in Section 152.02.03H, Interpretation of Unlisted Uses;

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- (2) The definition of “accessory use” (see Section 159.04: Definitions), and the general accessory use standards established in Section 152.03.03: General Standards for All Accessory Uses and Structures;
- (3) The additional regulations for specific accessory uses established in Section 152.03.04: Standards Specific to Accessory Uses and Structures;
- (4) The purpose and intent of the zoning district in which the accessory use or structure is located (see Chapter 151: Zoning Districts);
- (5) Any potential adverse impacts the accessory use or structure may have on other lands in the area, compared with other accessory uses permitted in the zoning district; and
- (6) The compatibility of the accessory use or structure, including the structure in which it is housed, with other principal and accessory uses permitted in the zoning district.

C. Accessory Use Table

Table 152-6: Accessory Use/Structure Table

P = Permitted by right

S = Special use permit required

Blank cell = Prohibited use

Use Classification/ Use Category/ Use	Residential								Business				Indus.				Use-Specific Standards
	C	RSF-1	RSF-2	RSF-3	R-M	RMF-Med	RMF-High	R-MH	CN	CL	CG	CH	MU	IL	IH	IP	
Above-ground storage tanks									P	P	P	P	P	P	P	P	152.03.04A
Accessory dwelling unit (ADU) ²⁷³	P	P	P	P	P	P	P	P	P				P				152.03.04B
Amateur radio antenna ²⁷⁴	P																152.03.04C
Automated teller machine (ATM) ²⁷⁵									P	P	P	P	P	P	P	P	152.03.04D
Backyard poultry ²⁷⁶	P	P	P	P	P												152.03.04E
Caretaker dwelling ²⁷⁷										P		P		P	P	P	152.03.04F
Child care, drop-in	P								P		P	P	P	P	P	P	152.03.04G
Drive-through facility ²⁷⁸										P	P	P	P	P	P		152.03.04H
Electric vehicle charging station	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	152.03.04I
Fallout shelter	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	152.03.04J
Family home child care ²⁷⁹	S	S	S	S	S	P	P		P							P	
Farm tenant housing ²⁸⁰	P	P	P														
Home occupation	P	P	P														152.03.04K
Horse keeping ²⁸¹		P	P	P										P	P		152.03.04L
Outdoor display/sales									P	P	P	P	P				152.03.04M
Outdoor storage									P	P	P	P	P	P	P	P	152.03.04N

²⁷³ Use combines ‘dwelling, accessory (attached)’ and ‘dwelling, accessory (detached).’ Detached accessory dwellings previously subject to Board of Adjustment approval.

²⁷⁴ New (implements N.C.G.S. § 160D-905).

²⁷⁵ New.

²⁷⁶ New, as recommended in the assessment.

²⁷⁷ Use renamed from ‘Dwelling in nonresidential districts.’

²⁷⁸ Use combines and expands ‘banking and financial services, with drive-through facilities’ and ‘restaurants with drive-through service.’ Restaurants with drive-through service previously allowed by Zoning Permit in the NSB district and prohibited in the PB, LB, and LI districts.

²⁷⁹ Use combines ‘child day care (large, home)’ and ‘child day care (small home).’ Child day care (large home) previously subject to planning board review in all districts not requiring a special use permit (except MRB-S and MX, which have been deleted). Previously permitted (with a special use permit) in RS7 and RM5 and subject to planning board review in RM8.

²⁸⁰ Previously permitted on bona fide farms or on residential lots in the AG district.

²⁸¹ Previously permitted in the AG district.

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Table 152-6: Accessory Use/Structure Table

P = Permitted by right

S = Special use permit required

Blank cell = Prohibited use

		Residential							Business					Indus.			
Use Classification/ Use Category/ Use	C	RSF-1	RSF-2	RSF-3	R-M	RMF-Med	RMF-High	R-MH	CN	CL	CG	CH	MU	IL	IH	IP	Use-Specific Standards
Produce stand ²⁸²	P	P	P														
Recycling collection point	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
Satellite dish	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
Solar energy system ²⁸³	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	152.03.04O
Swimming pool, private ²⁸⁴	P	P	P	P	P	P	P	P					P			P	152.03.04P
Vehicle storage											P	P		P	P		152.03.04Q

152.03.03 General Standards for All Accessory Uses and Structures

- A. All accessory uses and structures shall:
- (1) Be customarily accessory and clearly incidental to the principal use and structure;
 - (2) Be located on the same lot as the principal use or structure, unless otherwise allowed by this UDO;
 - (3) Be subordinate in area, extent of activity, or purpose to the principal use to which it is accessory;
 - (4) Comply with all applicable Village, state, and federal regulations;
 - (5) Comply with all dimensional standards in the zoning districts that apply to structures, except where specifically permitted in this Ordinance; and
 - (6) Not be constructed or established prior to the time the principal use or structure is constructed or established.
- B. Unless otherwise allowed in Table 159-1: Exceptions to Yard Requirements, all accessory structures less than 17 feet in height shall be set back a minimum of 75 feet from the front lot line and three feet from the side and rear lot lines. All accessory structures 17 feet or greater in height shall meet the minimum required setbacks for principal structures in the underlying zoning district.²⁸⁵
- C. Except for manufactured housing developments, which may have 120 square feet of accessory uses for each manufactured home space, or unless otherwise allowed in this Ordinance, one accessory structure up to 600²⁸⁶ square feet in footprint is allowed per lot.²⁸⁷ Additional accessory structures may be constructed provided the total combined footprint of all accessory structures does not exceed five percent of the size of the lot.
- D. Accessory structure(s) shall not occupy more than 25 percent of the area of any yard.²⁸⁸

²⁸² Use renamed from 'sale of agricultural products grown on the premises.'

²⁸³ New, as recommended in the assessment.

²⁸⁴ Previously prohibited in the NSB district.

²⁸⁵ Carries forward Section B-3-1.2(F).

²⁸⁶ Increased from 576.

²⁸⁷ This and following section carry forward Section 3-1.2(G)(1)-(2) of the current UDO.

²⁸⁸ Carries forward Section B-3-1.2(G)(3) of the current UDO.

- E. A landowner may exceed the size requirements in subsections C or D above through approval of a special use permit in accordance with Section 156.05.09, Special Use Permit.

152.03.04 Standards Specific to Accessory Uses and Structures

A. Above-Ground Storage Tanks²⁸⁹

(1) Setbacks

Above-ground storage tanks shall meet all building setback requirements of the zoning district, except for storage tanks located on existing sites of utility uses where existing below-ground tanks are being replaced by above-ground tanks, or storage tanks with a storage capacity of 500 gallons or less located in Residential districts.

(2) Screening

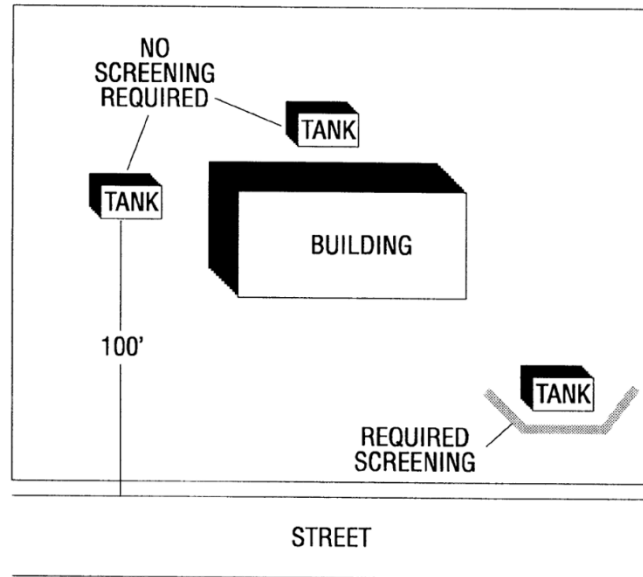
Above-ground storage tanks that are accessory to offices, businesses, industrial uses, or on sites of institutional or utility uses and which are located within 100 feet of any public right-of-way and not screened by a building from the street or located within 10 feet of a principal building, shall meet the following standards:

- (a) The tank shall be partially or totally screened from view from the public right-of-way.
- (b) Screening may consist of landscaping, planted earthen berms, natural topographic features, or a combination of those elements. Landscaping shall consist of any shrubs identified in the Village's Suggested Plant List.²⁹⁰ Shrubs shall be spaced no more than 18 inches, edge to edge. No more than 30 percent of shrubs shall be deciduous.
- (c) Screening shall be planted a minimum height of five feet from the tank and be installed along the entire length of the tank if installed horizontally or along the base of the tank if installed vertically.
- (d) Screening shall be maintained as long as the tank is present.
- (e) For tanks storing flammable, combustible, hazardous or toxic materials, screening shall not interfere with Fire Department operations, and N.F.P.A. 704 I.D. placards shall be installed as required by the Fire Official.

²⁸⁹ Current Sec. 2-6.4(A). A reference to storage standards on a bona fide farm has been removed.

²⁹⁰ Replaced "any shrubs identified in the streetyard and interior shrubs suggested plant materials plant list in Section B.3-4.10(D)."

Figure 152.03-3: Above Ground Storage Tank Screening Requirements



(3) Signage

No signs or advertising shall be permitted on the tank or screening, except identification signs or labels as required by state law.

(4) Hazardous Material

Above ground storage tanks containing flammable, combustible, hazardous, or toxic materials are not permitted in Residential districts.²⁹¹

(5) Tanks with Capacity Greater than 1,000 Gallons

Tanks with individual storage capacity greater than 1,000 gallons are permitted only in the business, mixed-use, or industrial zoning districts, or on sites that contain a public, civic, and institutional use as identified in Table 152-1: Principal Use Table.

(6) Storage in Residential Districts

The storage of more than 25 gallons of motor vehicles fuel, Class 1, as an accessory use on any zoning lot in a residential district is prohibited.²⁹²

B. Accessory Dwelling Unit (ADU)

(1) General Standards

- (a) An ADU shall only be allowed on the same lot as a single-family detached dwelling.²⁹³
- (b) No more than one accessory dwelling, whether attached or detached, shall be located on a lot.²⁹⁴

²⁹¹ Replaced reference to "RS and RM Districts."

²⁹² Removed exemption for bona fide farms.

²⁹³ New.

²⁹⁴ This combines Section B-2-6.4(B)(5) and 2-6.4(C)(5).

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- (c) An ADU shall remain accessory to and under the same ownership as the principal dwelling and shall not be subdivided, rented, sold as a condominium or otherwise.²⁹⁵
- (d) The use of an ADU as a short-term rental is prohibited.²⁹⁶
- (e) An ADU shall use the same driveway as the principal dwelling, unless it 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).²⁹⁷
- (f) The maximum floor area of an accessory dwelling unit is 1,000 square feet.²⁹⁸

(2) Additional Standards for Attached ADUs²⁹⁹

- (a) The principal dwelling shall maintain its appearance as a single-family dwelling. Prohibited alterations include, but are not limited to: multiple entranceways, multiple mailboxes, or multiple nameplates.
- (b) Wherever feasible and consistent with the Residential Building Code, access to the accessory dwelling unit shall be by means of existing doors.
- (c) No new stairways to upper floors are permitted on any side of a building which faces a public street.

(3) Additional Standards for Detached ADUs³⁰⁰

A manufactured home or recreational vehicle, travel trailer, camper, or similar vehicle shall not be used as an accessory dwelling unit.

C. Amateur Radio Antenna³⁰¹

An amateur radio antenna shall not exceed 90 feet in height.

D. Automated Teller Machine (ATM)³⁰²

- (1) An ATM designed for walk-up use and located in the exterior wall of a building or within a parking area shall be designed to avoid obstructions to pedestrian movement along sidewalks, through public use areas, or between parking areas and building entrances, or vehicular movement in front of buildings or through parking areas.
- (2) If an ATM is designed for use by customers in their vehicles, it shall comply with the accessory use standards (including zoning districts where permitted) in Section 152.03.04H: Drive-Through Facility.

E. Backyard Poultry³⁰³

- (1) The keeping of poultry is allowed as an accessory use to a single-family detached dwelling on any lot that is at least one-half acre in area.
- (2) All poultry shall be kept within an area that is completely enclosed by a fence or other enclosure.

²⁹⁵ New.

²⁹⁶ New.

²⁹⁷ Expands previous limitation for attached accessory dwellings to be served by the same driveway.

²⁹⁸ Previously, attached accessory dwellings limited to 25%/750 feet and detached accessory dwelling units limited to 5% of the zoning lot. Expanded provision to apply to both attached and detached accessory dwelling units.

²⁹⁹ Current Section B-2-6.4(B)(2).

³⁰⁰ Class A, B, and C manufactured homes previously permitted.

³⁰¹ Incorporates minimum 90-foot height limit in N.C.G.S. § 160D-905.

³⁰² New,

³⁰³ New.

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- (3) The enclosed area where the poultry are kept shall be located to the side or rear of the principal dwelling and shall be set back at least 10 feet from all lot lines when completely screened from view from the abutting property or at least 20 from lot lines when not so screened.
- (4) The keeping of roosters is prohibited.
- (5) Up to six total chickens or other poultry may be kept on a lot that is between one-half acre and one acre in area.
- (6) Up to 12 chickens or other poultry may be kept on a lot that is one acre or more in area.

F. Caretaker Dwelling³⁰⁴

- (1) The caretaker dwelling shall be the principal residence of the owner, operator, or employee of the business that is located on the same lot or in the same structure as a nonresidential use.
- (2) One caretaker dwelling per lot is allowed.
- (3) The floor area of a caretaker dwelling shall not exceed 800 square feet.

G. Child Care, Drop-In

The use-specific standards in Section 152.02.04D(1)(b), Child Care, Drop-in apply.

H. Drive-Through Facility³⁰⁵

- (1) Drive-through facilities shall be designed in accordance with Section 153.02.06, Vehicle Stacking Standards.
- (2) Drive-through facilities shall be designed so as not to obstruct the movement of pedestrians along sidewalks, through areas intended for public use, or between the building entrance and customer parking spaces.
- (3) Drive-through facilities shall not be located on the front façade of the building they serve.
- (4) Canopies or other features installed over a drive through window shall maintain common roof lines and materials with the principal structure.
- (5) No portion of a drive-through facility shall be located within 50 feet of a Residential district or a lot containing a residential use.
- (6) Drive-through facilities shall comply with the residential compatibility standards in Section 153.10, Residential Compatibility Standards.
- (7) Drive-through facilities associated with restaurants shall comply with the following standards:
 - (a) Order boards and speakers shall not be oriented towards residential districts or uses.
 - (b) Items on order boards shall not be visible from the public right-of-way.

I. Electric Vehicle Charging Station³⁰⁶

- (1) Parking spaces served by an electric vehicle (EV) charging station shall be reserved for the charging of electric vehicles only. Such reserved spaces shall be posted with signage identifying the spaces as reserved only for the charging of electric vehicles, the amperage and voltage levels, any enforceable time limits or tow-away provisions, and contact information for reporting non-operating equipment or other problems.

³⁰⁴ New.

³⁰⁵ New.

³⁰⁶ New.

- (2) The EV charging station and any associated equipment shall be located so as not to interfere with vehicle, bicycle, or pedestrian access and circulation, or with required landscaping.

J. Fallout Shelter³⁰⁷

Fallout shelters are not subject to setback, yard, or lot coverage restrictions, provided such structures extend not more than four feet above grade.

K. Home Occupation

(1) Prohibited Home Occupations³⁰⁸

The following home occupations are prohibited in all districts:

- (a) Occupations that involve explosive, toxic, hazardous, or highly combustible materials.
- (b) Occupations that generate odor, dust, smoke, noise, glare, heat, vibration, or similar disturbances not generally experienced in residential neighborhoods;
- (c) Retail sales, including but not limited to firearms sales;
- (d) Any use that involves serving food, beverages, or meals to customers who visit the site for that purpose;
- (e) Heavy equipment or automobile repair, unless all operations are conducted inside a fully enclosed structure;
- (f) Any other use that is not listed as a permitted or special use in any zoning district in the Village;
- (g) Industrial uses other than manufacturing, assembly, or light fabrication; and
- (h) Any home occupation that becomes dangerous or unsafe, or presents a safety hazard to the public, pedestrians on public sidewalks, or motorists on public right-of-way, or presents a safety hazard to adjacent or nearby properties, residents, or businesses.

(2) General Standards³⁰⁹

- (a) A home occupation shall be a clearly incidental and secondary use to the principal use as a residence by the person conducting the occupation.
- (b) Only one home occupation shall be permitted per principal dwelling unit and accessory dwelling unit, if applicable. The home occupation may be operated only in the principal dwelling unit, the accessory dwelling unit, or in an accessory building on the same zoning lot.³¹⁰
- (c) Customer or client visits are prohibited for a home occupation operating within an accessory dwelling unit.³¹¹

³⁰⁷ Current Section B-2-6.5(A).

³⁰⁸ New.

³⁰⁹ Current Section B-2-6.4(D)(3), unless otherwise noted. Language has been simplified and/or clarified throughout. Removed references to GMAs and broadly applied certain standards related to outdoor storage. Removed a provision limiting floor area for home occupation to 25 percent of gross floor area of principal unit because it is a standard that is very difficult to measure or enforce. Removed the following provision: "Boarding and/or lodging of not more than three (3) resident guests shall be permitted only within the principal dwelling unit."

³¹⁰ Allowance for accessory dwelling units to maintain a home occupation is new.

³¹¹ New.

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- (d) A home occupation shall not increase significantly traffic, noise, electrical interference, glare, dust, smoke, or odors.
- (e) There shall be no change in the residential appearance of the dwelling unit or its associated structures, other than a permitted sign to indicate that the dwelling unit is used for other than residential purposes.
- (f) There shall be no salesroom or display window.
- (g) Off-street parking shall be provided in compliance with Section 153.02, Off-Street Parking and Loading Standards. Any parking area in addition to what is provided on the site at the time of application for the home occupation that is required to meet the standards of Section 153.02, Off-Street Parking and Loading Standards, shall be located to the rear or side of the principal dwelling unit.
- (h) Signage associated with the home occupation shall be limited to one non-illuminated sign not more than three square feet in area.³¹²
- (i) Only individuals³¹³ residing in the principal or accessory dwelling unit on the lot and not more than two non-resident employees may be employed in the operation of a home occupation.³¹⁴
- (j) Storage of goods, materials, and materials used in the home occupation shall be permitted indoors only and shall not include storage of flammable, combustible, or explosive materials in greater quantities than is typical of a household setting.³¹⁵

L. Horse Keeping³¹⁶

The keeping, maintaining, or stabling of horses in Residential districts is subject to the following standards.

- (1) The minimum lot size shall be two acres.
- (2) The keeping of horses shall be limited to one animal unit per 6,000 square feet of land.
- (3) A fence shall be provided to ensure the horses are kept a minimum of 150 feet from any dwelling unit, except where the keeping of horses was established prior to the dwelling unit, provided such keeping of horses shall not be expanded further toward the newly established dwelling unit.

M. Outdoor Display/Sales³¹⁷

- (1) Merchandise displayed shall be limited to that sold or rented by the principal use.
- (2) Merchandise displayed shall not include hazardous and flammable materials, such as gasoline, oil, antifreeze, kerosene, poisons, pesticides, and similar items.
- (3) All outdoor display of goods shall be located immediately adjacent to the principal building and outside of all drive aisles, loading zones, fire lanes, sidewalks, required parking, and required landscaping areas.
- (4) The area used for outdoor display of merchandise shall not exceed 20 percent of the gross floor area occupied by the principal use.

³¹² Increased from 144 square inches.

³¹³ Updated reference from "members of the family."

³¹⁴ Added reference to accessory dwelling unit and increased one outside employ to two.

³¹⁵ Replaces current Section B-2-6.4(D)(3)(l) and (m).

³¹⁶ New, as recommended in the Assessment.

³¹⁷ New.

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- (5) Outdoor display areas shall be located to maintain a clearance area in front of primary building entrances of at least ten feet directly outward from the entrance width.
- (6) An obstruction-free area at least five feet wide shall be maintained through the entire length of the display area, or between it and adjacent parking areas, so as to allow pedestrians to safely and conveniently travel between parking areas or drive aisles to the building and along the front and side of the building, without having to detour around the display area.

N. Outdoor Storage³¹⁸

- (1) The total area of outdoor storage areas shall not exceed 35 percent of the total gross floor area of all principal building(s) on the lot.
- (2) Each outdoor storage area shall be incorporated into the overall design of the principal structure on the site and shall be located to the side or rear of the principal structure, and not on the roof of a structure.
- (3) No materials shall be stored in areas intended for vehicular or pedestrian circulation.
- (4) Outdoor storage areas shall be completely screened from view at ground level from all rights-of-way, lots containing residential uses, and residential districts. Screening shall be constructed of durable, weather-proof, permanent materials such as concrete or stone block, metal, vinyl, wood, or similar material, and shall use materials and color that are consistent and compatible with those of the principal building(s) on the site. Fences constructed of chain link and fabric mesh or of sheet metal and barbed and razor wire, with or without slats of wood or metal inserted, shall not be considered as sufficient to screen outdoor storage areas.

O. Solar Energy System³¹⁹

- (1) Solar energy equipment may be located on the roof of a principal or accessory structure, on the side of such structures, on a pole, or on the ground in accordance with Section 152.03.03: General Standards for All Accessory Uses and Structures. Building-integrated photovoltaic systems are permitted in all districts subject to all necessary permit and Building Code requirements.
- (2) Solar collectors may extend up to 18 inches above the maximum building height permitted in the zoning district or the existing roof surface, whichever is higher.
- (3) The property owner shall be responsible for negotiating with other property owners in the vicinity to establish any solar easement designed to protect solar access for the system, and for recording any such solar easement in the public records of the County.

P. Swimming Pool, Private³²⁰

(1) Rear Yard Setbacks

All parts of a pool located in the rear yard of the property, including the pool apron, shall located at least five feet from the rear property line.

³¹⁸ New.

³¹⁹ New.

³²⁰ Current Section B-2-5.68

(2) Front and Side Yard Setbacks

All parts of a pool located to the front and side of the principal building, including the pool apron shall meet the front and side yard requirements of the district in which they are located.

(3) Building Permits

Prior to construction, all pools shall be reviewed and receive all required building permits.

(4) Fencing

- (a) Except in the C, RSF-1, and RSF-2 districts, pools shall be completely enclosed by a fence that is at least four feet in height measured above average grade level. For purposes of this section, the exterior walls of a house or building may be incorporated as a portion of such fence to create a fully enclosed area around the pool. In the C, RSF-1, and RSF-2 districts,³²¹ in lieu of the fencing requirement, swimming pools on lots of five acres or more in the districts may be set back at least 200 feet from the front lot line and 100 feet from the rear lot line.
- (b) All fence openings or points of entry into the pool shall be equipped with gates. Gates shall be equipped with self-closing and self-latching devices for keeping the gate or door securely closed at all times.
- (c) The fence and gate shall be void of any holes or openings larger than five inches in one dimension.

(5) Commercial Use

Use of the private swimming pool shall be limited to the owner, resident, and guests of principal use of the site who use the pool without payment. The rental of the pool in exchange for compensation is a commercial use and is prohibited.

Q. Vehicle Storage

(1) Allowable Principal Uses

Vehicle storage is allowed as an accessory use to the following principal uses only:

- (a) Vehicle body or paint shop;
- (b) Vehicle rental and leasing;
- (c) Vehicle repair, light; and
- (d) Vehicle sales.

(2) Maximum Size

Vehicle storage areas created or expanded after the effective date of this Ordinance shall have an enclosed storage area that does not exceed the maximum size in Table 152-7: Vehicle Storage Maximum Size. Vehicles shall not be stored outside of the enclosed area.

Table 152-7: Vehicle Storage Maximum Size	
District	Maximum Size (square feet)
CG	6,000
CH	11,000

³²¹ Replaced "AG, YR, RS-40, RS-30 and RS-20 Districts."

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IL	20,000
IH	No maximum

(3) Access

Access to the site shall comply with the standards in Section 153.01, Access and Connectivity Standards.

(4) Screening and Landscaping

- (a) A vehicle storage yard not screened by an intervening building from any public or private street, whether or not such streets provide access to the site, shall be screened by a fence or wall at least six feet in height, in accordance with Section 153.07, Fence and Wall Standards. If a fence is used, openings in the fence shall not comprise more than 30 percent of the fence. Fences and walls shall be set back at least five feet from any public right-of-way or private street easement.
- (b) Except in the IL and IH Districts, all vehicle storage shall comply with the following:
 - (1) All vehicles shall be stored at least 35 feet from adjacent land in a Residential district or a lot with a residential use, and the land or lot shall be screened from view with a Type 3 landscape buffer in accordance with Section 153.03.07, Transitional Buffer Standards.
 - (2) All vehicles shall be stored at least 20 feet from all other lot lines and shall be screened with a Type 1 landscape buffer in accordance with Section 153.03.07, Transitional Buffer Standards.

(5) Unworkable Vehicles and Vertical Stacking

- (a) No vehicles may be stored as a source for parts.
- (b) No junked or unworkable vehicles may be stored on the site.
- (c) Vertical stacking of vehicles is prohibited.

(6) Hazardous Substances

- (a) Any gasoline, oil, or other materials spilled or collected on site shall be contained and disposed of in accordance with state and federal laws.
- (b) Tractor trailers, tankers and/or any vehicle carrying a hazardous material shall be stored only in vehicle storage yards located in the CH, IL, or IH Districts. A vehicle storage yard which stores a tanker which has contained a hazardous substance shall be enclosed by a fence at least six feet in height, which shall be locked during nonoperating hours. In addition, a spill containment structure certified by a registered professional engineer as being adequate for spill containment is required. Tankers shall be stored at least 200 feet from land in a Residential district or a lot with a residential use.

Section 152.04. Temporary Uses and Structures

152.04.01 General³²²

The purpose of this section is to authorize the establishment of certain temporary uses and structures, which are uses and structures of a limited duration. This section identifies the zoning districts in which temporary uses and structures are allowed, sets out general standards applicable to all temporary uses and structures, and sets out any special standards applicable to particular temporary uses and structures. This section is intended to ensure that such uses or structures do not negatively affect adjacent land, are discontinued upon the expiration of a set time period, and do not involve the construction or alteration of any permanent building or structure.

152.04.02 Temporary Use/Structure Table

A. Table Organization

Table 152-8: Temporary Use/Structure Table is organized as follows:

- (1) The left-most column in the table identifies temporary uses and structures in alphabetical order.
- (2) The right-most column identifies any additional standards that are specific to a particular temporary use or structure, through a reference to use-specific standards in this Ordinance.
- (3) The cells in the table use the following abbreviations to designate whether a temporary use or structure is allowed in the zoning district identified in the column heading:

Permitted temporary use or structure. A “P” in a cell of the temporary use/structure table indicates that the use or structure is allowed by right as a temporary use or structure in the corresponding base zoning district subject to compliance with the use-specific standards referenced in the final column of the table. Permitted temporary uses and structures shall obtain a temporary use permit in accordance with Section 156.05.12, Temporary Use Permit, and are subject to all other applicable regulations of this Ordinance.

Prohibited use. A blank cell in a cell of the temporary use/structure table indicates that the use or structure is prohibited in the corresponding zoning district.

B. Unlisted Temporary Uses

The Planning Director shall determine whether or not an unlisted temporary use or structure is substantially similar to a listed temporary use and structure, and is allowed. Regulations for door-to-door solicitors, itinerant merchants, and vendors are included in Chapter 111 of the Code of Ordinances.³²³

³²² Replaces current Section B-2-7.1.

³²³ Reference to Chapter 111 is new.

C. Temporary Use Table

Table 152-8: Temporary Use/Structure Table

P = Permitted by Temporary Use Permit

Blank cell = Prohibited use

	Residential								Business				Indus.				
Use Classification/ Use Category/ Use	C	RSF-1	RSF-2	RSF-3	R-M	RMF-Med	RMF-High	R-MH	CN	CL	CG	CH	MU	IL	IH	IP ³²⁴	Use-Specific Standards
Child care (temporary care)																P	152.04.04A
Construction-related temporary structure	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	152.04.04B
Inert debris fill	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	152.04.04C
Mobile food vending									P	P	P	P	P	P	P	P	152.04.04D
Portable storage unit	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	152.04.04E
Religious or nonprofit event, on-site ³²⁵	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	152.04.04F
Removal and disposition of soils	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	152.04.04G
Seasonal sales ³²⁶									P	P	P	P	P	P	P	P	152.04.04H
Special event ³²⁷									P	P	P	P	P	P	P	P	152.04.04I
Temporary dwelling ³²⁸	P	P	P	P													152.04.04J
Temporary grading	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	152.04.04K
Temporary health care structure	P	P	P	P	P	P	P	P	P				P				152.04.04L
Temporary helicopter landing facility	P								P	P	P	P	P	P	P	P	152.04.04M

152.04.03 General Standards for All Temporary Uses and Structures

Unless otherwise specified in this Ordinance, all temporary uses and structures shall:

- A. Obtain any other applicable local, state, or federal permits;
- B. Not be detrimental to property or improvements in the surrounding area or to the public health, safety, or general welfare;
- C. Be compatible with the principal uses taking place on the site;
- D. Not have adverse health, safety, noise, or nuisance impacts on any adjoining permanent uses or nearby residential neighborhoods;
- E. Comply with temporary signage standards in Section 153.08, Signs;
- F. Not violate the applicable conditions of approval that apply to a site or a use on the site;
- G. Not interfere with the normal operations of any permanent use located on the property; and
- H. Be located on a site containing sufficient land area to allow the temporary use, structure, or special event to occur and accommodate associated pedestrian, parking, and traffic movement without disturbing environmentally sensitive lands.

³²⁴ The IP district was not addressed in the assessment and may be consolidated with another district.

³²⁵ Renamed from 'nonprofit organizations.'

³²⁶ New use type based on 'use of open land.'

³²⁷ New use type based on 'use of open land.'

³²⁸ Renamed from "manufactured homes during construction."

152.04.04 Standards Specific to Temporary Uses and Structures

A. Child Care (Temporary Care)³²⁹

- (1) All temporary child care uses shall receive applicable state approval.
- (2) A temporary use permit for temporary child care shall be issued for a period not to exceed 90 days and may not be renewed within the same calendar year.

B. Construction-Related Temporary Structure³³⁰

The temporary structure shall not be moved onto the project site prior to the issuance of a building permit, and shall be removed within 30 days after issuance of the certificate of occupancy for the building or development.

C. Inert Debris Fill³³¹

A temporary use permit for inert debris fill shall be issued for a period not to exceed 30 days and may be renewed up to two times.

D. Mobile Food Vending³³²

- (1) An applicant for a mobile food vending unit shall obtain written permission from the landowner where the food truck will be operated. The document shall be kept on site with the vendor at all times.
- (2) Mobile food vending units shall not be located within minimum required setbacks, sight triangles, or required buffers. All sidewalk encroachments shall require permit approval from the Village.
- (3) Mobile food vending units shall not impede drive aisles, loading or service areas, or fire lanes.
- (4) Mobile food vending units shall be operated on level ground that is surfaced with pavement, gravel, or a similar dustless, all-weather material to ensure safe and convenient pedestrian access. Mobile food vending units shall not be operated on grass or dirt.
- (5) The landowner shall ensure that trash receptacles are provided within 10 feet of the location where food is ordered or consumed on site and that all trash, litter, and refuse are removed from the site at the end of each business day.
- (6) The hours of operation shall be limited to between 8:00 a.m. and 9:00 p.m. Overnight storage of mobile food vending units on site is prohibited.
- (7) The mobile food vending unit shall not operate drive-through service.

E. Portable Storage Unit³³³

- (1) Only one portable storage unit shall be allowed per lot in Residential districts.
- (2) The gross square footage of a portable storage unit shall not exceed 150 square feet.

³²⁹ Current Section B-2-7.2(L).

³³⁰ Reworded Section B-2-7.2(A) for clarity.

³³¹ Current Section B-2-7.2(J).

³³² New.

³³³ Current Section B-2-7.2(M).

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- (3) A permit for a portable storage unit may allow its use on a site for a period not to exceed 30 consecutive days, unless there is an active building permit issued for the lot on which the portable storage unit is placed.³³⁴
- (4) The portable storage unit may be placed in a driveway, a designated parking area, or other location on the site. Unless located in a driveway or designated parking area, the storage unit must meet the setback requirements of the underlying zoning district.
- (5) These standards do not apply to portable units for donating goods, construction trailers, dumpsters, or recycling facilities.

F. Religious or Nonprofit Event, On-Site³³⁵

A temporary use permit for on-site religious or nonprofit events shall be issued for a period not to exceed 30 consecutive days.

G. Removal and Deposition of Soils³³⁶

The removal of inert debris is strictly limited to concrete, brick, concrete block, uncontaminated soil, rock, gravel, and asphalt from one site and the deposition of said inert debris at one other site, provided:

- (1) The sites used for removal and deposition of inert debris shall be permitted in tandem and only once.
- (2) The area of disturbance on the lot from which the inert debris is taken shall be no greater than five acres.
- (3) Except in cases of emergency involving safety, the sites shall be operated only between 7:00 am and 6:00 p.m. Monday through Saturday, and shall not be operated on Sunday.
- (4) The temporary use permit shall only run concurrently with the related grading permit issued for operation of the two sites.

H. Seasonal Sales³³⁷

- (1) A temporary use permit for seasonal sales shall be issued for a period not to exceed 45 days.
- (2) Adequate measures shall be taken to ensure that the use will not adversely affect the health and safety of residents or workers in the area, and will not be detrimental to the use or development of adjacent properties or the general neighborhood.
- (3) Off-street parking shall be adequate to accommodate the proposed sale of products.
- (4) All buildings and display booths shall be portable and shall be completely removed prior to the expiration of the temporary use permit.

I. Special Event³³⁸

(1) Duration

A temporary use permit for a special event shall be issued for a period not to exceed four days.

³³⁴ Replaced “and shall not be renewed or reissued on the same site during the same calendar year” to allow for portable storage units to be used when renovating homes or recovering from a disaster.

³³⁵ Current Section B-2-7.2(F).

³³⁶ Current Section B-2-7.2(K).

³³⁷ New.

³³⁸ All provisions are new except (1) that decreases current Section B-2-7.2(D) from 45 days to four days.

(2) Standards

A special event shall:

- (a) Not create an unreasonable risk of significant:
 - (1) Damage to public or private property, beyond normal wear and tear;
 - (2) Injury to persons;
 - (3) Public or private disturbances or nuisances;
 - (4) Unsafe impediments or distractions to, or congestion of, vehicular or pedestrian travel;
 - (5) Additional and impracticable or unduly burdensome police, fire, trash removal, maintenance, or other public services demands; or
 - (6) Other adverse effects upon the public health, safety, or welfare.
- (b) Be of a nature, size, and duration that can be reasonably accommodated by the particular location requested.
- (c) Not occur at a time and location that has already been permitted or reserved for other activities.

(3) Conditions of Approval

In approving a temporary use permit for a special event, the Planning Director is authorized to require any one or more of the following as a condition of approval, in order to address the event's potential impacts:

- (a) The provision of temporary parking facilities, including appropriate means of vehicular ingress and egress;
- (b) Control of nuisance factors, including but not limited to, glare or direct illumination of adjacent properties, noise, vibrations, smoke, dust, dirt, odors, gases, and heat;
- (c) Limitations on the placement, height, and size of temporary buildings, structures, and facilities and on the location of equipment and open spaces, including buffer areas and other yards;
- (d) Facilities and/or plans for the provision of
 - (1) Medical care;
 - (2) Solid waste collection and disposal; and
 - (3) Security and safety;
- (e) The modification or elimination of certain proposed activities; and
- (f) Limitations on operating hours and days or on the duration of the special event to a shorter time period than requested.

J. Temporary Dwelling³³⁹

- (1) The temporary dwelling shall be located on the same lot as the single-family dwelling permitted for construction.
- (2) No recreational vehicle shall be used as a temporary dwelling.³⁴⁰
- (3) A temporary use permit for a temporary dwelling shall be issued for a period not to exceed six months.

³³⁹ Reworded Section B-2-7.2(H) for clarity.

³⁴⁰ New.

- (4) The temporary use permit may be extended for an additional six months at the discretion of the Planning Director if the applicant can demonstrate substantial progress toward completion of construction.

K. Temporary Grading³⁴¹

A temporary use permit for temporary grading is limited to the actual time required for grading operations, plus the 30 day period following the issuance of a certificate of occupancy.

L. Temporary Health Care Structures³⁴²

(1) Definitions

The following definitions apply in this section:

(a) Activities of Daily Living

Bathing, dressing, personal hygiene, ambulation or locomotion, transferring, toileting, and eating.

(b) Caregiver

An individual 18 years of age or older who (i) provides care for a mentally or physically impaired person and (ii) is a first- or second-degree relative of the mentally or physically impaired person for whom the individual is caring.

(c) First- or Second-Degree Relative

A spouse, lineal ascendant, lineal descendant, sibling, uncle, aunt, nephew, or niece and includes half, step, and in-law relationships.

(d) Mentally or Physically Impaired Person

A person who is a resident of this state and who requires assistance with two or more activities of daily living as certified in writing by a physician licensed to practice in this state.

(2) Standards

- (a) Temporary family health care structures occupied by a caregiver or an individual who is named legal guardian of the mentally or physically impaired person on property owned or occupied by a mentally or physically impaired person or a temporary health care structure occupied by a mentally or physical impaired person on property owned or occupied by the caregiver are permitted as a temporary use.
- (b) Only one temporary family health care structure shall be allowed on a lot or parcel of land zoned for single-family dwellings.
- (c) Any temporary family health care structure installed pursuant to this section shall be removed within 60 days in which the mentally or physically impaired person is no longer receiving or is no longer in need of the assistance provided for in this section. If the temporary family health care structure is needed for another mentally or physically impaired person, the temporary family health care structure may continue to be used or may be reinstated on the property within 60 days of its removal, as applicable.

³⁴¹ Current Section B-2-7.2(B).

³⁴² Current Section B-2-7.2(N).

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- (d) The temporary family health care structure shall not be placed on a permanent foundation.

M. Temporary Helicopter Landing Facility³⁴³

- (1) A temporary use permit for a temporary helicopter landing facility shall be approved by the Sheriff's Office and the Fire Official to ensure safety of operation.
- (2) The duration of any temporary use permit shall not exceed 10 consecutive days.
- (3) A temporary use permit is not required if landing or takeoff is necessary for law enforcement or other public safety purposes, or for aircraft or medical emergencies.

³⁴³ Reworded Section B-2-7.2(G) for clarity.

Chapter 153: Site Development Standards

Commentary

Chapter 153: Site Development Standards consolidates all the site developments standards in one chapter.

Section 153.01, Access and Connectivity Standards, includes basic standards for development and subdivision design, with new standards to enhance connectivity and bicycle and pedestrian access, along with new private street standards.

Section 153.02, Off-Street Parking and Loading Standards, organizes, consolidates, and modernizes parking requirements.

Section 153.03, Landscaping, Buffering, and Screening Standards, consolidates and refines the landscaping, buffering, and screening standards. It also includes new species diversification requirements.

Section 153.04, Tree Protection Standards, consolidates tree protection standards, including standards to protect the Village's tree canopy.

Section 153.05, Open Space Set-Aside Standards, establishes comprehensive standards for the provision and ongoing maintenance of open space that is required to be set aside in new development.

Section 153.06, Exterior Lighting Standards, establishes new comprehensive standards that regulate exterior lighting.

Section 153.07, Fence and Wall Standards, establishes new standards for the location, height, and design of fences and walls.

Section 153.08, Signs, consolidates and refines the Village's sign regulations.

Section 153.09, Form and Design Standards, establishes basic form and design standards that apply to nonresidential, multifamily, and "big box" retail development.

Section 153.10, Residential Compatibility Standards, introduces new standards that mitigate the impact of higher-intensity nonresidential development that is built next to single-family, duplex, or twin home development.

Note: This commentary is provided for reference purposes. It will be deleted in the adopted UDO.

Section 153.01. Access and Connectivity Standards³⁴⁴

153.01.01 Purpose³⁴⁵

The purpose of this Section is to ensure that development is served by a coordinated multimodal transportation system that permits the safe and efficient movement of motor vehicles, emergency vehicles, bicyclists, pedestrians, and transit vehicles, both internal to a development and between development and external transportation systems, and that provides access to neighboring development and local destinations such as places of employment, schools, parks, and shopping areas. In particular, the intent of these standards is to:

³⁴⁴ These are new standards to improve access and connectivity within and between developments in the updated UDO, as discussed in the Assessment (pages II-38 through II-40).

³⁴⁵ This purpose statement is new.

Chapter 153: Site Development Standards

Section 153.01. Access and Connectivity Standards

- A. Provide transportation options;
- B. Improve the resiliency of the transportation network;
- C. Preserve the safety and capacity of the Village's transportation systems;
- D. Increase the effectiveness of local service delivery;
- E. Reduce emergency response times;
- F. Support walking and bicycling;
- G. Contribute to the attractiveness of the development and community;
- H. Connect neighborhoods and increase opportunities for interaction between neighbors;
- I. Improve air quality; and
- J. Minimize congestion and traffic conflicts.

153.01.02 Applicability³⁴⁶

A. New Development

All new development shall comply with the standards in this Section.

B. Existing Development

An expansion or alteration of development shall comply with the standards of this Section to the maximum extent practicable, if the expansion increases building floor area by 25 percent or more, or the alteration involves 25 percent or more of the building gross floor area, as measured over any five-year period.

153.01.03 Timing of Review³⁴⁷

Review for compliance with the standards of this Section shall occur during review of a development application for conditional zoning map amendment (Section 156.05.03), major subdivision (Section 156.05.05), minor subdivision (Section 156.05.06), site plan (Section 156.05.08), special use permit (Section 156.05.09), or zoning permit (Section 156.05.11), whichever occurs first.

153.01.04 Developer Responsible for Improvements³⁴⁸

The developer and owner of development shall comply with the standards in this Section to provide the street, bikeway, sidewalk, and other access and circulation improvements, both on the development site and off the site as required by a development approval, in accordance with the standards for design and construction in this Chapter 153: Site Development Standards; Chapter 155: Subdivision Standards; Chapter 94: Streets and Sidewalks, of the Village Code; and any applicable technical standards of the Village or the North Carolina Department of Transportation (NCDOT), and shall dedicate any required rights-of-way or easements.

³⁴⁶ This is new and requires compliance, to the maximum extent practicable, for redevelopment on a site.

³⁴⁷ This is new and establishes the time for review for compliance of the standards in this section. Similar provisions are included in each of the sections in this Chapter.

³⁴⁸ This section clearly indicates that is the developer's responsibility to construct the required transportation network.

153.01.05 Traffic Impact Assessment³⁴⁹

A. Purpose

A Traffic Impact Analysis (TIA) evaluates the impacts that a proposed development may have on existing transportation infrastructure, including but not limited to impacts on vehicular, bicycle, pedestrian, and transit systems.

B. Applicability

(1) General

Except as exempted in subsection (2) below, the following shall be required to prepare a TIA:

- (a) Any new development which is estimated to generate 25 or more external peak hour vehicle trips or 250 or more external daily vehicle trips.
- (b) Any redevelopment or change of use which is estimated to generate 25 or more external peak hour vehicle trips or 250 or more external daily vehicle trips above the number of trips generated by the current use of the site.
- (c) Any development, redevelopment, or change of use that the Village Engineer determines may have an adverse impact on road segments or intersections in the Village.

(2) Exemption

A TIA prepared in accordance with the standards in this section is not required for a new development, redevelopment, or change of use for which NCDOT requires a TIA to be prepared. However, any TIA required by NCDOT shall be submitted to the Village as part of a development application.

C. Procedure, Standards, and Mitigation

The Village Engineer shall establish and make available for public inspection:

- (1) A procedure for the preparation of the TIA, including identifying the street segments and intersections that should be studied and the methodology for the study;
- (2) Criteria for appropriate Level of Service (LOS) standards for road segments and intersections within the Village;
- (3) A procedure to allow NCDOT an opportunity to review and provide comment on a TIA submitted to the Village in accordance with this section and
- (4) Appropriate mitigation measures, which may include improvements to street segments and intersections to address deficiencies identified in the TIA, or a payment in lieu to the Village to accelerate the implementation of planned Village or NCDOT projects that will address the deficiencies.

153.01.06 General Standards³⁵⁰

All developments shall be served by a system of sidewalks, paths, streets, accessways, and other facilities designed to provide for multiple travel modes (vehicular, bicycle, pedestrian, and transit), as appropriate to the development's size and relationship to surrounding development and development patterns and existing and planned community transportation systems. Vehicular,

³⁴⁹ These are basic new standards for a Traffic Impact Assessment, which is proposed to be added to the UDO to provide a mechanism to evaluate and address concerns that new development may have on traffic.

³⁵⁰ This section is new.

Chapter 153: Site Development Standards

Section 153.01. Access and Connectivity Standards

transit, bicycle, and pedestrian access and circulation systems shall be coordinated and integrated so as to provide transportation choices within and to and from the proposed development, as appropriate.

153.01.07 Sidewalks³⁵¹

- A. Except as provided in subsection B below, sidewalks shall be constructed on both sides of all streets within a development, and along the entire frontage of a development. Each sidewalk shall be at least five feet in width and five inches in depth, and shall be constructed in accordance with the Village's technical standards and Chapter 94 of the Village Code. All required sidewalks shall be installed at or before the time a Certificate of Occupancy is issued for a development or, in the case of a project with multiple lots (such as a residential subdivision), the adjacent individual lot.
- B. The Planning Director may waive or modify the requirement for sidewalks upon finding the proposed sidewalk:
 - (1) Would be duplicative of an existing greenway or other pedestrian facility;
 - (2) Is included in a project for which state funding has been allocated or is already included within the Village's Capital Improvement Program (CIP);
 - (3) Is impractical or infeasible due to the presence of topographic conditions or natural features that do not allow connections to be made; or
 - (4) Would necessarily have grades greater than five percent (at least one foot in elevation for 20 feet of horizontal distance).
- C. If the sidewalk along an existing public street is deemed infeasible in accordance with subsection B above, the developer shall pay a fee-in-lieu to the Village based on the criteria adopted by the Village Council.
- D. Where a development has frontage on an existing street with insufficient right-of-way width to accommodate installation of a required sidewalk along the frontage, the developer shall dedicate additional right-of-way for the installation of the required sidewalk, to the Village or NCDOT as appropriate, or install the sidewalk on the development site within a dedicated public easement running parallel and adjacent to the public street.
- E. All sidewalks and other pedestrian facilities shall comply with applicable ADA and Public Right-of-Way Accessibility Guidelines (PROWAG) standards.

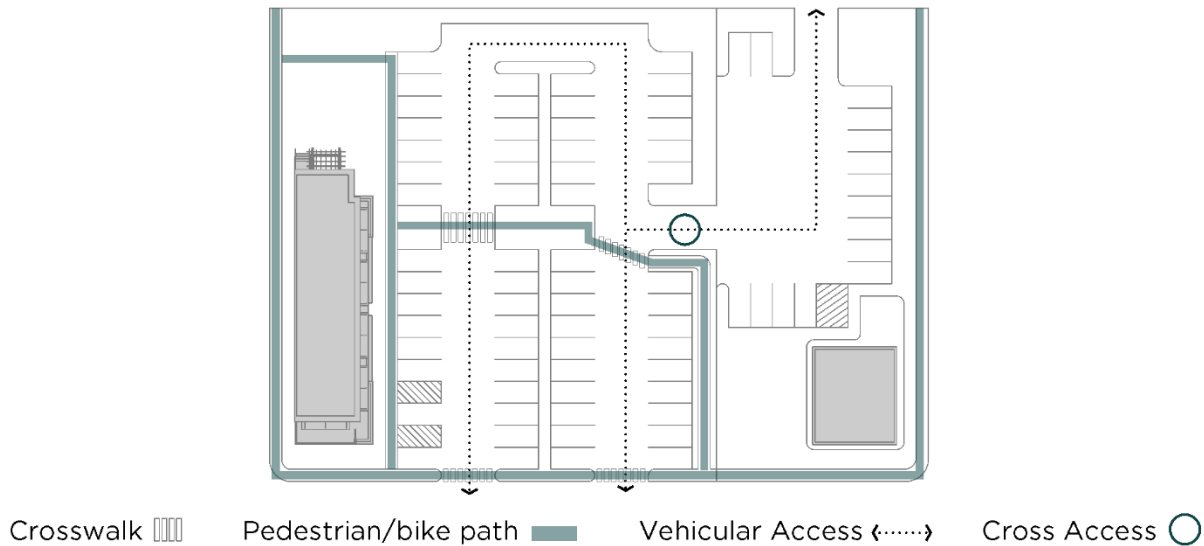
153.01.08 Cross-Access

The standards of this section apply to nonresidential, multifamily, and mixed-use development:

- A. An internal circulation system shall be designed and constructed to provide vehicular and pedestrian cross-access between any parking lots within the development and any parking lots on adjoining parcels containing nonresidential or mixed-use development, and the boundary of adjoining vacant land if it is in any district other than a Residential district;
- B. The cross-access shall consist of a driveway or drive aisle that is at least 22 feet wide and that provides two-way access. See Figure 153-1: Example of Parking Lot Cross-Access.

³⁵¹ This builds on the standards in Section D-4(B)(6) of the current UDO and adds a requirement that sidewalks be installed on both sides of all streets, except where duplicative or impractical.

Figure 153-1: Example of Parking Lot Cross-Access



- C. Infeasible and perpetual easements allowing cross-access to and from lands served by a cross-access connection, along with agreements defining maintenance responsibilities of land owners pertaining to the cross-access, shall be approved as to form by the Village Attorney and recorded in the public records of the County.
- D. The Planning Director may waive or modify the requirement for cross-access established in this section upon determining that such cross-access is impractical or undesirable due to the presence of topographic conditions, natural features, vehicular safety factors, or land use conflicts such as the presence of an existing building or structure along a feasible route for the cross-access.

153.01.09 Connectivity

A. Street Layout Standards³⁵²

- (1) All streets within a proposed development shall conform with any publicly adopted transportation plan, including the Comprehensive Transportation Plan and all applicable locally adopted plans, and shall be designed as extensions of the Village street system.
- (2) A development shall dedicate right-of-way to any adjoining properties to facilitate traffic circulation within the context of the overall transportation network. All streets shall connect to stub streets that extend at or near the boundary of adjacent property unless a connection is infeasible in accordance with subsection (4) below.
- (3) All stub streets shall be designed, constructed, and placed in locations which will permit the future extension of these streets. Construction of the stub streets shall be completed or a performance guarantee provided in accordance with Section 155.04, Performance Guarantees, warranting completion of the streets provided before final plats are approved for the sections of the subdivision where said streets are located.
- (4) The Planning Director may waive or modify the requirement that stub streets be constructed and that streets continue to existing streets in the Village if topography,

³⁵² Builds on standards in Section D-4(b)(1) of the current UDO.

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intervening features such as conservation land or intervening buildings, or natural features such as streams or topography make a connection impractical.

B. Blocks³⁵³

- (1) Except as provided in subsection (2) below, in all zoning districts except for the IL and IH districts, the maximum length of any block within a subdivision shall be 1,000 feet, and the maximum average block length in a subdivision shall be 800 feet.
- (2) The Village may approve a block length that does not comply with the standards in subsection (1) above if the Village determines that one or more of the following conditions prevents compliance with the block length standards and there are no practical alternatives:
 - (a) Physical obstacles such as prior platting of property from another landowner;
 - (b) Construction of existing buildings or other barriers;
 - (c) Slopes over 15 degrees;
 - (d) Wetlands and water bodies;
 - (e) Railroad or utility right-of-way;
 - (f) Existing limited-access motor vehicle right-of-way; or
 - (g) To accommodate parks or dedicated open space, civic uses, pedestrian-oriented campuses, conference centers, stadiums or arenas, or other similar pedestrian-oriented, civic, or large-scale assembly uses.

C. Connectivity Index³⁵⁴

(1) Minimum Connectivity Index Score Required

Except as provided in subsection (3) below, new subdivisions shall achieve an internal street connectivity index score of 1.7, in accordance with subsection (2) below.

(2) Connectivity Score Index Calculation

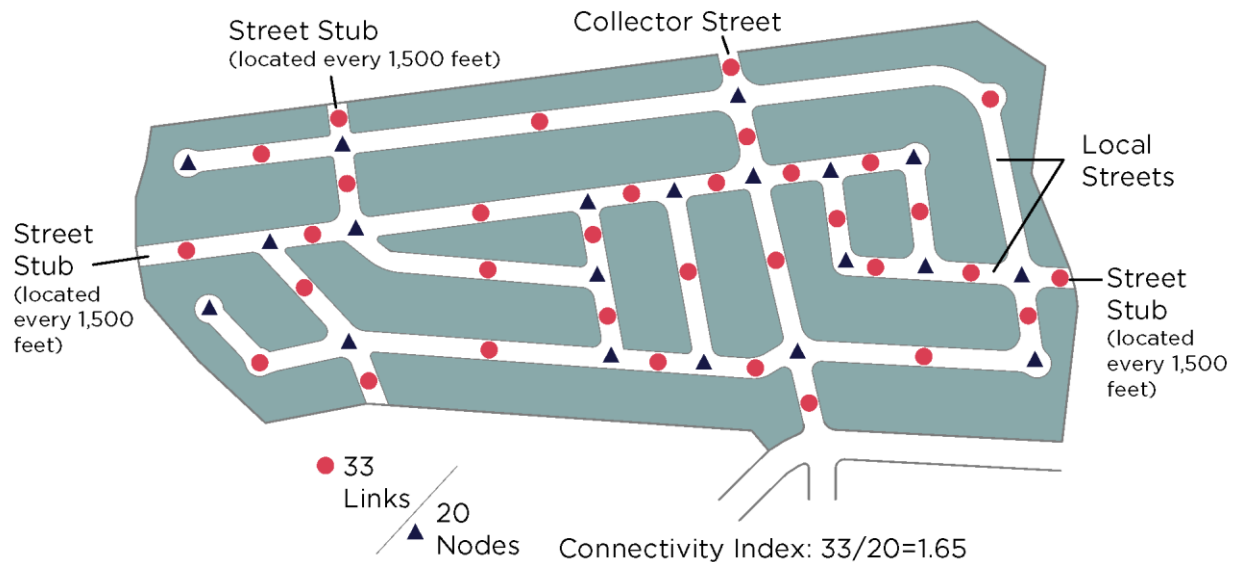
The connectivity index score for a development is calculated by dividing its links by its nodes. Figure 153-2: Street Connectivity Index Illustration, provides an example of how to calculate the connectivity index.

- (a) A “link” refers to that portion of a street or alley defined by a node at each end or at one end. Approved street stubs out to adjacent property shall be considered links. A pedestrian connection provided through a cul-de-sac in accordance with Section 153.01.09D below shall count as a link for purposes of this calculation.
- (b) A “node” refers to the terminus of a street or the intersection of two or more streets, except that intersections that use a roundabout and street stubs to adjacent property shall not be counted as nodes. In addition, links and nodes within the collector or arterial streets that provide access to a proposed subdivision shall not be considered in computing the connectivity ratio.

³⁵³ This reduces the block standards in Sec. D-4(b)(1)(g) of the current UDO.

³⁵⁴ New.

Figure 153-2: Street Connectivity Index Illustration



(3) Exceptions

The Planning Director may reduce the minimum connectivity index if the applicant demonstrates it is infeasible to achieve due to natural features, existing road configurations, or adjacent existing development patterns. In these instances, street design shall achieve as high a connectivity ratio as reasonably practical, especially by providing stub-outs and other potential connections that may be made in the future, including through public infrastructure improvements.

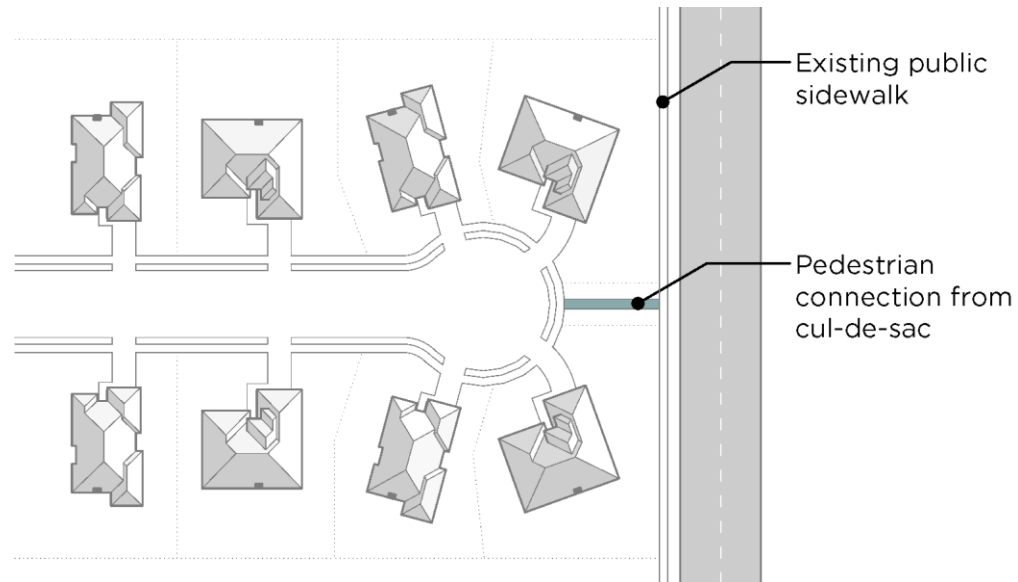
D. Cul-de-Sacs and Dead-End Streets³⁵⁵

- (1) The maximum length of a cul-de-sac shall be 800 feet.
- (2) Cul-de-sacs shall have an improved circular turnaround with a minimum radius of 40 feet with a minimum public right-of-way radius of 50 feet centered on the improved street area.
- (3) Permanent dead-end streets other than cul-de-sacs are prohibited. In cases where streets are built to adjoining property lines and are to be extended in the future, the Village may authorize a temporary T-shaped turnaround. The turnaround shall comply with current Village engineering and fire code standards.
- (4) A right-of-way at least eight feet wide shall be provided in a single-family or two-family residential subdivision for pedestrian and bicycle access between a cul-de-sac head or street turnaround and the closest street or pedestrian path (as shown in Figure 153-3: Pedestrian Connection Through End of Cul-de-Sac), if the cul-de-sac can be reasonably connected to an existing or proposed sidewalk, trail, greenway, or other type of pedestrian connection, and the cul-de-sac either:
 - (a) Is in close proximity (defined generally as within a one-quarter-mile) to significant pedestrian generators or destinations such as schools, parks, trails, greenways, employment centers, mixed-use development, retail centers, or similar features; or

³⁵⁵ This updates Section D-4(B)(1)(h) of the current UDO by prohibiting permanent dead-end streets, reducing the maximum length of a cul-de-sac from 1,200 to 800 feet, and requiring connectivity between the end of a cul-de-sac and an adjacent sidewalk to provide enhanced connectivity.

- (b) Creates an unreasonable impediment to pedestrian circulation (defined generally as walking distance between uses on the cul-de-sac and uses on the closest street that is at least four times the actual physical distance between these two uses).

Figure 153-3: Pedestrian Connection Through End of Cul-de-Sac



153.01.10 Street Standards³⁵⁶

- A. Streets shall be designed in accordance with NCDOT standards, and the standards of this Section 153.01.10. The Village Council may require additional street width as needed for public safety, welfare, health, or convenience.
- B. Except for local residential streets, all new streets shall include conventional curb and gutter. Local residential streets may include a 24-inch rolled valley, upon approval of the Planning Director.
- C. Streets shall be designed to intersect as nearly as possible at right angles. No street shall intersect any other street at less than 60 degrees.
- D. Streets shall include a 10-foot utility easement on both sides of the street that is reserved for the installation and maintenance of water, sewer, power, telephone, gas, cable, or any other public utility, unless other adequate right-of-way is available for utilities.
- E. All streets shall be public streets, except where private streets are permitted in accordance with Section 153.01.13, Private Streets.

153.01.11 Half-Streets³⁵⁷

Half-streets are prohibited except where necessary to the reasonable development of the subdivision or of adjacent land. The final plat that incorporates any approved half-street shall:

- A. Include a dedicated easement for half of a future public street; and
- B. Include a statement that the owner of the half easement for a future public street shall dedicate the easement as public right-of-way once the adjoining property owner has received preliminary subdivision approval and is ready to construct the new public street.

³⁵⁶ Builds on Sec. D-4(B)(1)(b) of the current UDO.

³⁵⁷ This carries forward and clarifies Sec. D-4(B)(1)(j) of the current UDO.

153.01.12 Alleys³⁵⁸

The following standards are provided to ensure that alleys are adequate in width to accommodate access to adjoining lots and for service delivery.

- A. All alleys shall be privately owned and maintained in accordance with Section 153.01.13, Private Streets.
- B. Alleys are only permitted in residential subdivisions and mixed-use development.
- C. Alleys shall comply with the standards in Table 153-1: Alley Standards.

Table 153-1: Alley Standards	
Standard	Value
Right-of-way, minimum	20 feet
Paved area, minimum	12 feet

- D. An applicant proposing to construct an alley is responsible for contacting providers for services such as solid waste pickup and recycling collection to ensure the width of the alley and intersection geometry is adequate to ensure the use of the alley by the service provider. The homeowners' association, property owners' association, or similar entity responsible for maintenance of the alley shall be responsible for ensuring the alley is kept clear for use by the requisite service providers.

153.01.13 Private Streets³⁵⁹

Private streets are only in accordance with the following standards:

A. Applicability

Private streets are only permitted in residential subdivisions and PD districts within land that is subdivided into 25 or more lots.

B. Design Standards

All private streets shall be designed in accordance with the standards for public streets set forth in this Ordinance and Village and NCDOT technical standards.

C. Private Street Ownership and Maintenance

A homeowners' association, property owners' association, or similar entity shall be established to maintain private streets. Documents to assure private responsibility of future maintenance and repair by a property owners' association or homeowners' association shall be approved as to form by the Planning Director and the Village Attorney and recorded by the developer or property owner(s) in the public records of the County. The agreement shall:

- (1) Specify lot owners' responsibilities for maintenance of private streets and drainage systems, and provide for assessments to finance all maintenance activities;
- (2) State that if the street is not privately maintained for safe passage of public service and emergency vehicles, the Village may provide such maintenance, with charges therefore becoming a lien on the properties served, dividing among them proportionate to their assessed tax valuation.

³⁵⁸ New standards.

³⁵⁹ These are new standards that establish basic requirements to assure maintenance of private streets. It also allows for gating access to a private street with conditions to ensure emergency access and continued maintenance of the gate mechanism by a homeowners' organization or similar entity that is responsible for maintaining the private street.

D. Gated Access

Access to a private street or other private way may be restricted by a security gate or other barrier only in accordance with the following standards:

(1) Gate Features

- (a) The access to the gate or barrier shall be at least 20 feet wide.
- (b) To ensure safety and access for emergency personnel, each vehicle gate or barrier shall:
 - (1) Be equipped with an approved radio operated receiver/controller capable of receiving signals from a sheriff's department, fire department, other emergency medical service providers, and utility providers that will open the gate;
 - (2) Have a feature to open during power failures and remain open;
 - (3) If a separate pedestrian gate is included, provide a lock box to allow emergency personnel access;
 - (4) Be designed so that when open it does not obstruct the path of travel for vehicles and pedestrians or extend in any way into any public rights of way;
 - (5) Have at least two automated means of opening and one manual means of opening in case of power failure; and
 - (6) Be set back from the public street to allow adequate queuing and vehicle turnaround movements to prevent blockage of public streets.

(2) Gate Maintenance

- (a) The maintenance of the vehicle gates and the pedestrian gates (if any) in the subdivision will be the sole responsibility of the organization with responsibility for maintaining the private streets in accordance with subsection C above.
- (b) Annually, the organization with responsibility for maintaining the private streets in accordance with subsection C above shall provide to the Planning Director a certificate of an independent inspector certifying that all gates are in good working order and otherwise meet all Village and state requirements.

Section 153.02. Off-Street Parking and Loading Standards³⁶⁰

153.02.01 Purpose and Intent³⁶¹

The purpose of this section is:

- A. To ensure adequate facilities for off-street vehicular parking, bicycle parking, stacking, and loading in proportion to the parking and loading demand of the different zoning districts and different uses allowed by this Ordinance, including adequate flexibility to accommodate alternative parking solutions.
- B. To ensure that off-street parking and loading areas do not encroach on or interfere with the public use of streets and alleys by pedestrians and provide for safe passage of pedestrians through the lot.
- C. To limit the proliferation of excessively large parking lots and better support the Village's goals for high-quality development and pedestrian-supportive site design in appropriate locations.
- D. To achieve Village policies of revitalizing commercial corridors, supporting multimodal transportation options, and avoiding excessive paved surface areas.

153.02.02 Applicability

A. General³⁶²

(1) New Development

All new development shall provide off-street vehicular parking, bicycle parking, stacking, and loading areas in accordance with the standards of this section.

(2) Addition or Expansion

If an existing structure or use is expanded or enlarged in terms of the number of dwelling units, floor area, number of employees, or seating capacity, any additional off-street vehicular parking, bicycle parking, and loading spaces that may be required shall be provided in accordance with the requirements of this section as applied only to the expanded or enlarged part of the structure or use.

(3) Change of Use

Any change of use of an existing structure or land shall be accompanied by provision of any additional off-street vehicular parking, bicycle parking, stacking, and loading spaces required for the new use by this section, subject to Chapter 157: Nonconformities.

However, if the change in use increases the required number of spaces by less than five percent or five parking spaces, no additional off-street parking, bicycle parking, stacking, or loading spaces shall be required.

³⁶⁰ As discussed on pages II-37 and II-38 of the Assessment, the off-street parking and loading standards have been updated to reflect best practices, standards in peer communities, and comments from staff. This section also enhances design requirements for parking areas, updates the vehicle stacking standards, and establishes minimum bicycle parking standards.

³⁶¹ This section is new.

³⁶² This section carries forward and updates requirements in Section B-3-3.1 of the current UDO.

B. Timing of Review³⁶³

Review for compliance with the standards in this section shall occur during review of conditional zoning map amendment (Section 156.05.03), site plan (Section 156.05.08), special use permit (Section 156.05.09), and zoning permit (Section 156.05.11) applications.

153.02.03 Parking Plan Required³⁶⁴

All development applications subject to review for compliance with the standards of this section shall include a parking and loading plan. The plan shall accurately designate the number and location of required vehicular parking spaces, delivery/pick-up/rideshare spaces, access aisles, driveways, bicycle parking spaces, stacking spaces, and loading facilities, as applicable. The plan shall also illustrate how the vehicular and bicycle parking and loading facilities relate to the uses or structures they are designed to serve, including how they coordinate with the vehicular, pedestrian, bicycle, and transit circulation systems within and adjacent to the development. The plan shall also demonstrate any alternatives to the off-street vehicular surface parking requirements in Table 153-3: Minimum Number of Off-Street Vehicular Parking Spaces, by providing the information required by Section 153.02.05F, Off-Street Vehicular Parking Alternatives.

153.02.04 General Standards for Off-Street Vehicular Parking and Loading Areas

A. Use of Parking or Loading Areas³⁶⁵

- (1) Parking lots required by this section shall be used solely for the parking of registered motorized vehicles with a current inspection sticker.³⁶⁶
- (2) At all times, adequate parking shall be made available to accommodate the uses on the site.
- (3) Required parking spaces and loading berths shall not be utilized for the storage of merchandise, location of dumpsters, storage or repair of vehicles or equipment, or any other activities other than parking or loading, except for temporary events or situations otherwise authorized by this Ordinance.

B. Surfacing³⁶⁷

(1) General

- (a) Except as provided in subsection (2) below, any required parking area, stacking area, loading area, maneuvering area, and access drive shall be surfaced with hard, dustless, and bonded surface materials such as asphalt cement concrete, Portland cement, brick, or pavers that are approved by the Village Engineer. These surfaces shall be maintained in a smooth, well-graded, clean, orderly, and dust-free condition.
- (b) The use of pervious or semi-pervious parking lot surfacing materials, including but not limited to pervious asphalt and concrete, open joint pavers, and reinforced grass/gravel/shell grids, is encouraged and may be approved for parking lots and loading areas, provided such surfacing is subject to an on-going maintenance

³⁶³ This section is new.

³⁶⁴ This section is new.

³⁶⁵ This updates Section B-3-3.1 of the current UDO.

³⁶⁶ Updated to provide more specific criteria for cars permitted to park.

³⁶⁷ This updates the parking surfaces requirements in Section B-3-3.3(C) of the UDO.

program (e.g., sweeping, annual vacuuming). Any pervious or semi-pervious surfacing used for aisles within or driveways to parking and loading areas shall be certified as capable of accommodating anticipated traffic loading stresses and maintenance impacts.

(2) Exceptions

The following parking areas may be surfaced with pervious materials such as crushed stone or gravel if the material is renewed or replaced as reasonably necessary to maintain a neat and orderly appearance:

- (a) Agricultural uses;
- (b) Parking areas used for religious or public assembly uses and recreation uses and that are not designed or intended to be used for more than two days per week;
- (c) Temporary parking for structures under construction; or
- (d) Parking areas identified specifically as overflow parking or parking exceeding the minimum number of spaces required.

C. Location, Arrangement, and Design

(1) Safe and Convenient Access³⁶⁸

- (a) Parking lots shall provide safe and convenient access in accordance with the following:
 - (1) Off-street vehicular parking lots and loading areas shall be arranged for convenient access between an adjacent street and all parking spaces and loading berths to facilitate ease of mobility, ample clearance, and safety of vehicles and pedestrians. Each off-street parking space and loading berth shall have adequate, unobstructed means for the ingress and egress of vehicles.
 - (2) Parking lots shall be arranged such that no parking or maneuvering incidental to parking and loading occurs on a public street or sidewalk, and so that cars enter public streets in a forward direction. Parking spaces shall be designed to have access only from parking area driveways and not directly from public streets.
 - (3) All parking lots shall be designed to provide for internal circulation such that each parking space is accessible to all other parking spaces without necessitating the use of a public street or alley.
 - (4) Parking lots shall be arranged so an automobile may be parked or un-parked without moving another automobile.
 - (5) Buildings, parking and loading areas, landscaping, and open spaces shall be designed so that pedestrians moving from parking lots to buildings and between buildings are minimally exposed to vehicular traffic.
 - (6) No parking space shall be located to block access by emergency vehicles.
- (b) Parking lots serving residential uses with four or fewer dwelling units may comply with the following standards:
 - (1) Automobiles may be parked such that another automobile must be moved before a vehicle can be parked or un-parked, such as tandem parking.

³⁶⁸ This updates Section B-3-3.3(A) of the current UDO.

- (2) Parking may be designed so that automobiles maneuver onto a local street or alley in a reverse direction.
- (3) Automobiles may be parked in a driveway, provided they do not extend over a sidewalk or into a street, in accordance with the standards in this Ordinance.

(2) Parking Placement³⁶⁹

- (a) All parking areas required in this section shall be located on the same lot as the principal use, except as authorized in Section 153.02.05F(3), Off-Site Parking.
- (b) For all new nonresidential development required to provide 10 or more off-street vehicular parking spaces, parking shall be located on the site in accordance with the following:
 - (1) Except in the CH District, for development along Lewisville-Clemmons Road, or as provided in subsection (2) below, no off-street parking may be placed between the primary street and the building frontage. All required off-street parking shall be placed to the side of the building behind the front façade of the principal building on the site, or to the rear of the building.
 - (2) The Planning Director may allow parking between street and the building frontage if required due to site topography, conflicts with existing development on the site, or to minimize impact of parking on adjacent residential properties.

(3) Design³⁷⁰

Parking lots, drive aisles, pedestrian walks, landscaping, and open space shall be designed as integral parts of an overall development plan and shall be properly related to existing and proposed buildings.

(4) Parking Lot Access and Egress³⁷¹

- (a) Except for the principal access to parking lots serving four or fewer dwelling units, the principal access to all parking, stacking, and loading areas shall have vehicular access to a public street. Cross access shall be provided in accordance with Section 153.01.08, Cross-Access.
- (b) For lots with four or fewer dwelling units that are accessed by an alley, a driveway used for parking shall extend at least 20 feet from the street and shall contain enough paved surface to accommodate all vehicles required to be parked on the site in accordance with Table 153-3: Minimum Number of Off-Street Vehicular Parking Spaces.

D. Dimensional Standards

The following standards apply to all off-street parking lots serving four or more vehicles, except for parking lots serving single-family detached or duplex uses.

(1) General Requirements³⁷²

Standard vehicle parking spaces and aisles shall comply with the minimum dimensional standards established in Table 153-2: Dimensional Standards for Parking Spaces and

³⁶⁹ This updates Section B-3-3.2(E) of the current UDO.

³⁷⁰ This updates Section B-3-3.3(G) of the current UDO but removes the separate standard for wheel stops four feet from the front end of the parking space for rear-end parking.

³⁷¹ This updates Section B-3-3.1(G) of the current UDO. The provision allowing access via alleyway to smaller residential dwellings is new and intended to better support alley-loaded residential development.

³⁷² This updates Section B-3-3.3(B) of the current UDO.

Chapter 153: Site Development Standards

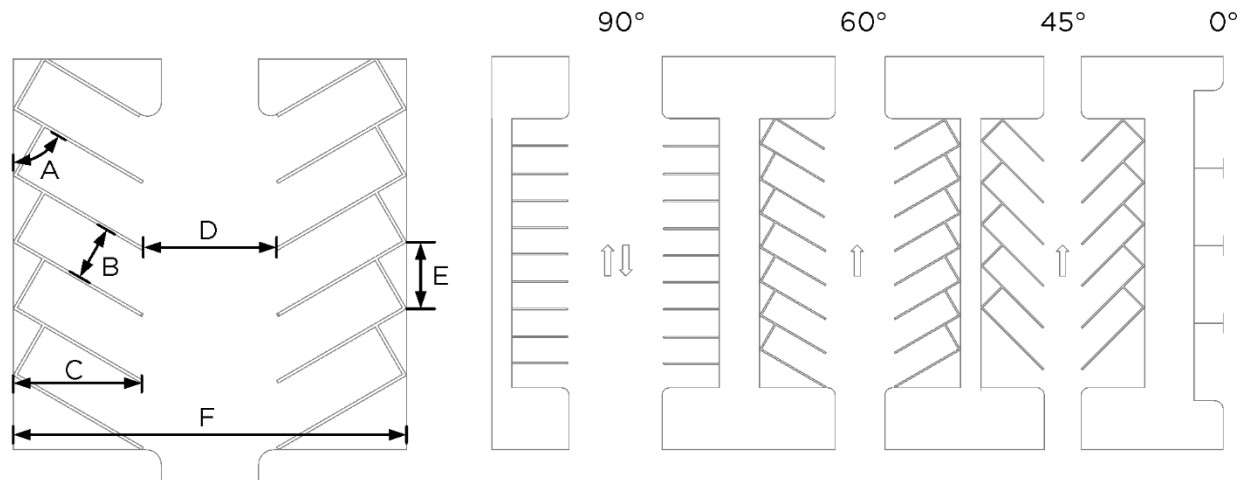
Section 153.02. Off-Street Parking and Loading Standards

Aisles. The minimum dimensional standards are illustrated in Figure 153-4: Measurement of Parking Space and Aisle Dimensions. Each vehicle parking space shall be an unobstructed rectangle at least 8.5 feet in width and 17.5 feet in length. Aisle widths for aisles composed of combinations of different angles of parking shall be the widest aisle width required for any angle of parking found on the entire aisle.

Table 153-2: Dimensional Standards for Parking Spaces and Aisles³⁷³

Parking Angle (degrees)	Stall Width (ft)	Stall Depth Perpendicular to Curb (ft)	Aisle Width (ft) Two way / One way	Stall Length Along Curb (ft)	Double Row + Aisle, Curb to Curb (ft) Two way / One way
A	B	C	D	E	F
0 (parallel)	8.5	8.5	22 / 12	23	39 / 29
30	9	17	24 / 12	18	58 / 46
45	9	19	24 / 12	13	62 / 50
60	9	20.5	24 / 15	10.5	65 / 56
90	9	18	24 / 24	9	60 / 60

Figure 153-4: Measurement of Parking Space and Aisle Dimensions



³⁷³ This updates Table B.3.9 in the current UDO. The current UDO has separate standards for compact, medium, and large parking spaces; the updated table is generally based on the large spaces only. Nearly all modern vehicles have a length of at least 15 feet, which is the standard for a medium or large-size motor vehicles in the current UDO. The current UDO has one-way and two-way standards for some, but not all, parking angles; the updated table includes standards for two-way and one-way drive aisles for all parking angles. Standards for 75-degree angle parking spaces were not carried forward, but may be added back in as appropriate.

(2) Vehicle Overhang³⁷⁴

All off-street parking and loading spaces shall provide curbs, wheel stops, or similar devices that prevent vehicles from overhanging on or into public right-of-way, walkways, adjacent land, internal roadways, or required landscaping areas. All wheel stops shall be at least two feet from the front end of the parking space.

(3) Motorcycle Spaces³⁷⁵

A motorcycle parking space shall be a minimum of four-and-a-half (4.5) feet in width by seven feet in length.

(4) Recreational Vehicle Spaces³⁷⁶

A recreational vehicle parking space shall be a minimum of 10 feet in width by 25 feet in length.

(5) Parking Structures

In parking structures, aisle and stall dimensions may be reduced in accordance with the most recent edition of Parking Space Design: Guidelines for Parking Geometrics, published by the National Parking Association.

(6) Markings and Traffic Control Devices³⁷⁷

- (a) Each required parking lot and space, each stacking lane, and each off-street loading area and berth, shall be identified by surface markings that are arranged to provide for orderly and safe loading, unloading, maneuvering, parking, and storage of vehicles. Such markings shall include striping, directional arrows, crosswalks, and lettering on signs and in handicapped-designated areas. All such surface markings shall be maintained to be readily visible at all times.
- (b) The Planning Director may require a developer to install additional signage to ensure the safe and efficient flow of vehicles in a parking area or structure.

E. Accessible Spaces³⁷⁸

Development required to provide off-street vehicular parking spaces shall ensure that a portion of the total number of required off-street parking spaces are specifically designated, located, and reserved for use by persons with physical disabilities, in accordance with the standards in the Building Code and the federal Americans with Disabilities Act Accessibility Guidelines.

F. Exterior Lighting³⁷⁹

Lighting in parking lots and loading areas shall comply with the standards of Section 153.06, Exterior Lighting Standards.

³⁷⁴ This section updates Section B-3-3.3(G) of the current UDO but removes the separate standard for wheel stops four feet from the front end of the parking space for rear-end parking.

³⁷⁵ Carries forward Section B-3-3.3(B)(3) in the current UDO.

³⁷⁶ Carries forward Section B-3-3.3(B)(5) in the current UDO.

³⁷⁷ Carries forward and updates Section B-3-3.3(D) in the current UDO.

³⁷⁸ Updates Section B-3-3.3(B)(6) in the current UDO.

³⁷⁹ This section is new.

G. Landscaping³⁸⁰

Parking lots shall be landscaped in accordance with Section 153.03.06, Parking Lot and Motor Vehicle Display Area Landscaping, and transitional buffers shall be provided as required in Section 153.03.07, Transitional Buffer Standards.

H. Drainage³⁸¹

Parking lots and loading areas shall be graded and drained in accordance with applicable Village standards, including Section 154.04, Erosion Control.

I. Large Parking Lots³⁸²

(1) Applicability

Parking lots containing 100 or more parking spaces shall be configured in accordance with the standards in this section.

(2) Primary Drive Aisle

Primary drive aisles within parking lots shall be designed to appear as an extension of the public street network extending from the public right-of-way along the full length of the primary façades of structures being served by the drive. Each primary drive aisle shall comply with the following standards:

- (a) The cross-section width shall accommodate two travel lanes.
- (b) A sidewalk or curb-delineated pedestrian passageway shall be provided along the front façade of a building when the drive aisle is aligned parallel to that building façade.
- (c) Street trees that are large variety trees shall be provided along both sides of the primary drive aisle with a maximum spacing of 50 feet on-center. Medium or small variety trees may be used adjacent to the building façade within 40 feet of building entrances.

(3) Pedestrian Pathways

The parking lot shall be visually and functionally segmented into smaller lots with landscape islands and strips through the use of fully separated, improved pedestrian pathways (see Figure 153-5: Example of Pedestrian Pathways). Such pedestrian pathways shall:

- (a) Be provided, at a minimum, every six parallel parking rows (every three double-row parking bays) or every 200 feet, whichever is the lesser dimension (see Figure 153-6: Pedestrian Pathway Configuration);
- (b) Be enhanced with planted landscaping strips;
- (c) Include, to the maximum extent practicable, a pathway aligned with and perpendicular to the primary entrance into the building served by the parking lot;
- (d) Be paved with asphalt, cement, or other comparable material;
- (e) Use contrasting color or materials and be adequately illuminated when crossing drive aisles;

³⁸⁰ The requirement for landscaping between multifamily building entrances and parking areas in Section B-3-3.2(E)(3) of the current UDO was addressed in the multifamily use-specific standard (Section 152.02.04C(1)(e)(4)(A)(3)) and was not duplicated here.

³⁸¹ This section is new.

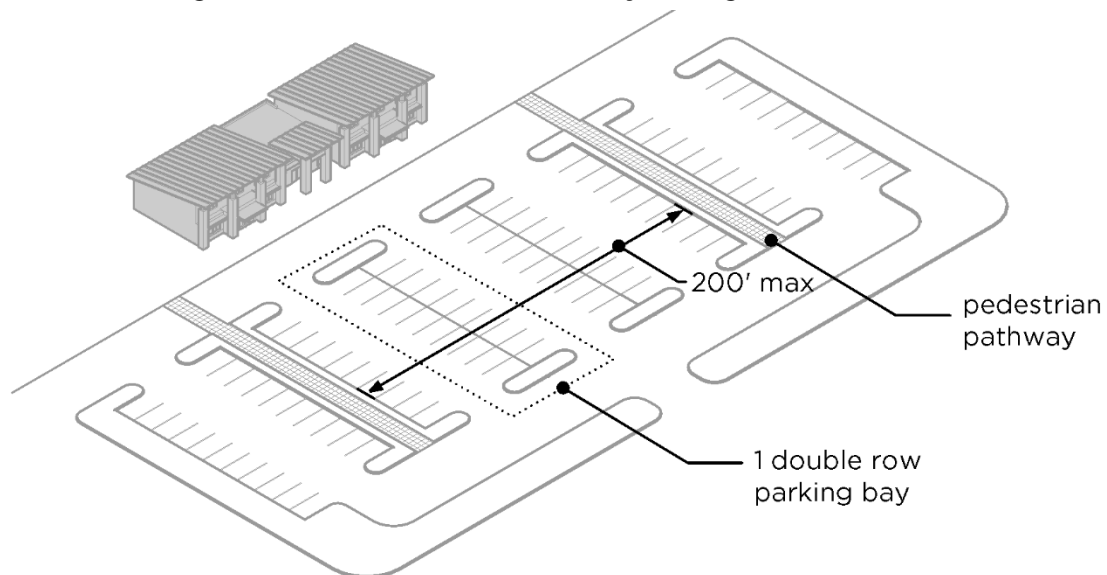
³⁸² This section is mostly new, but carries forward some requirements for driveways in Section 3-3.3(E) of the current UDO.

- (f) Follow applicable state and federal requirements and be at a minimum five feet wide when located within planting strips, and ten feet wide when crossing drive aisles;
- (g) Connect to all existing or planned adjacent transit and pedestrian facilities; and
- (h) Provide safe and efficient pedestrian access to the use they serve.

Figure 153-5: Example of Pedestrian Pathways



Figure 153-6: Pedestrian Pathway Configuration



(4) Pick-Up and Drop-Off Areas

The parking lot shall include designated areas for pick-up and drop-off by visitors, rideshare/taxis, or other mobility service providers. The designated pick-up and drop-off area shall not interfere with or block the movement of vehicles, pedestrians, or bicycles within the parking lot.

J. Special Provisions in Residential Districts³⁸³

In Residential districts, an unoccupied recreational vehicle or travel trailer may be stored on a privately owned lot in one of the following locations:

³⁸³ Carries forward standards in Section B-3-3.2(E)(2) in current UDO with updates for clarity.

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- (1) Outdoors, provided the recreational vehicle is not stored in a yard that apply in the zoning district. A recreational vehicle may be parked in the driveway only on the portion of the driveway outside of a yard.
- (2) In the rear yard, provided it is at least six feet from the rear property line and stored on an improved surface; or
- (3) Within an enclosed accessory structures that complies with the standards in Section 152.03.03, General Standards for All Accessory Uses and Structures, and any applicable standards in Section 152.03.04, Standards Specific to Accessory Uses and Structures.

153.02.05 Off-Street Vehicular Parking Space Standards

A. Minimum Number of Off-Street Vehicular Parking Spaces³⁸⁴

All development is required to provide the minimum number of off-street parking spaces for motor vehicles in accordance with Table 153-3: Minimum Number of Off-Street Vehicular Parking Spaces, based on the principal use(s) involved and the extent of development. Required parking spaces may be reduced in accordance with Section 153.02.05F below. Interpretation of the off-street vehicular parking space standards for principal uses with variable parking demands or unlisted principal uses shall be in accordance with subsection E below.

Table 153-3: Minimum Number of Off-Street Vehicular Parking Spaces		
Principal Use Category/Type	Existing Standards ³⁸⁵	Proposed Standards
Agricultural Uses		
Agricultural production, crops	No minimum	No minimum
Fish hatchery	2 spaces per 3 employees plus 1 space	No minimum
Residential Uses		
Household Living		
Dwelling, single-family	2 per dwelling unit	2 per dwelling unit
Dwelling, twin home	2 per dwelling unit	2 per dwelling unit
Dwelling, duplex	2 per dwelling unit	2 per dwelling unit
Dwelling, townhouse	Efficiency (studio): 1 per dwelling unit 1 Bedroom: 1.5 per dwelling unit 2 Bedroom: 1.75 per dwelling unit 3 Bedroom: 2 per dwelling unit	Efficiency (studio): 1 per dwelling unit 1 Bedroom: 1.5 per dwelling unit 2 Bedroom: 1.75 per dwelling unit 3 Bedroom: 2 per dwelling unit
Dwelling, cottage home development	New use	1 per dwelling unit
Dwelling, multifamily	Efficiency (studio): 1 per dwelling unit 1 Bedroom: 1.5 per dwelling unit 2 Bedroom: 1.75 per dwelling unit 3 Bedroom: 2 per dwelling unit	Efficiency (studio): 1 per dwelling unit 1 Bedroom: 1.5 per dwelling unit 2 Bedroom: 1.75 per dwelling unit 3 Bedroom: 2 per dwelling unit
Manufactured home	2 per dwelling unit	2 per dwelling unit
Manufactured home development	1.5 per dwelling unit	1.5 per dwelling unit
Group Living		
Boarding house	1 per bedroom, plus 2 spaces for resident manager	0.75 per bedroom

³⁸⁴ Updates Section B-3-3.2(A) in current UDO, including table B.3.8, Off-Street Parking Requirements.

³⁸⁵ Existing minimum off-street parking standards are included in this draft to facilitate comparison with the proposed updated minimum off-street parking standards. This column will not be included in the adopted version of the updated UDO.

Chapter 153: Site Development Standards

Section 153.02. Off-Street Parking and Loading Standards

Table 153-3: Minimum Number of Off-Street Vehicular Parking Spaces

Principal Use Category/Type	Existing Standards ³⁸⁵	Proposed Standards
Congregate care facility	0.5 per dwelling unit	0.5 per dwelling unit
Group home, A	2 spaces	2 spaces
Group home, B	1 space per 3 residents	4 spaces
Group home, C	1 space per 4 residents	7 spaces
Group home, D	1 space per 4 residents	1 space per 4 beds
Life care community	Spaces required based on sum of principal uses, except 1 space per single family, duplex, twin home, or townhouse dwelling unit	Spaces required based on sum of principal uses, except 1 space per single family, duplex, twin home, or townhouse dwelling unit
Nursing care institution	1 space per 3 beds	1 space per 4 beds
Transitional residential facility	1 space per 4 residents	1 space per 4 residents (based on permitted capacity)
Public, Civic, and Institutional Uses		
Community Services		
Adult day care center	1 space per 2 employees plus 1 space per 10 persons enrolled; At least 1 loading and unloading space separate from parking area plus adequate turnaround area	1 space per 500 sf gfa
Child care, drop-in	n/a	1 space per 500 sf gfa
Child care institution	1 space per 3 beds	1 space per 500 sf gfa
Child day care center	1 space per 2 employees plus 1 space per 10 children enrolled; At least 1 loading and unloading space per 20 children enrolled, separate from parking area, plus adequate turnaround area	1 space per 500 sf gfa
Club or lodge	1 space per 225 sf gfa	1 space per 400 sf gfa
Community recreation center	1 space per 125 sf of swimming pool surface area	1 space per 400 sf gfa
Correctional institution	1 space per 10 inmates	1 space per 10 inmates, based on design capacity
Cultural facility	1 space per 350 sf gfa (library) 1 space per 575 sf gfa (museum or art gallery)	1 space per 500 sf gfa
Funeral home	1 space per 4 seats in main chapel plus 2 spaces	1 space per 150 sf gfa of assembly area
Government office	1 space per 350 sf gfa	1 space per 400 sf gfa
Habitation facility, small	1 space per 2 employees plus 1 space per 10 persons enrolled; At least 1 loading and unloading space separate from parking area plus adequate turnaround area	1 space per 500 sf gfa
Habitation facility, medium	1 space per 2 employees plus 1 space per 10 persons enrolled; At least 1 loading and unloading space separate from parking area plus adequate turnaround area	1 space per 500 sf gfa
Habitation facility, large	1 space per 2 employees plus 1 space per 10 persons enrolled;	1 space per 500 sf gfa

Chapter 153: Site Development Standards

Section 153.02. Off-Street Parking and Loading Standards

Table 153-3: Minimum Number of Off-Street Vehicular Parking Spaces

Principal Use Category/Type	Existing Standards ³⁸⁵	Proposed Standards
	At least 1 loading and unloading space for each 20 persons enrolled plus adequate turnaround area	
Post office	1 space per 350 sf gfa	1 space per 350 sf gfa
Public safety facility	1 space per employee on largest shift plus 5 spaces	1 space per 300 sf gfa, plus 1 space per fleet vehicle stored on site
Religious or public assembly, community	1 space per 4 seats; 50% reduction permitted with approval of City Department of Transportation	1 space per 5 seats, or 1 per 300 sf gfa if no seats
Religious or public assembly, neighborhood	1 space per 4 seats; 50% reduction permitted with approval of City Department of Transportation	1 space per 5 seats, or 1 per 300 sf gfa if no seats
Education		
College or university	1 space per 575 sf gfa of classroom plus 1 space per 350 sf gfa of administrative and office space plus 1 space per dormitory bedroom	1 space per 575 sf gfa of classroom plus 1 space per 350 sf gfa of administrative and office space
Institutional vocational training facility	1 space per 1,150 sf gfa; Except 1 space per 500 SF GFA* for retail sales areas	1 space per 1,000 sf gfa
School, K-12	Elementary and Middle: 1 space per 10 students based on design capacity plus 1 bus space per 100 students High: 1 space per 5 students based on design capacity plus 1 space for each faculty and staff person plus 1 space per 3 seats where a school stadium is an accessory use	Grades K-9: 1 space per 10 students based on design capacity, plus 1 bus space per 100 students Grades 10-12: 1 space per 3 students based on design capacity
School, vocational or professional	1 space per 300 sf gfa	1 space per 400 sf gfa
Health Care		
Hospital	3 spaces per bed; if no beds, 1 space per 225 sf gfa	1 space per 400 sf gfa
Parks and Open Space		
Cemetery	1 space per 300 SF of sales area	No minimum
Public park	1 space per 8,750 SF land area in GMAs 1, 2, or 3; 1 space per 5,750 SF land area in GMAs 4 and 5	No minimum
Transportation, Communication, and Utilities		
Airport, private	3 spaces per airplane space	3 spaces per airplane space
Airport, public	1 space per 200 sf of waiting area	1 space per 200 sf of waiting area
Broadcast studio	1 space per 500 sf gfa	1 space per 500 sf gfa
Heliport	1 space per 1,000 sf of site area	1 space per 1,000 sf of site area
Helistop	2 spaces if noncommercial, 5 spaces if commercial	2 spaces
Park and ride lot	No minimum	No minimum
Parking, commercial	No minimum	No minimum
Terminal, bus or taxi	3 spaces plus 1 space for each vehicle used in operation	1 per 500 sf gfa of office area
Transmission tower	1 space	1 space
Utility, major	1 space per employee	1 space per 500 sf gfa office facilities

Chapter 153: Site Development Standards
Section 153.02. Off-Street Parking and Loading Standards

Table 153-3: Minimum Number of Off-Street Vehicular Parking Spaces

Principal Use Category/Type	Existing Standards ³⁸⁵	Proposed Standards
Utility, minor	1 space per employee	1 space per 500 sf gfa office facilities
Wireless communication facility, attached	New use	No minimum
Wireless communication facility, freestanding	New use	No minimum
Commercial Uses		
Adult Establishments		
Adult establishment	1 space per 225 sf gfa 1 space per 75 sf gfa for establishment with live entertainment	1 space per 225 sf gfa 1 space per 75 sf gfa for establishment with live entertainment
Animal Care		
Dog day care	New use	1 space per 800 sf gfa plus 2 spaces
Kennel	1 space per 800 sf gfa plus 2 spaces	1 space per 800 sf gfa plus 2 spaces
Pet cafe	New use	1 space per 400 sf gfa
Veterinary services	1 space per 450 sf gfa	1 space per 450 sf gfa
Eating and Drinking Establishments		
Distillery		1 space per 225 sf gfa
Microbrewery ³⁸⁶	New use	1 space per 250 sf of seating area
Restaurant	1 space per 100 sf gfa; 1 space per 225 sf gfa for take-out only restaurants	1 space per 100 sf gfa; 1 space per 225 sf gfa for take-out only restaurants
Office Services		
Building contractor, general	No minimum	1 space per 500 sf gfa
Building contractor, heavy	No minimum	1 space per 800 sf gfa
Office, general	1 space per 350 sf gfa (professional offices) 1 space per 450 sf gfa (offices, miscellaneous) 1 space per 1,150 sf gfa (testing and research laboratory)	1 space per 400 sf gfa
Personal and Business Services		
Arts and crafts studio	1 space per 450 sf gfa	1 space per 450 sf gfa
Banking and financial services	1 space per 225 sf gfa for depository institutions 1 space per 350 sf gfa for non-depository institutions	1 space per 300 sf gfa
Business services	1 space per 450 sf gfa 1 space per 6,000 sf gfa for computer data centers	1 space per 400 sf gfa
Personal services	1 space per 450 sf gfa	1 space per 450 sf gfa
Recreation		
Electronic sweepstakes operations	n/a	n/a
Fishing	No minimum	No minimum
Golf course	4 spaces per tee	4 spaces per tee
Golf driving range	1 space per tee plus 1 space per 225 sf gfa for retail uses	1 space per tee plus 1 space per 225 sf gfa for retail uses
Recreation, indoor	2 spaces per table (billiard parlors)	1 space per 225 sf gfa

³⁸⁶ New use, so parking standards are also new.

Table 153-3: Minimum Number of Off-Street Vehicular Parking Spaces

Principal Use Category/Type	Existing Standards ³⁸⁵	Proposed Standards
	1 space per hole (miniature golf) 4.5 spaces per alley (bowling alleys and centers) 1 space per 225 sf gfa (coin-operated amusement devices, membership sports and recreation clubs, physical fitness facilities, skating rinks) 1.5 spaces per 225 sf gfa (dance studios, schools, and halls)	
Recreation, outdoor	1 space per 225 sf of activity area (amusement parks) 1 space per 3 seats (commercial sports) 1 space per firing station (outdoor shooting range)	1 space per 300 sf of activity area
Riding stable	1 space per 2 stalls	1 space per 2 stalls
Shooting range, indoor	1 space per firing station	1 space per firing station
Theater	1 space per 4 seats	1 space per 4 seats
Theater, drive-in	1 space per vehicle speaker plus 3 spaces	1 space per 400 sf enclosed area
Retail Sales and Services		
Liquor sales	1 space per 300 sf gfa	1 space per 400 sf gfa
Plant nursery, lawn, and garden supply store	1 space per 450 sf gfa indoors, plus 1 space per 1,000 sf gfa in outdoor display and storage	1 space per 450 sf gfa
Retail sales ³⁸⁷	1 space per 225 sf gfa (convenience store, food or drug store, general merchandise store, hardware store) 1 space per 275 sf gfa (shopping center up to 250,000 sf gfa) 1 space per 300 sf gfa (consumer electronics, shopping center of 250,000 sf gfa or more) 1 space per 350 gfa (auto supply store) 1 space per 575 sf gfa (household appliance, specialty or miscellaneous retail store) 1 space per 1,150 gfa (furniture and home furnishings store)	1 space per 350 sf gfa
Self-storage	5 spaces, plus 1 additional space for each 125 storage units, or fraction thereof, in excess of 500 units	5 spaces, plus 1 additional space for each 125 storage units, or fraction thereof, in excess of 500 units
Tobacco and/or vape store ³⁸⁸	New use	1 space per 350 sf gfa
Vehicle Sales and Services		
Car wash	2 spaces per 3 employees if full service 2 spaces if self service or accessory; 3 spaces per vehicle in washing structure for dry down area (full	2 spaces per 3 employees if full service; 2 spaces if self service or accessory; 3 spaces per vehicle in washing

³⁸⁷ Staff and consultants are considering restoring the shopping center use to accommodate commercial uses with multiple different retail tenants.

³⁸⁸ New use, so parking standards are also new.

Table 153-3: Minimum Number of Off-Street Vehicular Parking Spaces

Principal Use Category/Type	Existing Standards ³⁸⁵	Proposed Standards
	service); 1 space per bay for dry down area (self service)	structure for dry down area (full service); 1 space per bay for dry down area (self service)
Gas station	2 spaces per 3 employees plus 1 space	1 space per 500 sf gfa
Vehicle body or paint shop	3 spaces per service bay plus 1 space per 575 gfa for parts sales	3 spaces per service bay plus 1 space per 575 gfa for parts sales
Vehicle rental and leasing	1 space per 450 sf gfa	1 space per 450 sf gfa
Vehicle repair, light	3 spaces per service bay plus 1 space per 575 gfa for parts sales; Towing services shall provide space(s) for each tow truck	3 spaces per service bay plus 1 space per 575 gfa for parts sales, plus 1 space for each tow truck
Vehicle sales	1 space per 575 sf gfa	1 space per 575 sf gfa
Visitor Accommodations		
Bed and breakfast	1 space per room plus 2 spaces	1 space per room plus 2 spaces
Hotel or motel ³⁸⁹	1 space per room Banquet and convention facilities that are part of a hotel or motel shall provide 1 space per each 5 seats	1 space per room, plus 1 space per 250 sf gfa of restaurant space or meeting area
Recreational vehicle park	1 space per recreational vehicle site	1 space per recreational vehicle site
Industrial Uses		
Extraction or Production		
Asphalt and concrete plant	1 space per employee	1 space per employee
Borrow site	1 space; Adequate loading, unloading, and maneuvering area	1 space
Extraction	1 space per employee	1 space per employee
Manufacturing, heavy	2 spaces per 3 employees plus 1 space per vehicle used in the operation (manufacturing c)	2 spaces per 3 employees plus 1 space per vehicle used in the operation
Manufacturing, light	2 spaces per 3 employees plus 1 space per vehicle used in the operation	2 spaces per 3 employees plus 1 space per vehicle used in the operation
Meat packing plant	1 space per 1,150 sf gfa	1 space per 1,150 sf gfa
Industrial Services		
Heavy vehicle sales, rental, maintenance, and repair	1 space per 850 sf gfa	1 space per 850 sf gfa
Industrial services	1 space per 575 sf gfa	1 space per 575 sf gfa
Warehousing, Freight Movement, and Wholesale		
Data center	New use	1 space per 6,000 sf gfa
Dirt storage	2 spaces; Adequate loading, unloading, and maneuvering area	2 spaces
Flammable bulk storage	1 space per 5,750 sf of land	1 space per 5,750 sf of land
Freight terminal	1 space per 1,150 sf gfa	0.8 spaces per employee on maximum shift, plus one per company vehicle stored overnight on the premises

³⁸⁹ The additional requirement for parking for restaurant space and meeting area is new.

Chapter 153: Site Development Standards

Section 153.02. Off-Street Parking and Loading Standards

Table 153-3: Minimum Number of Off-Street Vehicular Parking Spaces

Principal Use Category/Type	Existing Standards ³⁸⁵	Proposed Standards
Outdoor storage (as a principal use)	New use	0.8 spaces per employee on maximum shift, plus one per company vehicle stored overnight on the premises
Postal processing facility	1 space per 1,150 sf gfa	0.8 spaces per employee on maximum shift, plus one per company vehicle stored overnight on the premises
Warehouse	2 spaces per 3 employees plus 1 space per vehicle used in the operation	0.8 spaces per employee on maximum shift, plus one per company vehicle stored overnight on the premises
Wholesale trade	2 spaces per 3 employees plus 1 space per vehicle used in the operation	0.8 spaces per employee on maximum shift, plus one per company vehicle stored overnight on the premises
Waste-Related Uses		
Hazardous waste management facility	1 space per employee	0.8 spaces per employee on maximum shift, plus one per company vehicle stored overnight on the premises
Landfill, construction and demolition ³⁹⁰	No minimum	0.8 spaces per employee on maximum shift, plus one per company vehicle stored overnight on the premises
Landfill, land clearing and inert debris ³⁹¹	No minimum	0.8 spaces per employee on maximum shift, plus one per company vehicle stored overnight on the premises
Landfill, sanitary	1 space per employee	0.8 spaces per employee on maximum shift, plus one per company vehicle stored overnight on the premises
Recycling center	1 space per employee	0.8 spaces per employee on maximum shift, plus one per company vehicle stored overnight on the premises
Recycling plant	1 space per employee plus two spaces	0.8 spaces per employee on maximum shift, plus one per company vehicle stored overnight on the premises
Storage and salvage yard	1 space per 11,500 sf of land plus 1 space per employee (motor vehicle dismantling and wrecking yard) 1 space per 5,000 sf of storage area (storage and salvage yard)	1 space per 11,500 sf of land plus 1 space per employee (motor vehicle dismantling and wrecking yard) 1 space per 5,000 sf of storage area (storage and salvage yard)

sf = square feet gfa = gross floor area

³⁹⁰ The current UDO has no parking requirements for this use, so these parking standards are new.

³⁹¹ The current UDO has no parking requirements for this use, so these parking standards are new.

B. Computing Parking Requirements³⁹²

(1) Fractional Space Computations

When the computation of the number of off-street parking spaces required by this section results in a fractional number, any fraction less than one-half (0.5) shall be disregarded, and any fraction equaling one-half or greater shall be rounded to the next highest number.

(2) Seating Computations

Where parking is based on seating which consists of benches or pews, each 18 inches of a bench or pew shall be considered as one seat.

(3) Number of Employees Computations

For the purpose of computing parking requirements based on the number of employees, the owners or managers of the establishment shall be considered employees. Where more than one work shift is employed for any operation, the number of employees shall be calculated as the largest number of persons on any single shift.

(4) Square Feet of Gross Floor Area

For the purpose of calculating minimum off-street parking requirements based on square feet of gross floor area (sf gfa), rooms used solely for mechanical equipment and rooms at least 50 square feet in area that are used solely for storage shall not be included.

(5) Off-Street Parking Requirements for Sites with Multiple Uses

(a) General

Where there are multiple uses within a structure or on a parcel, the minimum standards in Table 153-3: Minimum Number of Off-Street Vehicular Parking Spaces, and the maximum standards in Section 153.02.05C, Maximum Number of Off-Street Vehicular Parking Spaces, shall be applied to each use based on the extent of the use, unless a reduction is granted in accordance with Section 153.02.05F, Off-Street Vehicular Parking Alternatives, or in accordance with subsection (b) below.

(b) Optional Reduction for Sites with Multiple Uses

At the applicant's option, the minimum number of off-street parking spaces for developments having more than one use category or type identified in Table 153-3: Minimum Number of Off-Street Vehicular Parking Spaces, may be calculated by the applicant using the methodology in the most recent edition of the Shared Parking Standards developed by the Urban Land Institute or the following:

- (1) Determine the minimum number of off-street vehicular parking spaces required by Table 153-3: Minimum Number of Off-Street Vehicular Parking Spaces for each component principal use in the development.
- (2) Multiply the number determined for each use under subsection (1) above, by the corresponding percentages set forth for each of the five time periods in Columns A through D of Table 153-4: Time of Day Demand Factors. The resulting amounts represent the time-specific peak demand levels expected for each principal use.

³⁹² Carries forward standards from Section B-3-3.2(B) of the current UDO.

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Section 153.02. Off-Street Parking and Loading Standards

- (3) For each time period (in Columns A through D of Table 153-4), sum the numbers calculated under subsection 2 above, for all proposed land uses (rounding down all fractions). These sums represent the total estimated shared demand for each time period throughout a typical day.
- (4) The highest total (for a time period) calculated under subsection (3) above is the minimum number of off-street parking spaces required for the development.

Table 153-4: Time of Day Demand Factors

Use Category or Type	Weekday (Monday-Friday)		Weekend (Saturday – Sunday)	
	7:00 A.M. to 6:00 P.M.	6:00 P.M. to 2:00 A.M.	7:00 A.M. to 6:00 P.M.	6:00 P.M. to 2:00 A.M.
	A	B	C	D
Residential Uses	60%	100%	80%	100%
Restaurant	80%	100%	80%	100%
Office Services	100%	20%	10%	0%
Personal and Business Services	100%	40%	60%	0%
Recreation	40%	100%	80%	100%
Retail Sales and Services	100%	80%	100%	60%
Hotel or Motel	60%	100%	80%	100%
Industrial Uses	100%	10%	10%	0%

C. Maximum Number of Off-Street Vehicular Parking Spaces³⁹³

Development shall not provide a number of parking spaces that exceeds 125 percent of the minimum number of off-street vehicular parking spaces established in accordance with Section 153.02.05A, Minimum Number of Off-Street Vehicular Parking Spaces, or Table 153-3: Minimum Number of Off-Street Vehicular Parking Spaces, except in accordance with Section 153.02.05F(1), Parking Study.

D. Electric Vehicle Parking Spaces³⁹⁴

(1) Applicability

The standards of this subsection apply to new development with parking lots providing more than 50 parking spaces that include one or more of the following uses:

- (a) Dwelling, multifamily;
- (b) Office, general;
- (c) Retail sales;
- (d) Hotel or motel;
- (e) Manufacturing, heavy; or
- (f) Manufacturing, light.

³⁹³ The new maximum parking limits are new, and the authority to exceed maximums replaces Section B-3-3.2(D) of the current UDO.

³⁹⁴ This section is new and implements the recommendations for EV charging and EV-ready parking spaces in Section II-3.1.2 of the Assessment.

(2) Minimum Electric Vehicle Parking Spaces Required

- (a) At least two parking spaces or two percent of the parking spaces for the entire site, rounded up to the nearest whole number, whichever is greater, shall be designated as electric vehicle (EV) parking spaces.
- (b) At least two parking spaces or two percent of the parking spaces for the entire site, rounded up to the nearest whole number, whichever is greater, shall be designated as EV-ready parking spaces.

(3) Additional Standards

- (a) Parking spaces that are designated as accessible in accordance with the Building Code shall not count towards the number of required EV parking spaces.
- (b) At least one EV parking space shall be adjacent to a parking space designated as accessible, and the EV charging station shall be operable by disabled persons using the EV charging station from the adjacent accessible parking space.
- (c) EV parking spaces shall be reserved for parking and charging of electric vehicles only. Each EV parking space shall be posted with signage indicating the space is for parking only by electric vehicles, and only while the vehicles are being charged.
- (d) Time limits may be placed on the number of hours that an electric vehicle is allowed to charge or park.
- (e) A fee may be charged to use an EV charging station.
- (f) Signage shall be provided to indicate the EV parking spaces are reserved for the use of electric vehicles.
- (g) Parking spaces that are EV-ready in accordance with subsection (2)(b) above shall be served by dedicated and electric circuits and underground conduits adequate to support future installation of EV charging stations.

E. Unlisted Uses³⁹⁵

An applicant proposing to develop a principal use that is not listed in Table 153-3: Minimum Number of Off-Street Vehicular Parking Spaces shall specify in the application materials the proposed amount of required vehicular parking, using one of the three methods below. After receiving the application, the Planning Director shall determine the amount of required off-street vehicular parking using the applicant's methodology or one of the other methods listed below, and may require that the applicant prepare a study as described in subsection (3) below:

- (1) Apply the minimum off-street parking space standard for the listed use that the Planning Director deems most similar to the proposed use;
- (2) Establish the minimum off-street parking space standard by reference to standard parking resources published by the Institute for Transportation Engineers (ITE), Urban Land Institute (ULI), National Parking Association, or the American Planning Association (APA); or
- (3) Conduct a parking demand study to demonstrate the appropriate minimum off-street parking space standard. The study shall estimate parking demand based on the recommendations of the ITE, ULI, or another acceptable source of parking demand data. This demand study shall include relevant data collected from uses or combinations of

³⁹⁵ This section updates Section B-3-3.2(C) of the current UDO.

uses that are the same or comparable to the proposed use in terms of density, scale, bulk, area, type of activity, and location.

F. Off-Street Vehicular Parking Alternatives³⁹⁶

The Planning Director is authorized to approve a parking plan that modifies the number of off-street vehicular parking spaces required to be provided by Table 153-3: Minimum Number of Off-Street Vehicular Parking Spaces, up to a maximum reduction of 60 percent, in accordance with the standards below. Accessible parking requirements shall be calculated based on the requirements in Table 153-3: Minimum Number of Off-Street Vehicular Parking Spaces, in accordance with 153.02.04E, Accessible Spaces.

(1) Parking Study

An applicant may prepare and submit an alternative parking study, using professionally accepted methods of transportation engineering and off-street parking demand, which demonstrates that an amount of parking that is less than the minimum required by Table 153-3: Minimum Number of Off-Street Vehicular Parking Spaces or greater than the maximum permitted by Section 153.02.05C, Maximum Number of Off-Street Vehicular Parking Spaces, is appropriate for the development.

(2) Shared Parking

The Planning Director may authorize a reduction of on-site parking required by Table 153-3: Minimum Number of Off-Street Vehicular Parking Spaces for any project using a single parking lot where peak parking demand characteristics or hours of operation are distinctly different, in accordance with the following standards:

(a) Requirements

A request for approval of shared parking shall be accompanied by such information determined by the Planning Director as necessary to evaluate the relevant factors listed in the section below, including, but not limited to, a description of the uses, a site plan, and a transportation engineering report. Calculations relating to shared parking among sites with a mix of uses shall be based on one of the methodologies in Section 153.02.05B(5), Off-Street Parking Requirements for Sites with Multiple Uses.

(b) Accessibility

All shared parking spaces shall be located in a parking facility providing reasonably equivalent accessibility and usability to all uses which the parking is intended to serve.

(c) Agreement Required³⁹⁷

If land containing the shared parking area is not under the same ownership as the principal uses served, or if both lands are under the same ownership at the time the

³⁹⁶ This section updates Section B-3-3.5 of the current UDO. Section B-3-3.5(D), which established special off-street parking alternatives for the NB, NO, and PB districts, has not been carried forward. Section B-3-3.5(E), which established special off-street parking options for compact cars, has not been carried forward, since compact spaces are often used by cars that are not compact and the average car size today is much larger than a compact car. We have tried to address excessive space devoted to parking by right-sizing parking requirements. Compact spaces would still be allowed in parking structures where space is limited. Section B-3-3.5(K), which allowed unimproved parking in the NSB district, has not been carried forward. Section B-3-3.5(L), which established an off-street parking reduction for shared driveways, has not been carried forward.

³⁹⁷ Builds on the provisions in the current UDO with additional detail about the requirements of the off-site parking agreement. The requirement for 30 days' notice if the agreement is cancelled is new.

shared parking area is established and ownership of one is subsequently transferred independent of the other, then the shared parking arrangement shall be established in a written agreement that complies with the following requirements:

- (1) The agreement shall include as parties the owners of land containing the shared parking area and all owners or long-term lessees of land containing the uses proposed to share off-street parking spaces.
- (2) If the agreement is for use of shared parking by multiple users, the agreement shall provide all parties the right to joint use of the shared parking area and shall ensure that as long as the off-site parking is needed to comply with this section, land containing either the off-site parking area or the served use will not be transferred except in conjunction with the transfer of land containing the other.
- (3) The agreement shall be valid for at least 10 years, shall include at least two options to renew the contract for five years that can be exercised by each party whose use is being served by the shared parking, and shall state that no party can cancel the agreement without first sending notice via certified mail to the Planning Director at least 30 days prior to the termination of the agreement.
- (4) The agreement shall be submitted to the Planning Director and Village Attorney for review and approval before execution.
- (5) An attested copy of an approved and executed agreement shall be recorded in the public records of the County before issuance of a building permit for any use to be served by the shared parking area.
- (6) The agreement shall be considered a restriction running with the land and shall bind the heirs, successors, and assigns of the landowner.
- (7) A violation of the agreement shall constitute a violation of this Ordinance and shall be subject to enforcement accordingly.
- (8) No use served by the shared parking may be continued if the shared parking becomes unavailable to the use permanently or for longer than 30 days, unless substitute off-street parking spaces are provided in accordance with this subsection.

(d) Criteria

In determining whether to approve a reduction for shared parking, the Planning Director shall consider all relevant factors, including the following:

- (1) The characteristics of each use and the differences in projected peak parking demand, including days or hours of operation;
- (2) Potential reduction in vehicle movements afforded by multi-purpose use of the parking facility by employees, customers, or residents of the uses served; and
- (3) Potential improvements in parking facility design, circulation, and access afforded by a shared parking facility.

(3) Off-Site Parking³⁹⁸

An alternative parking plan may propose to reduce on-site parking by up to 40 percent of the number of spaces required by Table 153-3: Minimum Number of Off-Street Vehicular Parking Spaces, by providing off-street vehicular parking spaces in an off-site parking facility in accordance with the following standards:

(a) Location³⁹⁹

The off-street parking facility shall be located within with the distance in Table 153-5: Allowed Distances for Off-Site Parking, measured by the distance from the primary pedestrian entrance to the shared parking facility along a route that complies with the standards of subsection (b) below.

Table 153-5: Allowed Distances for Off-Site Parking

Primary Use	Maximum Allowed Distance
Residential uses (including mixed uses)	800 feet
All other uses	1,250 feet

(b) Access and Signage

- (1) Adequate and safe pedestrian access shall be provided between the off-site parking area and the primary entrances to the uses served by the parking by a pedestrian pathway that is protected by a landscape buffer, or by a curb separation and elevation from the street grade.
- (2) Off-site parking spaces shall not be separated from the use they serve by an arterial street unless pedestrian access across the arterial street is provided by appropriate traffic controls (such as a signalized crosswalk) or a separated pedestrian pathway (such as a bridge or tunnel).
- (3) Signage complying with the standards in Section 153.08, Signs, shall be provided to direct the public to the shared parking spaces.

(c) Justification⁴⁰⁰

If the off-site parking is shared with other uses, the alternative parking plan shall include justification of the feasibility of shared parking among the proposed uses, in accordance with Section 153.02.05F(2), Shared Parking and Section 153.02.05B(5), Off-Street Parking Requirements for Sites with Multiple Uses, that addresses, at a minimum, the size and type of the uses proposed to share off-street parking spaces, the composition of their tenants, the types and hours of their operations, the anticipated peak parking and traffic demands they generate, and the anticipated rate of turnover in parking space use.

³⁹⁸ This section updates Section B-3-3.4 of the current UDO and removes the requirement that off-site parking for multifamily and institutional uses receive approval of the Village Council. Instead, a new restriction on the districts where the off-site parking can be allowed has been added, prohibiting its use in most of the nonresidential districts (unless the use being served is in that district). It also removes the off-site prohibition for retail uses requiring at least one space per 200 sf gfa, in Section 3-3.4(B)(5).

³⁹⁹ The distance and access standards are new.

⁴⁰⁰ This allows for off-site parking shared with other uses where, due to the varying demands for the off-street parking by the principal uses served by the off-site facility, it would be reasonable to allow the parking spaces to be shared due to demand that varies by time-of-day or day of week with the use seeking to use the off-street parking facility.

(d) Accessible Parking

All accessible parking spaces shall be provided on the site of the development. No parking spaces required to be accessible to persons with disabilities shall be provided in an off-site parking facility.

(e) Agreement Required⁴⁰¹

If land containing the off-site parking area is not under the same ownership as land containing the principal use served, if both lands are under the same ownership at the time the off-site parking area is established and ownership of one is subsequently transferred independent of the other, or if multiple uses are sharing parking, then the off-site parking arrangement shall be established in a written agreement that complies with the requirements in Section 153.02.05F(2)(c), Agreement Required. Additionally, if the agreement is for exclusive use of off-site parking by a single use, the agreement shall provide the owner of the served use the right to use the off-site parking area and shall specify that the parking spaces are for the exclusive use of the served use, including any customers and employees.

(f) Other Provisions

When the uses or property subject to a shared parking agreement are proposed to change, or a shared parking agreement expires, the Planning Director is permitted to require a revised shared parking study and, whether or not a revised shared parking study is prepared, may:

- (1) Revoke the shared parking agreement if it is determined that it is no longer necessary to meet parking requirements of the uses; or
- (2) Require a new shared parking agreement or other types of additional parking when the revised parking study indicates that additional parking is required.

(4) Motorcycle Parking⁴⁰²

(a) Maximum Amount

Up to a maximum of two percent of the parking spaces required by Table 153-3: Minimum Number of Off-Street Vehicular Parking Spaces may be designed and constructed for motorcycle stalls in accordance with the standards in Section 153.02.04D(3), Motorcycle Spaces.

(b) Identification

(1) Pavement Markings

The property owner shall identify each motorcycle parking stall within the parking area with pavement markings stating "MOTORCYCLE" in letters at least 12 inches high and seven inches wide

(2) Symbols

A symbol may be used in lieu of letters if approved by the Planning Director.

⁴⁰¹ Builds on the provisions in the current UDO with additional detail about the requirements of the off-site parking agreement. The requirement for 30 days' notice if the agreement is cancelled is new.

⁴⁰² Carries forward standards in Section B-3-3.5(F) in the current UDO.

(5) Public Transit⁴⁰³

Up to five percent of the parking spaces required by Table 153-3: Minimum Number of Off-Street Vehicular Parking Spaces may be removed if the use is within 750 feet of a public transit stop.

(6) Public Greenways and Trails⁴⁰⁴

Up to three percent of the parking spaces required by Table 153-3: Minimum Number of Off-Street Vehicular Parking Spaces may be removed if the use abuts and existing or publicly adopted planned public greenway or trail.

(7) Tree Preservation⁴⁰⁵

Up to five percent of the parking spaces required by Table 153-3: Minimum Number of Off-Street Vehicular Parking Spaces may be removed if in an area which would otherwise be devoted to parking, an existing tree with a diameter of six inches or greater is preserved.

(8) On-Street Parking⁴⁰⁶

In the MU and CL Districts, parking spaces required by Table 153-3: Minimum Number of Off-Street Vehicular Parking Spaces may be on-street parking spaces, in accordance with the following:

- (a) Parking shall be located on road frontage adjacent to the site.
- (b) All on-street parking shall be angled or parallel, in accordance with the requirements of Section 153.02.04D, Dimensional Standards.
- (c) All on-street parking shall be approved by the Public Works Department, NCDOT, or other applicable agency.
- (d) Sidewalks shall be constructed immediately adjacent to on-street parking spaces and connected to a well-defined interior pedestrian system.
- (e) The developer shall dedicate public right-of-way or public road maintenance easements for the on-street parking, and shall construct all required improvements within public rights-of-way to applicable public design standards.

(9) Park and Ride Lots⁴⁰⁷

- (a) Parking spaces that are in excess of the minimum number of parking spaces required by Table 153-3: Minimum Number of Off-Street Vehicular Parking Spaces may be used to support park-and-ride services.
- (b) Parking spaces in excess of the number of maximum off-street parking spaces permitted on a lot in accordance with Section 153.02.05C, Maximum Number of Off-Street Vehicular Parking Spaces, may be provided for a use in the Commercial or Industrial use classifications if:
 - (1) The parking lot contains at least 175 parking spaces;

⁴⁰³ Updates standards in Section B-3-3.5(I) in the current UDO.

⁴⁰⁴ Carries forward standards in Section B-3-3.5(J) in the current UDO.

⁴⁰⁵ Carries forward standards in Section B-3-3.5(H) in the current UDO.

⁴⁰⁶ Carries forward standards in Section B-3-3.5(M) in the current UDO.

⁴⁰⁷ Updates Section B-3-3.5(C) in the current UDO and links it to the provision of parking spaces in excess of the maximum established; it is recommended that if a landowner wishes to use excess parking for park-and-ride that does not exceed the maximum that it be permitted to do so without additional standards.

- (2) The additional spaces are used for park-and-ride services;
- (3) A sign or signs is included to designate that the spaces are reserved for park and ride use during non-holiday weekdays between 6 a.m. and 6 p.m., and that the spaces are permitted only for parking for less than 24 hours for commuters using a public carpooling, vanpooling, or transit program; and
- (4) Accessible parking spaces are provided for the park-and-ride lot in proportion to the number of spaces dedicated to the park-and-ride use compared to the entire parking lot.

153.02.06 Vehicle Stacking Standards⁴⁰⁸

Development shall provide stacking space for vehicles in accordance with the following standards.

A. Drive Through and Similar Facilities

(1) Required Number of Stacking Spaces

Uses with drive through facilities and other auto-oriented uses where vehicles queue up to access a service facility shall provide at least the minimum number of stacking spaces established in Table 153-6: Minimum Stacking Spaces for Drive-Through and Similar Facilities.

Table 153-6: Minimum Stacking Spaces for Drive-Through and Similar Facilities		
Use or Activity	Minimum Number of Stacking Spaces	Measured From
Banking and financial services	3 per lane	Teller window or teller machine
Car wash Automatic Self-service	4 per bay 2 per bay	Bay entrance Bay entrance
Child care institution	6	Primary location for child pick-up and drop-off
Gated driveway (for any principal use)	3	Gate
Hospital	3	Building entrance
Nursing care institution	3	Building entrance
Other commercial uses with a drive-through	3 per lane	Pickup window
Recycling collection point	3 per bay	Bay entrance
Restaurant	6 per lane [1]	Pickup window
School, K-12	As determined necessary by the Planning Director following consultation with school administration and review of stacking spaces provided and comparable facilities	
School, vocational or professional		
Theater, drive-in	5% of total parking spaces	Ticketing area
Other	Uses not specifically listed are determined by the Planning Director based on standards for comparable uses, or alternatively based on a parking demand study	
NOTES		

⁴⁰⁸ This section builds upon Section B-3-3.3(F) of the current UDO.

Table 153-6: Minimum Stacking Spaces for Drive-Through and Similar Facilities

Use or Activity	Minimum Number of Stacking Spaces	Measured From
[1] The Planning Director may require additional stacking spaces upon determining that there is a reasonable possibility that the listed minimum number will result in queuing that will interfere with pedestrian or vehicular traffic on adjacent streets or with internal circulation on the development site. The determination may be based on drive-through stacking at similar establishments at other locations in the Village or in other jurisdictions.		

(2) Stacking Space Standards

- (a) Required stacking spaces shall:
- (1) Be a minimum of 10 feet wide and 20 feet long;
 - (2) Have the width of the stacking space delineated by pavement markings;
 - (3) Be contiguous;
 - (4) Not impede onsite or offsite vehicular traffic movements or movements into or out of off-street parking spaces;
 - (5) Not impede onsite or offsite bicycle or pedestrian traffic movements; and
 - (6) Be separated from access aisles and other vehicular surface areas by raised medians, if necessary for traffic movement and safety.
- (b) The Planning Director may require a study to evaluate the safety of the proposed stacking arrangement.

B. Vehicular Surface Area Driveways⁴⁰⁹**(1) General**

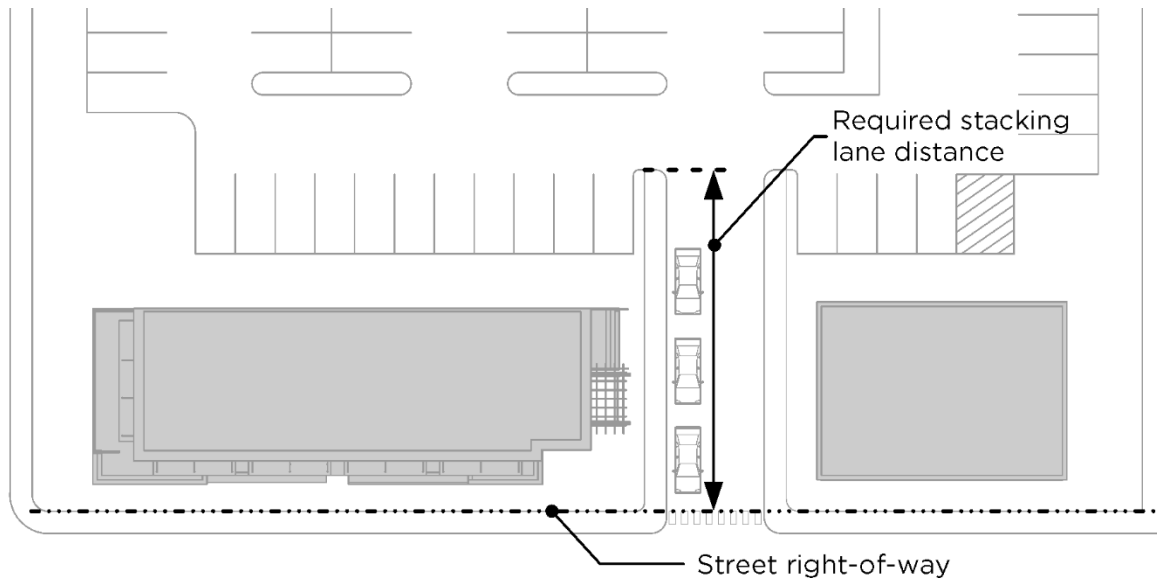
All uses other than townhouses or dwellings with fewer than five units in a single building shall provide stacking lanes between the edge of the street right-of-way and entrances into off-street parking areas in accordance with the minimum stacking lane distance established in Table 153-7: Minimum Stacking Lane Distance for Vehicular Surface Area Entrance Driveway (see Figure 153-7: Measurement of Stacking Lane Distance for Vehicular Surface Area Entrance Driveway).

Table 153-7: Minimum Stacking Lane Distance for Vehicular Surface Area Entrance Driveway

Number of Off-Street Parking Spaces	Minimum Stacking Lane Distance (ft)
1-49	25
50-249	50
250-499	100
500 or more	100+ 15 ft for every additional 50 spaces beyond 500

⁴⁰⁹ This section updates Section B-3-3.3(E)(4) in the current UDO.

Figure 153-7: Measurement of Stacking Lane Distance for Vehicular Surface Area Entrance Driveway



(2) Exceptions

No stacking lanes for off-street parking areas are required if internal access to the parking area is provided by an access drive or a private frontage road which parallels the public street, provided no parking is provided along the access drive or frontage road and a minimum 40-foot distance without left turn movements is provided along the access drive or frontage road.

(3) Combined Driveways and Access

The owners of adjoining properties are encouraged to provide combined driveways and connections whenever practical.

153.02.07 Bicycle Parking Standards⁴¹⁰

A. Minimum Bicycle Parking Required

The following shall include short-term and long-term bicycle parking spaces in accordance with Table 153-8: Bicycle Parking Standards:

- (1) All new development; and
- (2) Any individual expansion or alteration of a building existing prior to <effective date> if the expansion increases the building's gross floor area by 50 percent or more, or if the alteration involves 50 percent or more of the building's gross floor area (including interior alterations), provided no long-term bicycle parking is required if the building has a gross floor area of less than 10,000 square feet after the expansion or alteration.

⁴¹⁰ This section is new, updating and enhancing the requirements for bicycle spaces in Section B-3-3.3(B)(4) and the bicycle parking incentives in Section B-3-3.5(G) in the current UDO.

Table 153-8: Bicycle Parking Standards

Use Categorization	Minimum Bicycle Parking Spaces
Any multifamily residential use	0.1 per dwelling unit (minimum 2)
All other uses	4 percent of minimum requirement for vehicular parking spaces in Section 153.02.05, Off-Street Vehicular Parking Space Standards, including any applicable reductions (minimum 2)

B. Type of Bicycle Parking

A minimum of 75 percent of the bicycle parking required to be provided in accordance with this section shall be short-term bicycle parking (see subsection E below), unless the applicant demonstrates to the Planning Director that an alternate ratio of short-term to long-term bicycle parking would better meet the intent of this section.

C. Reduction Based on Alternative Bicycle Parking Justification

The Planning Director may authorize up to a 50 percent reduction in the minimum number of bicycle parking spaces required by Table 153-8: Bicycle Parking Standards, if the applicant:

- (1) Demonstrates the demand and need for bicycle parking on the site is less than required by this section because of the site's location, the site design, proximity to transit, or other factors; or
- (2) Offers a strategy that demonstrates other non-automobile and non-bicycle travel modes will be used by occupants and users of the development that reduces the demand for bicycle parking spaces.

D. Bicycle Parking Space Standards

The design and installation of bicycle parking spaces shall comply with the most recent edition of the Bicycle Parking Guidelines published by the Association of Pedestrian and Bicycle Professionals.

E. Short-Term Bicycle Parking Standards

In addition to the requirements of subsection D above, a short-term bicycle parking space shall:

- (1) Include independent access to a bicycle parking rack for supporting and securing a bicycle;
- (2) If the bicycle parking serves a single use, be located within 75 feet of a public entrance to the building for which the space is required, measured along the most direct pedestrian access route;
- (3) If the bicycle parking serves more than one use, be located within 150 feet of a public entrance to the building for which the space is required, measured along the most direct pedestrian access route; and
- (4) Be located to ensure significant visibility by the public and users of the building for which the space is required.

F. Long-Term Bicycle Parking Standards

In addition to the requirements of subsection D above, a long-term bicycle parking space shall:

Chapter 153: Site Development Standards

Section 153.02. Off-Street Parking and Loading Standards

- (1) Include one of the following features:
 - (a) A bicycle locker or similar structure manufactured for the sole purpose of securing and protecting a standard size bicycle from rain, theft, and tampering by fully securing the bicycle in a temporary enclosure; or
 - (b) A secured and dedicated bicycle parking area provided either inside the principal building on the lot, within a parking structure, or in a structure located elsewhere on the lot. The secured and dedicated bicycle parking area shall be designed to protect each bicycle from weather, theft, and vandalism and shall have a minimum of eight feet of clearance above the floor or ground.
- (2) If the bicycle parking serves a single use, be located within 500 feet of a public entrance to the building for which the space is required, measured along the most direct pedestrian access route; and
- (3) If the bicycle parking serves more than one use, be located within 750 feet of a public entrance to the building for which the space is required, measured along the most direct pedestrian access route.

153.02.08 Loading Area Standards

A. Minimum Number of Off-Street Loading Berths⁴¹¹

Any development subject to the requirements of this section involving the routine vehicular delivery or shipping of goods, supplies, or equipment to or from the development shall provide a sufficient number of off-street loading berths to accommodate the delivery and shipping operations of the development's uses in a safe and convenient manner. Table 153-9: Minimum Number of Off-Street Loading Berths, sets forth the minimum number of loading berths for the different principal uses. Such loading berths shall be in addition to the parking requirements in Table 153-3: Minimum Number of Off-Street Vehicular Parking Spaces. For proposed uses not listed in Table 153-9, the requirement for a use most similar to the proposed use shall apply.

Table 153-9: Minimum Number of Off-Street Loading Berths		
Principal Use Classification or Category	Floor Area or Dwelling Units	Minimum Number of Loading Berths
Public, Civic, & Institutional, and Commercial Uses		
Personal and Business Services	At least 10,000 sf gfa, up to 30,000 sf gfa	1
	Each additional 30,000 sf gfa or major fraction thereof	Add 1
Health Care uses, Retail Sales and Services uses, and Eating and Drinking Establishments uses	At least 10,000 sf gfa, up to 25,000 sf gfa	1
	At least 25,000 sf gfa, up to 40,000	2
	At least 40,000 sf gfa, up to 100,000 sf gfa	3
	At least 100,000 sf gfa, up to 250,000 sf gfa	4
	Each additional 250,000 sf gfa or major fraction thereof	Add 1
Theater and Hotel or motel	At least 10,000 sf gfa up to 40,000 sf gfa	1
	Each additional 50,000 sf gfa or major fraction thereof	Add 1

⁴¹¹ This section updates Section B-3-3.6(D) in the current UDO to reflect the different loading needs of different use classifications and categories.

Table 153-9: Minimum Number of Off-Street Loading Berths

Principal Use Classification or Category	Floor Area or Dwelling Units	Minimum Number of Loading Berths
All other Commercial Uses	At least 5,000 sf gfa up to 10,000 sf gfa	1
	Each additional 50,000 sf gfa or major fraction thereof	Add 1
Industrial Uses		
Warehousing, Freight Movement, and Wholesale uses	At least 500 sf gfa, up to 5,000 sf gfa	1
	Each additional 30,000 sf gfa or major fraction thereof	Add 1
All other Industrial Uses	At least 2,000 sf gfa, up to 25,000 sf gfa	1
	At least 25,000 sf gfa, up to 40,000 sf gfa	2
	At least 40,000 sf gfa, up to 100,000 sf gfa	3
	At least 100,000 sf gfa, up to 160,000 sf gfa	4
	At least 160,000 sf gfa, up to 240,000 sf gfa	5
	At least 240,000 sf gfa, up to 320,000 sf gfa	6
	At least 320,000 sf gfa, up to 400,000 sf gfa	7
	Each 90,000 sf gfa above 400,000 sf gfa	Add 1

B. Reduction in Off-Street Loading Berths⁴¹²

The Planning Director may approve a reduction in the minimum number of off-street loading berths required by Table 153-9: Minimum Number of Off-Street Loading Berths, if the applicant submits a study prepared by a registered professional engineer or landscape engineer that uses professionally accepted methods of transportation engineering which demonstrates that an appropriate number of loading facilities for the development is different from what is required by this Ordinance.

C. Dimensional Standards⁴¹³

- (1) Each loading berth shall be of sufficient size to accommodate the types of vehicles likely to use the loading area. The minimum loading berth size that presumptively satisfies loading berth needs is least 12 feet wide and 45 feet long in industrial uses. For all other uses, a berth as short as 33 feet may be allowed. The Planning Director may require a larger loading berth or allow a smaller loading berth on determining that the characteristics of the particular development warrant such increase or reduction and the general standard is met.
- (2) Each loading berth shall have at least 15 feet of overhead clearance.

D. Location and Arrangement of Loading Areas⁴¹⁴

- (1) Off-street loading and unloading areas shall be located on the same lot or adjoining lots as the use for which they are provided.
- (2) The off-street loading berth shall be arranged so that vehicles are able to maneuver for loading and unloading entirely within the property lines of the site.

⁴¹² This section replaces Section B-3-3.6(E) in the current UDO. The new process defined here provides the flexibility to accommodate shared loading. Given the nature of loading, we do not think it necessary to have a separate defined provision for shared loading.

⁴¹³ This updates the requirements in Section B-3-3.6(C)(1) and B-3-3.6(C)(2) in the current UDO. The minimum length was reduced from 65 feet to 45 or 33 feet.

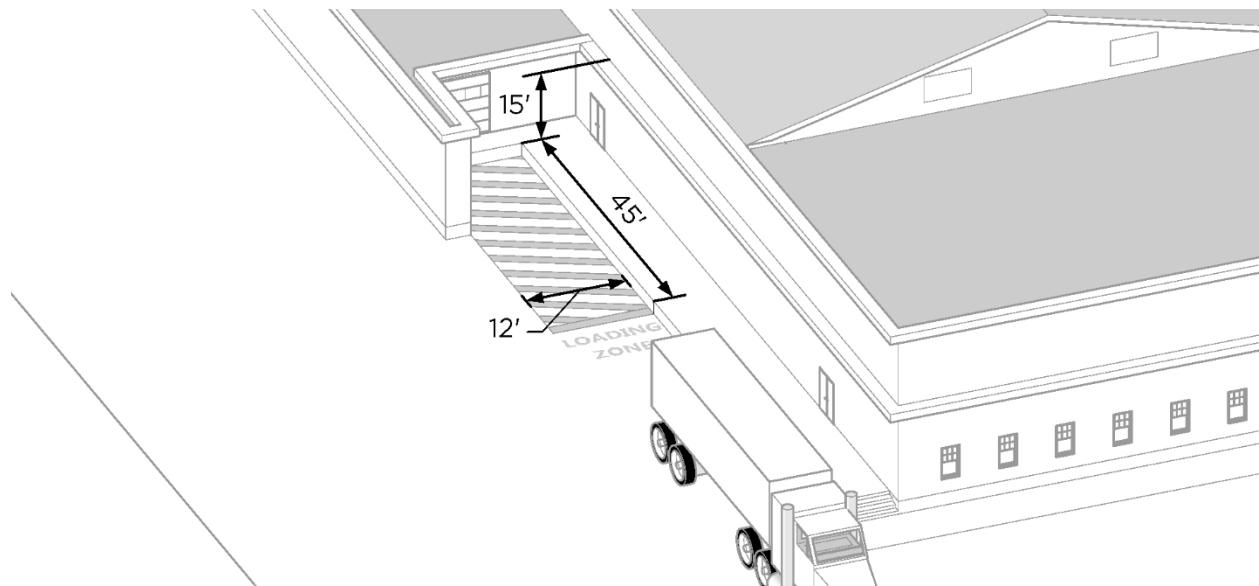
⁴¹⁴ This carries forward and updates the requirements in Sections B-3-3.6(B) and B-3-3.6(C) in the current UDO. Language specifically for industrial developments was removed, as those standards are now addressed by general requirements.

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Section 153.02. Off-Street Parking and Loading Standards

- (3) To the maximum extent practicable, loading areas should be located to the rear of the use they serve (see Figure 153-8: Loading Area Configuration).
- (4) Each loading berth should be located adjacent to the building's loading doors, in an area that promotes its practical use, and be accessible from the interior of the building it serves. Each shall be directly accessible from a street or alley without crossing or entering any other required off-street loading space.
- (5) Loading areas should be located and designed so vehicles using them can maneuver safely and conveniently to them from a public street and complete loading without obstructing or interfering with any public right-of-way or any parking space or parking lot aisle, or projecting into required landscaping. The use of public streets for commercial vehicle staging and/or maneuvering is prohibited.
- (6) When the lot upon which loading areas are located abuts upon an alley, such loading areas may have access from the alley. Where such loading area is parallel with the alley and the lot is 60 feet or less in width, the loading area shall extend across the full width of the lot.

Figure 153-8: Loading Area Configuration



Section 153.03. Landscaping, Buffering, and Screening Standards⁴¹⁵

153.03.01 Purpose⁴¹⁶

The purpose of this Section is to enhance the appearance and environmental quality of development by providing for the planting, maintenance, and preservation of trees, shrubs, and other vegetation. In particular, the intent of this Section is to:

- A. Preserve, protect, and enhance the natural environment of the Village;
- B. Increase site stormwater infiltration capacity, improve groundwater recharge, reduce flooding, and reduce erosion and urban runoff pollution hazard by preserving vegetated areas to slow and absorb stormwater run-off;
- C. Improve the appearance of parking areas and provide tree canopy to moderate the effects of heat;
- D. Provide perimeter buffers and visual screening, where appropriate, to mitigate the undesirable effects of incompatible or undesirable uses;
- E. Provide shade, reduce solar heat absorption, and reduce noise levels;
- F. Improve the visual quality of the Village, in particular the appearance of public properties to and from vehicular rights-of-way and adjacent properties;
- G. Minimize visual impacts and enhance property values by providing trees and vegetation as visual and physical buffers between adjacent properties; and
- H. Improve air quality.

153.03.02 Applicability⁴¹⁷

A. New Development

Except as provided in subsection C below, all new development shall comply with the standards in this Section.

B. Existing Development

Except as provided in subsection C below, all expansion or alteration of development shall comply with the standards of this Section to the maximum extent practicable, if the expansion increases building floor area by 25 percent or more, or the alteration involves 25 percent or more of the building gross floor area, as measured over any five-year period.

C. Exceptions

The standards in this Section do not apply to:

- (1) A single-family detached dwelling on its own lot;
- (2) Development of an accessory dwelling unit; and
- (3) Utility uses where visibility is vital to public safety.

⁴¹⁵ As discussed in the Assessment (pages II-40 through II-43), this section reorganizes, modernizes, and strengthens the landscape standards in the current UDO with more precise standards, new illustrations, simplified standards for transitional buffers, and enhanced screening standards and standards for site and building landscaping.

⁴¹⁶ This updates the purpose statement in Section B-3-4.1(A) of the UDO.

⁴¹⁷ This updates the applicability standards in Section B-3-4.1(B) and (C) of the UDO, and adds partial compliance for expansion or alteration in excess of 50 percent of the existing building' floor area on the site.

153.03.03 Timing of Review

Review for compliance with the standards of this section shall occur during the review of site plan (Section 156.05.08), special use permit (Section 156.05.09), zoning permit (Section 156.05.11), or building permit, whichever occurs first.

153.03.04 Landscape Plan⁴¹⁸

A landscape plan is required to be submitted for all development subject to this Section. The purpose of a landscape plan is to demonstrate how landscaping will be retained and planted on a development site. The landscape plan shall identify the:

- A. Number, species, location, and heights of trees, shrubs, and groundcover;
- B. Location and dimensions of planting areas and buffers;
- C. Location and size of earthen berms;
- D. Location, size, and construction material of fencing, walls, and wall planters;
- E. Location, dimensions, and square footage of parking lots, vehicle display areas (if applicable), outdoor storage areas, private utility services areas, proposed parking space striping and overhead utility lines
- F. Number, location, species, height, and diameter breast height (DBH) of existing trees preserved for credit where individual trees are being preserved and a general description of the character, species mixture, health, and age of trees present in tree stands where tree stands are being preserved for credits; and
- G. Location and description of any barriers to be erected to protect any existing vegetation from damage during construction.

153.03.05 General Landscaping Standards

A. Plant Materials and Preferred Species⁴¹⁹

- (1) Plant materials shall be chosen from the list maintained by the Planning Director, or that are otherwise suitable for use in this region and approved by the Planning Director.
- (2) The species listed in Table 153-10: Prohibited Species, may not be used to meet the standards of this Ordinance:

Table 153-10: Prohibited Species	
English Name	Scientific Name
Bradford Pear	Pyrus calleryana "Bradford"
Silver Maple	Acer saccharinum
Hybrid Poplars	Populus spp.
Tree of Heaven	Ailanthus altissima
Mimosa	Albizia julibrissin
Royal Paulownia	Paulownia tomentosa
Pine (var.)	Pinus sp.

⁴¹⁸ This simplifies Section B-3-4.2(A).

⁴¹⁹ It is recommended that the lengthy list of preferred species be pulled out of the Ordinance and maintained separately.

Table 153-10: Prohibited Species

English Name	Scientific Name
Leland Cypress	Cupressus × leylandii

B. Minimum Plant Sizes at Installation⁴²⁰

Newly installed plants shall comply with the standards in Table 153-11: Standards for Plants at Installation, except as otherwise provided in this Ordinance.

Table 153-11: Standards for Plants at Installation

Plant Material	Minimum Size [1] [2]
Shade tree	2-inch caliper, 8 feet height
Evergreen tree	6 feet height
Ornamental/small understory tree, one stem	2-inch caliper
Ornamental/small understory tree, multiple stems	1.5-inch caliper
Shrub	3-gallon container size, 18 inches height

NOTES:

- [1] The Planning Director may vary the minimum size by up to 20 percent to account for variation among allowed genera and species.
- [2] The caliper of trees shall be measured six inches from the ground level up to a four-inch caliper diameter and at 12 inches for four-inch caliper diameter or greater

C. Minimum Species Diversity⁴²¹

To curtail the spread of disease and insect infestation in a plant species, new shrub and tree plantings shall be of different genera in accordance with Table 153-12: Minimum Required Shrub and Tree Genus Diversity. Where different genera of shrubs and trees are required in accordance with Table 153-12, each required genus shall be planted in roughly equal proportions with the other required genera. Nothing in this subsection shall be construed to prevent the planting of a greater number of different species than specified in Table 153-12.

Table 153-12: Minimum Required Shrub and Tree Genus Diversity

Shrubs	
40 or fewer	2
41-69	3
70 or more	4
Trees	
20 or fewer	2
21-39	3
40 or more	4

⁴²⁰ New basic standards, from the recently updated Kannapolis Development Ordinance.

⁴²¹ New.

D. Ground Cover⁴²²

- (1) Except immediately around plantings where organic mulch is used to maintain soil moisture and prevent the growth of weeds, areas where landscaping is required shall be completely covered with vegetative or inorganic ground cover as follows:
 - (a) Inorganic ground covers consisting of river rock or similar materials may cover up to 20 percent of the required landscape planting area.
 - (b) Vegetative ground covers shall cover all required landscaping areas that are not covered by inorganic ground covers or organic mulch as set forth in this section, within two years of installation, or, in the case of turf or grass seeding, at the time of installation.
- (2) All planted materials are to be mulched with an organic type of mulch such as shredded bark, ground wood chips (not sawdust), or pine straw. Mulch shall be applied as follows:
 - (a) For trees and shrubs, three to four inches deep at the base of shrubs and trees or from the trunk to the dripline for newly-planted trees; and
 - (b) For ground cover and perennials, one to two inches deep sufficient in coverage to conserve moisture and suppress weeds without inhibiting growth of landscape plants.

E. Overhead Utility Lines⁴²³

The location of overhead utility lines shall be considered during the placement or preservation of required trees. The maximum mature height of required trees shall be determined as follows:

- (1) Small variety trees shall be used when located 25 feet, measured horizontally, from the nearest overhead utility lines.
- (2) Small or medium variety trees shall be used when located within 25 to 35 feet, measured horizontally, from the nearest overhead utility lines.
- (3) Small, medium, or large variety trees may be used when located more 35 feet, measured horizontally, from the nearest overhead utility lines.

F. Fences and Walls⁴²⁴

Fences and walls in landscape areas shall comply with Section 153.07, Fence and Wall Standards.

G. Installation⁴²⁵

- (1) All landscaping required by this Section shall be installed as set forth in the approved landscape plan prior to the request for an occupancy permit.
- (2) If the required landscaping has not been installed at the time of a request for an occupancy permit, and the Planning Director determines that the unavailability of plant materials or adverse weather conditions prohibit the timely completion of planting, an occupancy permit may be issued prior to installation of required landscaping, subject to the following:

⁴²² New.

⁴²³ Current Section B-3-4.2(J).

⁴²⁴ New.

⁴²⁵ Updates Section B-3-4.2(B)-(F) for consistency with N.C.G.A. § 160D-804.1.

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Section 153.03. Landscaping, Buffering, and Screening Standards

- (a) The applicant shall agree to complete the work within six months of the date of application for an occupancy permit.
- (b) The applicant shall submit a performance guarantee to the Village prior to issuance of an occupancy permit. The performance guarantee shall:
 - (1) Be in an amount to cover 125 percent of the costs of installing the required landscaping, as determined by the Planning Director;
 - (2) Remain valid until the work is completed in accordance with the permit;
 - (3) Be forfeited upon violation of this section to be used toward completion of all planned improvements, with any funds in excess of the cost of performing the work secured by the performance guarantee refunded to the applicant; and
 - (4) Be released when the Planning Director certifies that all requirements of this Section have been met.
- (3) Required landscaping shall not obstruct or impede public pedestrian routes including sidewalks and greenway trails.
- (4) The soil surface of all planting areas required by this Section shall be stabilized to prevent erosion. In addition to required interior trees and shrubs, the soil surfaces of planting areas shall contain live groundcover, mulch, live shrubs, permeable pedestrian paver blocks, or a combination of materials.
- (5) A minimum five-foot radius containing no plant materials or structural elements other than groundcover plants shall be maintained around all fire protection equipment, including fire hydrants, post indicator valves, and Siamese connectors. Obvious sight lines to the fire protection equipment shall be maintained at all times.

H. Sight Triangle

All landscaping shall comply with the minimum state or local sight easement requirements for street intersections and driveways. No vegetation or other planting within the sight triangle shall exceed 30 inches in height.

153.03.06 Parking Lot and Motor Vehicle Display Area Landscaping⁴²⁶

A. Applicability

- (1) The standards of this Section shall apply to
 - (a) Any parking lot, excluding parking areas on the same lot as a single-family dwelling.
 - (b) Any dedicated parking structure, or expansion of a parking structure, built after <effective date> with more than 2,500 square feet in gross floor area shall meet the requirements of this section.
- (2) The standards of subsection C below apply to any motor vehicle display area.

B. Parking Lot Perimeter Landscaping⁴²⁷

Where a parking lot abuts a public street or private access easement,⁴²⁸ a perimeter landscaping strip shall be provided in accordance with the following standards:

⁴²⁶ Incorporates Sections B-3-4.3(A)(1) and B-3.4.4 and simplifies Section B-3-4.7.

⁴²⁷ Current Section B-3-4.3(B). Replaced reference to “streetyards” with “parking lot perimeter landscaping” to limit confusion with required buffers.

⁴²⁸ This simplifies the current language “a street right-of-way or vehicular right-of-way, including controlled access highways, whether or not it may provide access to the site, unless separated by an intervening building.”

(1) Minimum Width

The minimum width for any perimeter landscaping strip shall be 10 feet. When preexisting parking lot areas are expanded, the perimeter landscaping strip width may be reduced to five feet, provided the minimum area and plant quantities for the expansion are installed and the required trees are provided a planting area with a minimum radius of seven feet.

(2) Location

Perimeter landscaping strips shall be located on the same property on which the parking lot is located and between the parking surface area and street right-of-way.

(3) Required Materials

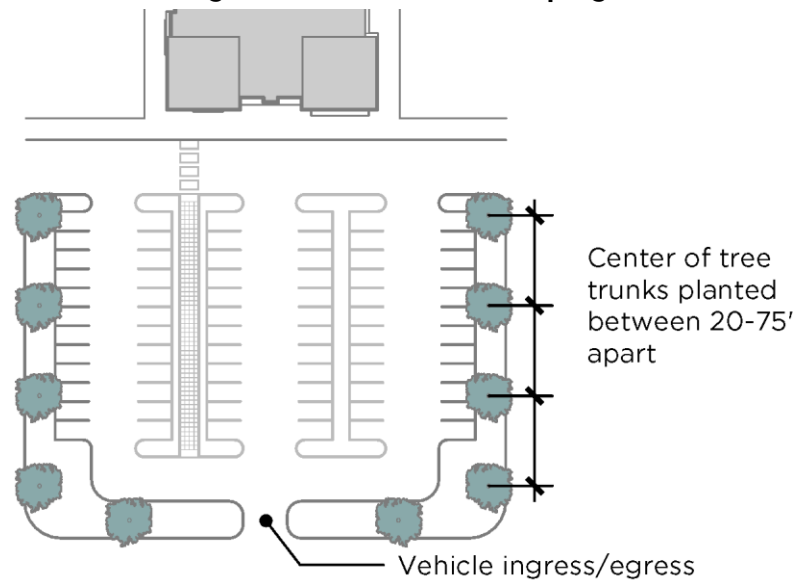
(a) Impervious Surface Cover

A maximum of 15 percent of the required perimeter landscaping may be covered with impervious surface cover which may be used for walkways, fountains, walls, wall planters, or utility meters and vaults.

(b) Trees

- (1) Each perimeter landscaping strip shall contain a minimum of two deciduous or evergreen large variety trees per 100 linear feet, excluding points of vehicle ingress or egress. In no case shall any perimeter landscaping strip contain less than one large variety tree.
- (2) Required trees shall be a minimum of eight feet in height at installation and at least two inches in diameter measured six inches above ground level.
- (3) Where two or more trees are required, all trees shall be planted with the center of the main trunks 20 to 75 feet apart. Existing deciduous trees located in the abutting street right-of-way may be used to satisfy the distribution requirement. See Figure 153-9: Parking Lot Perimeter Landscaping.
- (4) Small or medium variety trees may be used where overhead utility lines exist in accordance with Section 153.03.05E, Overhead Utility Lines.

Figure 153-9: Parking Lot Perimeter Landscaping



(c) Other Landscaping and Screening Materials

In addition to required trees, one or a combination of the following materials shall be used:

(1) Natural Shrubs

- (A) Shrubs shall be a minimum of 18 inches in height at installation, with a minimum height of 36 inches within three years after installation.
- (B) Shrubs shall be a locally adapted species which retain foliage to within six inches above ground level.
- (C) Shrubs shall be spaced no more than 18 inches, edge to edge.
- (D) No more than 30 percent of shrubs shall be deciduous.

(2) Fences and Walls

A fence or wall shall be a minimum of 36 inches in height, opaque, and shall be constructed of masonry, stone, or wooden material, or of the same material as that of the principal building.

(3) Wall Planters

- (A) A wall planter shall be constructed of masonry, stone, or other permanent material.
- (B) At installation, the minimum combined height of wall planters and shrubs shall be 24 inches. Within three years after installation, the combined height of wall planters and shrubs shall be at least 36 inches.
- (C) The effective planting width of a wall planter shall be at least 36 inches; however, where required trees are installed in wall planters, the effective planting width of the wall planters shall be at least seven feet.
- (D) A minimum of one shrub shall be required for every five square feet of wall planter area.

(4) Earthen Berms

- (A) At installation, berms shall have a minimum height of 18 inches, a minimum crown width of two feet, and a side slope with a width to height ratio of no greater than two to one (2:1).
- (B) The entire berm shall be planted and covered with live vegetation.
- (C) Berm shrubs shall be a minimum of one foot in height at installation and shall be spaced apart no more than 18 inches, edge to edge. Within three years after installation, the combined height of berm and shrubs shall be at least 36 inches. Berms that are 36 inches or greater in height at installation shall not be required to contain shrubs but shall include trees in accordance with subsection (b) above.

C. Motor Vehicle Display Area Perimeter Landscaping⁴²⁹

A motor vehicle display area, or portion of a motor vehicle display area, that existed prior to October 17, 1988, may, in lieu of compliance with subsection B above, provide a perimeter landscaping strip that is only five feet in width, provided the minimum area and plant quantities for the expansion are installed and the required trees are provided a planting area with a minimum radius of seven feet.

D. Parking Lot Interior Landscaping⁴³⁰

All parking lots shall provide and maintain landscaped planting areas within the interior of the parking lot as follows:

(1) Size⁴³¹

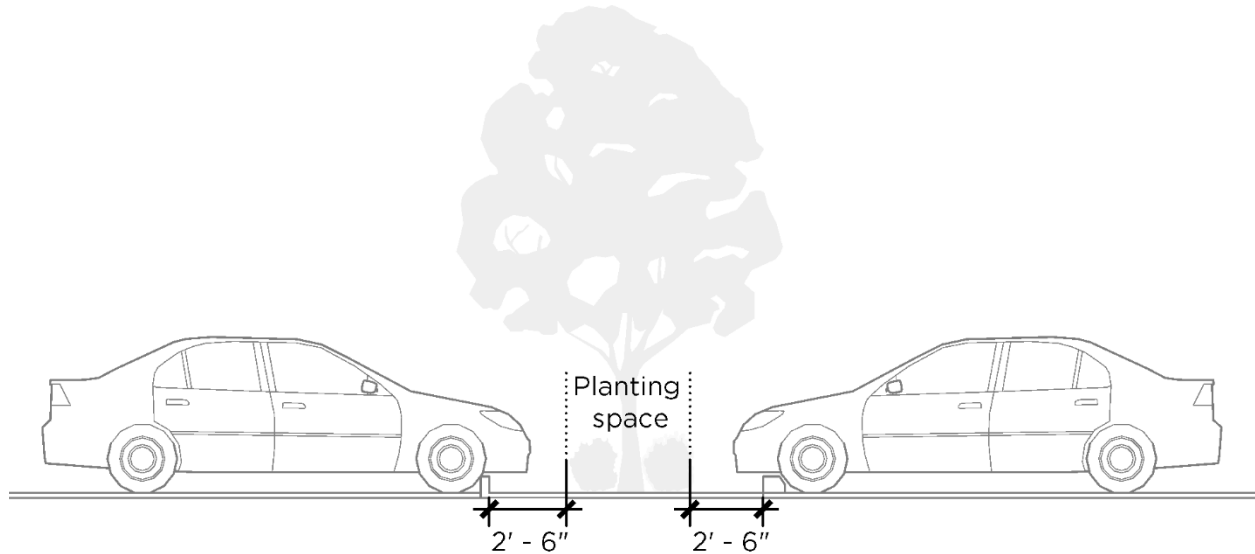
Each planting area within the interior of a parking lot shall contain minimum areas in accordance with this section. In all instances, the planting area shall be adequate to accommodate the root growth of the plant material used. The placement of plant material shall accommodate a two-and-one-half foot bumper overhang of a vehicle over the face of the curb if wheel stops or other comparable devices are not used. See Figure 153-10: Parking Space Overhang Configuration.

⁴²⁹ Did not carry forward current Section B-3-4.4(B)(2) "Closed fences or walls shall be installed at a minimum height of thirty (30) inches."

⁴³⁰ Current Section B-3-4.3(C) focuses on the requirements related to the provision of trees in parking lots. This section has been updated to include more measurable standards for the use and placement of islands and plantings as recommended in the Assessment.

⁴³¹ New.

Figure 153-10: Parking Space Overhang Configuration

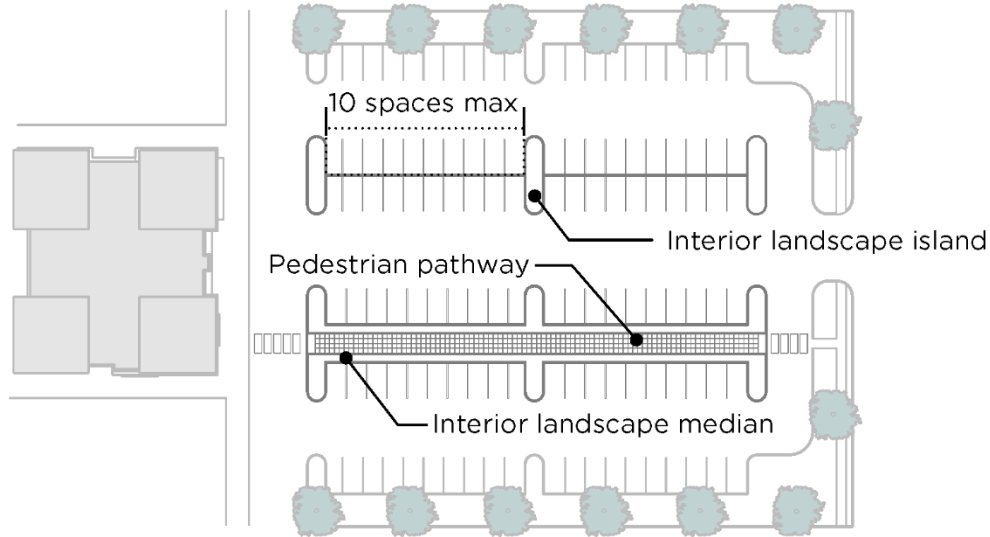


(2) Design⁴³²

- (a) Interior planting areas shall be configured to divide parking lots into separate bays or pods and designed within parking areas as islands located at the end of parking bays.
- (b) Interior planting areas shall be located adjacent to parking lot edges or within the interior as islands or medians, and may contain berms of the minimum dimensions specified in Section 153.03.06B(3)(c)(4), Earthen Berms.
- (c) Islands shall be located within parking bays so that no more than 10 parking spaces are located in a continuous row without being interrupted by a landscaped island. See Figure 153-11: Parking Lot Interior Landscaping.
- (d) Islands shall be used to visually separate parking areas and accommodate required pedestrian pathways in large parking lots where required.

⁴³² New.

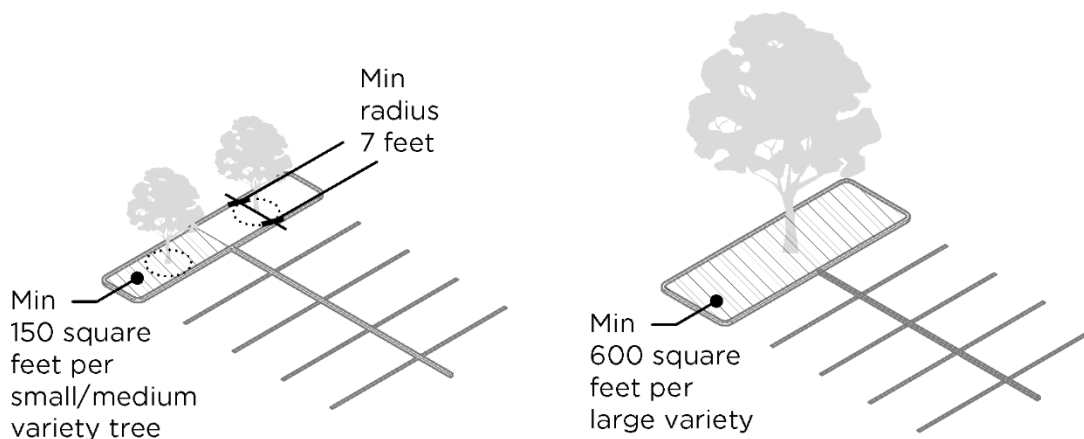
Figure 153-11: Parking Lot Interior Landscaping



(3) Minimum Planting Requirements⁴³³

- (a) A minimum of 60 percent of a planting area shall contain living plants, trees, shrubs, groundcover or turf, and all other portions of the planting area shall be mulched.⁴³⁴
- (b) Each planting area shall allocate a minimum of 150 square feet per tree, with a minimum radius of seven feet for small or medium variety trees. A minimum planting area of 600 square feet shall be required for each large variety tree. See Figure 153-12: Parking Lot Island Planting Requirement.

Figure 153-12: Parking Lot Island Planting Requirement



- (c) Each planting area shall contain at least one deciduous or evergreen large variety tree with a minimum height of eight feet at the time of installation, and a minimum

⁴³³ Current Section B-3-4.3(C)(2)-(5).

⁴³⁴ New.

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diameter of two inches measured six inches above ground level. Small or medium variety trees may be used next to buildings or where overhead utility lines exist in accordance with Section 153.03.05E, Overhead Utility Lines.

- (d) One large variety tree shall be used for every 5,000 square feet of parking lot. One small or medium variety deciduous or evergreen tree shall be required for every 2,500 square feet of parking lots where overhead utility lines exist in accordance with Section 153.03.05E, Overhead Utility Lines.
- (e) No parking space shall be located more than 75 feet from the trunk of a required large variety tree or 50 feet from a required small or medium variety tree.

(4) Loading/Maneuvering Areas

For loading docks or other maneuvering areas where placement of trees in the interior of the site is impractical, the required number of trees may be clustered around the edge of such areas, with the approval of the Planning Director.⁴³⁵

(5) Parking Lot Expansion

When preexisting parking lots are expanded, required interior plantings may be dispersed throughout the entire parking lot, subject to the following conditions:

- (a) The required plant material shall be calculated with reference to the expansion area only;
- (b) The planting may be dispersed throughout the entire, combined, existing, and new parking area; and
- (c) The provisions of this section shall preempt the spacing requirement in subsection (3)(e) above.

(6) Alternative Compliance

The Planning Director may approve an alternative buffer from what is required by this section to accommodate unique site conditions only if the Planning Director finds the applicant demonstrates that existing features and any additional buffer materials will buffer the proposed use as effectively as the required buffer, and that the proposed alternative buffer complies with the intent of this section. Alternative compliance may be proposed because of any of the following:

- (a) Unusual topography or elevation;
- (b) The presence of unusual soils or other sub-surface conditions;
- (c) Existing vegetation;
- (d) To permit the use of innovative designs;
- (e) To provide an appropriate degree of buffering for separate phases and types of development; or
- (f) To accommodate an existing easement that prohibits buffer-type plantings and that is partially or wholly within a required buffer.

⁴³⁵ Updated from "Director of Inspections."

153.03.07 Transitional Buffer Standards

A. Purpose⁴³⁶

Transitional buffer standards are designed to provide visual and functional separation between different land uses to:

- (1) Reduce potential nuisances, such as glare, dirt, noise, unsightly views, and other adverse impacts; and
- (2) Protect the health, safety, and welfare of the public.

B. Applicability⁴³⁷

- (1) Every use, change of use, or expansion of a structure or land hereafter established shall meet the buffer requirements of this section, except for the following:
 - (a) Single-family, duplex, or twin home uses; and
 - (b) Where no buffer requirement is shown in Table 153-14: Required Buffer Type.
- (2) The standards in this section shall apply to the entire lot in nonconforming situations, in accordance with Section 157.03, Nonconforming Structures.

C. General Standards⁴³⁸

(1) Location of Buffers

Buffers shall be located on the outer perimeter of a lot or parcel, extending to the lot or parcel boundary line, with the following exceptions:

- (a) All or part of the buffer may be located on adjacent property within an indefeasible, perpetual, and recorded easement dedicated for such purpose with approval of the Planning Director.
- (b) If only a portion of a site is proposed for development, the required buffer may be located at the limit of the construction perimeter with approval of the Planning Director.
- (c) Where topographic irregularities require a different location to meet the intent of this section, the location of the buffer may be varied with approval of the Planning Director.
- (d) Required buffer plantings shall not be installed on cut or fill slopes with slope ratios greater than two to one (2:1).

(2) Cut Slope

Where buffers include any part of a cut slope greater than 10 feet in height, grading for such cut slope shall not encroach closer than 10 feet to the property line.

(3) Rights-of-way and Streets

Buffers shall not be located within any portion of an existing, dedicated, or proposed right-of-way, or a private street.

⁴³⁶ Current Section 3-5.1(A). Did not carry forward "Safeguard property values and preserve the character and integrity of the community."

⁴³⁷ Current Section 3-5.1(B). Removed "Development or redevelopment in the CB or CI Districts" and "Between component parts of a planned residential development or MX District" as those districts are unused in the current UDO.

⁴³⁸ Current Section B-3-5.2, unless otherwise noted.

(4) Existing Easement Within Buffer

Where an existing easement that prohibits buffer-type plantings is partially or wholly within a required buffer, the buffer shall be designed to meet the planting limitation of the easement and ensure that maintenance of the easement will not impact the effectiveness of the buffer. Such design may necessitate choosing a buffer type with more land area and fewer required plantings.

(5) Uses Allowed in Buffers⁴³⁹

- (a) The following uses are permitted in a required buffer, provided the buffer width and planting requirements are met:
 - (1) Stormwater retention or detention areas, provided:
 - (A) The design and landscaping of the buffer do not interfere with the proper functioning of the drainage system; and
 - (B) The designed water depth will not harm the viability of the plantings.
 - (2) Passive recreation such as pedestrian, bicycle, or equestrian trails; and
 - (3) Underground utilities.
- (b) The following uses are prohibited in a required buffer: playfields, stables, swimming pools, tennis or pickleball courts or similar active recreation uses, and storage or parking facilities.

(6) Design Requirements⁴⁴⁰

(a) Size of Plant Material

- (1) Deciduous trees in buffers shall be large variety trees except where overhead utility lines exist in accordance with Section 153.03.05E, Overhead Utility Lines.
- (2) All deciduous trees used for buffer screening shall be a minimum of eight feet in height at installation and at least two inches in diameter measured six inches above ground level.
- (3) All primary evergreen plants shall be a minimum of six feet in height at time of installation unless combined with an approved earthen berm, and shall be not less than ten feet in height at maturity.
- (4) All supplemental evergreen shrubs shall be a minimum of 18 inches in height at installation and shall attain a minimum height of 36 inches three years after installation.

(b) Spacing of Plant Material

- (1) All deciduous trees shall be installed with tree trunks spaced a minimum distance of 30 feet apart and a maximum distance of 60 feet apart.
- (2) All primary evergreen plants shall be distributed evenly along the length of the buffer and shall be staggered where quantities permit. Primary evergreen plants shall be installed with tree trunks spaced a minimum of seven feet apart and a maximum of 15 feet from other primary evergreen plants and from any required deciduous tree.

⁴³⁹ Carries forward Sections B-3-5.4(B) and (D) of the current UDO.

⁴⁴⁰ Current Section B-3-5.3(B).

- (3) All supplemental evergreen shrubs shall be distributed evenly along the length of the buffer and shall be staggered where quantities permit.

(7) Maintenance

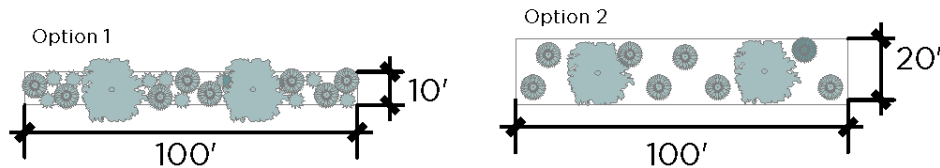
Any fence, earthen berm, or plant material used to meet the buffer requirements shall be maintained in sound condition by the buffer provider. Maintenance includes replacement of any required buffer materials which are damaged and/or dying.

D. Buffer Types Defined⁴⁴¹

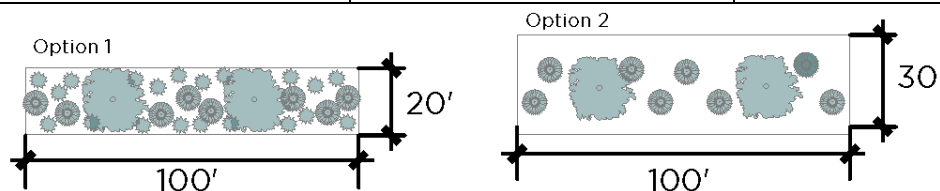
Table 153-13: Transitional Buffer Options, defines three types of buffers based on their function, width, and minimum screening requirements. Where a transitional buffer is required, the applicant shall choose one of the two options for each buffer type and install the required buffer width, plantings, and other screening.

Table 153-13: Transitional Buffer Options

Buffer Type/Description	Buffer Width [1]	
	Minimum plantings per 100 linear feet of buffer	
Type 1: Basic	Option 1	Option 2
This buffer functions as a basic edge demarcating individual properties with slight visual obstructions from the ground to a height of 10 feet.	10 feet	20 feet
	2 deciduous trees; 8 primary evergreen plants; 10 supplemental evergreen shrubs	2 deciduous trees; 8 primary evergreen plants



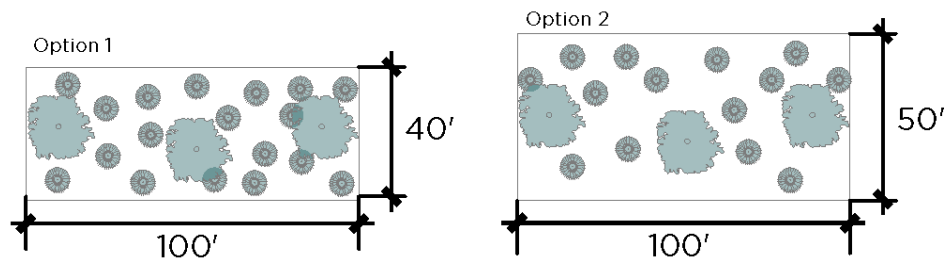
Type 2: Modest	Option 1	Option 2
This buffer functions as an intermittent visual obstruction from the ground to a height of 20 feet, and creates the impression of spatial separation without eliminating visual contact between uses.	15 feet	30 feet
	3 deciduous trees; 8 primary evergreen plants; 20 supplemental evergreen shrubs	3 deciduous trees; 8 primary evergreen plants



⁴⁴¹ Replaces and simplifies current Section B-3-5.2(A)(3) by limiting each buffer type to two width options as recommended in the Assessment.

Table 153-13: Transitional Buffer Options

Buffer Type/Description	Buffer Width [1]	
	Minimum plantings per 100 linear feet of buffer	
Type 3: Opaque	Option 1	Option 2
This buffer functions as an opaque screen from the ground to a minimum height of 35 feet upon maturity of the trees. This type of buffer prevents visual contact between uses and creates a strong separation.	40 feet	50 feet
	3 deciduous trees; 18 primary evergreen plants	3 deciduous trees; 14 primary evergreen plants

**Notes:**

- [1] A side or rear buffer may be reduced to five feet if the Planning Director determines that a reduction is necessary, due to lot size, shape, or topographic features, to allow a driveway which accesses off-street parking to the rear of the property.⁴⁴²

E. Required Buffer Type⁴⁴³

Table 153-14: Required Buffer Type specifies the type of buffer that new development shall provide between it and abutting property, based on the proposed use of the development site and the use of the abutting property. The required buffer types in Table 153-14 are indicated by letters corresponding to the buffer types defined in Table 153-13: Transitional Buffer Options.

⁴⁴² Current Section B-3-5.4(C) but makes approval administrative instead of the Planning Board.

⁴⁴³ Replaces current Section B-3-5.2(A)(2) and establishes requirements based on the proposed use, not the zoning district, as recommended in the Assessment. Section B-3-5.2(E) requires the following, which will be established as a requirement in the subdivision standards:

'In residential districts, the subdivider of property shall provide a type III bufferyard within the required yard adjacent to all thoroughfares and collector streets, except collector streets interior to the subdivision, and all railroad rights-of-way. Use of earthen berms as described in Section B.3-5.2(B)(4) is encouraged. The bufferyard shall be shown on the plat with the following statement: "This area is reserved for the planting of trees or shrubs by the owner; the building of structures hereon is prohibited."

Table 153-14: Required Buffer Type

Use Proposed	Existing Use or, if Vacant, Zoning District on Abutting Land			
	Single-Family, Duplex, Twin Home, or Townhome If vacant, C, RSF-1, RSF-2, RSF-3, and R-M districts	Multifamily Dwelling If vacant, RMF-Medium, RMF-High, and R-MH districts	Uses in the Public, Civic, and Institutional or Comm. Use Classifications If vacant, IP, CN, CL, CG, CH, and MU districts	Uses in the Industrial Use Classification If vacant, IL and IH districts
Single-Family, Duplex, Twin Home, or Townhome	none	Type 1	Type 2	Type 3
Multifamily Dwelling	Type 1	none	Type 3	Type 3
Uses in the Public, Civic, and Institutional Use or Commercial Use Classification	Type 3	Type 1	none	Type 3
Uses in the Industrial Use Classification	Type 3	Type 3	Type 3	none

F. Alternative Buffers

Any development may use one of the following three options to adjust the width and planting requirements of the buffer.

(1) Fence or Wall Option

An opaque fence or wall may be used in lieu of not more than 50 percent of the required evergreen buffer plantings with the approval of the Planning Director provided that the following conditions are met, where applicable:

- The minimum required fence height is eight feet above ground level when the proposed project zoning type is classified as an Industrial use, or six feet above ground level for all other uses.
- Where a fence or wall is used as part of the required screening, all required vegetation shall be planted on the exterior side of the fence or wall, except that for a multifamily use, a fence or wall used to screen the use from more intense uses may be planted on the interior side of the fence or wall
- Where a fence is used in accordance with this section, the remaining percentage of vegetation to be used in conjunction with the fence or wall shall be evenly distributed in the buffer.

(2) Earthen Berms

Earthen berms six feet high or greater, or earthen berms with combined evergreen shrub plantings reaching a minimum height of six feet, may be used in lieu of not more than 50 percent of the evergreen buffer plantings providing the following conditions are met:

- (a) The entire berm shall be planted and covered with live vegetation.
- (b) On berms less than six feet in height, evergreen shrubs, if used, shall be a minimum of one foot in height at installation and shall be placed no greater than 18 inches edge to edge.
- (c) Berms shall be naturally shaped, shall have a minimum crown width of two feet, and shall have side slopes stabilized to sedimentation and erosion control standards.

(3) Alternative Compliance⁴⁴⁴

The Planning Director may approve an alternative buffer from what is required by this section to accommodate unique site conditions only if the Planning Director finds the applicant demonstrates that existing features and any additional buffer materials will buffer the proposed use as effectively as the required buffer, and that the proposed alternative buffer complies with the intent of this section. Alternative compliance may be proposed because of any of the following:

- (a) Unusual topography or elevation;
- (b) The presence of unusual soils or other sub-surface conditions;
- (c) Existing vegetation;
- (d) To permit the use of innovative designs;
- (e) To provide an appropriate degree of buffering for separate phases and types of development; or
- (f) To accommodate an existing easement that prohibits buffer-type plantings and that is partially or wholly within a required buffer.

153.03.08 Site Landscaping⁴⁴⁵

A. Applicability

Site landscaping is required for all new development except for single-family detached, duplex, and twin home developments.

B. Minimum Plantings

Site landscaping shall be provided in the amount listed in Table 153-15: Required Site Landscaping Plantings, that corresponds to the proposed use.

Table 153-15: Required Site Landscaping Plantings

Use Type	Required Plantings Per Site
Residential use other than mixed-use dwelling	16 caliper inches of shade trees (including at least 2 evergreen trees) per acre + at least 2 shrubs per each 10 feet of building perimeter

⁴⁴⁴ Expands current Section B-3-5.2(C) to apply broadly (instead of within certain districts). Did not carry forward Section B-3-5.2(D), Alternative Compliance for Schools.

⁴⁴⁵ New as recommended in the Assessment.

Table 153-15: Required Site Landscaping Plantings

Use Type	Required Plantings Per Site
Public, Civic, and Institutional use	14 caliper inches of shade trees (including at least 2 evergreen trees) per acre + at least 1 shrub per each 10 feet of building perimeter
Commercial use or mixed-use dwelling	10 caliper inches of shade trees (including at least 1 evergreen tree) per acre, + at least 2 shrubs per each 10 feet of outer building perimeter
Industrial use	4 caliper inches of shade trees (including at least 1 evergreen tree) per acre + at least 1 shrub per every ten feet of building wall facing a public right-of-way

C. Planting Standards

(1) Trees

Trees shall be dispersed across a site in accordance with the following priority listing:

- In yards between a building façade and a street right-of-way where no parking lot landscaping is required;
- Between a building and an adjacent lot with an existing use that provides more than 50 percent of the vegetative material associated with a required transitional buffer;
- Between a building façade and an abutting lot with the same or a more intense zoning district classification where no transitional buffer is required;
- Within open space set-aside areas with no existing or reforested trees;
- Adjacent to on-site areas of pedestrian or vehicular circulation where no other vegetative material is required (e.g., drive-throughs or stacking lanes); or
- Other areas near accessory structures or accessory uses.

(2) Shrubs

- A minimum of 50 percent of required shrubs shall be evergreen shrubs.
- Required shrubs shall be placed around each building perimeter with emphasis placed on the building foundation visible from the public right-of-way, at the following distances from the building:
 - A maximum of three feet from the building if there is no sidewalk located between the planting area and the building wall; or
 - A maximum of 15 feet from the building if there is a sidewalk located between the planting area and the building wall.

153.03.09 Screening

A. Applicability⁴⁴⁶

Unless already screened by an intervening building or buffer, the following shall be screened from view when visible from public streets and adjacent properties in accordance with the standards in this section:

- Outdoor storage areas (linear dimension of 15 feet or greater);

⁴⁴⁶ New.

- (2) Large trash or recycling receptacles (linear dimension of five feet or greater);
- (3) Utility and mechanical equipment that have vertical dimensions exceeding three feet or horizontal dimensions in excess of five feet, and are located less than 100 feet from the nearest street right-of-way; and
- (4) Loading and service areas.

B. Outdoor Storage Areas and Large Trash or Recycling Receptacles⁴⁴⁷

Outdoor storage area and large trash or recycling receptacle screening shall be provided as specified in either of the conditions below or as a combination of the two conditions:

- (1) A fence or wall may be used to screen an outdoor storage area. The fence or wall shall be at least six feet in height, opaque, and of a material similar to those used on the principal building including but not limited to masonry, stone, or wooden material.⁴⁴⁸
- (2) Natural evergreen plant materials may also be used to screen an outdoor storage area as follows:
 - (a) The minimum height of the plant material shall be six feet at installation; and
 - (b) The spacing of the planting shall be in a double-row configuration, staggered, with five foot spacing between the centers of the main trunks.

C. Utility and Mechanical Equipment⁴⁴⁹

- (1) Where screening for utility and mechanical equipment such as HVAC units is not provided by an intervening building, the screening may be accomplished by locally adapted evergreen or deciduous plantings or an opaque fence or wall.
 - (a) Plantings shall have a minimum installation height of 18 inches, be spaced no more than 18 inches, edge to edge, and be expected to reach a height and width equal to or greater than the utility service structures that are being screened.
 - (b) Fences or walls shall be opaque, and of a material similar to those used on the principal building, including but not limited to masonry, stone, or wooden material⁴⁵⁰ if applicable, and of a height and width equal to or greater than the utility service structures that are being screened.
- (2) Screening for utility or mechanical equipment in a street right-of-way is to be installed by the utility or party who installed the service; in all other instances, the property owners shall install required screening. Where screening for public utility or mechanical equipment is to be provided by private property owners, such screening shall be installed only after consultation with the utility who owns the device to be concealed. No screening shall be installed that would impair the safe operations, maintenance, or function of utility equipment.

D. Loading and Service Areas⁴⁵¹

- (1) Loading and service areas shall be screened with either an opaque wall of masonry (which shall be constructed of brick, textured concrete masonry units, or stucco block), rot-resistant wood, composite material, or other comparable material or with large

⁴⁴⁷ Current Section B-3-4.5.

⁴⁴⁸ Adjusted current standard to require materials similar to those used on the principal building as recommended in the Assessment.

⁴⁴⁹ Current Section B-3-4.6. Replaced references to “utility service area” with “utility or mechanical equipment.”

⁴⁵⁰ Adjusted current standard to require materials similar to those used on the principal building as recommended in the Assessment.

⁴⁵¹ New.

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evergreen shrubs. The wall shall be at least six feet in height. The shrubs shall be at least six feet in height at maturity.

- (2) The Planning Director may waive or modify the screening requirement established in this section for uses in an IL or IH district, or upon determining that the loading or service area is not visible from a public right-of-way or a residential use.

153.03.10 Maintenance

A. General Maintenance Standards⁴⁵²

- (1) The planting and maintenance of all required plantings shall be performed in accordance with American National Standards Institute (ANSI) A300 standards.
- (2) Trees shall not be reduced in size through topping, as defined by ANSI A300. Topping of a required tree is a violation of this Ordinance.
- (3) The landowner is responsible for maintaining all required plant materials in good health. Any dead or missing plants shall be replaced with new planting which meets the standards in Section 153.03.05, General Landscaping Standards, in accordance with the following schedule:
 - (a) Except as provided in subsection (b) below, replacement shall be replaced within one month of written notification by the Planning Director or within the nearest acceptable planting season as determined by the Planning Director.⁴⁵³
 - (b) If plant material is severely damaged due to an unusual weather occurrence or other act of nature, or if replacement plantings are unavailable within one month of written notification, replacement shall take place within six months of written notification by the Planning Director.

B. Additional Standards for Public Trees⁴⁵⁴

- (1) No person except an employee of a public utility or other approved public personnel shall cut, prune, or remove any living tree on or in a public highway, right-of-way, public park, sidewalk, or other public property; or cut or disturb or interfere in any way with the roots of any tree on public property, unless directed to do so by the Public Works Director.
- (2) Every owner of any tree overhanging any street or right-of-way within the Village shall prune the branches so that such branches shall not significantly obstruct the view of any street intersection and to maintain a clear space of 13 feet above the street surface or eight feet above the sidewalk surface, and remove any dead, diseased or unsafe trees, or broken or decayed limbs that constitute a nuisance to the safety of the public. The Village shall have the right to prune any tree or shrub on private or public property that it determines constitutes a public safety hazard, interferes with pedestrian traffic, impairs the visibility of any traffic control device or sign, or violates a sight triangle requirement.
- (3) No person shall pile building or other material around any tree or shrub in a public right-of-way in any manner that will injure the tree or shrub.
- (4) No person shall pave or place gravel, soil, or other such material within 12 feet of any tree on public property, unless approved by the Public Works Director.

⁴⁵² Current Section B-3-4.2(G).

⁴⁵³ Replaced "Director of Inspections."

⁴⁵⁴ Current B-3-4.8. Section B-3-4.2(H) that addresses enforcement and penalties specific to tree removal will be consolidated into Chapter 158, Enforcement.

Chapter 153: Site Development Standards

Section 153.03. Landscaping, Buffering, and Screening Standards

- (5) No person shall dump, pour or spill any oil, pesticide, or other deleterious matter upon any tree or tree space in any public rights-of-way, or keep or maintain upon any public rights-of-way, any receptacle from which any oil, pesticide, or other deleterious matter leaks or drips onto any soil, parking area, or concrete gutter so as to injure any tree on any public property.
- (6) Planting of street trees by adjacent property owners is permitted in accordance with the following:
 - (a) All street trees shall be planted in accordance with Section 153.03.05, General Landscaping Standards;
 - (b) Any trees planted under utility lines shall be small-maturing trees in the list maintained by the Planning Director; and
 - (c) The Village Engineer⁴⁵⁵ shall review and permit the planting of street trees in the public rights-of-way.

⁴⁵⁵ Replaced "Public Works Director."

Section 153.04. Tree Protection Standards⁴⁵⁶

153.04.01 Purpose

The purpose of this Section is to provide for protection and maintenance of trees. In particular, the intent of the standards are to:

- A. Protect tree canopy within the Village;
- B. Encourage site design techniques that preserve existing tree cover;
- C. Maintain the character of the Village;
- D. Safeguard and enhance property values to protect public and private investments; and
- E. Maintain and enhance the quality of life in the Village.

153.04.02 Applicability

All development shall comply with the standards in this Section.⁴⁵⁷

153.04.03 Timing of Review

Review for compliance with the standards of this Section shall occur during review of a development application for conditional zoning map amendment (Section 156.05.03), major subdivision (Section 156.05.05), site plan (Section 156.05.08), special use permit (Section 156.05.09), zoning permit (Section 156.05.11), grading permit, and building permit.

153.04.04 Tree Protection Standards

A. Tree Protection Area

(1) Minimum Tree Save Requirements⁴⁵⁸

(a) General

Except as provided in subsection (b) below, new development shall preserve the minimum amount of trees on the site identified in Table 153-16: Minimum Tree Save Area.

Table 153-16: Minimum Tree Save Area		
Area of Development Site	Minimum Tree Save Area As Percentage of Area of Development [1]	
	Residential Districts	Business, Mixed-Use, and Industrial Districts
Up to 1 acre	8%	10%
More than 1 acre, 5 acres or less	8%	11%
More than 5 acres, 10 acres or less	10%	12%

⁴⁵⁶ As discussed in the Code Assessment (pages II-40 through II-43), this carries forward the structure of the tree protection standards in the current UDO with additions to enhance preservation of specimen trees, limit credit for disfavored trees.

⁴⁵⁷ This builds on the applicability standards in Section B-3-4.2.1(A) of the UDO, but removes the exemption for development in GMA 5 as well as development in the CB and CI districts, and PB district in GMA 1, and the exemption for residential lots platted before adoption of the ordinance.

⁴⁵⁸ This carries forward the standards in Table B.3.12, except the tree save area for multifamily and schools has been increased to match the residential standards.

Table 153-16: Minimum Tree Save Area

More than 10 acres	12%	14%
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NOTES:

[1] The minimum tree save area for development in the C district is 25 percent.

(b) Exceptions⁴⁵⁹

The minimum tree save area standards of this Section do not apply to:

- (1) Minor subdivisions; or
- (2) Development of a single-family or duplex dwelling on a single lot, or a twin home on two lots, that is not part of a residential subdivision.⁴⁶⁰

(2) Calculation of Tree Save Area⁴⁶¹

The required tree save area shall be calculated as the tree save area divided by the area of the development site, in accordance with the following:

- (a) The area of the development site includes the entire site except for the following:
 - (1) Existing or proposed streets;
 - (2) Existing or proposed utility easements;
 - (3) Existing water bodies;
 - (4) Stormwater management facilities included to meet the standards in Section 154.06, Stormwater Quantity Management; and
 - (5) For expansion of a site, the limits of the existing developed area of a site.
- (b) The tree save area is calculated as the sum of all strands of trees and all individual trees proposed to be preserved, as follows:
 - (1) The area of a strand of trees equals the area occupied by the entire strand, provided that no more than 25 percent of the trees that are included in the strand consist of prohibited species listed in Table 153-10: Prohibited Species.⁴⁶²
 - (2) All individual trees that are proposed to be credited towards the tree save area shall be a species that is not listed in Table 153-10: Prohibited Species.
 - (A) The area of an individual tree that is not a specimen tree shall be calculated based on the dbh of the tree, in accordance with Table 153-17: Individual Tree Save Area Credit.
 - (B) The area of a specimen tree shall be calculated based on the dbh of the tree, in accordance with Table 153-17: Individual Tree Save Area Credit, multiplied by 1.5.⁴⁶³

⁴⁵⁹ Did not carry forward current Section B-3-4.2.1B – an applicant who seeks relief from the tree preservation standards may apply for a variance from the Board of Adjustment.

⁴⁶⁰ The exception for “individual residential lots platted prior to the adoption of this Ordinance” has been expanded to include all single-family and two-family development that are not part of a larger development; many communities prefer not to regulate tree save areas for such small-scale development.

⁴⁶¹ This carries forward the tree save area calculation standards in Section B-3-4.2.1A(2) of the UDO, but adds extra credit for specimen trees.

⁴⁶² The current UDO requires that a “majority” of the trees not be of a prohibited species; to encourage removal of disfavored species, this has been reduced so that only 25 percent of trees may be prohibited species.

⁴⁶³ This serves as an incentive to preserve higher-quality trees.

Table 153-17: Individual Tree Save Area Credit

DBH of Tree	Tree Save Area Credit
At least 6 and no more than 9 inches	500 square feet
At least 9 and no more than 12 inches	750 square feet
At least 12 and no more than 24 inches	1,800 square feet
At least 24 and no more than 36 inches	3,000 square feet
At least 36 inches	4,000 square feet

(3) Selection of Tree Save Area

In determining which tree strands and individual trees shall be designated as tree save areas, the applicant shall design the site, subject to the need to provide areas for building, parking lot, driveway, streets, and utilities, with the goal of preserving the following types of trees, in order of priority:

- (a) Mature hardwoods;
- (b) Younger hardwood; and
- (c) Hardwoods and pine mix.

(4) Location of Tree Save Area⁴⁶⁴

To the maximum extent practicable, for development that will include a property or homeowners' association, tree save areas shall be located in areas that will be common areas that will be maintained by the property or homeowners' association, as applicable.

(5) Failure to Meet Minimum Tree Save Area

If a development is unable to meet the minimum tree save area established in Table 153-16: Minimum Tree Save Area through the preservation of existing trees in accordance with subsection (2) above, the applicant shall plant new trees. Each new tree that receives credit for the tree save standards of this section shall be a large variety tree, shall meet the planting standards in Section 153.03.05, General Landscaping Standards, shall be maintained in accordance with Section 153.03.10, Maintenance, and shall be credited for 750 square feet of tree save area credit.

B. Tree Protection During Construction⁴⁶⁵

During construction, development shall take all reasonable steps necessary to prevent damage to trees included in the tree save area, in accordance with the following:

(1) Tree Protection Fencing

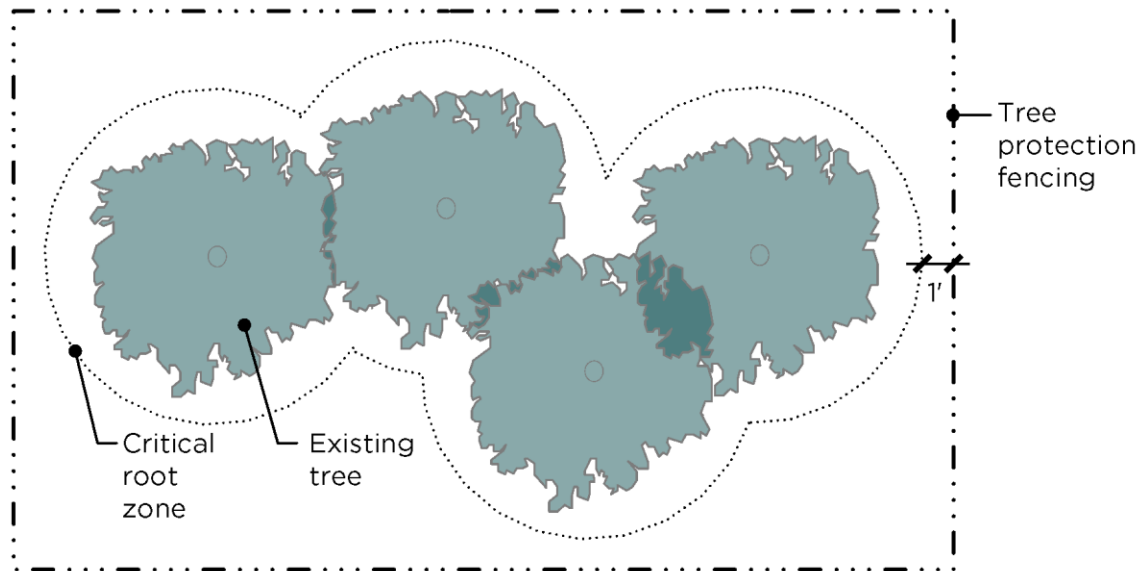
- (a) All trees being used for tree save area credit shall be fenced with a sturdy and visible fence before grading or other development activity begins. Fencing shall be erected no closer than one linear foot to the tree's critical root zone, or as designated by the Planning Director. See Figure 153-13: Tree Protection Fencing.
- (b) All tree protection measures may be inspected and approved by the Planning Director prior to start of any land disturbing activities.

⁴⁶⁴ New provision to encourage that tree save areas be located in areas that will be on common ownership and maintained by a property or homeowners association, as discussed in page II-43 of the UDO Assessment.

⁴⁶⁵ This builds on the standards in Section B-3-4.2.1A(5) of the UDO.

- (c) Fencing shall be maintained until after the final site inspection.

Figure 153-13: Tree Protection Fencing⁴⁶⁶



(2) Encroachments into Tree Protection Zones

- (a) Construction site activities, such as parking, material storage, dirt stockpiling, concrete washout, and other similar activities shall not be permitted within tree protection fencing.
- (b) Trees located within tree protection fencing shall be protected from chemical contamination from liquids or other materials, including but not limited to paint, chemical solvents, gasoline, oil, diesel fuel, hydraulic fluid, concrete spoils, or rinse water from vehicle cleaning, including rinsing of concrete truck tanks and chutes.

(3) Remedies⁴⁶⁷

If trees behind tree protection fencing are damaged or removed, additional trees shall be replanted that at maturity are expected to have a dbh equal to two times the dbh of the trees that were damaged or removed. If replacement trees do not survive a one-year establishment period, the landowner or agent shall install new replacement trees.

⁴⁶⁶ This graphic will be updated to better reflect the applicable standards.

⁴⁶⁷ New provision to increase the penalties for damage to trees included in a tree save area during construction, as discussed in page II-43 of the Code Assessment.

Section 153.05. Open Space Set-Aside Standards⁴⁶⁸

153.05.01 Purpose

Open space set-asides are intended for the use and enjoyment of a development's residents, employees, or users. Open space set-asides serve numerous purposes, including preserving natural resources, ensuring access to open areas and active recreation, reducing the heat island effect of developed areas, providing civic and meeting spaces, enhancing stormwater management, and providing other public health benefits.

153.05.02 Applicability

- A. Unless exempted in accordance with subsection B. below, all new development shall comply with the standards in this section. The landowner shall be responsible for completing all required improvements within open space set-asides in accordance with this section.
- B. The following development is exempt from the standards in this section:
 - (1) Single-family detached dwellings, duplexes, and twin homes;
 - (2) Agricultural uses;
 - (3) Utility uses; and
 - (4) Development that would result in total required minimum open space set-asides, including all phases of development, of 20 square feet or less.

153.05.03 Timing of Review

Review for compliance with the standards of this section shall occur during review of a development application for a conditional zoning map amendment (Section 156.05.03), major subdivision (Section 156.05.05), site plan (156.05.08), or special use permit (Section 156.05.09), as appropriate.

153.05.04 Amount of Open Space Set-Asides Required

Development subject to these standards shall provide open space set-asides in an amount that meets or exceeds the minimum area in Table 153-18: Required Open Space Set-Asides, based on the use and the zoning district where the development is proposed.

Table 153-18: Required Open Space Set-Asides		
Use Classifications	Minimum Open Space Set-Aside Area (As Percentage of Total Site Area)	
	Residential Districts	Business, Mixed-Use, and Industrial Districts
Residential	20	15
Public, Civic, and Institutional	15	10
Commercial	15	10
Industrial	n/a	10

⁴⁶⁸ New comprehensive standards that apply throughout the Village as recommended in the Assessment (pages II-44 to II-48).

153.05.05 Open Space Set-Asides

A. Areas That Qualify As Open Space Set-Asides

The features and areas identified as counting toward open space set-asides in Table 153-19: Open Space Set-Aside Features, shall be credited towards compliance with the amount of open space set-aside required in accordance with Section 153.05.04 above, if designed and maintained in accordance with Table 153-19.

Table 153-19: Open Space Set-Aside Features




Area Counted as Common Open Space Set-Asides	Description	Design and Maintenance Requirements
Natural Features		
	Natural features (including lakes, ponds, rivers, streams, wetlands, drainageways, and other riparian areas), riparian buffers, flood hazard areas, steep slopes (15 percent or more), wildlife habitat, woodland areas, and other natural conservation areas.	Preservation of any existing natural features shall have highest priority for locating open space set-asides. Maintenance is limited to the minimum removal and avoidance of hazards, nuisances, and unhealthy conditions.
Required Landscape Areas		
	Areas occupied by required landscaping areas (except within parking lots), transition buffers, screening, and tree protection areas.	See Section 153.03.10, Maintenance.
Active Recreational Areas		
	Land occupied by areas and facilities used for active recreational purposes, such as ballfields, playgrounds, tennis courts, pools, jogging trails, and community buildings and clubhouses, and land dedicated for parks.	Active recreational areas shall be compact and contiguous, to the maximum extent practicable, unless used to link or continue existing or public open space lands.

Table 153-19: Open Space Set-Aside Features





Area Counted as Common Open Space Set-Asides	Description	Design and Maintenance Requirements
Passive Recreational Areas		
	Formally planned and regularly maintained open areas that provide passive recreation opportunities, including arranged plantings, gardens (including community gardens and rooftop gardens with walking paths or gathering areas), gazebos, and similar structures.	Passive recreation, other than rooftop gardens, shall provide direct access to the residents of the development. Rooftop gardens shall also be reasonably accessible to the occupants and users of the building, as appropriate.
Squares, Forecourts, and Plazas		
	Squares, forecourts, plazas, and civic greens that provide active gathering places and opportunities to create special places.	The minimum contiguous area shall be 500 square feet. Such features shall have direct access from the site to a street or sidewalk or pedestrian way and shall be designed to accommodate people sitting and gathering, incorporating benches, tables, fountains, or other similar amenities. Surrounding buildings shall be oriented toward the square, forecourt, or plaza when possible, and a connection shall be made to surrounding development.
Public Access Easements with Paths and Trails		
	Public access easements that combine utility easements with paths or trails that are available for passive recreational activities such as walking, running, and biking.	Such public access easements shall include at least one improved access from a public street, sidewalk, or trail that includes signage designating the access point.

Table 153-19: Open Space Set-Aside Features

Area Counted as Common Open Space Set-Asides	Description	Design and Maintenance Requirements
Stormwater Management Areas Treated as Site Amenities		
	<p>Up to 75 percent of the land area occupied by stormwater management facilities (including retention and detention ponds and other bioretention devices) when such features are treated as an open space site amenity.</p>	<p>Stormwater management facilities treated as an open space site amenity shall support passive recreation uses by providing access, gentle slopes (less than 3:1), vegetative landscaping, and pedestrian elements such as paths and benches. Stormwater management facilities shall be subject to a maintenance agreement approved by the operating authority or agency having regulatory authority over the facility.</p>

B. Areas That Do Not Qualify As Open Space Set-Asides

The following areas shall not be counted as open space set-asides:

- (1) Private yards not subject to an open space or conservation easement;
- (2) Street rights-of-way or private access easements, including sidewalks located within those rights-of-way or easements;
- (3) Vehicular parking areas or lots (excluding the landscaped areas);
- (4) Driveways for dwellings;
- (5) Land covered by structures not designated for active recreational uses;
- (6) Designated outdoor storage areas; and
- (7) Stormwater management facilities and ponds, except as otherwise provided in Table 153-19.

C. Design Standards

(1) Areas and Features Prioritized

To the maximum extent practicable, and in accordance with Section 153.05.05A, Areas That Qualify As Open Space Set-Asides, open space set-asides shall be located and organized to include, protect, and enhance as many of the following open areas and features as possible, in the following general order of priority:

- (a) Areas that accommodate multiple compatible open space set-aside uses rather than a single use;
- (b) Natural features such as riparian areas, riparian buffers, flood hazard areas, floodplains, wetlands, steep slopes, and wildlife habitat and corridors;
- (c) Water features such as rivers, lakes, creeks, canals, natural ponds, wetlands, and retention and detention ponds;

- (d) Protected trees and other mature trees;
- (e) Parks and trails (regardless of public or private ownership);
- (f) Gathering places such as squares, forecourts, and plazas; and
- (g) Lands with active agricultural uses and activities.

(2) Location

Open space shall be located to be readily accessible and useable by occupants and users of the development, as appropriate. Where possible, a portion of the open space set-aside should provide focal points for the development through prominent placement or easy visual access from streets.

(3) Configuration

- (a) Open space shall conform with all Village plans that address open space, parks, and greenways.
- (b) Open space set-asides shall be compact and contiguous, unless a different configuration is needed to continue an existing trail or accommodate preservation of natural features.
- (c) If the development site is adjacent to existing or planned public trails, parks, or other public open space area land, the open space set-aside shall, to the maximum extent practicable, be located to adjoin, extend, connect, and enlarge the trail, park, or other public land.
- (d) Pedestrian access to open space set-asides shall be provided from sidewalks or other pedestrian ways within the development. Unless limited by topography or other physical site characteristics, all entrance or access ways to open space features and main paved pedestrian ways within open space set-asides shall comply with the ADA.

(4) Development in Open Space Set-Asides

Development within open space set-asides shall be limited to that appropriate to the purposes of the type(s) of open space set-asides. Where appropriate, such development may include, but is not limited to, walking, jogging, and biking paths or trails; benches or other seating areas; meeting areas; tables, shelters, grills, and other picnicking facilities; docks and other facilities for fishing; environmental education guides and exhibits; gazebos and other decorative structures; fountains or other water features; play structures for children; gardens or seasonal planting areas; pools; athletic fields and courts; and associated clubhouses.

153.05.06 Ownership, Management, and Maintenance of Open Space Set-Asides

- A. Open space set-asides required by this UDO shall be managed and maintained in compliance with an open space provision and maintenance plan and all applicable provisions of local and state law. Such open space set-asides shall be managed and maintained as permanent open space through one or more of the following options:
 - (1) Conveyance of open space set-aside areas to a property owners' or homeowners' association that holds the land in common ownership and will be responsible for managing and maintaining the land for its intended open space purposes, in perpetuity;

Chapter 153: Site Development Standards

Section 153.05. Open Space Set-Aside Standards

- (2) Establishment of recorded easements on those parts of individually owned lots including open space set-aside areas that require the areas to be managed consistent with the land's intended open space purposes and prohibit any inconsistent future development, in perpetuity;
 - (3) Conveyance of open space set-aside areas to a third-party such as an environmental, historical, or civic organization, or a government entity, that is organized for, capable of, and willing to accept responsibility for managing and maintaining the land for its intended open space purposes, in perpetuity; or
 - (4) If public stormwater management facilities are treated as site amenities, through stormwater management easements.
- B. All options involving private ownership of open space set-aside areas shall include deed restrictions, easements, covenants, or other legal instruments that ensure continued use of the land for its intended open space purposes, in perpetuity, and provide for the continued and effective management, operation, and maintenance of the land and facilities.
- C. Responsibility for managing and maintaining open space set-asides rests with the owner of the land of the open space set-asides. Failure to maintain open space set-asides in accordance with this Section and the development approval or permit shall be a violation of this Ordinance.

Section 153.06. Exterior Lighting Standards⁴⁶⁹

153.06.01 Purpose and Intent

The purpose and intent of this section is to regulate exterior lighting to:

- A. Ensure all exterior lighting is designed and installed to maintain adequate lighting levels on site;
- B. Assure that excessive light spillage and glare are not directed at adjacent property, neighboring areas, and motorists;
- C. Curtail light pollution, reduce skyglow, and preserve the nighttime environment for the enjoyment of residents and visitors;
- D. Conserve energy and resources to the greatest extent possible; and
- E. Provide security for persons and property.

153.06.02 Applicability

A. General

Unless exempted by subsection B below, the standards of this section apply to:

- (1) All new development; and
- (2) Any individual expansion or alteration of a building if the expansion increases the building's floor area by 25 percent or more, or the alteration involves 25 percent or more of the building's floor area (including interior alterations).

B. Exemptions

The following types of lighting are exempted from the standards of this section:

- (1) Lighting exempt under state or federal law;
- (2) FAA-mandated lighting associated with a utility tower or airport;
- (3) Lighting for public monuments and statues;
- (4) Lighting solely for signage (see Section 153.08, Signs);
- (5) Lighting for outdoor recreational uses such as ball diamonds, football fields, soccer fields, other playing fields, tennis courts, and similar uses, provided that:
 - (a) Light poles are not more than 30 feet in height, except at ball diamonds, football fields, and other playing fields, where they can be up to 95 feet in height;
 - (b) Maximum illumination from such lighting at the property line is not brighter than 2.0 foot-candles; and
 - (c) Such lighting is extinguished no later than 11 p.m., except to complete an activity that is in progress prior to 11 p.m.
- (6) Temporary lighting for circuses, fairs, carnivals, and theatrical and other performance areas, provided such lighting is discontinued upon completion of the performance;
- (7) Temporary lighting of construction sites, provided such lighting is discontinued upon completion of the construction activity;

⁴⁶⁹ As discussed on page II-48 of the UDO Assessment, the current UDO does not include comprehensive exterior lighting standards that apply across all districts. . This section carries forward existing standards, when appropriate, with general best practice standards to provide a comprehensive lighting regimen appropriate for Clemmons' village character. Unless otherwise noted, these standards are new.

- (8) Temporary lighting for emergency situations, provided such lighting is discontinued upon abatement of the emergency situation;
- (9) Security lighting controlled and activated by motion sensor devices for a duration of 15 minutes or less;
- (10) Underwater lighting in swimming pools, fountains, and other water features;
- (11) Holiday or festive lighting, provided such lighting does not create unsafe glare on street rights-of-way; and
- (12) Outdoor lighting fixtures that do not comply with provisions of this section prior to the adoption of this Ordinance, provided they are brought into compliance with this section when they become unrepairable.

153.06.03 Timing of Review

Review for compliance with the standards in this section shall occur during review of applications for site plans (Section 156.05.08) and zoning permits (Section 156.05.11).

153.06.04 Lighting Plan

To ensure compliance with the standards of this section, a photometric plan demonstrating how exterior lighting will comply with the standards of this section shall be included as part of the application in which these standards are reviewed and approved.

153.06.05 General Standards

A. Color Standards

All outdoor lighting fixtures shall have a correlated color temperature no greater than 3,000K. Light sources shall be color-correct types such as Halogen, LED, or metal halide.

B. Hours of Illumination

Uses adjacent to existing residential development in the Public, Civic, and Institutional; Commercial; and Industrial use classifications as well as any mixed-use development shall extinguish all exterior lighting—except lighting necessary for recreation, security, or emergency purposes—by 11 P.M. or within one hour after closing, whichever occurs later. For the purposes of this paragraph, lighting “necessary for security or emergency purposes” shall mean the minimum amount of exterior lighting necessary to illuminate possible points of entry or exit into a structure, illumination of exterior walkways, or illumination of outdoor storage areas. Lighting activated by motion sensor devices is strongly encouraged.

C. Maximum Illumination Levels

Except for street and pedestrian lighting, all exterior lighting and indoor lighting visible from outside shall be designed and located so that the maximum illumination measured at ground level at a lot line (see Section 153.06.10, Illumination Measurement) is one-half (0.5) foot-candles.⁴⁷⁰

⁴⁷⁰ This is the measurement provided when the current Ordinance provides a lighting measurement measured in foot-candles, except for the NO and NB districts (Sections 2-1.3(A)(3)(c)(f) and 2-1.3(E)(3), for parking, stacking, and loading areas (Section 3-3.3(J)) and “where a bufferyard is required” (Section 3-11.1). In this draft it has been carried forward to apply throughout the Village, as it is a standard at-lot-line measurement even in residential districts and is less difficult to enforce as compared to a zero foot-candle requirement.

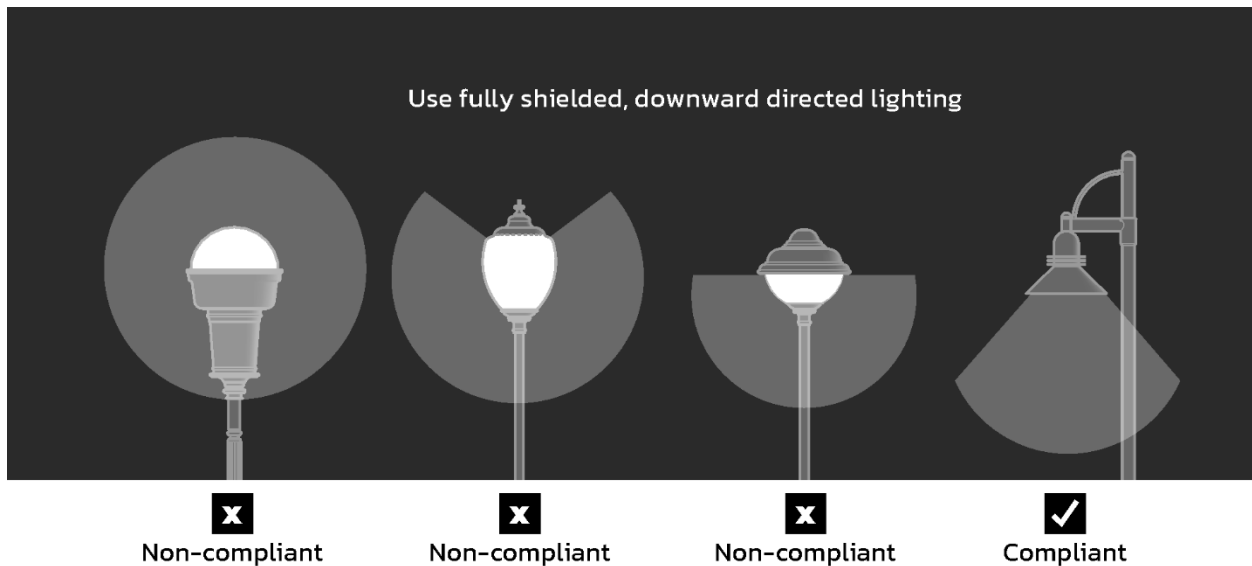
D. Maximum Height

Except for street lights, the height of exterior light fixtures, whether mounted on poles, walls, or by other means, shall not exceed 20 feet.

E. Full Cut-Off Fixtures Required

Except for street lights, all exterior light fixtures, including security lighting, shall be full cut-off fixtures that are directed downward, consistent with Figure 153-14: Full Cut-off Fixtures. In no case shall lighting be directed above a plane parallel to the ground that bisects the lamp.

Figure 153-14: Full Cut-off Fixtures



F. Energy-Efficient Fixtures and Elements Required

- (1) All outdoor light fixtures and light elements shall be energy efficient, as defined in subsection (2) below. The Planning Director may allow exceptions to this requirement if the applicant demonstrates any of the following:
 - (a) An energy efficient fixture or light element is not reasonably available that meets the necessary functional requirements;
 - (b) Available energy efficient fixtures or light elements are not cost-effective over the life of the product, taking energy cost savings into account; or
 - (c) The use of an energy efficient fixture or light element is unreasonable or impractical for other reasons.
- (2) For purposes of this subsection, an energy efficient light fixture or light element shall meet one of the following criteria:
 - (a) Is in the upper 25 percent of efficiency for all similar products as designated by the U.S. Department of Energy's Federal Energy Management Program; or
 - (b) Meets Department of Energy and Environmental Protection Agency criteria for use of the Energy Star trademark label.

153.06.06 Standards for Specific Uses and Site Features

A. Off-street Parking Areas

- (1) Maintained average horizontal illuminance values in parking areas during times when the parking area is in use shall not exceed 4.0 foot-candles of illumination.
- (2) The ratio of maximum-to-minimum horizontal illuminance within the parking area shall not exceed 10:1.

B. Sports or Performance Venue

Lighting fixtures for outdoor sports areas, athletic fields, and performance areas shall be equipped with a glare control package (e.g., louvers, shields, or similar devices) and aimed so that their beams are directed and fall within the primary playing or performance area.

C. Pedestrian Area Lighting

- (1) Except as provided in subsections (2) and (3) below, light fixtures for sidewalks, walkways, trails, and bicycle paths shall:
 - (a) Provide at least 1.2 foot-candles of illumination, but not exceed 2.0 foot-candles;
 - (b) Have a maximum height of 15 feet; and
 - (c) Be placed a maximum of 100 feet apart.
- (2) Any pedestrian bollard lamps shall be mounted no higher than four feet above grade and shall not exceed 900 lumens for any single lamp. (See Figure 153-15: Examples of Pedestrian Bollard Lamps).
- (3) The Planning Director may authorize additional lighting near streets, crosswalks, or rights of way where the Planning Director determines that different standards are needed for safety.

Figure 153-15: Examples of Pedestrian Bollard Lamps



D. Wall Pack Lights

Wall packs on the exterior of the building shall be fully shielded (e.g., true cut-off type bulb or light source not visible from off-site) to direct the light downward and shall not exceed 1,600 lumens for any single fixture.

E. Canopy

- (1) Areas under a canopy shall be designed so as not to create glare off-site. Acceptable methods to address this include one or both of the following:
 - (a) A recessed fixture incorporating a lens cover that is either recessed or flush with the bottom surface (ceiling) of the canopy that provides a full cutoff or fully-shielded light distribution; or
 - (b) A surface mounted fixture incorporating a flat glass that provides a full cutoff or fully-shielded light distribution.
- (2) Outdoor light fixtures used for decorative effects shall comply with the following standards:
 - (a) Decorative lighting intended to enhance the appearance of a building, monument, and/or landscaping may cast light upward against the building surface or onto a landscape feature but not towards the sky.
 - (b) Decorative lighting fixtures shall not exceed 1,600 lumens for any single fixture.

F. Decorative and Landscape Lighting

Outdoor light fixtures used for decorative effects shall comply with the following standards:

- (1) Decorative lighting intended to enhance the appearance of a building, monument, and/or landscaping may cast light upward against the building surface or onto a landscape feature at an angle no greater than 60 degrees above the plane parallel to the ground.
- (2) Decorative lighting fixtures shall not exceed 1,600 lumens for any single fixture aiming downwards, and 800 lumens for any single fixture aiming upwards.

G. Rope Lighting⁴⁷¹

Rope lighting and other types of string lights shall not be placed around the exterior of a building or around architectural building features such as windows.

153.06.07 Street Lights⁴⁷²

- (1) Street lights are required in all development.
- (2) Street lights shall be mounted on non-corrosive poles served by underground wiring. The lamps shall be designed to minimize direct glare and to provide reasonably uniform light distribution on the street and sidewalk surface.
- (3) The light structure and light color of street lights in an individual subdivision or development shall be consistent throughout the subdivision or development.
- (4) The lamps and poles to provide the required illumination shall be compatible with the structure types in the subdivision.
- (5) Street lights shall be installed in accordance with NCDOT requirements.

⁴⁷¹ New regulations to address a particular type of lighting that is found in some retail establishments.

⁴⁷² The street light spacing standards are new.

- (6) Street lights shall be located near street intersections and at the end of cul-de-sacs and other dead-end streets. Additional street lights shall be placed along the street, on alternating sides, spaced about 250 feet apart.
- (7) The developer shall coordinate with the applicable electric utility provider for the street lights.

153.06.08 Prohibited Lighting

The following exterior lighting is prohibited:

- A. Light fixtures that imitate an official highway or traffic control light or sign;
- B. Light fixtures that have a flashing or intermittent pattern of illumination, except signage with an intermittent pattern of illumination allowed in accordance with Section 153.08, Signs; and
- C. Searchlights, except when used by federal, state or local authorities, or where they are used to illuminate alleys, parking garages, and working (maintenance) areas, so long as they are shielded and aimed so that they do not result in lighting on any part of any adjacent lot or public right-of-way above 2.0 foot-candles of horizontal illumination.

153.06.09 Exemptions for Safety Reasons

- A. Government facilities, such as property or rights-of-way, parks, public safety, and other development may submit a security plan to the Planning Director proposing exterior lighting that deviates from the standards in this section. The Planning Director shall approve or approve with conditions the security plan and its proposed deviation from the standards, upon finding that:
 - (1) The proposed deviation from the standards is necessary for the adequate protection of the subject land, development, or the public;
 - (2) The condition, location, or use of the land, or the history of activity in the area, indicates the property or any materials stored or used on it are in significantly greater danger of theft or damage, or members of the public are at greater risk for harm than on surrounding property without the additional lighting; and
 - (3) The proposed deviation from the standards is the minimum required and will not have a significant adverse effect on neighboring lands.
- B. If the Planning Director finds the applicant fails to demonstrate compliance with subsection A above, the security plan shall be denied.

153.06.10 Illumination Measurement

- A. If illumination is measured, the measurement shall be made at the lot line of the land upon which light is to be measured. If measurement on private property is not possible or practical, light level measurements may be made at the boundary of the public street right-of-way that adjoins the land. Measurements shall be made at finished grade (ground level), with the light-registering portion of the meter held parallel to the ground.
- B. Illumination measurements shall be taken with a light meter that has been calibrated within two years.

Section 153.07. Fence and Wall Standards⁴⁷³

153.07.01 Purpose and Intent

The intent of this section is to regulate the location, height, and arrangement of fences and walls to:

- A. Protect adjacent lands from the indiscriminate placement and unsightliness of fences and walls;
- B. Ensure the safety, security, and privacy of land; and
- C. Ensure that fences and walls are subject to timely maintenance, as needed.

153.07.02 Applicability

A. General

Unless exempted in accordance with subsection B below or as elsewhere provided in this Ordinance, the standards in this section apply to all construction, substantial reconstruction, or replacement of fences or walls in the Village. For purposes of this section, “substantial reconstruction” shall mean the replacement of pickets or wall components equal to 50 percent or more of the existing fence or wall.

B. Exemptions

The following fences and walls are exempt from the standards in this section:

- (1) Fences and walls required for support of a principal or accessory structure;
- (2) Fences or barricades around construction sites;
- (3) Fences for tree protection or sedimentation and erosion control, including retaining walls;
- (4) Fences customarily provided for athletic fields, recreational facilities, and cemeteries;
- (5) Landscaping berms installed without fences;
- (6) Specialized fences used for agricultural functions if part of a use in the Agricultural use classification;
- (7) Noise attenuation walls installed by a public entity along a public street; and
- (8) Fences at parks and schools, where such uses are owned by public agencies.

153.07.03 Timing of Review

Review for compliance with the standards in this section shall occur during review of an application for a major subdivision (Section 156.05.05), minor subdivision (Section 156.05.06), site plan (Section 156.05.08), or zoning permit (Section 156.05.11), whichever occurs first.

153.07.04 General Standards

- A. Fences and walls that comply with the standards in this subsection are allowed anywhere on a lot, or on a property line between privately-owned lots.
- B. A fence or wall shall not unreasonably impede visibility of street traffic from vehicles or exiting driveways, or be located within the sight triangle.

⁴⁷³ This section is new.

Chapter 153: Site Development Standards

Section 153.07. Fence and Wall Standards

- C. Hedges may be placed, planted, and allowed to grow to form an opaque screen within any required front yard or within the access section of a flag lot, subject to the visibility requirements of paragraph B above.
- D. Gates shall not swing outward over a sidewalk or into the right-of-way.

153.07.05 Height

A. General

Unless otherwise stated in subsection B below, fences and walls shall comply with the following:

- (1) Within a required front yard, build-to zone, or corner lot side yard, the maximum allowable fence and wall height is four feet.
- (2) Within any other required yard or in a corner side yard behind the front plane of the principal building, the maximum allowable fence and wall height is six feet.

B. Exceptions

- (1) Fences of up to 10 feet in height are allowed in front, side, and rear yards at a major utility facility, wireless communication support structure, or government office.
- (2) Fences and walls up to eight feet in height are allowed to screen service and loading areas if the fence or wall complies with the setback requirements for the associated building.
- (3) Fence or wall height may be increased in alternative transitional buffers in accordance with Section 153.03.07F(1), Fence or Wall Option.
- (4) Fence or wall height may be increased through a security exemption plan in accordance with Section 153.07.09 below.

153.07.06 Materials

A. General

Fences and walls shall be constructed of any one or more of the following materials:

- (1) Masonry or stone;
- (2) Ornamental iron or other decorative metal;
- (3) Painted wood, pressure treated wood, or rot-resistant wood such as cedar, cypress, or teak;
- (4) Composite materials designed to appear as wood, metal, or masonry;
- (5) Chain link only as a customary part of a sports field. Where permitted, all chain link fences shall be vinyl coated and installed with the pointed ends to the ground;
- (6) Vinyl fencing (for non-multifamily residential uses only); and
- (7) Walls clad with substrate material intended to support living vegetation.

B. Prohibited Materials

The following fence types or materials are prohibited unless approved as part of a security exemption plan in accordance with Section 153.07.09 below:

- (1) Barbed and/or razor wire;
- (2) Fences or walls with any material or substance designed to inflict pain or injury on any person or animal such as broken glass, spikes, nails, barbs, or similar material;

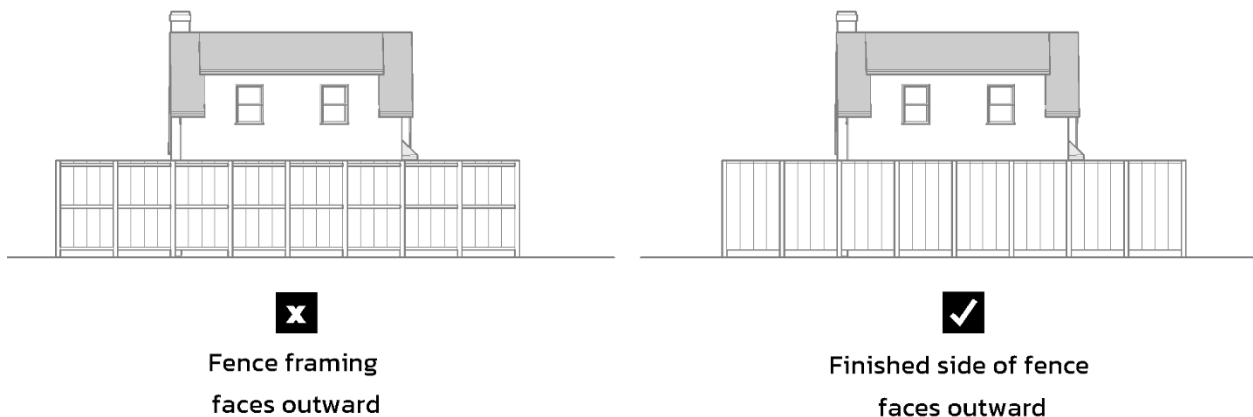
- (3) Fences constructed of chicken wire, corrugated metal, fabric materials, fiberboard, garage door panels, plywood, rolled plastic, sheet metal, debris, junk, or waste materials, unless such materials are recycled and reprocessed, for marketing to the general public, as building materials designed to resemble new building materials (e.g., picket fencing made from recycled plastic and fiber);
- (4) In the Mixed-Use and Nonresidential districts, opaque vinyl fence panels;
- (5) Chain link fences except as permitted in subsection A(5) above; and
- (6) Above-ground fences that carry electrical current, except for the purpose of enclosing horses. Below-ground electrical fences intended for the keeping of pets are not prohibited.

153.07.07 Appearance

A. Finished Side to Outside

Wherever a fence or wall is installed, if one side of the fence or wall appears more finished than the other (e.g., one side of a fence has visible support framing and the other does not, or one side of a wall has a textured surface and the other does not), the more finished side of the fence shall face the exterior of the lot rather than the interior of the lot. See Figure 153-16: Fence Finished Side to Outside.

Figure 153-16: Fence Finished Side to Outside



B. Fence and Wall Landscaping

All fences and walls exceeding four feet in height, if located within 15 feet of a street right-of-way, shall be supplemented with landscape screening to soften the visual impact of the fence or wall, in accordance with the standards below.

(1) Shrubs Required

One evergreen shrub shall be installed for every three linear feet of fence or wall, on the side of the fence or wall facing the public street right-of-way. Shrubs may be installed in a staggered, clustered, grouped, or linear fashion.

(2) Substitution of Understory Trees

One intermediate tree may be substituted for every two shrubs spaced no closer than 15 feet on center provided that the tree complies with the standards of Section 153.03, Landscaping, Buffering, and Screening Standards.

153.07.08 Maintenance

Fences, walls, and associated landscaping shall be maintained in good repair and in a safe and attractive condition. Maintenance of fences and walls shall include, but not be limited to, the replacement of missing, decayed, or broken structural or decorative elements; keeping the structure clean of dirt and debris; and the repair of deteriorated or damaged fence materials, including, but not limited to, weathered surfaces visible from the public right-of-way, sagging sections, and posts that lean more than ten degrees from vertical.

153.07.09 Security Exemption Plan

- A. A landowner, or a representative of a public agency responsible for a government facility or other use in need of heightened security, may submit to the Planning Director a security exemption plan proposing, for security reasons, a fence or wall taller than those permitted by this section or the use of barbed and/or razor wire atop a fence or wall.
- B. The Planning Director may approve or approve with conditions the security exemption plan upon finding that the condition, location, or use of the land indicates the land or any materials stored or used on it are in significantly greater danger of theft or damage than surrounding land, without a taller fence or wall, and that the taller fence or wall will not have a significant adverse effect on the security, functioning, appearance, or value of adjacent lands or the surrounding area as a whole.

Section 153.08. Signs⁴⁷⁴

153.08.01 Purpose and Intent⁴⁷⁵

- A. The purpose of the sign regulations in this Section is to:
- (1) Encourage the effective and appropriate use of signs as a means of communication in the Village;
 - (2) Ensure that the design, construction, installation, repair, and maintenance of signs will not interfere with pedestrian or vehicular safety or otherwise endanger public safety;
 - (3) Allow for adequately legible sign copy and overall sign visibility;
 - (4) Provide reasonable business identification, advertising, and communication;
 - (5) Provide a means of wayfinding for visitors and residents;
 - (6) Control signs of such size and number that they obscure one another to the detriment of the economic and social well-being of the Village of Clemmons and its residents, property owners, and visitors;
 - (7) Provide regulations that allow reasonable consideration of the visual environment and minimize possible aesthetic effects on surrounding property;
 - (8) Minimize the possible adverse effects of signs on nearby public and private property;
 - (9) Enable the fair and consistent enforcement of this article; and
 - (10) Provide equal opportunities for commercial and noncommercial speech.
- B. The intent of the sign regulations is to:
- (1) Ensure that signage is designed and placed to complement the character of the Village;
 - (2) Authorize the use of signs with regard to size, layout, style, typography, legibility, and arrangements compatible with their surroundings, appropriate to the identity of individual properties, occupants, and the community;
 - (3) Protect existing development and promote high standards of quality in new development by requiring appropriately designed, placed, and sized signage
 - (4) Enhance the aesthetics of the built environment by reducing sign clutter; and
 - (5) Promote traffic safety by reducing the distractions caused by signs, including those that move, flash, or mimic government traffic control signs.

153.08.02 Applicability⁴⁷⁶

A. General

All signs shall be constructed, erected, affixed, placed, posted, painted, repainted, hung, or otherwise established in the Village only in accordance with the standards in this Section, except as provided in subsection B below or as specifically provided in this Ordinance.

B. Exceptions

Signs installed by local, county, state, or federal government units or agencies, including but not limited to regulatory, warning, and traffic control signs, are exempt from the regulations in

⁴⁷⁴ This generally carries forward and updated the sign standards in Section B-3-2 of the current UDO, with reorganization for clarity and to conform to the format and layout of this updated UDO.

⁴⁷⁵ Carries forward Section B-3-2.1(A)(1) of the current UDO.

⁴⁷⁶ Carries forward Section B-3-2.1(A)(3)(a), (c), and (d) of the current UDO.

this Section, but shall comply with all safety regulations established in this section, to the maximum extent permitted by law.

153.08.03 Timing of Review

Review for compliance with the standards of this section shall occur during review of a site plan (Section 156.05.08), special use permit (Section 156.05.09), sign permit (Section 156.05.10), or zoning permit (Section 156.05.11), as appropriate.

153.08.04 Comprehensive Sign Plan⁴⁷⁷

A. Applicability

An application for a development project that includes more than three principal uses or tenant spaces shall submit a comprehensive sign plan that allocates permitted signs and display surface areas among the individual uses or establishments.

B. Requirements

- (1) A comprehensive sign plan shall identify all signs located or proposed in the development. Any nonconforming signs shall be identified, and the comprehensive sign plan shall include a plan to bring all nonconforming signs into compliance.
- (2) A comprehensive sign plan shall include a visually continuous theme that is consistent with regard to the number and size of signs, placement of signs, materials and color, size and style of lettering, and type of sign illumination on the project site. It shall be designed to be compatible with the character of the Village, surrounding lands, and the proposed buildings and overall development plan for the site.

153.08.05 Sign Content⁴⁷⁸

A. General

No part of these regulations shall be construed to favor commercial speech over noncommercial speech, nor restrict speech on the basis of content, viewpoint, or message.

B. Substitution of Noncommercial Message

Whenever this Ordinance permits a sign with a commercial message, a noncommercial message may be substituted, provided the sign complies with all other standards in this Section.

153.08.06 Prohibited Signs

The following signs are prohibited:

- A. Abandoned signs. See Section 153.08.12, Sign Abandonment;
- B. Air activated/wind signs, which are signs or devices consisting of banners, streamers, pennants, streamers, wind-blown propellers, strung light bulbs, feather flags, spinners, or similar installations);
- C. Cabinet or box signs when used as wall signs, that houses the lighting source and equipment;

⁴⁷⁷ Carries forward Section B-3.2.1(B)(5) of the current UDO with reorganization for clarity.

⁴⁷⁸ Carries forward and simplifies Section B-3-2.1(B)(3)(g) of the current UDO; subsection (A) is new. Section B-3-2.1(A)(3)(b) is duplicative and has not been carried forward separately. Section B-3-2.1(B)(2)(1) separately refers to government signs and has been consolidated here.

Chapter 153: Site Development Standards

Section 153.08. Signs

- D. Hand-carried commercial signs, which are signs held by or attached to a human for the purposes of advertising or otherwise drawing attention to a business, commodity, service, or product, and which may include a person dressed in costume to advertise or draw attention to an individual, business, commodity, service, or product;
- E. Inflatable signs, inflatable devices, and signs that are designed to appear as inflatable signs (e.g., plastic balloons); Signs that are located in such a manner as to constitute a nuisance as defined by Section 92.01 of the Village of Clemmons Code of Ordinances;
- F. Neon signs;
- G. Off-premises signs, including but not limited to both digital and static billboards or other large outdoor advertising structures, both on-premise and off-premise;
- H. Pole signs;
- I. Portable signs, except as specifically permitted in this Ordinance;
- J. Roof signs, which are signs erected, constructed, painted, or placed upon or over a roof or parapet wall of a building and which is wholly or partly supported by the building or roof structure;
- K. Pavement markings for purposes other than traffic control, except as specifically permitted in this Ordinance;
- L. Signs that incorporate searchlights, strobe lights, rotating beacon lights, and flashing lights that are visible from the public right-of-way, except as otherwise expressly allowed by this Ordinance or required by law;
- M. Signs or devices which emit smoke, bubbles or foam, visible vapors, particles, sound, or odor;
- N. Signs that prevent free ingress or egress from any door, window, fire escape, or required exit, or prevent free access from one part of a roof to another;
- O. Signs located in or that project into the rights-of-way of a public street or other public property, except where otherwise permitted in this Ordinance or by law;
- P. A sign structure that consists of multiple sign facings placed at angles to each other, oriented in different directions, known as a “V-shaped sign;”
- Q. Snipe signs, which are signs placed on trees, fences, light posts, utility poles, parking meters, bridges, overpasses, or other signs);
- R. Signs with digital changeable copy or an image or images that scrolls, blinks, or flashes, including, but not limited to, LCD, LED, and any similar technology, except as used to provide public services information such as time, date, temperature, weather, or similar information, except as specifically permitted in this Ordinance;
- S. Vehicle signs which are:
 - (1) Attached to or painted on an inoperable or unregistered vehicle (motorized or non-motorized) located in view of the rights-of-way; or
 - (2) Signs attached to or painted on a licensed motor vehicle if the sign, except as specifically permitted in this Ordinance:
 - (a) Directs attention to a business, service, commodity, or activity offered or sold on the premises; and
 - (b) If the vehicle is parked closer to the street than the nearest building wall (this does not apply to vehicles parked for the purpose of immediate loading and unloading).
- T. Wraparound signs or other continuous wall signs that extend around a building corner or radii, except as specifically permitted in this Ordinance;

- U. Signs that are not authorized safety precaution signs, or any sign that:
- (1) Makes use of the words “STOP,” “SLOW,” “CAUTION,” “DANGER,” or any other word, phrase, symbol, or character in such manner as is reasonably likely to be confused with traffic directional and regulatory signs; or
 - (2) By its location, color, nature, or message, may be likely to be confused with or obstruct the view of traffic signals or other signs or may be confused as warning lights of an emergency or public safety vehicle.

153.08.07 General Standards

A. Other Permits Required⁴⁷⁹

All signs shall receive any other permits required by law, including but not limited to valid electric or building permits.

B. On-Premises Signs Permitted⁴⁸⁰

Except where specifically permitted in this Ordinance, all signs shall be located on the same lot as the permitted use (on-premises signs) and shall be clearly incidental, customary, and commonly associated with the operation of the permitted use.

C. Construction⁴⁸¹

- (1) All signs shall be constructed and installed in accordance with the applicable provisions of the Building Code.
- (2) All permanent signs, except for banners, flags, and window signs that meet the standards of this Ordinance, shall be constructed of permanent materials and shall be permanently attached to the ground, a building, or another structure by direct attachment to a rigid wall, frame, or structure.
- (3) All illuminated signs shall be installed in accordance with the applicable provisions of the North Carolina State Electrical Code.
- (4) All detached signs shall be illuminated by an underground electrical source.

D. Sight Triangle

No sign shall be located in the sight triangle.

E. Vertical Clearance⁴⁸²

- (1) Signs, including but not limited to awnings, that extend over areas where vehicles travel or are parked, including driveways, alleys, parking areas, and loading and maneuvering areas, shall provide at least 14 feet of clearance between ground level and the bottom of the sign.
- (2) Signs, including but not limited to awnings, that extend more than 12 inches over areas used by pedestrians such as a sidewalk, walkway, or greenway, shall provide at least eight feet of clearance between ground level and the bottom of the sign. See Figure 153-17: Vertical Clearance of Sign over Sidewalk, Walkway, or Greenway,

⁴⁷⁹ Carries forward Sections B-3.2.1(B)(1)(d)(1)a and B-3.2.1(B)(3) of the current UDO, with revisions for clarity.

⁴⁸⁰ New.

⁴⁸¹ Carries forward Section B-3.2.1(B)(7)(a)-(b) of the current UDO with revisions for clarity.

⁴⁸² Carries forward Section B-3-2-1(B)(4)(a)(1)d-f of the current UDO with revisions for clarity.

Figure 153-17: Vertical Clearance of Sign over Sidewalk, Walkway, or Greenway



F. Signs Prohibited from Obstructing⁴⁸³

- (1) No sign, sign structure, or awning shall be installed in any way that:
 - (a) Interferes in any way with the free use of any fire escape, means of egress or standpipe; or
 - (b) Obstructs building openings to such an extent that light, ventilation, or exhaust are reduced to a level below that required by the Building Code.
- (2) No sign, sign structure, or awning shall be attached to a fire escape.

G. Sign Location⁴⁸⁴

- (1) All signs, including their supports, frames, and embellishments, shall be located entirely on private property and not in public right-of-way, except as specifically provided in this Ordinance or state law, or in accordance with the following:
 - (a) The Village may give permission for permanent or temporary signs to be placed on Village-owned right-of-way when the signs would not interfere with the orderly use of the right-of-way.
 - (b) Wall, awning, canopy, projecting, and shingle signs may encroach over a public sidewalk if the landowner enters into an encroachment agreement with the Village or NCDOT, as applicable. All signs must be at least 24 inches inside the curb line or edge of the pavement, whichever is the greater distance.

⁴⁸³ Carries forward Section B-3-2-1(B)(4)(a)(1)g-h of the current UDO with revisions for clarity.

⁴⁸⁴ Carries forward Sections B-3-2-1(B)(4)(a)(1)e and i-j of the current UDO with revisions for clarity.

- (2) A sign installed or placed on or over public property, except in accordance with the standards of this Ordinance, shall be forfeited to the public and be subject to confiscation and disposal. In addition to other remedies provided by this ordinance, the Village shall have the right to recover from the sign owner and/or installer the full costs of removal and disposal of the sign.
- (3) Freestanding signs shall be set back at least two feet from a property line, at least five feet from public right-of-way, and at least 15 feet from another structure on the same lot.

H. Sign Design⁴⁸⁵

(1) Material, Style, and Color

The material, style, and color of a sign shall complement the building façade in terms of design, scale, color, and materials.

(2) Placement and Size

Signs shall relate in their placement and size to other building elements without obscuring building elements such as architectural features and decorative details.

(3) Ground Sign Material

Except with respect to registered trademarks, the following standards apply:

- (a) Freestanding ground signs and wall signs shall use only three colors, including the background color.
- (b) The exterior finish color and materials of the sign and sign cabinet shall complement the colors and materials of the building that the advertised business occupies.
- (c) It is recommended that signs have a darker background with lighter colors to improve visibility, especially at night.

(4) Ground Sign Design

- (a) All ground signs shall be monument style, with the base of the sign being no more than 12 inches above the adjacent grade.
- (b) All ground signs shall be designed with decorative caps or finials on top. The base of the sign shall be surrounded by landscaping, including a variety of annuals and perennials that do not obstruct the sign's face.

(5) Cantilevered Ground Signs

A cantilevered ground sign shall be located at least 25 feet from any other ground sign.

I. Sign Illumination⁴⁸⁶

Signs may be illuminated in accordance with the standards in this section.

(1) Prohibitions

Awning, canopy, window, and projecting signs shall not be illuminated.

⁴⁸⁵ Carries forward Sections B-3.2.1(B)(3)(g) and B-3.2.1(B)(4)(a)1b of the current UDO, but relocates the sign bonus for multi-tenant and freestanding building signs.

⁴⁸⁶ Carries forward and reorganizes for clarity the illumination standards in Section B-3.2.1(b)(3)(i) of the current UDO.

(2) General Standards

(a) Externally Illuminated Signs

- (1) Lighting fixtures used to externally illuminate signs shall be full cutoff light fixtures and mounted above the sign so all light is downcast.
- (2) Any external illumination source directed towards a sign shall be shielded so that only the face of the sign is lighted and light spillover is eliminated.

(b) Internally Illuminated Signs

In the CL, CG, CH, MU, and IH districts, signs may be illuminated in accordance with the following standards:

- (1) Wall signs may be illuminated with “wash” or halo lighting that is colored white.⁴⁸⁷
- (2) Individual letters on signs may be illuminated with channel lighting.
- (3) An illuminated ground sign shall be set back at least one linear foot per square foot of display area from any structure used exclusively as a residential use.

(3) Maximum Brightness

- (a) During a period between one-half hour before apparent sunset and one half-hour after apparent sunrise, as determined by the National Oceanic and Atmospheric Administration, a sign may be illuminated with a maximum luminance level of 750 nits.
- (b) At all other times, a sign may be illuminated with a maximum luminance level of 5,000 nits.

J. Fuel Dispenser Signs⁴⁸⁸

Signs are permitted to be located on a fuel island canopy, canopy supporting columns (projecting sign) spandrels, pump islands or dispensers in accordance with the standards in this Section and the following (see Figure 153-18: Fuel Dispenser Signs):

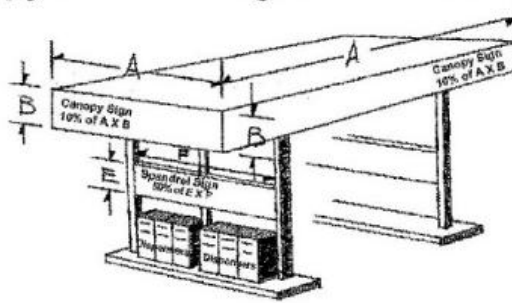
- (1) Signage on a fueling station canopy shall not exceed 10 percent of the surface face area of the canopy.
- (2) Signage may be included on either a fuel island spandrel or a gasoline pump island, but not both.
- (3) Spandrel signs shall not exceed 50 percent of the surface area of the spandrel.
- (4) Fuel price digital changeable copy signs that do not exceed the maximum sign area are permitted on fueling station canopies. A gasoline price/self-service changeable copy sign, up to nine square feet in display area, may be included on a ground sign that is otherwise allowed in the lot. Changeable copy for gasoline prices can be achieved through the use of LCD or LED lighting only on the principal ground sign or on the gasoline canopy, but not both. LCD or LED lights shall not be used for any other purpose than to display gasoline prices.
- (5) A gasoline price or self-service sign located and secured to each pump island shall not exceed nine square feet in display area.

⁴⁸⁷ Incorporates the internal illumination exception for campus development in Section B-3.2.1(B)(5) of the current UDO.

⁴⁸⁸ Carries forward B-3.2.1(B)(4) of the current UDO with revisions for clarity.

Figure 153-18: Fuel Dispenser Signs⁴⁸⁹

Canopy Maximum Sign Area = 10% of A x B



153.08.08 Signs Allowed Without a Permit

A. General⁴⁹⁰

The following signs are permitted without a sign permit:

- (1) Signs bearing only property identification numbers and names, post office box numbers, names of occupants of the premises on which the signs are located, or other identification of premises not of a commercial nature, provided the signs are not illuminated, subject to the following:
 - (a) A maximum of two signs are permitted.
 - (b) The display area of each sign shall not exceed two square feet.
- (2) Flags or insignias for existing governments when not displayed in connection with a commercial promotion.
- (3) Legal notices, identification and informational signs, and traffic directional or regulatory signs erected by or on behalf of a governmental body.
- (4) A sign located within the interior of a building, court, lobby, athletic field, stadium, or other structure which is not intended to be seen from the exterior of the building or structure.
- (5) Memorial signs, plaques, tablets, or cornerstones/cornices (with inscriptions of dedication date and building names).
- (6) Signs stating that a business is open and/or closed, in accordance with the following:
 - (a) A business establishment is permitted one sign;
 - (b) The sign may be illuminated provided the lighting does not blink or flash; and
 - (c) The display area of the sign shall not exceed three square feet.
- (7) One entrance and one exit sign at each driveway. Each such sign shall:
 - (a) Contain a maximum display area of six square feet;
 - (b) Be no more than three feet in height; and
 - (c) Contain no commercial content other than a symbol, name, or logo of the establishment served by the driveway.

⁴⁸⁹ Graphic carried forward from the current UDO and will be updated for clarity and consistency with other illustrations in this updated Ordinance.

⁴⁹⁰ Carries forward Section B-3-2.1(B)(1)(c) of the current UDO, with minor changes for clarity, and the entrance and exist sign and historical marker standards at Section B-3-2.1(B)(2)(a)(4)-(5). In addition, the fence wrap standards (which duplicated NCGS § 160D-908) have been replaced by a reference to the state statute.

- (8) Hand-carried signs containing no commercial subject matter.
- (9) A sign affixed to a vehicle or trailer used on a regular basis for the normal transport of goods or persons.
- (10) A sign not legible from a public walkway, trail, or public or private street.
- (11) Ghost signs or restored ghost signs.
- (12) Murals, in accordance with the following:
 - (a) Murals shall not contain logos, slogans, trademarks, or commercial advertising messages.
 - (b) Murals shall not cover up or interrupt architectural elements of a building.
- (13) Historical signs, provided they are erected or placed by a bona fide historical association and have a maximum display area of 12 square feet.
- (14) Fence wrap signs, in accordance with N.C.G.S. § 160D-908.
- (15) Temporary signs required for traffic safety precaution, in accordance with the MUTCD, including the North Carolina supplement, and as required by state or local law.
- (16) Temporary signs in accordance with Section 153.08.09B, Temporary Signs That Do Not Require a Permit.

B. Required Signs⁴⁹¹

(1) Address Signs

Each landowner shall mark their property using numerals that identify the address of the property so that public safety departments can easily identify the address from the public street. Addressing shall follow the most recently adopted Addressing and Street Naming Guidelines and Procedures Manual for Forsyth County and the current adopted Building Code or Residential Building Code, as applicable.

(2) Legally Required Signs

A landowner shall comply with any federal, state, or local law that requires the landowner to post a sign on the landowner's property to warn of a danger or to prohibit access to the property either generally or specifically. If the applicable law describes the form and dimensions of the sign, the landowner shall comply with those requirements. If the law does not describe the form and dimensions of the sign, the sign shall be located in a place on the property that is likely to provide required access to the notice.

153.08.09 Temporary Signs⁴⁹²

A. General Standards

Temporary signs are typically small, temporary yard signs often associated with (but not limited to) real estate advertisements, political campaigns, and meeting announcements. All temporary signs shall comply with the following:

- (1) Temporary signs shall be located on private property except as specifically permitted by this Ordinance to be posted on public property.

⁴⁹¹ Carries forward Sections B-3-2.1(B)(2)(a)(2)-(3) of the current LDC.

⁴⁹² Carries forward Section B-3-2.1(B)(2)(b) of the current UDO, with minor revisions for clarity. In addition, the definitions of Type 1 and Type 2 freestanding temporary signs have been consolidated with the other definitions. Type 3 freestanding temporary signs are defined to mean A-frame signs, and so that term is used instead.

- (2) All temporary signs shall be constructed of materials and printed with inks capable of withstanding normal weather conditions.
- (3) All temporary signs shall be anchored, attached, or otherwise affixed to a structure or supported so that the sign cannot be easily dislodged by strong winds or heavy rains.
- (4) Temporary signs shall not be affixed to a permanent sign or the supporting structure of a permanent sign, including both building-mounted and freestanding permanent signs.
- (5) Temporary signs shall not be illuminated.
- (6) Where temporary signs are limited in the duration of their display and limited in the total number of displays per calendar year, any required period of separation between such displays shall carry through to the following calendar year and shall be observed prior to initiating the first allowed display during the new calendar year.

B. Temporary Signs That Do Not Require a Permit

The following temporary signs may be installed or erected without a sign permit:

(1) Incidental Wall Signs

An incidental sign, which is a sign, handbill, or poster that advertises an event and is not intended to be placed permanently and is not intended to be viewed and is not easily noticeable from adjacent properties, public property, or a public right-of-way, may be affixed to a building wall or similar permanent structure if it is not legible or easily noticeable from adjacent properties.

(2) Temporary Window Signs

A temporary sign may be affixed to the interior or exterior of a window, in accordance with the following:

- (a) The sign may not be affixed to a window in a manner that is likely to leave a permanent mark, such as chemical adhesion, painting, etching, or similar means.
- (b) Temporary window signs may not cover, in aggregate, more than 25 percent of the glazed area of the window to which they are affixed.

(3) Freestanding Temporary Signs⁴⁹³

(a) General Standards

The following standards apply to all freestanding temporary signs:

- (1) Signs shall not be affixed to poles, posts, stakes, or other supporting structures that are permanently installed or anchored into the ground through the use of concrete foundations or similar anchoring techniques.
- (2) No more than one freestanding temporary sign may be displayed on a parcel or group of adjacent parcels under common ownership or tenancy at any given time, regardless of type, unless otherwise expressly permitted in this Ordinance or otherwise allowed by law.

(b) Specific Standards for Freestanding Temporary Signs

- (1) A Type 1 freestanding temporary sign, which includes small temporary yard signs typically associated with (but not limited to) real estate advertisements, political campaigns, and meeting announcements, may be displayed up to two

⁴⁹³ Includes minor changes to clarify the relationship with the political sign regulations in N.C.G.S. § 136-32.

weeks before an event and shall be removed within 24 hours after the end of the event associated with the sign, if any. Type 1 freestanding temporary signs that are political signs in accordance with N.C.G.S. § 136-32 may be posted in the public right-of-way and shall be subject to the requirements of N.C.G.S. § 136-32. All other Type 1 freestanding temporary signs shall be set back at least five feet from any public right-of-way.

- (2) A Type 2 Freestanding Temporary Sign, which is a large temporary sign typically associated with the advertisement of large tracts of land for sale, construction and development activity, or commercial or industrial buildings for sale or lease, shall have a maximum display area of 16 square feet, a maximum height of five feet, be displayed for no more than 24 consecutive months, and be set back at least five feet from any public right-of-way.
- (3) One A-frame sign no more than four height in height and with a maximum display area of 10 square feet per side is permitted in front of the entrance to a building with a use in the Commercial use classification during business hours.

C. Temporary Wall Signs

Temporary wall signs may be placed on the walls of buildings, following issuance of a sign permit, in accordance with the following:⁴⁹⁴

- (1) Temporary wall signs may only be placed on buildings serving uses in the Agricultural, Residential, and Public Civic and Institutional use classifications; in the personal and business service, recreation, and retail sales and services use categories within the Commercial use classification; and in the extraction or production use category within the Industrial use classification.
- (2) One temporary wall sign is permitted:
 - (a) On a building occupied by a single tenant, or occupied by multiple tenants that share a common entrance; or
 - (b) For each tenant in a building designed for occupancy by multiple tenants, where each tenant has a separate entrance.
- (3) A temporary wall sign shall be mounted flush against the building wall and be secured by fasteners or other anchors at each corner.
- (4) A temporary wall sign may be displayed for a maximum of 14 consecutive days, for no more than six times per calendar year.
- (5) The maximum square footage of and height of a temporary wall sign shall comply with the standards in Table 153-20: Temporary Wall Sign Standards.⁴⁹⁵

Table 153-20: Temporary Wall Sign Standards	
District	Maximum Display Area (in square feet)
Conservation and Residential districts	16
CN district	4

⁴⁹⁴ In the current UDO, the signs require issuance of a zoning permit. This has been changed to a sign permit.

⁴⁹⁵ This consolidates the separate standards for temporary wall sign display area and height in the current UDO into one table.

Table 153-20: Temporary Wall Sign Standards	
District	Maximum Display Area (in square feet)
CL, CG, CH, IL, IH, IP, MU districts	25 percent of the maximum permanent wall signage in the district, with a maximum of 72 square feet

153.08.10 Permanent Signs

A. General Standards⁴⁹⁶

The following regulations apply to permanent signs permitted in this Section 153.08.10.

(1) Permit Required

A sign permit is required before the installation, erection, or modification of any permanent sign, in accordance with Section 156.05.10, Sign Permit.

(2) Change of Copy

A permit is not required for the change of copy of a sign.

(3) Standards That Apply to Multiple Sign Types

- (a) An applicant shall obtain a sign permit in accordance with Section 156.05.10, Sign Permit, prior to erecting or installing signs permitted in this Section 153.08.10.
- (b) No signs are permitted on rooftop penthouses or on screening of rooftop mechanical equipment.
- (c) For a multi-tenant building, only one canopy, awning, or projecting sign is permitted for each tenant.

(4) Awning and Canopy Signs

The following standards apply to awning and canopy signs:

- (a) Printed information limited to the name, street number, address, or logo of the establishment(s) occupying the building to which the awning is attached, may be printed on the outside surface area of the awning.
- (b) The copy area shall not exceed 30 percent of the surface area of the awning, or canopy.
- (c) The canopy shall not project more than eight feet beyond the building support and shall not project beyond any walkway adjacent to the building.

(5) Crown Signs

Crown signs shall not be placed below the start of the highest floor or extend above the roof line and shall not cover windows or architectural details.

⁴⁹⁶ Carries forward Section B-3-2.1(B)(3)(b) of the current UDO, with updates for clarity, and revisions as noted in footnotes below. The list of individual sign types has been alphabetized.

(6) Ground Signs⁴⁹⁷

- (a) Individual lots with more than one tenant may utilize multi-tenant signs. An additional four square feet of display area may be added per additional tenant, in addition to the display area permitted for the ground sign in accordance with Table 153-23: CN District Sign Standards, Table 153-24: CL District Sign Standards, Table 153-25: CG, CH, and MU District Sign Standards, and Table 153-26: IL and IH District Sign Standards, as applicable, up to a maximum of 64 square feet.
- (b) A ground sign shall include the street address number at least nine inches in height. The area of the street address number is not included in any calculation of the total sign area.

(7) Projecting Signs

The following standards apply to projecting signs:

- (a) The top of a projecting sign shall not extend:
 - (1) Above the roof line or above a parapet wall of a building with a flat roof;
 - (2) Above the third story of a building; or
 - (3) More than 42 feet above the adjacent sidewalk or, if there is no sidewalk, finished grade.
- (b) A marquee sign shall not project more than four-and-a-half (4.5) feet from the building and shall provide at least 10 feet of clearance above the adjacent sidewalk or, if there is no sidewalk, finished grade.
- (c) A projecting sign may extend up to 18 inches into a public right-of-way with an encroachment agreement from the Village of Clemmons or NCDOT.

Figure 153-19: Projecting Signs⁴⁹⁸



⁴⁹⁷ Section B-3.2.1(B)(3)(b)(2)(a) states “Individual lots with two (2) or more tenants shall utilize multi-tenant signs. An additional four (4) square feet may be added per additional tenant up to a maximum of 64 square feet.” A separate provision in Section B-3.2.1(B)(3)(g)(i)(4)(a) relative to multi-tenant signs states “Any shopping center or multiple proprietorships in one building or connected buildings occupied by four (4) or more tenants shall be permitted a fifty percent (50%) increase in ground sign (on-premises) area provided that such signs shall be of the marquee type.”

⁴⁹⁸ Graphic carried forward from the current UDO. It will be updated in future drafts to illustrate the maximum projection from the wall and required clearance above sidewalk.

(8) Shingle Signs

A shingle sign shall:

- (a) Be located at least 25 feet from any other shingle sign or projecting sign;
- (b) Be located within five feet of an accessible building entrance;
- (c) Be placed below the window sills of the 2nd story on a multi-story building. or below the roof line on a one-story building; and
- (d) Integrate the hanging bracket as part of the architectural design of the structure.

(9) Wall Signs

The following standards apply to wall signs:

- (a) No portion of a wall sign shall extend above the roof line or above a parapet wall of a building with a flat roof, or above the lower eave line of a building with a pitched roof.
- (b) A wall sign shall not cover windows or architectural details.
- (c) No portion of a wall sign shall extend more than 12 inches horizontally beyond the main wall of a building.
- (d) Box signs or cabinet signs are not permitted as wall signs.
- (e) A wall sign that relates to a particular tenant in a multi-tenant building shall only be permitted on the portion of the building facade corresponding to the space occupied by that tenant.⁴⁹⁹

(10) Window Signs

The following standards apply to window signs:

- (a) Window signs are only permitted on ground floor windows.
- (b) Total window sign area, including both temporary and permanent window signs, shall not exceed 25 percent of the surface of each window area, including transparent areas of doors and entryways of the first floor of a building. For purposes of calculating permitted window sign area, window area shall be counted as a continuous surface until divided by an architectural or structural element, such as a door casing or façade treatment, but not including mullions.

B. Sign Regulations by District

Permanent on-premises signs are permitted on land within the Village in accordance with the standards of this Section. Additional signs or sign display area may be available in accordance with the standards in Section 153.08.10C, Bonus Sign Provisions.

(1) Sign Regulations in Conservation and Residential Districts

On-premises permanent signs are permitted in the Conservation and Residential districts in accordance with Table 153-21: Conservation and Residential District Sign Standards.

⁴⁹⁹ This carries forward the standards in Section B-3-2.1(h)(2)f of the current UDO, titled "Attached Signs on Multi-tenant Buildings," and relocated them to the wall sign standard.

Table 153-21: Conservation and Residential District Sign Standards⁵⁰⁰

Sign Type	Number (max) per frontage or dev. entrance	Location	Display area, max (sf)	Height, Max (ft)
Wall	1	On structure	[2]	n/a
Ground		Along frontage	18	5
Cantilevered		Along frontage	9	5
Development identification [1]		Adjacent to neighborhood entrance	16	5

*max = maximum**ft = feet**sf = square feet***NOTES:**

[1] Development identification signs are not permitted in the C district.

[2] In the C district, a wall sign shall have a maximum display area of 48 sf. In the Residential district, a wall sign shall have a maximum display area of four sf.

(2) Sign Regulations in Institutional and Public Districts

On-premises permanent signs are permitted in the IP district in accordance with Table 153-22: IP District Sign Standards

Table 153-22: IP District Sign Standards⁵⁰¹

Sign Type	Number (max) per frontage or dev. entrance	Location	Display area, max (sf) [1]	Height, Max (ft) [1]
Wall	1 per business	On structure	10% of area of wall on which it is placed (max. of 200 sf)	See A(9)
Projecting			9	See A(7)
Canopy			30% of surface area of canopy	n/a
Awning			30% of surface area of awning	n/a
Window			See A(10)	See A(10)

⁵⁰⁰ This carries forward and simplifies the standards in Table B-3-2.1(B)(3)(A) of the current UDO. In general, the sign tables have been restructured as follows. First, each table has been simplified by removing the line regarding “on-premises” signs, as off-premises signs are prohibited elsewhere in this section. Second, the standards have been consolidated, where possible, and separate tables used for each district to reduce the length of the tables; for example, the separate table sections for the YR (now C) district and the other residential districts have been consolidated into one table, with discrepancies addressed in table notes. Third, temporary signs are addressed comprehensively elsewhere in the code, and so those regulations are not repeated in the tables. Finally, the column “Permit Required” has been removed as all remaining signs listed in the table now require a permit.

⁵⁰¹ This carries forward and simplifies the standards in Table B-3-2.1(B)(3)(A) of the current UDO. In general, the sign tables have been restructured as follows. First, each table has been simplified by removing the line regarding “on-premises” signs, as off-premises signs are prohibited elsewhere in this section. Second, the standards have been consolidated, where possible, and separate tables used for each district to reduce the length of the tables; for example, the separate table sections for the YR (now C) district and the other residential districts have been consolidated into one table, with discrepancies addressed in table notes. Third, temporary signs are addressed comprehensively elsewhere in the code, and so those regulations are not repeated in the tables. Finally, the column “Permit Required” has been removed as all remaining signs listed in the table now require a permit.

Chapter 153: Site Development Standards

Section 153.08. Signs

Sign Type	Number (max) per frontage or dev. entrance	Location	Display area, max (sf) [1]	Height, Max (ft) [1]
Shingle	1 per building front		4	See A(7)
Ground	1	Adjacent to frontage	18	5
Cantilevered	1 [2]		9	5

max = maximum ft = feet sf = square feet

NOTES:

- [1] All partial cross-references are to the general standards for permanent signs in Section 153.08.10A, General Standards.
- [2] A cantilevered sign is allowed only if there is no ground or other freestanding sign on the site.

(3) Sign Regulations in Commercial and Mixed-Use Districts

- (a) On-premises permanent signs are permitted in the CN district in accordance with Table 153-23: CN District Sign Standards.

Table 153-23: CN District Sign Standards⁵⁰²

Sign Type	Number (max) per frontage or dev. entrance	Location	Display area, max (sf)	Height, Max (ft) [1]
Wall	1 per business	On structure	8	See A(9)
Projecting				See A(7)
Shingle			4	See A(7)
Awning			30% of surface area of awning	n/a
Ground		Adjacent to frontage	8	5

max = maximum ft = feet sf = square feet

NOTES:

- [1] All partial cross-references are to the general standards for permanent signs in Section 153.08.10A, General Standards.

- (b) On-premises permanent signs are permitted in the CL district in accordance with Table 153-24: CL District Sign Standards.

⁵⁰² Carries forward the standards relating to signs in the NO and NB districts in Table B-3-2.1(B)(3)(B) of the current LDC, with some simplification. In the NO district, the ground sign location is listed as “on structure,” and is listed as “along frontage” in CN. Clarified to “Adjacent to frontage” for consistency with sign standards in other districts. The larger maximum sign display area (8 sf) from the NO district has been carried forward in place of the 4 sf minimum sign display area in the NB district, to reduce nonconformities.

Table 153-24: CL District Sign Standards

Sign Type	Number (max) per frontage or dev. entrance	Location	Display area, max (sf) [1]	Height, Max (ft) [1]
Wall	1 per business	On structure	10% of area of wall on which it is placed (max. of 200 sf)	See A(9)
Projecting			9	See A(7)
Canopy			30% of surface area of canopy	n/a
Awning			30% of surface area of awning	n/a
Window			See A(10)	See A(10)
Shingle	1 per building front	Adjacent to frontage	4	See A(7)
Cantilevered	1 [3]		9	5
Ground	1 per primary entrance to development		36 + 4 per tenant, max 64	10

*max = maximum**ft = feet**sf = square feet***NOTES:**

- [1] All partial cross-references are to the general standards for permanent signs in Section 153.08.10A, General Standards.
- [2] For a lot with a building footprint that is less than 4,000 sf, a ground sign shall have a maximum display area of 18 sf and a maximum height of five feet. For a lot with a building footprint that is equal to or greater than 4,000 square feet, a ground sign shall have a maximum display area of 36 sf and a maximum height of 10 feet.
- [3] A cantilevered sign is allowed only if there is no ground or other freestanding sign on the site.

(c) On-premises permanent signs are permitted in the CG, CH, and MU districts in accordance with Table 153-25: CG, CH, and MU District Sign Standards.⁵⁰³

Table 153-25: CG, CH, and MU District Sign Standards

Sign Type	Number (max) per frontage or dev. entrance	Location	Display area, max (sf)	Height, Max (ft) [1]
Wall	1 per business	On structure	10% of area of wall on which it is placed (max. of 200 sf)	See A(9)
Projecting			9	See A(7)
Canopy			30% of surface area of canopy	n/a

⁵⁰³ This carries forward existing standards and applies them to the new MU district.

Table 153-25: CG, CH, and MU District Sign Standards

Sign Type	Number (max) per frontage or dev. entrance	Location	Display area, max (sf)	Height, Max (ft) [1]
Awning			30% of surface area of awning	n/a
Shingle	1 per building front		4	See A(7)
Crown	1 per building façade, max 2 per building		2.5% of building façade (in addition to other building signs)	See A(5)
Ground	1	Adjacent to frontage	[2]	[2]
Cantilevered	1 [3]		9	5
Multi-tenant	1 per primary entrance to development	Adjacent to entrance	36 + 4 per tenant, max 64	10

*max = maximum**ft = feet**sf = square feet***NOTES:**

- [1] All partial cross-references are to the general standards for permanent signs in Section 153.08.10A, General Standards.
- [2] For a lot with a building footprint that is less than 4,000 sf, a ground sign shall have a maximum display area of 18 sf and a maximum height of five feet. For a lot with a building footprint that is equal to or greater than 4,000 square feet, a ground sign shall have a maximum display area of 36 sf and a maximum height of 10 feet.
- [3] A cantilevered sign is allowed only if there is no ground or other freestanding sign on the site.

(4) Sign Regulations in Industrial Districts

On-premises permanent signs are permitted in the IL and IH districts in accordance with Table 153-26: IL and IH District Sign Standards.

Table 153-26: IL and IH District Sign Standards⁵⁰⁴

Sign Type	Number (max) per frontage or dev. entrance	Location	Display area, max (sf)	Height, Max (ft) [1]
Wall	1 per business	On structure	10% of area of wall on which it is placed (max. of 200 sf)	See A(9)
Projecting			9	See A(7)
Canopy			30% of surface area of canopy	n/a
Awning			30% of surface area of awning	n/a

⁵⁰⁴ Table note 1 to Table B-3-2.1(B)(3)C states "1. Lots located within four hundred (400) feet of the centerline of a freeway/expressway in the interstate system, except in any RM District, are permitted a sign height of thirty-five (35) feet." This has not been carried forward.

Table 153-26: IL and IH District Sign Standards⁵⁰⁴

Sign Type	Number (max) per frontage or dev. entrance	Location	Display area, max (sf)	Height, Max (ft) [1]
Shingle	1 per building front		4	See A(7)
Ground	1	Adjacent to frontage	[2]	[3]
Crown [4]	1 per building façade, max 2 per building	On structure	2.5% of building façade (in addition to other building signs)	See A(5)
Cantilevered	1 [5]	Adjacent to frontage	9	5

*max = maximum**ft = feet**sf = square feet***NOTES:**

- [1] All partial cross-references are to the general standards for permanent signs in Section 153.08.10A, General Standards.
- [2] For a lot with a building footprint that is less than 25,000 sf, a ground sign shall have a maximum display area of 18 sf in the IL district and 36 sf in the IH district. For a lot with a building footprint that is 25,000 sf or greater, a ground sign shall have a maximum display area of 36 sf in the IL district and 54 sf in the IH district.
- [3] For a lot with a building footprint that is less than 25,000 sf, a ground sign shall have a maximum height of 10 feet. For a lot with a building footprint that is 25,000 sf or greater, a ground sign shall have a maximum height of 15 feet.
- [4] A crown sign is only permitted in the IH district.
- [5] A cantilevered sign is allowed only if there is no ground or other freestanding sign on the site.

(5) Drive-Through Signs⁵⁰⁵

Lots with an allowed drive-through use are permitted to install additional drive-through signs in accordance with the following:

- Each sign shall be located within 10 feet of a drive-through lane.
- One primary drive-through sign is permitted per order station, up to two per lot, and one secondary drive-through is allowed per lot, subject to the standards in Table 153-27: Drive-Through Sign Standards.
- Each drive-through sign shall be oriented to be visible to motorists in drive-through lanes.
- Drive-through signs shall comply with the display area and height standards in Table 153-27: Drive-Through Sign Standards.

Table 153-27: Drive-Through Sign Standards

Sign Type	Maximum Display Area	Maximum Height
Primary Drive-Through Sign	36 square feet	8 feet
Secondary Drive-Through Sign	15 square feet	6 feet

⁵⁰⁵ Carries forward Section B-3-2.1(B)(3)(a)(1) of the current UDO.

C. Bonus Sign Provisions

(1) Ground Signs for Multi-Tenant Development⁵⁰⁶

An individual development containing multiple uses in one building or connected buildings that are occupied by more than three tenants are entitled to an increase in permitted signage in accordance with the following:

- (a) A 50 percent increase in permitted ground sign display area over the maximum display area allowed in the applicable district in accordance with subsection B above.
- (b) If the lot width at the street right-of-way is greater than 250 feet, a second ground sign may be installed provided the two signs are separated by at least 125 feet. The maximum display area of the second sign is the permitted ground sign display area of the other ground sign, in accordance with this Ordinance.

(2) Freestanding Building Sign⁵⁰⁷

A freestanding building with at least 800 square feet of gross floor area that is on an outparcel in a shopping center is permitted one additional ground sign with a maximum of 36 square feet of display area, subject to the maximum height for ground signs in the applicable zoning district.

D. Campus Signs⁵⁰⁸

A development that is designed for public, civic, and institutional uses (see Table 152-1: Principal Use Table) with three or more facilities organized in a campus-style fashion shall submit a comprehensive sign plan with additional signage that provides clear, concise, and uniform directional guidance to a variety of facilities within the campus, in accordance with the following:

(1) Additional Permitted Signage

The following types of additional signage may be included on the comprehensive sign plan and installed on the campus, subject to the standards listed below:

(a) Primary Wayfinding Signs

Signs that provide basic directional information about the destination's name or description (example: Emergency, In-Patient Surgery, Visitor Parking, etc.).

(b) Secondary Wayfinding Signs

Signs that provide more detailed directional information that primary wayfinding signs and are generally located further within the campus (example: Visitor Parking vs. Staff Parking, etc.).

(c) Site Identification Signs

A sign that is located as close as practical to the vehicular entrance of a stand-alone site (medical office, clinic, etc.). The sign shall include the street address and may display the operational name of the facility (XYZ Surgery Associates, P.C., etc.). A

⁵⁰⁶ Carries forward the bonus provision in Section B-3-2.1(B)(3)(g)i4.

⁵⁰⁷ Carries forward the bonus provision in Section B-3-2.1(B)(3)(g)i5 of the current UDO, and clarifies that the standard maximum height standards for ground signs apply.

⁵⁰⁸ Carries forward Section B-3.2.1(B)(5) of the current UDO with reorganization for clarity.

campus abutting a federal or state highway shall be permitted one additional site identification sign to be located along the site frontage with the highway.

(d) Building Exterior Identification Signs

Wall-mounted signs that display the functional name of the facility and meet the sign size requirements for the zoning district.

(e) Miscellaneous Campus Signs

Sign located on-site that convey specific circulation information, pedestrian or accessible pathway directional information or regulatory messages.

(f) Informational Kiosks/Bulletin Boards

The maximum display area of an informational kiosk or bulletin board is 50 square feet.

(2) Illumination

Illumination or the use of reflective graphic elements are encouraged on campus signs, in the following descending order of preference:

- (a) External “wash” illumination and reflective legends/graphics.
- (b) Reflective legends and graphics.
- (c) External “wash” illumination with non-reflective legends/graphics.
- (d) Non-reflective legends and graphics.
- (e) Internal illumination (individual letterforms).

153.08.11 Maintenance⁵⁰⁹

The failure to maintain signs in accordance with the standards of this section and the following shall be a violation of this Ordinance and may be enforced in accordance with Chapter 158, : Enforcement:

- A. All signs shall be maintained in good structural and aesthetic condition. Deficiencies such as chipped paint, broken plastic, missing letters, and exposed light bulbs shall be evidence of a lack of maintenance.
- B. All landscaping areas around the base of the freestanding sign shall be maintained, trimmed, and kept free of weeds. Any dead plants shall be removed and replaced within 90 days. Landscaping areas shall incorporate recumbent ground cover plants or mulch.

153.08.12 Sign Abandonment⁵¹⁰

An abandoned sign shall be considered discontinued and shall be removed, replaced, or modified in accordance with the following:

- A. If the sign complies with the sign height and copy area requirements of this Ordinance, the landowner shall take one of the following actions within 180 days of the date that the sign became abandoned:
 - (1) Remove the sign and sign structure, including all of its supports, frames, and hardware;
 - or

⁵⁰⁹ Carries forward Section B-3.2.1(B)(7)(c) of the current UDO with revisions for clarity.

⁵¹⁰ Carries forward Section B-3.2.1(B)(7)(d) of the current UDO with revisions for clarity.

Chapter 153: Site Development Standards

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- (2) Replace the sign or mask the sign with a solid, uniform color that covers the sign of the ceased use. If the landowner does not replace, paint, or otherwise mask the sign within 180 days of discontinuance, the Village shall have the right to paint or otherwise mask the sign, and recover its costs for doing so, along with any applicable fine or penalties in accordance with Chapter 158: Enforcement.
- B. If the sign does not comply with the sign height and copy area requirements of this Ordinance, the landowner shall remove the sign, including all of its supports, frames, and hardware, within 180 days of the date that the sign became abandoned. If the landowner does not remove the sign, including all of its supports, frames, and hardware, within 180 days of discontinuance, the Village shall have the right to remove the sign, including all of its supports, frames, and hardware, and recover its costs for doing so, along with any applicable fine or penalties in accordance with Chapter 158: Enforcement.

Section 153.09. Form and Design Standards⁵¹¹

153.09.01 Purpose⁵¹²

The purpose of this Section is to establish regulations that ensure a minimum standard of development quality for multifamily, mixed-use, and nonresidential development in a manner that provides clear guidance to landowners and developers, encourage a more pedestrian-friendly environment through attention to human-scale design and site features, and to improve the aesthetics of the Village.

153.09.02 Applicability⁵¹³

A. New Development

Except as provided in subsection C below, all new multifamily, mixed-use, and nonresidential development shall comply with the standards in this Section.

B. Existing Development

Except as provided in subsection C below, an expansion or alteration of multifamily, mixed-use, and nonresidential development shall comply with the standards of this Section to the maximum extent practicable, if the expansion increases building floor area by 25 percent or more, or the alteration involves 25 percent or more of the building gross floor area, as measured over any five-year period.

C. Exception

Industrial uses in the IL and IH districts (see Table 152-1: Principal Use Table) are exempt from the standards of this Section except for the following:

- (1) The following standards apply to the façade of an industrial building that is facing and is visible from a public street:
 - (a) Metal may constitute no more than 20 percent of the façade of a building.
 - (b) At least 20 percent of the façade area facing on the ground-level floor shall be occupied by windows.
- (2) A building's façade shall have clear definition of the ground floor from upper floors, using changes in materials, massing, and architectural relief.
- (3) Buildings shall be oriented roughly in line with or perpendicular to the street and not at other angles.

153.09.03 Timing of Review⁵¹⁴

Review for compliance with the standards of this Section shall occur during review of a development application for conditional zoning map amendment (Section 156.05.03), site plan (Section 156.05.08), zoning permit (Section 156.05.11), or building permit, whichever occurs first.

⁵¹¹ As discussed in the Assessment, these are comprehensive standards that impose basic form and design standards on all nonresidential and multifamily uses. There are three types of standards: One set for multifamily development, one set for most other nonresidential development, and a final set that applies only to large single-tenant retail stores (commonly known as "big box" stores).

⁵¹² This purpose statement is new.

⁵¹³ This is new and requires compliance, to the maximum extent practicable, for redevelopment on a site.

⁵¹⁴ This is new and establishes the time for review for compliance of the standards in this section. Similar provisions are included in each of the sections in this Chapter.

153.09.04 Multifamily Form and Design Standards

The following standards apply to all multifamily development:

A. Building Orientation and Configuration

- (1) On a multifamily site with a single building, the primary entrance of the building shall face a public street.
- (2) Multifamily sites with more than one building shall be configured so that the primary building entrances are oriented towards external streets, internal streets, or open spaces such as courtyards. If provided, a courtyard onto which a primary building entrance faces shall be configured to be at least 30 feet in width and shall have a ratio of width to depth or depth to width of at least 2:1 or greater. Building entrances may be oriented towards off-street parking lots only in cases where no other practical orientation exists.

B. Maximum Building Length

The maximum length of any multifamily building shall be 250 linear feet, regardless of the number of units.

C. Building Facades

Facades of multifamily buildings that face a street shall:

- (1) Incorporate wall offsets, in the form of projections or recesses in the façade plane, spaced no more than 50 feet apart (see Figure 153-20: Wall Offsets). Each wall offset shall have a minimum depth of two feet; and
- (2) Provide a minimum of three of the following design features for each residential unit fronting onto a public street:
 - (a) One or more dormer windows or cupolas;
 - (b) A recessed entrance;
 - (c) A covered porch at least eight feet in depth;
 - (d) Pillars, posts, or columns adjacent to the doorway;
 - (e) One or more bay windows projecting at least 12 inches from the façade plane;
 - (f) Eaves projecting at least six inches from the façade plane;
 - (g) Raised corniced parapets over the entrance door;
 - (h) Multiple windows with a minimum four-inch-wide trim;
 - (i) Integrated planters that incorporate landscaped areas or places for sitting; or
 - (j) Roof form and line changes consistent with the façade offsets.

Figure 153-20: Wall Offsets

Graphic goes here

D. Roofs

(1) Buildings Over 100 Feet in Length

Sloped roofs on buildings over 100 feet in length shall include two or more different sloping roof planes, each with a minimum slope between 3:12 and 12:12. Alternative roof forms or pitches may be allowed for small roof sections over porches, entryways, or similar features.

(2) Flat Roofs

Flat roofs shall be concealed by parapet walls that extend at least three feet above the roof level and have three-dimensional cornice treatments that project at least eight inches outward from the parapet façade plane.

(3) Screening of Roof-Based Mechanical Equipment

Except for chimneys, all roof-based mechanical equipment, vents, pipes, antennas, satellite dishes, and other roof penetrations shall be located on the rear elevations or otherwise be configured and screened (if necessary) to have a minimal visual impact as seen from any public right-of-way.

E. Transparency and Fenestration

At least 20 percent of the façade area facing any street on the ground-level floor of buildings (as measured from the grade to the underside of the eave, top of the parapet, or the story line denoting the second floor) shall be occupied by windows or doorways.

F. Materials

Primary façade materials shall not change at outside corners, but shall extend along any side façade that is visible from a street. The extension shall be a minimum of 20 feet, except materials may change where side or rear wings meet the main body of the structure.

G. Loading, Service, and Refuse Collection Areas

Loading, service, and refuse collection areas shall be oriented to the side or rear of buildings, not oriented towards the primary façade of adjacent buildings, and incorporated into building designs using the same materials as used on the principal building.

H. Garages

- (1) Except for parking structures, detached garages or carports shall be located to the side, rear, or within the building(s) containing the dwellings. See Figure 153-21: Garage Placement.
- (2) If visible from public streets outside the development, the detached garage or carport shall be oriented perpendicular to the street, or the façade facing the street shall be configured to comply with the required wall offsets and façade design features in subsection C above.
- (3) The exterior materials, design features, and roof form of a detached garage or carport shall be the same as the building it serves.

Figure 153-21: Garage Placement

Garage graphic

153.09.05 Nonresidential and Mixed-Use Form and Design Standards

The following standards apply to all nonresidential development and multi-story mixed-use development that includes residential and nonresidential uses:

A. Building Orientation and Configuration

- (1) The front façade of a building shall be defined by its primary entrance and shall be oriented on and front onto a street, courtyard, or plaza. If provided, a courtyard onto which a primary building entrance faces shall be configured to be at least 30 feet in width and shall have a ratio of width to depth or depth to width of 2:1 or greater.

- (2) Single-building development shall be configured with the long axis of the building parallel to the street it fronts or be consistent with existing development patterns, rather than being sited at irregular angles.
- (3) Multi-building developments shall comply with the following:
 - (a) Each building's primary entrance shall be oriented towards one of the following:
 - (1) A street along the perimeter of a development;
 - (2) Streets or driveways interior to the development; or
 - (3) Open space areas such as courtyards or plazas.
 - (b) If the gross floor area of the development exceeds 250,000 square feet, the buildings shall be configured to:
 - (1) Break up the site into a series of smaller "blocks" defined by on-site streets, vehicle accessways, pedestrian walkways, or other circulation routes, as appropriate;
 - (2) Frame the corner of an adjacent street intersection or entry point to the development, if appropriate;
 - (3) Frame and enclose a "Main Street" pedestrian or vehicle access corridor within the development site, if appropriate; and
 - (4) Frame and enclose outdoor dining or gathering spaces for pedestrians between buildings, where appropriate.

B. Outparcel Development

- (1) To the maximum extent practicable, outparcels and their buildings shall be configured and located to define street edges and development entry points.
- (2) Where appropriate, spaces between buildings on outparcels shall be configured with small scale pedestrian amenities such as plazas, seating areas, pedestrian connections, and gathering spaces. See Figure 153-22: Outparcel Development.

Figure 153-22: Outparcel Development

graphic

C. Building Façade

(1) Vertical Definition

(a) Vertical Elements

A building's façade shall include vertical elements such as windows, columns, and other elements.

(b) Base, Middle, and Cap

A building's façade shall have clear definition of a base, middle, and cap, in accordance with the following (see Figure 153-23: Façade Vertical Definition):

(1) Base

The base comprises the first floor of the building. The base should include elements such as a water table or blank entablature marked by a cornice line or a change in materials, color, or plane.

(2) Middle

The middle is the area between the first floor and the cap. The transition between the first and upper floors shall be marked with a raised cornice, awnings, canopies/marquee, clerestory windows, or similar elements.

(3) Cap

A building cap shall visually indicate the top of the building using stepped parapets of various heights with cornice treatment, gables or gable ends, spires, cupolas, dormers, and similar elements. Colored stripes/bands on flat roofs are not acceptable

Figure 153-23: Façade Vertical Definition



(2) Articulation

(a) Primary Buildings

A street-facing building with a front building façade that is greater than 100 feet in length, and all façades that face a street or that are otherwise visible off-site, shall:

- (1) Be articulated with wall offsets in the form of projections or recesses in the façade plane that are at least two feet deep, at least ten feet wide, and spaced an average of 50 feet apart; or
- (2) Use the following techniques, alone or in combination with other techniques, to provide variability along the front façade (see Figure 153-24: Façade Massing Alternatives):

- (A) Incorporate columns or pilasters that are at least eight inches deep and at least eight inches wide, and have a height equal to at least 80 percent of the façade's height; or
- (B) Make roofline changes that vertically align with a corresponding wall offset or change in façade color or material, including changes in roof planes and changes in the height of a parapet wall (such as extending the top of pilasters above the top of the parapet wall).

Figure 153-24: Façade Massing Alternatives

Graphic

(b) Outbuildings

Outbuildings located in front of other buildings within the same development shall include a consistent level of façade articulation and architectural detail on all sides of the building, as well as exterior materials and colors that are compatible with the primary building in the development.

D. Building Entrance

All primary entrances into principal buildings shall be clearly defined and emphasized using changes in the wall plane or façade material, pilasters, awnings, canopies, porches, or other architectural elements

E. Roofs

(1) Buildings Greater Than 100 Feet in Length

Sloped roofs on buildings greater than 100 feet in length shall include two or more different sloping roof planes, each with a minimum slope between 3:12 and 12:12. A similar roof pitch shall be used throughout all visible portions of the roof.

(2) Flat Roofs

Flat roofs shall be concealed by parapet walls that extend at least three feet above the roof level and have three-dimensional cornice treatments that project at least eight inches outward from the parapet façade plane.

(3) Screening of Roof-Based Mechanical Equipment

Except for chimneys, all roof-based mechanical equipment, vents, pipes, antennas, satellite dishes, and other roof penetrations shall be located on the rear elevations or otherwise be configured and screened (if necessary) to have a minimal visual impact as seen from any public right-of-way.

(4) Finishing

Parapet walls and other building elements that extend above the roof shall be finished on all visible sides with similar materials.

F. Transparency and Fenestration

- (1) On the façade area facing any street on the ground-level floor of buildings:
 - (a) If the ground-level floor area is occupied by retail uses, 50 percent of the façade area shall consist of windows or doorways.
 - (b) If the ground-level floor area is occupied by commercial uses other than retail uses, 35 percent of the façade area shall consist of windows or doorways.

- (c) For purposes of this section, the façade area on the ground-level floor of buildings shall be measured from the grade to the underside of the eave, top of the parapet, or the story line denoting the second floor.
- (2) At least 20 percent of the façade area facing any street on floors above the ground-level floor shall be occupied by windows.
 - (a) Glass shall be transparent, without color, and not include more than 10 percent daylight reduction (transmittance) for retail establishments, and 50 percent for office uses, unless greater daylight reduction is required for compliance with the Building Code.
 - (b) Windows shall not be blacked out or covered with signage except as provided in Section 153.08, Signs.

G. Façade Materials

(1) Primary Building Materials

The following building material shall be used for not less than 75 percent of the building wall surface area on each façade. Primary material changes may occur only at building corners where a maximum of one of the façades faces the street. Primary façade materials shall not change at outside corners but shall extend along any side façade visible from a street right-of-way. The extension shall be a minimum of 20 feet, except materials may change where side or rear wings meet the main body of the structure.

- (a) Brick masonry;
- (b) Natural stone (or synthetic equivalent);
- (c) Cast stone; or
- (d) Wood-clapboard or shingles.

(2) Secondary Materials

The following materials may make up 25 percent of the building wall surface area on each façade:

- (a) Pre-cast masonry (only for trim and cornice elements);
- (b) Gypsum reinforced fiber concrete (for trim elements only);
- (c) Exterior Insulation and Finish System (EIFS) (for trim elements only);
- (d) Architectural metal panels with durable finish and defined profile;
- (e) Composite panels;
- (f) Cementitious siding or panels; or
- (g) Fabric awnings

(3) Prohibited Materials

The following materials are prohibited on any façade:

- (a) Smooth-face concrete masonry; and
- (b) Corrugated metal “R” panels;

(4) Use of Multiple Materials

Where two or more materials are proposed to be combined on a façade, the heavier and more massive elements shall be located below the lighter elements (i.e., brick below stucco or wood). The heavier material may be used as a detail on the corner of a building

or along cornices or windows. See Figure 153-25: Configuration of Multiple Materials on a Façade.

Figure 153-25: Configuration of Multiple Materials on a Façade

Graphic

(5) Color

- (a) Façade colors shall be generally be low reflectance, subtle, neutral or earth tone colors, although building trim and accent areas may feature brighter colors, including primary colors.
- (b) The use of high intensity colors, metallic colors, black or fluorescent colors is prohibited.

153.09.06 Large Retail Establishment Form and Design Standards

A. Applicability

- (1) The standards in this Section 153.09.06 apply to single-tenant buildings that:
 - (a) Have a gross floor area of 40,000 square feet or more; and
 - (b) Devote 60 percent or more of their floor area to retail sales activities.
- (2) To the extent the standards in this Section 153.09.06 conflict with the standards in Section 153.09.05, Nonresidential and Mixed-Use Form and Design Standards, the more restrictive standards apply.

B. Building Entrances

Buildings shall have clearly designed and highly visible customer entrances that include at least three of the following:

- (1) Canopies or porticos above the entrance;
- (2) Roof overhangs above the entrance;
- (3) Entry recesses or projections;
- (4) Arcades that are physically integrated with the entrance;
- (5) Raised corniced parapets above the entrance;
- (6) Gabled roof forms or arches above the entrance;
- (7) Outdoor patios or plazas adjacent to the entrance;
- (8) Display windows that are directly adjacent to the entrance;
- (9) Architectural details, such as tile work and moldings, that are integrated into the building structure and design and are above or directly adjacent to the entrance; or
- (10) Integral planters or wing walls that incorporate landscaped areas or seating areas.

C. Façades and Massing

(1) General

To reduce their perceived mass and scale, buildings shall incorporate three or more of the following design elements on each façade that faces a street:

- (a) Variations in roof form and parapet heights;
- (b) Pronounced wall offsets that are at least two feet deep;
- (c) Distinct changes in texture and color of wall surfaces;

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- (d) Ground level arcades and second floor galleries or balconies;
- (e) Protected and recessed entries; and
- (f) Vertical accents or focal points.

(2) Side Building Walls

Side building walls that do not face a street and exceed 30 feet in length shall have façade-articulating elements such as columns and/or changes in plane, texture, or masonry pattern. See Figure 153-26: Large Retail Building Entrances and Massing.

Figure 153-26: Large Retail Building Entrances and Massing

Graphic

Section 153.10. Residential Compatibility Standards⁵¹⁵

153.10.01 Purpose

The purpose of these residential compatibility standards is to improve compatibility between new nonresidential, mixed-use, or multifamily development that is adjacent to land being used for lower-intensity residential uses through the establishment of contextual development standards that are designed to improve the transition between the different uses.

153.10.02 Applicability

A. General

(1) Development Subject to Standards

Unless exempted by subsection B below, the standards of this Section apply to new nonresidential, multifamily, or mixed-use development, or any expansion or alternation of existing nonresidential, multifamily, or mixed-use development, where the expansion increases the development's floor area by 50 percent or more, or the alteration involves 50 percent or more of the development's floor area, and that is:

- (a) Located on land adjacent to protected development; or
- (b) Located on land across a street with fewer than four lanes from protected development.

(2) Protected Development

For purposes of this Section, "protected development" shall include the following:

- (a) Land in the C, RSF-1, RTSF-2, RSF-3, and R-MH districts;
- (b) Land in the R-M district that is occupied by a single-family detached dwelling, townhouse dwelling, two-family dwelling, twin home dwelling, or group home A.

B. Exemptions

Uses in the Education and Transportation, Communication, and Utilities categories are exempt from the standards of this Section.

C. Conflict

In the case of conflict between the standards in this Section and other standards in this Ordinance, the standards in this Section shall control unless expressly stated to the contrary.

153.10.03 Timing of Review

Review for compliance with the standards of this Section shall occur during review of a development application for conditional zoning map amendment (Section 156.05.03), major subdivision (Section 156.05.05), site plan (Section 156.05.08), special use permit (Section 156.05.09), zoning permit (Section 156.05.11), or building permit, whichever occurs first.

153.10.04 Off-Street Parking Standards

- A. When provided, surface off-street parking shall be established in one or more of the following locations, listed in priority order:

⁵¹⁵ This establishes new contextual development standards that are intended to address the impact that new higher-intensity development (such as commercial or multifamily development) will have on adjacent lower-intensity residential development, such as a single-family neighborhood, as discussed in the Assessment (pages II-51 to II-53).

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- (1) Adjacent to existing parking lots serving nonresidential uses on abutting lots;
 - (2) Adjacent to lot lines abutting nonresidential development;
 - (3) Adjacent to lot lines abutting mixed-use development; or
 - (4) Adjacent to lot lines abutting protected development or.
- B. Parking structure façades adjacent to protected development or parcels shall be configured to appear as articulated walls or covered with vegetation, to soften their visual impact.
- C. Off-street parking lots located adjacent to protected development shall have at least a ten-foot-wide buffer yard that includes the following:
- (1) A six-foot-tall fence in accordance with Section 153.10.06D, Perimeter Fence or Wall; and
 - (2) Six medium-variety trees and 60 shrubs per 100 linear feet planted between the fence and the lot line. The trees and shrubs shall comply with Section 153.03.05, General Landscaping Standards.

153.10.05 Building Setbacks and Height

A. Building Setbacks

- (1) Except as provided in subsection (2) below, all buildings shall be set back a minimum of 50 feet from the lot line of the protected development.
- (2) If a proposed development is required to provide a Type 3 buffer adjacent to protected development in accordance with Table 153-13: Transitional Buffer Options, the building setback may be reduced to no less than 35 feet if the developer installs within the buffer a solid masonry wall at least eight feet high that is compatible, in terms of texture and quality, with the material and color of the principal buildings on the site.

B. Building Height

- (1) Within 100 linear feet from the lot line of the protected development, the height of any building shall not exceed the lesser of three stories, 35 feet, or the maximum height allowed in the zoning district. Beyond the 100 feet distance, the height of a building may extend up to the maximum height allowed in the zoning district in which it is located.
- (2) Buildings that exceed three stories in height shall be broken up into modules or wings with the smaller and shorter portions of the structure located adjacent to protected development. See Figure 153-27: Building Height Modulation.

Figure 153-27: Building Height Modulation

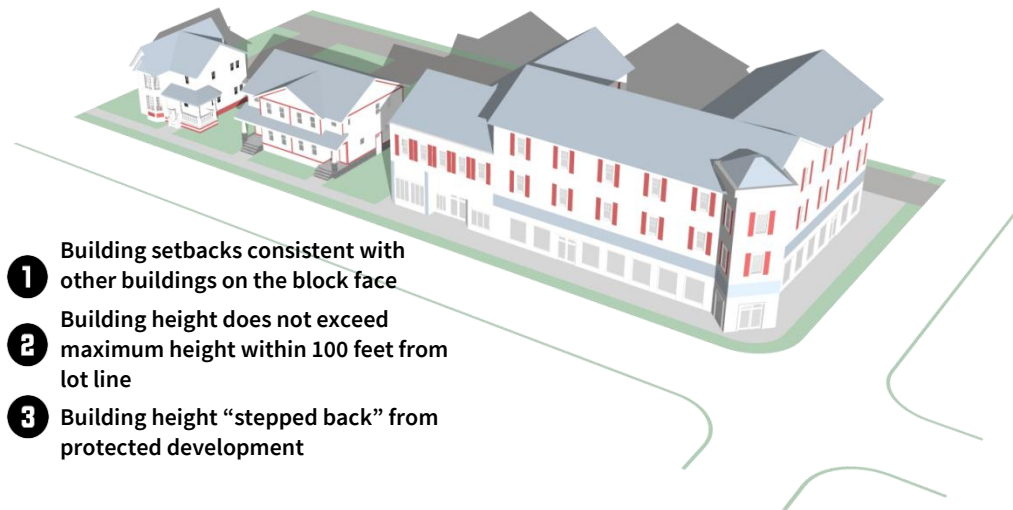


Figure 153-28: Maximum Height Where Residential Compatibility Standards Are Applicable⁵¹⁶
graphic

C. Building Roof Form

- (1) Structures within 150 feet of a lot line of protected development shall maintain a pitched roof.
- (2) All roof-mounted equipment shall be configured and screened from view from adjacent streets and protected developments and parcels, to the maximum extent practicable.

D. Building Fenestration and Transparency

Building façades within 150 feet of a protected development or parcel, or that face the protected development or parcel, shall have a minimum transparency of 30 percent along the first floor and 15 percent along the second floor and higher floors. The façade area shall be measured from the grade to the underside of the eaves, or from story line to story line on upper building stories. The first two feet of façade area closest to the grade are not required to be transparent and shall be excluded from the façade area calculation.

153.10.06 Site Features

A. Loading, Service, and Refuse Collection Areas

Loading, service, and refuse collection areas shall be:

- (1) Screened from view of protected development, using materials that are the same as, or of equal quality to, the materials used for the principal building; or
- (2) Incorporated into the overall design of the site so that the visual and acoustic impacts of these functions are fully contained within an enclosure or otherwise out of view from adjacent properties and public streets, to the maximum extent practicable.

⁵¹⁶ \This graphic will be updated.

B. Exterior Lighting

Exterior lighting shall, to the maximum extent practicable, be configured so that the source of illumination is not visible from a public street right-of-way or an adjacent protected development.

C. Signage

- (1) Except for directional signage, to the maximum extent practicable, all signage shall be located a minimum of 150 feet from lot lines shared with protected development.
- (2) Within 150 feet of lot lines shared with a single-family residential lot, the maximum sign copy area for signs shall be reduced by 25 percent.
- (3) Directional signs within 150 feet of lot lines shared with a protected development shall be oriented towards the use's principal driveway.

D. Perimeter Fence or Wall

Where a development subject to these standards abuts a protected development, a fence or wall six feet high using materials permitted in Section 153.07.06, Materials, shall be provided along the shared boundary to help screen the development from view of the protected development.

E. Drive-Throughs

Drive through facilities, including menus, ordering boxes, and pick-up windows, shall not be located on a building façade that faces a protected development, or within 100 feet of a protected development.

F. Outdoor Activity Areas

- (1) All ground-level outdoor activity areas, including porches, decks, vending areas, and other similar site attributes shall be screened from adjacent protected development with a Type 3 buffer in accordance with Section 153.03.07, Transitional Buffer Standards.
- (2) Upper-story balconies that serve individual dwelling units or common areas and that are located within 100 feet of a protected development shall be located and designed to prevent views into the rear yard of the protected development.

Chapter 159: Definitions and Rules for Construction and Interpretation

Commentary

Chapter 159: Definitions and Rules for Construction and Interpretation contains the rules governing interpretation and construction, rules of measurement, and the definitions used in the UDO.

Section 159.01, Rules of Construction, establishes basic rules of construction for the UDO such as the meaning of conjunctions, authorizes the Planning Director and other named officials in the UDO to delegate their authority to other staff members, and provides rules for computing time.

Section 159.02, Rules of Interpretation, establishes general rules for interpreting the meaning of terms used in the UDO.

Section 159.03, Rules of Measurement, establishes rules for measuring density and dimensional standards like height, width, yard depths, lot area, and other measurements that are required to interpret standards.

Section 159.04, Definitions, includes the definitions used in the UDO. Additional definitions will be added as future Chapters are drafted.

Note: This commentary is provided for reference purposes. It will be deleted in the adopted UDO.

Section 159.01. Rules of Construction⁶⁴²

159.01.01 Mandatory and Discretionary Terms⁶⁴³

The words “shall,” “must,” “should,” and “will” are mandatory, establishing an obligation or duty to comply with the particular provision. The word “may” is permissive.

159.01.02 Tenses and Plurals⁶⁴⁴

Words used in the present tense include the future tense. Words used in the singular number include the plural number and the plural number include the singular number, unless the context of the particular usage clearly indicates otherwise. Words used in the masculine gender include the feminine gender, and vice versa.

159.01.03 Conjunctions

Unless the context clearly suggests the contrary, conjunctions shall be interpreted as follows:

- A. “And” indicates that all connected items, conditions, provisions, or events apply; and
- B. “Or” indicates that one or more of the connected items, conditions, provisions, or events apply.

⁶⁴² This new section establishes basic rules for applying this Ordinance, carrying forward existing provisions as listed in footnotes below.

⁶⁴³ This builds on Section A-1-4 of the current UDO.

⁶⁴⁴ This builds on Section A-1-4 of the current UDO.

159.01.04 Delegation of Authority⁶⁴⁵

Any act authorized by this Ordinance to be carried out by a specific official of the Village may be carried out by a professional-level designee of such official at the direction of the official or the Village Manager.

159.01.05 Computation of Time⁶⁴⁶

The time in which an act is to be done shall be computed by excluding the first day and including the last day. If a deadline or required date of action falls on a Saturday, Sunday, or holiday observed by the Village, the deadline or required date of action shall be the day subsequent that is not a Saturday, Sunday, or holiday observed by the Village. References to days are calendar days unless otherwise stated.

Section 159.02. Rules of Interpretation⁶⁴⁷**159.02.01 Headings, Illustrations, and Text⁶⁴⁸**

In the event of a conflict or inconsistency between the text of this Ordinance and any heading, caption, figure, illustration, table, or map, the text shall control. Graphics and other illustrations are generally provided for informational purposes only and shall not be relied upon as a complete and accurate description of all applicable regulations or requirements.

159.02.02 Meaning and Intent

All provisions, terms, phrases, and expressions contained in this Ordinance shall be interpreted in accordance with the general purposes set forth in Section 150.03, General Purpose and Intent, and the specific purpose statements set forth throughout this Ordinance. When a specific section of these regulations gives a different meaning than the general definition provided in this chapter, the specific section's meaning and application of the term shall control.

159.02.03 Lists and Examples

Unless otherwise specifically indicated, lists of items or examples that use terms like “for example,” “including,” and “such as,” or similar language are intended to provide examples and are not exhaustive lists of all possibilities.

159.02.04 References to Other Regulations or Publications

Whenever reference is made to a resolution, ordinance, statute, regulation, or document, it shall mean a reference to the most recent edition of such regulation, resolution, ordinance, statute, regulation, or document, unless otherwise specifically stated.

⁶⁴⁵ This is new and simplifies the Ordinance by allowing authority to be vested in the Planning Director while making clear the official's authority to delegate any responsibilities to other staff. Reference to Village Manager added at suggestion of attorney.

⁶⁴⁶ This is new.

⁶⁴⁷ This new section establishes basic rules for interpreting this Ordinance, carrying forward existing provisions as listed in footnotes below.

⁶⁴⁸ This builds on Sections A-1-7, B-1-8, and C-1-9, of the current UDO.

159.02.05 Technical and Nontechnical terms⁶⁴⁹

Words and phrases shall be construed according to the common and approved usage of the language, but technical words and phrases that may have acquired a peculiar and appropriate meaning in law shall be construed and understood according to such meaning.

159.02.06 Terms Not Defined

If a term used in this Ordinance is not defined in this Ordinance, the Planning Director is authorized to interpret its meaning in accordance with Section 156.05.21, Interpretation. Such interpreted meaning shall be based upon the definitions used in accepted sources—including, but not limited to, *A Planners Dictionary*; *A Glossary of Zoning, Development, and Planning Terms*; *A Survey of Zoning Definitions* (all published by the American Planning Association); and *Black's Law Dictionary*, as well as general dictionaries such as Merriam-Webster, American Heritage, Webster's New World, and New Oxford American dictionaries.

159.02.07 Public Officials and Agencies

All public officials, bodies, and agencies to which references are made are those of the Village of Clemmons, North Carolina, unless otherwise indicated.

Section 159.03. Rules of Measurement**159.03.01 Measurement****A. Lot⁶⁵⁰**

A parcel of land designated by number or other symbol as part of a legally approved and recorded subdivision, or as described by metes and bounds in a recorded deed.

B. Zoning Lot⁶⁵¹

A parcel or contiguous parcels of land which is indicated by the owner at the time of application for a permit in accordance with this Ordinance or a building permit as being that land which is proposed for development under one ownership.

C. Lot Line⁶⁵²

A line or series of connected line segments bounding a lot. There are four types of lot lines:

(1) Front Lot Line

The lot line which separates the lot from a street right-of-way. Corner lots shall have only one front lot line.

(2) Side Lot Line

A lot line other than a front or rear lot line.

(3) Interior Lot Line

A side lot line which separates the lot from another lot.

⁶⁴⁹ This builds on Section A-1-3,

⁶⁵⁰ This carries forward the definition in Chapter A-II of the current UDO.

⁶⁵¹ This carries forward the definition in Chapter A-II of the current UDO.

⁶⁵² This carries forward the definitions in Chapter A-II of the current UDO.

(4) Rear Lot Line

The lot line that is opposite and most distant from the front lot line, except in the case of a triangular lot, a line 10 feet in length, entirely within the lot, parallel to, and at the maximum distance from the front lot line, or a chord thereof if the front lot line is curved, shall be considered as the rear lot line for purposes of determining the required rear yard. In cases where neither of these conditions is applicable, the Planning Director shall designate the rear lot line.

D. Lot Types⁶⁵³

The different types of lots are as follows (see Figure 159-1: Lot Types);

(1) Lot, Corner

A lot abutting two or more streets at their intersection, or upon two parts of the same street, which forms an interior angle of less than 135 degrees as measured at the centerline of the street. The point of intersection of the street right-of-way lines, or of the street right-of-way lines as extended, is the corner.

(2) Lot, Cul-de-Sac

Generally, a triangular or irregular shaped lot which has all of its frontage on the end of a street either in circular cul-de-sac or other type of permanent turnaround with the lot line(s) most parallel to the front line being at least three times the lot's frontage.

(3) Lot, Double Frontage

A lot which has frontage and access on two or more streets. A corner lot shall not be considered as having double frontage unless it has frontage and access on three or more streets.

(4) Lot, Flag

An irregularly shaped lot which has an appendage or extension providing access to a street which does not meet the lot width requirements of the district. The appendage or extension is referred to as the pole.

(5) Lot, Interior

A lot other than a corner lot.

(6) Lot, Reverse Frontage

A lot which has frontage on two or more streets with access from only one street.

Figure 159-1: Lot Types

[Graphic to be provided in a future draft]

E. Lot Area⁶⁵⁴

The horizontal area of a lot measured within the lot lines.

⁶⁵³ This carries forward the definitions in Chapter A-II of the current UDO with minor updates for clarity and consistency.

⁶⁵⁴ New definition.

F. Lot Width⁶⁵⁵

The horizontal distance between the side lot lines at the front setback line as measured along a straight line parallel to the front lot line or parallel to the chord thereof.

G. Setback⁶⁵⁶

The minimum required horizontal distance between a structure and the lot line. On a lot on a cul-de-sac, the front setback may be measured from a chord or straight line between front lot corners provided it does not decrease the front yard setback from the right-of-way of the cul-de-sac or turnaround by more than 10 feet from the requirements of the zoning district in which the lot is located.

H. Setback Line⁶⁵⁷

The line which is parallel to and is a given distance from the applicable lot line as required by the dimensional requirements of this Ordinance. In the case of corner lots, the Planning Director shall establish the front, side, and rear setback lines. In the case of double frontage lots, both frontages shall have front setback lines. There are four types of setback lines:

(1) Front Setback Line

The setback line extending between side lot lines across the front of a lot adjoining a street.

(2) Side Setback Line⁶⁵⁸

The setback line across the side of a lot extending from the front setback line to the rear setback line or, in the absence of any clearly defined rear lot line, to the point on the lot farthest from the intersection of the lot line involved with the public street. In the case of through lots, side yards shall extend from the rear lines of front yards required. In the case of corner lots, yards remaining after full depth front yards have been established on both frontages shall be considered side yards. The width of a required side yard shall be measured in such a manner that the yard established is a strip of the minimum width required by district regulations with its inner edge parallel with the side lot line. There are two types of side setback lines:

(a) Interior Side Setback Line

A side setback line where the side lot line separates the lot from another lot.

(b) Street Side Setback Line

A side setback line where the side lot line is adjacent to a street right of way.

(3) Rear Setback Line

The setback line extending across the full width of the lot adjoining the rear lot line.

⁶⁵⁵ This carries forward the definition in Chapter A of the current UDO but replaces “building setback” with “front setback” which is defined in this UDO.

⁶⁵⁶ This carries forward the definition in Chapter A of the current UD, removes reference to right-of-way or street maintenance lines, and includes alternate means for measuring front lot setback in cul-de-sacs, from multiple locations of the current UDO, including Section B-2-1.2(A)(2).4.

⁶⁵⁷ This builds on the definition in Chapter A of the current UDO and adds new definitions for the different setback lines based on the definitions of “yards” in the current UDO. It also incorporates the rules for corner lots in Section B-2-3.5 of the current UDO.

⁶⁵⁸ This adds rules for interpretation of side lot lines on less common lots.

I. Yard⁶⁵⁹

The area of land located between a lot line and a required setback line, which is required to be unobstructed from the ground to the sky except as otherwise provided in this Ordinance.

There are four types of yards:

(1) Front Yard

The yard extending across the full width of the lot and lying between the front lot line and the front setback line.

(2) Interior Side Yard

The yard extending along the length of the lot between the required front yard and the required rear yard, and between the side lot line and the interior side setback line.

(3) Street Side Yard

The yard extending along the length of the lot between the required front yard and the required rear yard, and between the side lot line and the street side setback line.

(4) Rear Yard

The yard extending across the full width of the lot and lying between the rear lot line and the rear building setback line.

J. Height**(1) Building or Structure Height⁶⁶⁰**

The vertical distance measured from the average elevation of the finished grade of all sides of a structure or building, measured at the midpoint of each side, to the topmost elevation of the roof or to the topmost projection of the structure or building above any roof, including parapet walls. Enclosed penthouses or equipment rooms are considered a part of the building and included in the calculation of height. See Figure 159-2: Building or Structure Height Measurement.

Figure 159-2: Building or Structure Height Measurement

[Graphic to be provided in a future draft]

(2) Fence or Wall Height⁶⁶¹

The vertical distance between finished grade on the highest side of the fence or wall to the top of the fence or wall. Vertical structural members such as posts or columns that are no wider than two feet and that are spaced not closer than eight feet (other than when located on either side of a gate or portal), and ornamental features on top of the posts or columns, shall not be used in determining height. See Figure 159-3: Fence or Wall Height Measurement.

Figure 159-3: Fence or Wall Height Measurement

[Graphic to be provided in a future draft]

⁶⁵⁹ This carries forward the definitions of “yard” in Chapter A of the current UDO and adds the requirement that the yard remain unobstructed except as otherwise allowed in the UDO.

⁶⁶⁰ This carries forward the definition in Chapter A of the current UDO.

⁶⁶¹ This is a new definition.

K. Build-to-Zone and Lines⁶⁶²**(1) Build-to Zone**

The area between the minimum and maximum build-to zone boundaries, that extends the entire width of the lot. See Figure 159-4: Build-to Zone Measurement.

(2) Build-to Zone Boundary, Maximum

The line that is a specified distance from the front property line and extends the entire width of the lot, and that delineates the forward-most extent of the build-to zone.

(3) Build-to Boundary, Minimum

The line that is a specified distance from the front property line and extends the entire width of the lot, and that delineates the rear-most extent of the build-to zone.

(4) Building Width in Build-to Zone

The minimum width of a build-to zone that is required to be occupied by a building façade, measured as a percentage of the lot width.

Figure 159-4: Build-to Zone Measurement

[Graphic to be provided in a future draft]

L. Distance Between Uses or Districts⁶⁶³

Where a particular use or district is required to be separated from another use or district by a minimum distance, the distance shall be measured in a straight line from the nearest point of the lot line where the use is to be located or the edge of the district to the nearest point of the lot line of the other use or boundary of the district.

M. Sign Measurement⁶⁶⁴**(1) Sign Face Area**

Sign face area shall be measured in accordance with the following:

(a) Signs with a Single Face

The area of a single-faced sign shall be calculated by means of the smallest square or rectangle that will encompass the extreme limits of the writing, representation, emblem, or other display, together with any material or color forming an integral part of the background of the display or used to differentiate the sign from the backdrop or structure against which it is placed, but not including any supporting framework, bracing, or decorative fence or wall that otherwise meets the regulations of this Ordinance and is clearly incidental to the display itself. See Figure 159-5: Sign Face Area Measurement.

(b) Signs with Multiple Faces

The sign area for a sign with more than one face shall be calculated by adding together the area of all sign faces visible from any one point. When two identical

⁶⁶² These are new definitions for terms used in, among others, the new MU districts.

⁶⁶³ New definition, drawing from measurement provisions of several use-specific standards, such as 'Group Home C' and 'Adult Establishment.'

⁶⁶⁴ Carries forward and reorganizes standards in Section B-3-2.1(B)(30(h) of the current UDO. Graphics will be added to illustrate these standards in later drafts.

sign faces are placed back-to-back, so that both faces cannot be viewed from any point at the same time, are part of the same sign structure, and are no greater than 42 inches apart, only one side is counted. See Figure 159-5: Sign Face Area Measurement.

Figure 159-5: Sign Face Area Measurement

[Graphic to be provided in a future draft]

(2) Sign Height

(a) General

The height of a sign shall be calculated as the distance from the base of the sign at normal grade to the top of the highest attached component of the sign. For purposes of this paragraph, normal grade shall be construed to be either of existing grade prior to construction or newly established grade after construction, exclusive of any filing, berming, mounding, or excavating solely for the purpose of locating the sign. In cases in which the normal grade cannot reasonably be determined, sign height shall be computed on the assumption that the elevation of the normal grade at the base of the sign is equal to the elevation of the nearest point of the crown of a public street or the grade of the land at the principal entrance to the principal structure on the lot or parcel, whichever is lower.

(b) Building Mounted Wall Signs

For building-mounted signs, the height of the sign is equivalent to the greatest distance between the lowest part of the sign or sign structure and the highest part of the sign or sign structure.

(3) Window Area

For purposes of calculating the allowed area of a window sign, the area of a window includes only the glass or glazed elements of the window. Frames, mullions, and similar features are not counted as part of the window area.

159.03.02 Exceptions and Variations

A. Lots for Public Utilities⁶⁶⁵

Lots for public utilities, using land or an unoccupied building of generally less than 2,500 square feet of site area, are exempt from the minimum lot area and minimum lot width standards of the district in which they are located.

B. Side Setbacks⁶⁶⁶

- (1) For lots where the primary entryway of a single-family detached dwelling faces a side yard, the value for the front setback in that district shall apply to that side yard.⁶⁶⁷
- (2) A space less than six inches in width between an interior lot line and a building wall shall not be regarded as a side yard, and for setback measurement purposes shall be treated

⁶⁶⁵ New.

⁶⁶⁶ This provision is repeated throughout the subsections of Section B-2-1 of the current UDO as a modifier to the intensity and dimensional standards for the current zoning districts and sets forth the village's zero lot-line methodology. It is carried forward here with revisions for clarity.

⁶⁶⁷ This provision is repeated throughout the subsections of Section B-2-1 of the current UDO as a modifier to the intensity and dimensional standards for the current zoning districts. It is carried forward here with revisions for clarity.

no differently than if the building wall and the interior lot line were colinear (i.e., setback is equal to zero).

C. Yard Exceptions⁶⁶⁸

Every part of a yard shall be unobstructed from ground level to the sky, except as shown in Table 159-1: Exceptions to Yard Requirements, but none of the listed exceptions shall authorize the encroachment of any development or structure across lot lines or into a public right-of-way.

Table 159-1: Exceptions to Yard Requirements

Type of Exception	Extent of Encroachment into Yard
Detached accessory structures less than 17 feet in height (including satellite dishes), measured from the average grade of the midpoint of the front wall to the ridge of the roof of the accessory building	<p>In an interior lot, permitted within three feet from side or rear property line if the structure is less than 75 feet from the front property line</p> <p>On a corner lot, permitted within three feet from property line adjacent to another lot if the structure is less than 75 feet from the front property. Permitted within required rear yard if it does not project nearer the street than the front setback line of the adjacent lot that abuts the corner lot.</p> <p>Accessory structures may not occupy more than 25 percent of the area of any yard.⁶⁶⁹</p>
Architectural features (cornice, eaves, belt course, sill canopy, or other similar features, not including a bay window or vertical projection)	Permitted up to 1 foot
Bay windows, window wells, and vertical projections from side wall plane	Permitted in any yard up to 3 feet, but no closer than 5 feet from a side property line
Roof, eave, chimney, or awning	Permitted up to 3 feet
Canopy (attached or detached) used in connection with Retail Sales uses in nonresidential districts	Permitted into a front or rear yard, but not closer than 10 feet from any property line
Open stairs	Permitted, into a side or rear yard
Fences and walls	In accordance with Section 153.07, Fence and Wall Standards
Little libraries or mailboxes	Permitted in front yard or street side yard, provided the base area of structure does not exceed 2 square feet
Landscape features such as ornamental pools, planting boxes, sculpture, birdbaths, open terraces, or walkways	Permitted provided no impact on sight triangle
Pet shelters, playhouses, recreational equipment, flagpoles, underground fallout shelters, air-conditioning compressors, pump houses, wells,	Permitted

⁶⁶⁸ Carries forward Sections B-3-1.2(B), (C), and (F) of the current UDO. Bay windows now permitted to encroach on a side setback but no closer than five feet from a property line; above-grade decks permitted to encroach into a rear setback.

⁶⁶⁹ Carries forward Section B-3-1.2(G)(3) of the current UDO.

Table 159-1: Exceptions to Yard Requirements

Type of Exception	Extent of Encroachment into Yard
privies, outdoor fireplaces, gate houses, burial vaults, cemetery markers or monuments, bus shelters, or wharves	
Stoops 20 square feet or less	Permitted in any front or side yard
Above grade decks at main living level of a single-family dwelling	Permitted in side or rear yard, but not closer than 7 feet from any property line any 10 feet from any other building

D. Height Exceptions⁶⁷⁰

The height limitations of this Ordinance shall not apply to the following structures.

- (1) Buildings used in support of agricultural operations;
- (2) Chimneys, unoccupiable steeples, spires, flagpoles, cupolas, roof venting pipes, and freestanding rooftop mechanical equipment (including unenclosed screening);
- (3) Water towers, observation towers, silos, and power transmission towers;
- (4) Mixing plants, and screening or loading towers for sand or rock; and,
- (5) Derricks and conveyors.

⁶⁷⁰ Carries forward Section B-3-1.2(A) of the current UDO, except for the height exception for WCFs which has been consolidated with the new use-specific standards in Section 152.02.04D(5)(f), Wireless Communication Facility (WCF),

Section 159.04. Definitions

The following terms and uses (shown in bold font), when used in this Ordinance, shall have the meaning ascribed to them below.

A

Abutting⁶⁷¹

Bordering or touching, such as sharing a common boundary line. Lots that are separated by a street, right-of-way, or alley, or rail line are not abutting. See also “Adjacent.”

Above-Ground Storage Tank⁶⁷²

A storage tank located above ground and that is accessory to an industry or business in its operations and is used to store chemicals, fuels, water, and other liquids and materials.

Accessory Dwelling Unit (ADU)⁶⁷³

A dwelling unit that is accessory, supplementary, and secondary to a single-family detached dwelling that may be internal to or attached to the principal dwelling or in a detached structure.

Accessory Structure⁶⁷⁴

A structure detached from a principal structure established on the same lot, and clearly incidental and subordinate to the principal building, principal structure, or principal use.

Accessory Use⁶⁷⁵

A use incidental to, related to, and clearly subordinate to a principal use established on the same lot, that does not alter the principal use nor serve property other than the lot where the principal use is located.

Adult Day Care Center⁶⁷⁶

A day care facility in which day care is provided to seven or more adolescents, or disabled or older adults, in a location that is not the home of any of the adults receiving care except for the home or residence of an individual who cares only for persons related to them by blood or marriage.

Adjacent⁶⁷⁷

An arrangement where two properties either share a common boundary line or would share a common boundary line but for the fact a street, right-of-way, alley, or rail line divide the properties. See also “Abutting.”

Adult Establishment⁶⁷⁸

Any structure or use of land which meets the definition of adult establishment in N.C.G.S. § 14-202.10.

⁶⁷¹ New definition.

⁶⁷² Carries forward definition in Chapter A of the current UDO with minor updates for clarity.

⁶⁷³ New definition.

⁶⁷⁴ New definition.

⁶⁷⁵ New definition.

⁶⁷⁶ Carries forward definition in Chapter A of the current UDO but clarifies that it takes place in a separate location and not a home.

⁶⁷⁷ New definition.

⁶⁷⁸ Replaces the definition in Chapter A of the current UDO with a definition based on state law.

Agricultural Production, Crops⁶⁷⁹

The use of land for the primary purpose of raising and harvesting row, field, or tree crops on a commercial basis.

Airport, Private⁶⁸⁰

A landing field for the private use of the property owner or lessee, including hangar area for aircraft used by the owner or lessee at the private airport.

Airport, Public⁶⁸¹

Landing fields, aircraft parking and service facilities, passenger and baggage terminals, and related facilities for operation, service, fueling, repair, storage, charter, sales, and rental of aircraft, operated by an airport authority.

Alley⁶⁸²

A privately owned strip of land that is set aside primarily for vehicular service access to the rear or side of properties otherwise abutting on a street.

Animal Feeding Operation⁶⁸³

An establishment primarily engaged in raising hogs or poultry, or the fattening of beef cattle, in a confined area.

Arts and Crafts Studio⁶⁸⁴

A facility used for the production of or instruction in the creation of objects in a studio, made one at a time, by hand, including but not limited to woodworking, tinsmithing, silversmithing, pottery throwing, glass blowing, painting, weaving, caning, metal working, and sculpting.

Asphalt and Concrete Plant⁶⁸⁵

A facility preparing asphaltic or concrete mixtures for street and driveway paving, including contractors engaged in asphalt or cement work.

Automated Teller Machine⁶⁸⁶

A machine that dispenses cash or performs other banking services without the aid of a branch representative or teller.

Awning⁶⁸⁷

A structure made of cloth, metal, or other material affixed to a building in such a manner that the structure may be raised or retracted from a building to a flat position against the building, but not a canopy.

⁶⁷⁹ Carries forward definition in Chapter A of the current UDO.

⁶⁸⁰ Carries forward definition in Chapter A of the current UDO.

⁶⁸¹ Carries forward definition in Chapter A of the current UDO.

⁶⁸² Replaces definition in Chapter A of the current UDO.

⁶⁸³ Carries forward definition in Chapter A of the current UDO but removes reference to SIC codes.

⁶⁸⁴ Carries forward definition in Chapter A of the current UDO and makes clear it can include instruction uses.

⁶⁸⁵ Carries forward definition in Chapter A of the current UDO.

⁶⁸⁶ Replaces definition in Chapter A of the current UDO.

⁶⁸⁷ Carries forward definition in Chapter A of the current UDO.

B**Backyard Poultry**⁶⁸⁸

The noncommercial raising and caring for poultry. Poultry shall include hens and other bird species that the Planning Director determines to be of similar size and weight and to have similar impacts on the land.

Banking and Financial Services⁶⁸⁹

An establishment that provides retail banking services, mortgage lending, investment management, or similar financial services to individuals and businesses. This use does not include check cashing services or bail bond brokers. Accessory uses may include automated teller machines (ATMs) and facilities providing drive-through service if permitted in the zoning district.

Bed and Breakfast⁶⁹⁰

An owner-occupied or manager-occupied residential structure providing rooms for short-term overnight lodging, or lodging and meals, for more than three but not more than eight guests on a paying basis, with no guest lodging at the use for longer than 30 days.

Boarding House⁶⁹¹

All or part of an owner-occupied dwelling in which lodging is provided to between three and eight paying guests on a weekly or longer basis.

Borrow Site⁶⁹²

A place or premises where less than one acre of land is disturbed at any one time, and where dirt, soil, sand, gravel, or other material is removed for any purpose other than that necessary and incidental to grading or building construction on the site.

Broadcast Studio⁶⁹³

A building or portion of a building used as a place to record and broadcast music, videos, television, and other oral and visual related media and which may include transmission devices like antennas, and broadcasting dishes, and related facilities. Examples include radio and television broadcasting and receiving stations and studios.

Building Code

The North Carolina Building Code. See also “Residential Building Code.”

Building Contractor, General⁶⁹⁴

A building or portion of a building used by a general contracting or building construction service, such as heating, plumbing, electrical, building, or similar development contractors, both as an office and for the storage of a limited quantity of materials, supplies, and equipment inside the building. Additional outdoor storage typically is not permitted as an accessory use.

⁶⁸⁸ New use and definition.

⁶⁸⁹ New definition that replaces the definition in Chapter A of the current UDO and adds a time limit on lodging.

⁶⁹⁰ Carries forward definition in Chapter A of the current UDO.

⁶⁹¹ Carries forward definition in Chapter A of the current UDO with minor changes for clarity.

⁶⁹² Carries forward definition in Chapter A of the current UDO.

⁶⁹³ New definition that replaces the definition in Chapter A of the current UDO.

⁶⁹⁴ Updates definition in Chapter A of the current UDO.

Building Contractor, Heavy⁶⁹⁵

A building or portion of a building used by a general contracting or construction service that provides services other than for buildings, such as highways and streets, bridges, sewers, and flood control projects, both as an office and for the storage of a limited quantity of materials, supplies, and equipment inside the building. Outdoor storage may be permitted as an accessory use in appropriate zoning districts.

Building Frontage

See “Frontage, Building.”

Business Services⁶⁹⁶

An establishment primarily engaged in providing services to businesses and to a lesser extent, individuals. All merchandise and rental equipment is stored inside enclosed buildings. This use includes architects, landscape architects and other design services; graphic designers; consultants; lawyers; media advisors; mail and shipping services; photography studios; and general offices. This use also includes the repair of small or precision medical, dental, or other equipment, and similar services that by the nature of their operation have little impact on adjoining property due to limited noise, odor, vibration, or air or water pollution.

C**Canopy⁶⁹⁷**

A structure, either detached from or attached to and extending from the enclosed portion of a building, that is used principally to provide shelter in connection with activities conducted in the principal building.

Caretaker Dwelling⁶⁹⁸

An accessory dwelling unit located on the premises of another principal use for the occupancy of a caretaker, security guard, or other person charged with oversight or protection of the principal use.

Carport⁶⁹⁹

A roofed structure enclosed on not more than two sides and used for the parking of motor vehicles.

Car Wash⁷⁰⁰

A facility where motor vehicles are washed, cleaned, or waxed by hand, manually operated equipment, or automatic machinery.

Cemetery⁷⁰¹

Land and facilities used for burial of the dead. A cemetery may include any burial ground, mausoleum, or columbarium operated by a cemetery company and meeting licensing requirements of the State.

⁶⁹⁵ Updates definition in Chapter A of the current UDO.

⁶⁹⁶ Updates the definition for “Business Services A” in the current UDO and replaces SIC code references with typical uses.

⁶⁹⁷ Carries forward definition in Chapter A of the current UDO.

⁶⁹⁸ New definition and term for “dwelling in a nonresidential district.”

⁶⁹⁹ Carries forward definition in Chapter A of the current UDO.

⁷⁰⁰ Carries forward definition in Chapter A of the current UDO and eliminates reference to SIC codes.

⁷⁰¹ Carries forward definition in Chapter A of the current UDO but relocates reference to state law to the use-specific standard.

Child Care, Drop-In⁷⁰²

A facility that offers child care where children attend on an intermittent, unscheduled basis and care for each individual child is provided for less than four hours per day.

Child Care Institution⁷⁰³

A facility providing residential and nonresidential care for 12 or more children under the age of 21, who are handicapped or who are without the benefit of parents who can provide for those children's basic physical, emotional, educational, spiritual, and/or other special needs.

Child Care (Temporary Care)

A temporary child care arrangement established as an accessory use to and on the same zoning lot of any institutional or public use which provides either drop-in care or a seasonal or other part-time basis.

Child Day Care Center⁷⁰⁴

A facility that, for compensation or otherwise, regularly provides one or more dependents with care, training, supervision, rehabilitation, or developmental guidance on a regular basis, for periods of less than 24 hours a day, for up to 13 or more children when any child is younger than five years of age, or 16 or more children when all children are five years of age or older.

Club or Lodge⁷⁰⁵

A building or land used for the activities of a private club or social organization, and not adjunct to, or operated as, or in connection with a public tavern, cafe, or other place open to the public.

College or University⁷⁰⁶

An institution of higher education offering undergraduate and, typically, graduate degrees. A college or university may include classrooms, offices, student bookstores, performance facilities, dormitories, athletic facilities, and similar uses used to support educational activities.

Collocation⁷⁰⁷

The placement, installation, maintenance, modification, operation, or replacement of wireless facilities on, under, within, or on the surface of the earth adjacent to existing structures, including utility poles, utility poles, water towers, buildings, and other structures capable of structurally supporting the attachment of wireless facilities in compliance with applicable codes. The term does not include the installation of new utility poles, utility poles, or wireless support structures.

Community Recreation Center⁷⁰⁸

A private recreational facility including facilities such as swimming pools, tennis courts, and clubhouse, for the private noncommercial use solely by the residents and guests of a club or property owners association, homeowners' association, or other residential development.

⁷⁰² Carries forward use definition in Chapter A of the current UDO with minor changes for clarity.

⁷⁰³ Carries forward use definition in Chapter A of the current UDO.

⁷⁰⁴ Updates the use definition in Chapter A of the current UDO. This also carries forward the former use "Child Care (Sick Children)."

⁷⁰⁵ Carries forward use definition in Chapter A of the current UDO.

⁷⁰⁶ Carries forward use definition in Chapter A of the current UDO with additional detail about types of other uses permitted on the site.

⁷⁰⁷ New, from N.C.G.S §160D-931.

⁷⁰⁸ Updates the definition of "swimming pool, private" in Chapter A of the current UDO to accommodate other private recreational uses

Congregate Care Facility⁷⁰⁹

A type of elderly housing which consists of one or more structures used to provide housing; part-time medical care, housekeeping, and personal care; and shared food preparation, dining, recreational, and social facilities. Congregate care facilities do not include nursing care institutions or similar institutions devoted primarily to the care of persons who are chronically ill or with incurable conditions.

Construction-related Temporary Structure⁷¹⁰

A temporary structure, facility, or space associated with the staging, management, or security of new construction, including an office building, security building, storage buildings, construction waste and recycling receptacles, temporary sanitation facilities, outdoor storage, and employee parking areas, that is located on or adjacent to the construction site.

Convenience Store⁷¹¹

A retail establishment with less than 5,000 square feet of gross floor area offering for sale automotive products, prepackaged food products, household items, and other similar goods.

Cultural Facility⁷¹²

A facility for storing, using, loaning, and occasionally selling literary, historical, scientific, musical, artistic, or other reference materials (such as a library), or for displaying or preserving objects of interest or providing facilities for one or more of the arts or sciences to the public (such as a museum or zoo). Accessory uses include offices and storage facilities used by staff and meeting rooms.

Correctional Institution⁷¹³

A facility providing housing and care for individuals confined by law, operated under the authority of local, State, or federal government.

D**Data Center⁷¹⁴**

A facility containing one or more large-scale computer systems used for data storage and processing for off-site users. Typical supporting equipment includes back-up batteries and power generators, electric substations, cooling units, fire suppression systems, and enhanced security features.

Developer⁷¹⁵

A person, firm, partnership, joint venture, association, corporation, group, or organization that participates as owner, promoter, developer, or sales agent in the planning, platting, development, promotion, sale or lease of a development.

⁷⁰⁹ Carries forward definition in Chapter A of the current UDO with minor changes for clarity.

⁷¹⁰ New definition.

⁷¹¹ Updates definition in Chapter A of the current UDO.

⁷¹² New definition.

⁷¹³ Carries forward use definition in Chapter A of the current UOD.

⁷¹⁴ New definition.

⁷¹⁵ New definition.

Development⁷¹⁶

Any of the following:

1. The construction, erection, alteration, enlargement, renovation, substantial repair, movement to another site, or demolition of any structure.
2. The excavation, grading, filling, clearing, or alteration of land.
3. The subdivision of land.
4. The initiation or substantial change in the use of land or the intensity of use of land

Dirt Storage⁷¹⁷

The stockpiling of graded soil which has been transported from another zoning lot.

Distillery⁷¹⁸

An establishment where spirituous liquors are manufactured for commercial purposes. Accessory uses may include retail sales of beverages produced on-site for take-away or on-premise consumption as allowed by State licensing laws.

Dog Day Care⁷¹⁹

A facility where dogs may socialize and be groomed, trained, and/or exercised during the day, for compensation, but not kept overnight, or bred, sold, or let for hire.

Drive-through Facility⁷²⁰

A facility used to provide products or services to customers who remain in their vehicles, whether through a window or door in a building, a machine in a building or detached structure (e.g., ATM), or via a mechanical device (e.g., a pneumatic tube system). Uses that commonly have drive-through service include banks, fast food restaurants, and drugstores. This use does not include car washes or vehicle repair facilities.

Dwelling, Single-Family⁷²¹

A single detached building on a lot, including a modular home that is installed on site in accordance with the standards of the Residential Building Code but not including a manufactured home dwelling, that contains a single dwelling unit and that sits on a permanent foundation.

Dwelling, Twin Home⁷²²

A single building which contains two dwelling units arranged side-to-side with each dwelling unit on its own lot.

Dwelling, Duplex⁷²³

A single building which contains two dwelling units on one lot. The units may be arranged side-to-side or stacked.

⁷¹⁶ Incorporates definition from N.C.G.S. § 160D-102.

⁷¹⁷ Carries forward definition in Chapter A of the current UDO.

⁷¹⁸ New use type and definition.

⁷¹⁹ New definition for a new use.

⁷²⁰ New use type and definition.

⁷²¹ New definition that replaces the definition in Chapter A of the current UDO.

⁷²² Updates the definition in Chapter A of the current UDO

⁷²³ Updates the definition in Chapter A of the current UDO

Dwelling, Townhouse⁷²⁴

A building consisting of a series of three or more dwelling units attached to each other through the use of shared party walls on one or both sides, with each unit having a ground floor and a separate entrance.

Dwelling, Cottage Home Development⁷²⁵

A residential development that combines a group of small individually owned or rented single-family detached dwelling units on a single parcel of land that are oriented around a shared open space for communal use by the residents of the development and may include a shared parking area and/or a shared community building.

Dwelling, Multifamily⁷²⁶

A building which contains four or more dwelling units on a single lot, where each unit contains separate housekeeping and cooking facilities and is designed to be occupied by a separate household.

E**Electric Vehicle Charging Station⁷²⁷**

A vehicle parking space 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 a vehicle that operates, partially or exclusively, on electric energy.

1. A Level 1 charging station is a slow-charging station that typically operates on a 15- or 20-amp breaker on a 120-volt Alternating Current (AC) circuit.
2. A Level 2 charging station is a medium-speed-charging station that typically operates on a 40- to 100-amp breaker on a 208- or 240-volt AC circuit.
3. A Level 3 charging station is an industrial grade charging station that operates on a high-voltage circuit to allow for fast charging.

Electronic Sweepstakes Operations⁷²⁸

A business enterprise where persons utilize a “video gaming machine” as defined in N.C.G.S. § 14-306-1A or an “electronic machine or device” as defined in N.C.G.S. § 14-306.4, to the extent the video gaming machine or electronic machine or device pays off in cash, or to the extent the prize, merchandise, credits or replays awarded by virtue of using an electronic machine or device are: (i) repurchased for cash or rewarded by cash, (ii) exchanged for merchandise of a value of more than ten dollars (\$10.00), or (iii) where there is a cash payout of any kind, by the person operating or managing the machine or the premises, or any agent or employee of that person. This use does not include any state-approved lottery.

⁷²⁴ New definition that replaces the definition in Chapter A of the current UDO.

⁷²⁵ New use type and definition.

⁷²⁶ New definition that replaces the definition in Chapter A of the current UDO.

⁷²⁷ New use type and definition.

⁷²⁸ Carries forward definition in Chapter A of the current UDO with minor changes for clarity.

Eligible Facilities Request⁷²⁹

A request for modification of an existing wireless tower or base station that involves collocation of new transmission equipment or replacement of transmission equipment but does not include a substantial modification.

Extraction⁷³⁰

Any extraction or mining activity, as defined in state law, including:

1. The breaking of the surface soil in order to facilitate or accomplish the extraction or removal of minerals, ores, or other solid matter;
2. Any activity or process constituting all or part of a process for the extraction or removal of minerals, ores, soils, and other solid matter from its original location; and,
3. The preparation, washing, cleaning, or other treatment of minerals, ores, or other solid matter so as to make them suitable for commercial, industrial, or construction use.

Extraction shall not include:

1. Those aspects of deep mining not having significant effect on the surface, where the affected land does not exceed one acre in area;
2. Mining operations where the affected land does not exceed one acre in area;
3. Plants engaged in processing minerals produced elsewhere and whose refuse does not affect more than one acre of land;
4. Excavation or grading when conducted solely in aid of on-site farming or of on-site construction for purposes other than mining; or
5. Removal of overburden and mining of limited amounts of any ores or mineral solids, when done only for the purpose and to the extent necessary to determine the location, quantity, or quality of any natural deposit, provided that no ores or mineral solids removed during such exploratory excavation or mining are sold, processed for sale, or consumed in the regular operation of a business, and provided further that the affected land resulting from any such exploratory excavation does not exceed one acre in area.

F**FAA**

The Federal Aviation Administration.

Fallout Shelter⁷³¹

A structure designed to provide protection against nuclear fallout.

Family Home Child Care⁷³²

A child care arrangement located in a residence that provides care for one of the following groups of children, including the operator's own preschool-age children and excluding the operator's own school-age children up to 13 years of age:

6. A maximum of eight children, with no more than five children who are from birth to 5 years of age, plus three school-age children.

⁷²⁹ New, from N.C.G.S §160D-931.

⁷³⁰ Carries forward definition in Chapter A of the current UDO, with minor changes for clarity.

⁷³¹ Carries forward definition in Sec. B-2-6.5 of the current UDO.

⁷³² Consolidation of small and large child care homes with a new definition that aligns with N.C.G.S. § 110-91(7)b.

7. A maximum of three children from birth to 24 months of age, plus three children from 2 to 5 years of age and three school-age children up to 13 years of age, for a total of nine children.
8. A maximum of 10 children if all children are older than 24 months of age.

Farm Tenant Housing⁷³³

A dwelling unit occupied by the family of a person employed in agriculture-related activities on the premises.

FCC

The Federal Communications Commission.

Fish Hatchery⁷³⁴

An establishment where the eggs or fry of fish are incubated and raised for commercial purposes.

Fishing⁷³⁵

The use of land or water bodies for fishing where a fee is charged by the landowner for use by others.

Flammable bulk storage⁷³⁶

The storage on a zoning lot of 2,500 gallons or more of flammable liquid, or 2,000 gallons water capacity or more of flammable gas, excluding storage tanks, above ground.

Floodplain⁷³⁷

Any land area susceptible to being inundated by water from any source.

Freight Terminal⁷³⁸

Any facility for handling freight, with or without storage, parking, or maintenance facilities.

Frontage⁷³⁹

The portion of a lot that is adjacent to a street.

Frontage, Building⁷⁴⁰

The portion of a building facing any adjacent street.

Funeral Home⁷⁴¹

An establishment engaged in undertaking services, such as preparing the human dead for burial and in arranging and managing funerals. The use may include crematories and mortuaries.

⁷³³ New definition.

⁷³⁴ Carries forward existing use definition in Chapter A of the current UDO, but removes reference to SIC codes.

⁷³⁵ Carries forward definition in Chapter A of the current UDO.

⁷³⁶ Carries forward definition in Chapter A of the current UDO.

⁷³⁷ Carries forward definition in Section C-2-1.4 of the current UDO.

⁷³⁸ Carries forward and slightly updates definition in Chapter A of the current UDO, and removes reference to SIC codes.

⁷³⁹ New definition.

⁷⁴⁰ New definition.

⁷⁴¹ Carries forward existing use definition in Chapter A of the current UDO, but removes reference to SIC codes.

G

Garage⁷⁴²

An accessory building or portion of a principal building that is intended or used primarily for the storage of motor vehicles or personal belongings, and which is enclosed in such a manner that the stored or parked motor vehicle or personal belongings are contained entirely within the building.

Gas Station⁷⁴³

An establishment primarily engaged in the retail sale of gasoline, other motor vehicle engine fuel, fuel oil, bottled gas, coal, wood, or other fuels. A gas station may include a convenience store as a use on the same site.

Group Home⁷⁴⁴

A transitional housing facility with support and supervisory personnel licensed by the state or operated by a nonprofit corporation chartered in accordance with to N.C.G.S. Ch. 55A, which provides room and board, personal care and rehabilitation services in a supportive family environment, including but not limited to, handicapped persons, older adults, foster children, abused individuals, homeless persons, and those recovering from drug or alcohol abuse. This use shall not serve primarily as an alternative to incarceration, shall not include individuals who are dangerous to others, as defined in N.C.G.S. § 122C-3(11)b, and shall not include persons living together as a fraternal, sororal, social, honorary, or professional organization. There are four types of group homes:

Group Home, A

A group home that provides room and board, personal care, and rehabilitation services in a supportive family environment for up to six residents, exclusive of supervisory personnel.

Group Home, B

A group home that provides room and board, personal care, and rehabilitation services in a supportive family environment for up to 12 residents, exclusive of supervisory personnel.

Group Home, C

A group home that provides room and board, personal care, and rehabilitation services in a supportive family environment for up to 20 residents, exclusive of supervisory personnel.

Group Home, D⁷⁴⁵

A group home that provides room and board, personal care, and rehabilitation services in a supportive family environment for up to 40 residents, exclusive of supervisory personnel.

Golf Course⁷⁴⁶

An area designed for golf, including a Par 3 golf course, having at least nine holes, each with a tee, fairway, green, and often one or more hazards, and often including a golf driving range. The use may include a clubhouse, pool, and other facilities typically associated with a country club.

⁷⁴² New definition.

⁷⁴³ Carries forward and updates definition in Chapter A of the current UDO, and removes reference to SIC codes.

⁷⁴⁴ Carries forward definition in Chapter A of the current UDO, consolidates multiple definitions, and corrects N.C.G.S. reference.

⁷⁴⁵ Replaces definition for 'Group Care Facility A in Chapter A of the current UDO.

⁷⁴⁶ Carries forward definition in Chapter A of the current UDO with minor changes for clarity.

Golf Driving Range⁷⁴⁷

An establishment not associated with a golf course in which golf players do not walk, but onto which they drive golf balls from central driving tees, and which may be lighted. This use may include a putting or chipping green, miniature golf course, baseball batting cages, a refreshment stand, and equipment rental of items pertaining to golf and baseball.

Government Office⁷⁴⁸

The offices of the executive, legislative, judicial, administrative and regulatory branches of federal, state and local governments.

H**Habitation Facility⁷⁴⁹**

Any facility in which handicapped persons receive habilitation services or rehabilitation services or engage in recreational activities, regardless of whether these services and activities are therapeutic or educational in nature. These facilities are licensed by the state do not provide room and board. This definition does not include the schools use. These facilities are intended to serve handicapped persons as defined in state law in accordance with rights provided by applicable laws. There are three types of habitation homes:

Habitation Facility, Small

A habitation facility that provides services for up to eight handicapped persons.

Habitation Facility, Medium

A habitation facility that provides services for up to 12 handicapped persons.

Habitation Facility, Large

A habitation facility that provides services for 13 or more handicapped persons.

Half street

See “Street, Half.”

Hazardous Waste Management Facility⁷⁵⁰

A facility for the collection, storage, processing, treatment, recycling, recovery, or disposal of hazardous waste produced by third parties (but not including a facility holding hazardous waste produced by the operator of the facility). For purposes of this use, hazardous waste means a solid waste, or combination of solid wastes, which because of its quantity, concentration, or physical, chemical or infectious characteristics may:

1. Cause or significantly contribute to an increase in mortality or an increase in serious irreversible or incapacitating reversible illness; or,
2. Pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported, disposed of or otherwise managed.

⁷⁴⁷ Replaces definition in Chapter A of the current UDO.

⁷⁴⁸ Carries forward existing use definition in Chapter A of the current UDO, but removes reference to SIC codes.

⁷⁴⁹ Carries forward definition in Chapter A of the current UDO, consolidates multiple definitions, and changes definition of medium from “9 to 12 persons” to “up to 12 persons” for consistency with the group home use.

⁷⁵⁰ Carries forward definition in Chapter A of the current UDO, with updates for clarity.

Heavy Vehicle Sales, Rental, Maintenance, and Repair⁷⁵¹

An establishment engaged in the sale, service, or rental of agricultural machinery, trailers, construction equipment, or tools.

Heliport⁷⁵²

A helicopter terminal facility for general public transportation with support facilities, and may include, in addition to the landing pad, passenger and cargo facilities, maintenance, overhaul, fueling, service and storage facilities, tie-down areas, hangars, parking, and other necessary buildings and open spaces. This use is intended to include the terms heliports and public-use heliport as used in FAA publications.

Helistop⁷⁵³

A limited use helicopter terminal facility, restricted by the owner to the support of a related business, institution, or other operation, and shall include the landing pad used by helicopters for the purpose of picking up or discharging passengers or cargo, routine maintenance facilities, parking area, fuel pumping facilities (only if such activity is approved by the appropriate agencies), and storage or hangar facilities, but no other accessory facilities. This use is intended to include the terms private-use heliport and personal-use heliport contained in FAA publications, except for the limitations on the facility as noted.

Home Occupation⁷⁵⁴

An occupation, profession, or business activity conducted within a dwelling unit that is incidental and subordinate to the use of the dwelling unit for residential purposes.

Horse Keeping⁷⁵⁵

The activity of keeping or caring for horses or ponies.

Hospital⁷⁵⁶

A facility providing medical, psychiatric, or surgical services for sick or injured persons, including emergency treatment, diagnostic services, training, research, and administration, typically on a 24-hours-per-day basis. The facilities may also include outpatient care, ambulatory care, offices of medical practitioners, adult day care, respite care, medical day care and day care for sick children, gift shops, restaurants, and other accessory uses.

Hotel or Motel⁷⁵⁷

A building or group of buildings with four or more room units designed for and used as temporary accommodation. Related accessory uses may include conference and meeting rooms, restaurants, bars, and recreational facilities.

⁷⁵¹ Carries forward definition in Chapter A of the current UDO.

⁷⁵² Carries forward definition in Chapter A of the current UDO with minor updates for clarity.

⁷⁵³ Carries forward definition in Chapter A of the current UDO with minor updates for clarity.

⁷⁵⁴ New definition.

⁷⁵⁵ Replaces list of livestock from Sec. C-4-4(A) of the current UDO.

⁷⁵⁶ Updates the definition in Chapter A of the current UDO but adds detail about typical accessory uses and removes a reference to SIC codes.

⁷⁵⁷ Carries forward definition in Chapter A of the current UDO, with minor updates for clarity.

I

Industrial Services⁷⁵⁸

An establishment primarily engaged in providing services to commercial and business establishments. Operations may include large scale facilities and storage of merchandise and equipment outside enclosed buildings. This use includes laundry, cleaning, and garment services; outdoor advertising services; services to dwellings and other buildings' equipment rental and leasing; refrigeration service and repair; welding repair; armature rewinding shops; and building materials supply.

Inert Debris Fill⁷⁵⁹

Fill of material on sites where the fill material consists only of inert debris strictly limited to concrete, brick, concrete block, uncontaminated soil, rock, gravel, and asphalt.

Institutional Vocational Training Facility⁷⁶⁰

A facility for the vocational training of individuals who are economically disadvantaged or who have physical or mental disabilities. The facility may contain uses to support training activities such as offices, classrooms, retail sales and light manufacturing activities.

J

K

Kennel⁷⁶¹

Any facility used for the purpose of boarding animals, excluding horses, cattle, swine, sheep, goats, geese or peafowl. A kennel may have both indoor and outdoor areas. Kennels may conduct other such incidental activities, such as the sale of animals, treatment of the animals, grooming or cleaning, and the sale of pet supplies. A kennel may also serve as a dog day care.

L

Landfill, Construction and Demolition⁷⁶²

A landfill which accepts construction or demolition debris or waste including solid waste from construction, remodeling, repair or demolition operations on pavement, buildings, or other structures.

Landfill, Land Clearing and Inert Debris⁷⁶³

A landfill that is limited to receiving land clearing waste, concrete, brick, concrete block, uncontaminated soil, gravel and rock, untreated and unpainted wood, and yard trash.

Landfill, Sanitary⁷⁶⁴

A landfill for the disposal of all types of solid wastes except for hazardous wastes or toxic substances.

⁷⁵⁸ Carries forward and consolidates definitions for 'Services, Business B' and 'Building Materials Supply' in Chapter A of the current UDO.

⁷⁵⁹ Carries forward definition in Sec. B-2-7.2(J) of the current UDO.

⁷⁶⁰ Carries forward definition in Chapter A of the current UDO.

⁷⁶¹ Carries forward definition in Chapter A of the current UDO.

⁷⁶² Carries forward definition in Chapter A of the current UDO.

⁷⁶³ Carries forward definition in Chapter A of the current UDO.

⁷⁶⁴ Carries forward definition in Chapter A of the current UDO with minor updates for clarity.

Landowner⁷⁶⁵

Any owner of a legal or equitable interest in real property, including the heirs, devisees, successors, assigns, and personal representatives of the owner. The person shown in the public records of the County shall be presumed to be the person in control of the property.

Life Care Community⁷⁶⁶

An area of land under unified ownership planned and developed as a unit to provide for the transitional residency and care of persons 55 years of age or older and/or handicapped. Life care communities may offer a full range of living and care arrangements, including independent living in attached or detached dwelling units, assisted living in congregate care facilities, and full-time health care in nursing care institutions.

Liquor Sales⁷⁶⁷

An establishment run by the Alcoholic Beverage Control Board that sells alcoholic beverages.

Lot

See Section 159.03.01A, Lot.

Lot, Zoning

See Section 159.03.01B, Zoning Lot.

M**Manufactured Home**

A manufactured home that is of multi-sectional, double-wide design, or single-wide design and is built to the Manufactured Home Construction and Safety Standards (Housing and Urban Development Code) and displays a red certification label on the exterior of each transportable section. Manufactured homes are built in the controlled environment of a manufacturing plant and are transported in one or more sections on a permanent chassis.

Manufactured Home Development⁷⁶⁸

Any lot maintained, offered, or used for parking three or more occupied manufactured homes, regardless of whether or not a charge is made for such accommodations. This development is typified by a land-lease arrangement between the residents of the manufactured homes in the community and a single ownership entity or common owner(s) in a cooperative arrangement as opposed to a development that consists of individually owned lots subdivided for the placement of manufactured homes. This use can include as accessory uses services and facilities intended to serve the residents of the manufactured home development, such as swimming pools, club house, laundry room, recreation center, common open space.

Manufacturing, Heavy⁷⁶⁹

The assembly, fabrication, or processing of goods and materials using processes that ordinarily have impacts on the environment or significant impacts on the use and enjoyment of surrounding properties in terms of noise, smoke, dust, fumes, odors, vibrations, glare, visual impacts, or health

⁷⁶⁵ Replaces the definition in Chapter A of the current UDO with a broader definition.

⁷⁶⁶ Updates the definition in Chapter A of the current UDO.

⁷⁶⁷ Carries forward definition in Chapter A of the current UDO with minor updates.

⁷⁶⁸ Builds on the definition in Chapter A of the current UDO with added detail about the typical ownership and permitted accessory uses.

⁷⁶⁹ New definition that replaces the definitions in Chapter A of the current UDO.

or safety hazards. Uses may generally include manufacturing of concrete, clay, synthetic stone, stucco, and brick products, paper products, petroleum, asphalt, coal, and manufactured homes, sawmills, primary metal processing, animal slaughtering and processing, and fabricated metal product manufacturing.

Manufacturing, Light⁷⁷⁰

The assembly, fabrication, or processing of goods and materials using processes that ordinarily produce little or no noise, smoke, dust, fumes, odors, vibrations, glare, visual impacts, or health or safety hazards, and, therefore, has minimal impact on surrounding properties. Light manufacturing may not produce or utilize in large quantities, as an integral part of the manufacturing process, toxic, hazardous, or explosive materials.

Maximum Extent Practicable⁷⁷¹

The degree to which a project meets an adopted standard in which all possible efforts to comply with the standard or to minimize harmful or adverse effects have been undertaken by the applicant, but full compliance cannot be achieved, and no feasible or practical alternative exists. Economic considerations may be taken into account but shall not be the overriding factor determining whether the standard can be met in full.

Meat Packing Plant⁷⁷²

An establishment primarily engaged in the slaughtering of cattle, hogs, sheep, lambs, and calves for meat to be sold or to be used on the same premises in canning, cooking, curing, and freezing, and in making sausage, lard, and other products.

Microbrewery⁷⁷³

An establishment where beer and other malt beverages are manufactured on premise and then sold, to consumers at the brewery for take-away or on-premise consumption, to wholesalers, to retailers, and to exporters in accordance with state statutes. Sales of food (pre-packaged and prepared on site) are permitted as accessory uses.

Mobile Food Vending⁷⁷⁴

A service establishment operated from a licensed and moveable vehicle (with or without an attached trailer), a portable vending cart, or mobile food stand that sells food or drink that is processed or prepared on-site to walk-up customers.

Modular Home⁷⁷⁵

A dwelling that is constructed off site in one or more modules, transported to the building site, and assembled on a permanent foundation in compliance with the Residential Building Code.

Motor Vehicle Display Area⁷⁷⁶

An outdoor area where vehicles or manufactured homes are stored for the purpose of sale or lease as an entire or complete unit

⁷⁷⁰ Combines and updates definitions for 'Manufacturing A' and 'Manufacturing B' in Chapter A of the current UDO and removes references to SIC codes.

⁷⁷¹ New definition for a term used in the current UDO.

⁷⁷² Carries forward the definition in Chapter A of the current UDO and removes reference to SIC codes.

⁷⁷³ New use type and definition.

⁷⁷⁴ New use type and definition.

⁷⁷⁵ New definition.

⁷⁷⁶ Updates the definition in Chapter A of the current UDO.

N
Nits⁷⁷⁷

A unit of measure of the brightness of light, equal to one candela per square meter. A candela (or candlepower) is a standard unit that measures the perceived brightness of a light source..

Nursing Care Institution⁷⁷⁸

A home for persons aged, ill or handicapped in which two or more persons not of the immediate family or the owner or manager of the home are provided with food, shelter, and nursing care. The term nursing care institution includes uses commonly known as a convalescent home, home for the aging, sanitarium, home for the blind, rest home, or any similar establishment.

O
Office, General⁷⁷⁹

Establishments that provide executive, management, administrative, or professional services, but not involving the sale of merchandise except as incidental to a permitted use. Typical examples include medical office, medical or dental laboratory, real estate, insurance, property management, investment, employment, travel, advertising, law, architecture, design, engineering, accounting, programming, and call centers. Accessory uses may include cafeterias, health facilities, game or activity areas, or other amenities primarily for the use of employees in the firm or building. Patients for medical offices are not usually lodged overnight, and medical offices generally do not have ambulance services.

Outdoor Display/Sales⁷⁸⁰

The placement of goods, equipment, or materials for sale, rental, or lease outside of a building housing a commercial use. Examples of this use include outdoor yard/garden supply areas, vehicle display pads, vending machines, ice machines, and propane tank racks.

Outdoor Storage (as a Principal Use)⁷⁸¹

A principal use where goods such as construction equipment, manufactured homes, storage sheds, and other large items are stored outside of a building.

Outdoor Storage, Accessory⁷⁸²

An area that is used for the storage of goods, materials, merchandise, or equipment in the same place for more than 24 hours. This use does not include parking lots or parking structures or a salvage yard.

⁷⁷⁷ New definition.

⁷⁷⁸ Updates the definition in Chapter A of the current UDO.

⁷⁷⁹ New definition that replaces the definition in Chapter A of the current UDO.

⁷⁸⁰ New use type and definition.

⁷⁸¹ New use type and definition.

⁷⁸² New use type and definition.

P
Park and Ride Lot⁷⁸³

A specially designated parking area intended for the use of commuting motorists who park their vehicles and ride with other commuters to a common destination, using public transit, van pool, or car pool.

Parking, Commercial⁷⁸⁴

A principal use of a lot as a place for the temporary or long-term parking of motor vehicles, either on the ground or in a parking structure.

Personal Services⁷⁸⁵

An establishment engaged in the provision of information, instructional, personal improvement, personal care, and similar non-medical services. This use includes but is not limited to barber and beauty shops, clothing rental and repair, dry cleaning pick-up stores with limited equipment, home electronics and small appliance repair, jewelry repair, nail salons, reupholstery and furniture repair, self-service laundromats, shoe repair shops, tailors, and similar uses supporting common business and personal support services. This use may also include accessory and incidental retail sales of products related to the services provided.

Pet Cafe⁷⁸⁶

An eating or drinking establishment in which pets are housed on a temporary or permanent basis. This use includes uses commonly known as “cat cafes” and “dog bars.”

Pet Grooming

Provision of bathing and trimming services for small or domestic animals only on a commercial basis. This use does not include the boarding of animals.

Plant Nursery, Lawn, and Garden Supply Store⁷⁸⁷

An establishment primarily engaged in the retail sale of trees, shrubs, other plants, seeds, bulbs, mulches, soil conditioners, fertilizers, pesticides, garden tools, and other garden supplies to the general public. These establishments primarily sell products purchased from others but may sell some plants which are grown at the establishment.

Portable Storage Unit⁷⁸⁸

A transportable unit designed for the temporary storage of household goods, personal items and other materials which is placed on a site for the use of occupants of a dwelling or building on a limited basis. Portable storage units are uniquely designed for their ease of loading to and from a transport vehicle.

⁷⁸³ Carries forward definition in Chapter A of the current UDO with minor updates for clarity.

⁷⁸⁴ Carries forward definition in Chapter A of the current UDO with minor updates for clarity.

⁷⁸⁵ Replaces definition in Chapter A of the current UDO.

⁷⁸⁶ New use type and definition.

⁷⁸⁷ Carries forward definition in Chapter A of the current UDO with minor updates for clarity and removes reference to SIC codes.

⁷⁸⁸ Carries forward definition in Chapter A of the current UDO.

Post Office⁷⁸⁹

A facility that provides mailing services, post office boxes, offices, vehicle storage areas, and sorting and distribution facilities for the United States mail, including retail services for the general public, such as stamps, postcards, or postal insurance.

Postal Processing Facility⁷⁹⁰

A facility or structure used for the collection, sorting, processing, and distribution of bulk mail or packages to other postal facilities or to the general public, and which may have some retail services for the general public, such as stamps, postcards, or postal insurance.

Produce Stand⁷⁹¹

A temporary or permanent structure used for the sale and display of agricultural or horticultural products such as vegetables, fruits, dairy products, eggs, grains, meat, poultry, fish, honey, hay, bedding plants, herbs, and wool.

Public Park⁷⁹²

An area or facility designed to meet the demand for active recreation, including play fields, ball diamonds, golf courses, parks with picnic and playground equipment, basketball courts, tennis and pickleball courts, swimming pools, splash pads, tot lots, fishing areas, walking trails, and similar uses, available to the public and under the management or control of a public agency.

Public Safety Facility⁷⁹³

A facility used to provide police, fire, or emergency medical services to the surrounding community.

Q**R****Recreation, Indoor⁷⁹⁴**

A commercial establishment that provides indoor facilities for recreation or entertainment-oriented activities by patrons or members, such as amusement arcades, amusement centers, bowling centers, billiard halls, aquatic centers or natatoriums, archery or baseball batting ranges, health clubs, miniature golf courses, recreation courts, skating facilities, swimming pools, and similar uses. Accessory uses may include snack bars, pro shops, and locker rooms which are designed and intended primarily for the use of patrons of the principal indoor recreation uses.

Recreation, Outdoor⁷⁹⁵

A commercial establishment that provides outdoor facilities for recreation or entertainment-oriented activities by patrons or members, such as archery or baseball batting ranges, athletic fields, miniature golf courses, go-kart racing, recreation courts, swimming pools, and similar uses. Accessory uses may include snack bars, pro shops, and club houses which are designed and intended primarily for the use of patrons of the principal outdoor recreation facility.

⁷⁸⁹ Updates definition in Chapter A of the current UDO.

⁷⁹⁰ Carries forward definition in Chapter A of the current UDO.

⁷⁹¹ Use renamed from 'sale of agricultural products grown on the premises.' Definition is new.

⁷⁹² Updates definition in Chapter A of the current UDO.

⁷⁹³ New definition.

⁷⁹⁴ Updates definition in Chapter A of the current UDO and eliminates references to SIC Codes.

⁷⁹⁵ Updates definition in Chapter A of the current UDO and eliminates references to SIC Codes.

Recycling Center⁷⁹⁶

A facility at which recoverable resources, such as newspapers, glassware, and metal and aluminum cans, are collected, stored, flattened, crushed, or bundled within a completely enclosed building.

Recycling Collection Point

An incidental use that serves as a neighborhood drop-off point for temporary storage of recoverable resources. No processing of such items is allowed. This facility would generally be located in a shopping center parking lot or in other public or institutional areas, such as religious institutions and schools.

Recycling Plant⁷⁹⁷

A facility at which recoverable resources, such as newspapers, magazines, books, and other paper products; glass; metal and aluminum cans; waste oil; iron and steel scrap; rubber; and/or other products are recycled, and treated to return such products to a condition in which they may again be used for production.

Recreational Vehicle Park⁷⁹⁸

A contiguous site or tract of land under unified ownership intended and designed to accommodate recreational vehicles or tent spaces as temporary living quarters for recreational or vacation purposes.

Religious or Nonprofit Event, On-Site⁷⁹⁹

The use of a residence or other building and surrounding land by any nonprofit charitable, religious, or educational organization for the purpose of exhibiting and purveying, indoors or outdoors, art or craft products, jewelry, clothing, foods, beverages, horticultural specimens, home furnishings and decorations, and similar or related items, and for presenting musical, film, or theatrical programs.

Religious or Public Assembly⁸⁰⁰

A facility in which the public or members of an organization gather to engage in collective activities, which may include worship, study, relaxation, service activities, entertainment, or recreation, and whose activities are not primarily commercial in nature. This use includes but is not limited to churches, mosques, synagogues, temples, clubs, meeting halls, and social organizations. There are two types of religious or public assembly uses:

Religious or Public Assembly, Community

A religious or public assembly use in which the seating capacity in the sanctuary or main activity area is greater than 600 people.

Religious or Public Assembly, Neighborhood

A religious or public assembly use in which the seating capacity in the sanctuary or main activity area does not exceed 600 people.

⁷⁹⁶ Carries forward definition in Chapter A of the current UDO and removes references to SIC Codes.

⁷⁹⁷ Carries forward definition in Chapter A of the current UDO and removes references to SIC Codes.

⁷⁹⁸ Carries forward definition in Chapter A of the current UDO.

⁷⁹⁹ Renamed from 'nonprofit organizations' and carries forward definition in Sec. B-2-7.2(F) of the current UDO.

⁸⁰⁰ New definition, that replaces the "church or religious institution" use and definition to be more inclusive and include non-religious assembly uses.

Removal and Deposition of Soils⁸⁰¹

The act of excavating, relocating, and depositing inert debris strictly limited to concrete, brick, concrete block, uncontaminated soil, rock, gravel, and asphalt within a designated site or property. This includes the removal of soil from one area, often for construction, grading, or land preparation purposes, and the deposition or placement of such soil in another area for purposes such as fill, stabilization, or site development.

Residential Building Code

The North Carolina Residential Building Code.

Residential District

The RSF-1, RSF-3, RM, RMF-Medium, RMF-High, and R-MH zoning districts.

Restaurant⁸⁰²

An establishment serving food and beverages, where all service takes place within an enclosed building or accessory outdoor eating or food dispensing areas. Food and beverages are generally consumed on-site but take-out or delivery service can also be offered. In districts where it is allowed, drive-through service may also be provided.

Retail Sales⁸⁰³

Establishments engaged in the indoor sales of goods or merchandise to the general public for personal or household consumption and rendering services incidental to the sale of such goods. This use includes convenience stores, grocery stores, drug stores and pharmacies, furniture and home furnishings stores, paint stores, auto and home supply stores, apparel and accessory stores, household appliance stores, electronic goods stores, used merchandise stores, and similar activities. This use does not include any other form of retail sales included in the Retail Sales use category in Table 152-1: Principal Use Table or other uses listed separately in Table 152-1.

Riding Stable⁸⁰⁴

An establishment for the boarding and/or rental of horses for riding. This use may also include the provision of veterinarian services for equine species (horses, mules, or donkeys) or cattle.

Road

See "Street."

Rope lighting⁸⁰⁵

A lighting fixture with small light bulbs that are linked together and encased in a flexible material that can be strung along a surface or hung from a structure/

⁸⁰¹ New definition.

⁸⁰² New definition replaces that replaces definition in Chapter A of the current UDO.

⁸⁰³ New definition for a new use that consolidates convenience store, food or drug store, furniture and home furnishings store, general merchandise store, hardware store, specialty or miscellaneous retail store, and shopping center.

⁸⁰⁴ Carries forward definition in Chapter A of the current UDO with minor updates for clarity.

⁸⁰⁵ New definition.

S**Satellite Dish⁸⁰⁶**

A round or parabolic antenna that is one meter or less in diameter, along with its supporting structure, that is used for the purpose of sending and/or receiving radio or electromagnetic signals.

School, K-12⁸⁰⁷

A structure used primarily by and for any two or more age or grade levels and operated by the public school system or non-public institution and approved by the North Carolina Department of Public Instruction as meeting the requirements of State law. Any school for children six years of age or under not meeting these requirements shall be considered a day care facility for purposes of this Ordinance.

School, Vocational or Professional⁸⁰⁸

A use providing education or training in business, commerce, language, or other similar activity or occupational pursuit, and not otherwise defined as home occupation, college or university, or K-12 school.

Seasonal Sales⁸⁰⁹

A temporary business enterprise that is conducted primarily outdoors and offers for retail sale of decorative items that are, by their nature, in particular demand during a relatively short peak season—this includes but is not limited to the sale of Christmas trees, pumpkins, flowers, plants, fireworks, and sparklers.

Self-storage⁸¹⁰

A building or group of buildings divided into separate self-contained units or areas of 500 square feet or less that are offered for rent for self storage of household and personal property. The storage units or areas are designed to allow private access by the tenant for storing and removing personal property. Accessory uses may include leasing offices, incidental sales or rental of moving supplies and equipment, and living quarters for a resident manager or security guard. This use does not include the rental of trucks or trailers (see Vehicle Rental and Leasing).

Shooting Range, Indoor⁸¹¹

An indoor facility used for firearm target practice, competitions, or similar uses, including but not limited to archery, skeet, trap and similar shooting activities.

Shooting Range, Outdoor⁸¹²

An outdoor facility used for firearm target practice, competitions, or similar uses, including but not limited to archery, skeet, trap and similar shooting activities.

⁸⁰⁶ New definition, intended to include only backyard satellite dishes.

⁸⁰⁷ Updates and consolidates definitions of “school, private” and “school, public” in Chapter A of the current UDO.

⁸⁰⁸ Carries forward definition in Chapter A of the current UDO with minor change to conform with updated UDO.

⁸⁰⁹ New use type and definition.

⁸¹⁰ New definition.

⁸¹¹ New definition for a new use type.

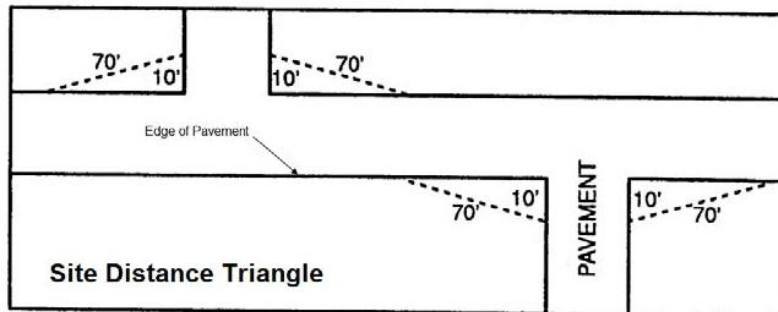
⁸¹² New definition for a use in the current UDO.

Shopping Center⁸¹³

A building or group of buildings with at least 35,000 square feet of gross floor area (excluding outparcels), either connected or freestanding, with four or more separate retail stores, and that is designed with common parking, pedestrian movement, ingress and egress, and used for the sale of merchandise or services to the public.

Sight Triangle⁸¹⁴

The area located at the intersection of two streets, whether public or private, or a street and driveway through which an unobstructed view of approaching traffic is necessary for motorists. The sight triangle measures 10 feet along the driveway or lower intensity street, and 70 feet along the street or higher intensity street, respectively.

**Sign⁸¹⁵**

Any device or structure, or part of a device or structure, which is visible from any public way, and that is designed and used to attract attention to an individual, business, commodity, service, activity, or product, by means of words, lettering, parts of letters, figures, numerals, phrases, sentences, emblems, devices, designs, trade names or trademarks, or other pictorial matter designed to convey such information, and displayed by means of paint, bills, posters, panels, or other devices erected on an open framework, or attached or otherwise applied to stakes, posts, poles, trees, buildings, or other structures or supports.

Sign, A-Frame⁸¹⁶

Portable outdoor signs that stand up like an easel to form a two-sided A shape. A-frame signs are also known as sidewalk or "sandwich" boards.

Sign, Abandoned⁸¹⁷

A sign that no longer identifies or advertises a bona fide business, lesser, service, owner, product, or activity that is taking place or occurring on the site, is no longer maintained, and shows signs of disrepair.

Sign, Banner⁸¹⁸

A temporary sign made of flexible material such as canvas, sailcloth, plastic or waterproof.

⁸¹³ Carries forward definition in Chapter A of the current UDO with revisions for clarity.

⁸¹⁴ Carries forward definition included in the minor subdivision section and referenced elsewhere in the UDO.

⁸¹⁵ Carries forward definition in Chapter A of the current UDO with revisions for clarity.

⁸¹⁶ Carries forward definition in Chapter A of the current UDO.

⁸¹⁷ Carries forward definition in Chapter A of the current UDO and adds reference to "disrepair".

⁸¹⁸ Carries forward definition in Chapter A of the current UDO.

Sign, Box

See Sign, Cabinet.

Sign, Cabinet⁸¹⁹

A sign with text or symbols printed on a plastic or acrylic sheet that is mounted on a cabinet or box that houses the lighting source and equipment.

Sign, Cantilevered Ground⁸²⁰

A permanently affixed sign which is wholly independent of a building for support and where the primary support is supplied by a post and the sign hangs from a bracket or support.

Sign, Crown⁸²¹

A wall sign located on the upper horizontal band of a building that extends no more than three feet from the building façade.

Sign, Detached⁸²²

A sign permanently placed on or anchored to the ground and structurally independent of any building or other structure

Sign, Freestanding⁸²³

A sign anchored directly to the ground or supported by one or more posts, columns, or other vertical structures or supports, and not attached to or dependent for support from any building. Freestanding signs are sometimes referred to as ground, cantilever, multitenant, or development identification signs.

Sign, Freestanding Temporary⁸²⁴

A freestanding sign that is not designed or intended to be installed permanently in the ground. There are three types of freestanding temporary signs:

Type 1 Freestanding Temporary Sign

A small temporary yard sign typically associated with (but not limited to) real estate advertisements, political campaigns, and meeting announcements.

Type 2 Freestanding Temporary Sign

A large temporary sign typically associated with the advertisement of large tracts of land for sale, construction and development activity, or commercial or industrial buildings for sale or lease.

A-Frame Sign

See "Sign, A-Frame."

⁸¹⁹ Carries forward definition in Chapter A of the current UDO.

⁸²⁰ Carries forward definition in Chapter A of the current UDO with a minor revision.

⁸²¹ Carries forward definition in Chapter A of the current UDO but removes minimum size of building, which is repeated in the sign regulations for crown signs.

⁸²² New definition

⁸²³ Carries forward definition in Chapter A of the current UDO.

⁸²⁴ Carries forward definitions from the sign regulations in Chapter B-3-2.1(B)(2)(b)(3)b-c of the current UDO. The reference to A-frame sign replaces the definition of "Type 3 Freestanding Temporary Sign."

Sign, Ghost⁸²⁵

An old hand-painted advertising sign that has been preserved on a building for an extended period of time.

Sign, Ground⁸²⁶

A freestanding sign attached to a contiguous structural base or planter box that is the same width or greater than the message portion of the sign and is permanently affixed to the ground. Ground signs do not include freestanding signs supported by poles.

Sign, Hand-Carried Commercial⁸²⁷

A sign held by or attached to a human for the purposes of advertising or otherwise drawing attention to a business, commodity, service, or product. This may include a person dressed in costume to advertise or draw attention to a business, commodity, service, or product.

Sign, Incidental⁸²⁸

Any sign, handbill, or poster which is placed to advertise or announce a specific event, or which pertains to a particular event or occurrence, or which is not designed or intended to be placed permanently, or which relates to such events or occurrence that are not taking place on the premises on which the sign is located. Unlike a temporary wall sign, an incidental sign is not intended to be viewed and is not easily noticeable from adjacent properties, public property

Sign, Marquee⁸²⁹

Any canopy substantially framed in steel which is durably constructed and of sufficient strength and design to carry superimposed sign structures.

Sign, Monument⁸³⁰

A freestanding sign having the appearance of a solid base of landscape construction materials such as brick, stucco, stonework, textured wood, tile, or textured concrete materials compatible with the materials of the primary structure on the subject property.

Sign, Multi-tenant⁸³¹

An monument sign for a commercial site with multiple tenants, displaying the names of multiple tenants on the site.

Sign, Off-premises⁸³²

Any sign used for the purpose of displaying, advertising, directing attention to, or identifying a product, service, business, or activity that is sold, located, or conducted on a premise other than on the premises where such sign is displayed.

⁸²⁵ Carries forward definition in Chapter A of the current UDO.

⁸²⁶ Carries forward definition in Chapter A of the current UDO.

⁸²⁷ Carries forward definition in Chapter A of the current UDO.

⁸²⁸ Carries forward definition in Chapter A of the current UDO distinguishes incidental signs from temporary wall signs.

⁸²⁹ Carries forward definition in Chapter A of the current UDO.

⁸³⁰ Carries forward definition in Chapter A of the current UDO.

⁸³¹ Replaces the definition in Chapter A of the current UDO, which stated: "A freestanding, monument sign for multiple-tenant commercial centers with five or more tenant spaces shall first focus on identifying the name of the center and second on all of the tenants."

⁸³² Carries forward definition in Chapter A of the current UDO.

Sign, On-premises⁸³³

Any sign used for the purpose of displaying, advertising, directing attention to, or identifying a product, service, business, or activity that is sold, located, or conducted on the premises where the sign is located.

Sign, Pole

A freestanding sign that is mounted on one or more poles or other support so that the bottom edge of the sign face is not in direct contact with a solid base or the ground.

Sign, Portable⁸³⁴

Any sign or advertising device that is not permanently embedded in the ground or affixed to a building or other structure, including any sign that rests upon the ground, frame, trailer, vehicle, building, or other structure or item, except as specifically permitted in this Ordinance.

Sign, Projecting⁸³⁵

A sign applied to or mounted to the wall or surface of a building or structure, with a display surface that projects 12 inches or more from the outside wall of the building or structure.

Sign, Pylon

See “Sign, Pole.”

Sign, Shingle⁸³⁶

A pedestrian-oriented projecting sign hung from a bracket that is attached to a wall so as to allow free movement of the sign board.

Sign, Temporary⁸³⁷

Any sign, banner, pennant, valance, flags (not intended to include flags of any nation, state, city or other governmental agency or non-profit organization), searchlights, balloons or other air-filled or gas-filled figures or advertising display constructed of cloth, canvas, light fabric, cardboard, wallboard or other light materials, with or without frame, intended to be displayed for a limited period of time only. Temporary signs included in this category are construction, grand opening displays, real estate, special event, political, A-frame, sandwich board, and garage sale.

Sign, Traffic Safety⁸³⁸

A sign usually on the side of a street or highway bearing symbols or words of warning or direction to motorists, bicyclists, or pedestrians.

Sign, Vehicle⁸³⁹

A sign attached to or painted on a vehicle (motorized or non-motorized) located in view of the rights-of-way.

⁸³³ Carries forward definition in Chapter A of the current UDO.

⁸³⁴ Carries forward definition in Chapter A of the current UDO.

⁸³⁵ Carries forward definition in Chapter A of the current UDO.

⁸³⁶ Carries forward definition in Chapter A of the current UDO.

⁸³⁷ Carries forward definition in Chapter A of the current UDO with a minor revision for clarity.

⁸³⁸ Carries forward definition in Chapter A of the current UDO and adds reference to “bicyclists”.

⁸³⁹ Carries forward definition in Chapter A of the current UDO.

Sign, Wall⁸⁴⁰

A sign attached to or painted on a wall or building, with the exposed display surface of the sign in a plane parallel to the plane of the wall to which it is attached or painted.

Sign, Wayfinding⁸⁴¹

Signage that helps persons find their way around a business, institution, or other physical location. It directs persons from point to point and confirms one's progress along a route.

Sign, Window⁸⁴²

A sign, picture, symbol, or combination designed to communicate information about an activity, business, commodity, event, sale, or service and placed inside a window or upon the window pane or glass and is visible from the exterior of the window.

Sign, Wraparound⁸⁴³

Wraparound signs or other continuous wall signs that extend around a building corner or radii.

Solar Energy System⁸⁴⁴

Equipment for the collection of solar energy or its conversion to electrical energy for use on the same property, or for incidental sale to a public utility, when that equipment is accessory to a principal use of the property. Components are typically mounted on the roof(s) of principal or accessory structures, but may be mounted on other parts of structures, or on the ground.

Spandrel⁸⁴⁵

A panel or box-type structure that spans between and/or is connected to the support columns of a porch, colonnade or canopy, usually for architectural embellishment and/or signage purposes.

Special Event⁸⁴⁶

A temporary commercial or festive activity or promotion at a specific location that is planned or reasonably expected to attract large assemblies of persons. Temporary special events include but are not limited to, carnivals, festivals, circuses, music fairs or concerts, tent revivals, art shows, crafts shows, rodeos, corn mazes, corporate receptions, and weddings.

Street⁸⁴⁷

A public right-of-way or private easement which affords traffic circulation and a means of access to abutting property. This does not include driveways or other private accessways on individual lots that serve uses on that lot, or that provide cross-access between nonresidential uses.

Street, Arterial

See “Thoroughfare.”

⁸⁴⁰ Carries forward definition in Chapter A of the current UDO.

⁸⁴¹ Carries forward definition in Chapter A of the current UDO.

⁸⁴² Carries forward definition in Chapter A of the current UDO.

⁸⁴³ Carries forward definition in Chapter A of the current UDO.

⁸⁴⁴ New use type and definition.

⁸⁴⁵ Carries forward definition in Chapter A of the current UDO.

⁸⁴⁶ New use type and definition.

⁸⁴⁷ Simplifies the definition in Chapter A of the current UDO, and removes cross-references to terms such as “avenue” and “way”—the updated UDO will be drafted to use the terms street or road exclusively.

Street, Collector⁸⁴⁸

A street whose function consists of both carrying traffic from local residential streets to thoroughfares and providing access to abutting properties. A collector street should be designed to not encourage use as shortcuts for through traffic.

Street, Half⁸⁴⁹

A street generally parallel and adjacent to the boundary line of a lot which is only a portion of the ultimate right-of-way width.

Street, Local⁸⁵⁰

A street used primarily for providing direct access to abutting property.

Street, Stub⁸⁵¹

A street which runs to a property line of adjacent property and is intended to continue on adjacent property at such time as that adjacent property is developed.

Storage and Salvage Yard⁸⁵²

The use of land for outdoor storage of machinery, construction equipment, construction supplies, used building materials, scrap metal, motor vehicle dismantling and wrecking yard, and similar items.

Swimming Pool, Private

A swimming pool intended for the private, noncommercial use of a property owner(s), homeowner's association, residential development, or club.

T**Temporary Dwelling⁸⁵³**

A manufactured home that is installed temporarily for use as a dwelling while a single-family dwelling is being constructed on the same lot. Recreational vehicles shall not be considered a temporary dwelling.

Temporary Grading⁸⁵⁴

Grading performed to accommodate construction.

Temporary Health Care Structure⁸⁵⁵

A transportable residential structure providing an environment facilitating a caregiver's provision of care for a mentally or physically impaired person that:

1. Is primarily assembled at a location other than its site of installation;
2. Is limited to one occupant who shall be the mentally or physically impaired person;
3. Has no more than 300 gross square feet; and

⁸⁴⁸ Carries forward definition in Chapter A of the current UDO with minor updates for clarity.

⁸⁴⁹ New definition.

⁸⁵⁰ Carries forward definition in Chapter A of the current UDO.

⁸⁵¹ Carries forward definition in Chapter A of the current UDO.

⁸⁵² Carries forward and consolidates definitions for 'Storage and Salvage Yard' and 'Motor Vehicle Dismantling and Wrecking Yard' in Chapter A of the current UDO.

⁸⁵³ New definition and renamed use type from 'manufactured homes during construction.'

⁸⁵⁴ New definition.

⁸⁵⁵ Carries forward definition in Section B-2-7.2(N) of the current UDO with a minor update in accordance with [S.L. 2023-108](#), Section 1.(g).

4. Complies with applicable provisions of the Building Code and N.C.G.S. § 143-139.1(b).

Temporary Helicopter Landing Facility⁸⁵⁶

An area designed to accommodate the lawful landing and takeoff of helicopters, without any appurtenant areas or auxiliary facilities in conjunction with a special event, such as an athletic contest, a holiday celebration, parade or similar activity.

Terminal, Bus or Taxi⁸⁵⁷

A facility for the storage, maintenance, and dispatch of buses or taxis, as well as passenger loading and unloading and ticketing and waiting areas.

Theater⁸⁵⁸

A facility with seats for the viewing of movies or live presentations of musicians or other performing artists.

Theater, Drive-in

An establishment for the outdoor viewing of motion pictures by patrons while in motor vehicles.

Thoroughfare⁸⁵⁹

An existing or proposed freeway/expressway or other major road as shown on the Transportation Plan. There are two types of thoroughfares:

Major Thoroughfare

A category of streets identified on the Transportation Plan which function as the primary traffic arteries of the community. These arteries function to move intra-city and inter-city traffic, yet they may also provide access to abutting property. Major thoroughfares range from two-lane streets carrying lower traffic volumes to major thoroughfares with four or more traffic lanes. Parking normally is not permitted on major thoroughfares

Minor Thoroughfare

A category of streets identified on the Transportation Plan which collect traffic from collector and local streets and carry it to the major thoroughfares. They may supplement major thoroughfares by facilitating minor through-traffic movements. These streets may also provide access to abutting property.

Tobacco and/or Vape Store⁸⁶⁰

An establishment primarily engaged in the retail sale of cigarettes, cigars, tobacco, other smokers' supplies, or vape products.

Transitional Residential Facility⁸⁶¹

A transitional housing facility for 40 or fewer residents, licensed by the state or operated by a nonprofit corporation chartered in accordance with to N.C.G.S. Ch. 55A, which provides room and board, personal care and rehabilitation services while persons receive therapy or counseling to assist them to adjust to society as an alternative to incarceration. Such facilities may have accessory uses conducted on the premises, including but not limited to, schooling of residents,

⁸⁵⁶ New definition.

⁸⁵⁷ Carries forward definition in Chapter A of the current UDO with updates for clarity.

⁸⁵⁸ Replaces the current definition and expands the use to permit live performances.

⁸⁵⁹ Carries forward definition in Section A of current UDO with minor revisions for clarity.

⁸⁶⁰ New use type and definition.

⁸⁶¹ Carries forward definition in Chapter A of the current UDO.

training programs in occupational fields, and production of goods and crafts to be sold off-premises.

Tree, Large Variety

A tree that is expected to be at least 35 feet in height or greater at maturity.

Tree, Medium Variety

A tree that is expected to be at least 25 feet in height or greater but less than 35 feet in height at maturity.

Tree, Small Variety

A tree that is expected to be less than 25 feet in height at maturity.

U

Utility, Major⁸⁶²

A structure or facility that is a relatively major component of an infrastructure system providing community- or region-wide utility services. Examples of major utility facilities include water treatment plants, water towers, sewage treatment facilities, solid waste facilities, gas compressor stations, and electrical substations. This use does not include telecommunications facilities or towers.

Utility, Minor⁸⁶³

A structure or facility that by itself is a relatively minor component of an infrastructure system providing community- or region-wide utility services and that needs to be in or near the neighborhood or use type where the service is provided, such as utility lines and substations. Examples of minor utility facilities include, water and sewage pipes and pump stations, stormwater pipes and retention/detention facilities, telephone lines and local exchanges, electric lines and transformers, gas transmission pipes and valves, and cable television lines.

V

Veterinary Services⁸⁶⁴

Any facility used for the purpose of giving licensed medical treatment to animals or pets and any other customarily incidental treatment of the animals, such as grooming, boarding, or selling of pet supplies.

Vehicle Body or Paint Shop⁸⁶⁵

An establishment primarily engaged in body work, painting, or customizing of automobiles or other motor vehicles.

Vehicle Rental and Leasing⁸⁶⁶

An establishment primarily engaged in furnishing motor vehicle rental and leasing services to the public.

⁸⁶² New definition.

⁸⁶³ New definition.

⁸⁶⁴ Carries forward definition in Chapter A of the current UDO.

⁸⁶⁵ Carries forward definition in Chapter A of the current UDO.

⁸⁶⁶ Carries forward the definition in Chapter A of the current UDO but removes a reference to SIC codes.

Vehicle Repair, Light⁸⁶⁷

An establishment engaged in providing mechanical automotive maintenance and repair, such as engine repair, exhaust system replacement and transmission repair, and/or providing other related services, such as upholstery or glass replacement. This use does not include body work or painting.

Vehicle Sales⁸⁶⁸

An establishment primarily engaged in selling new and used motor vehicles, motorcycles, mopeds, all-terrain vehicles, go-karts, utility trailers, and similar items, but not manufactured homes. Vehicle sales may include outdoor display and sales as an accessory use.

Vehicle Storage⁸⁶⁹

Any area used for the purpose of storing operable or temporary inoperable motor vehicles, motorcycles, trucks, all-terrain vehicles, recreational vehicles, boats, and similar items. This use shall not include vehicle dismantling or junkyards.

Village

The Village of Clemmons, North Carolina.

W**Wall Planter⁸⁷⁰**

A structure, typically a retaining wall, that incorporates one or more levels of planting spaces, often in the form of raised planting beds, planters, or compartments within the wall itself.

Warehouse⁸⁷¹

Establishments primarily engaged in the warehousing and storage of general merchandise, refrigerated goods, and farm products.

Wholesale Trade⁸⁷²

An establishment primarily engaged in selling durable and nondurable goods to retailers; to industrial, commercial, institutional, farm, construction contractors, or professional business uses; or to other wholesalers, and where sales to retail customers represent less than 25 percent of sales that tax place on site.

Wireless Communication Facility (WCF)⁸⁷³

A facility used to provide personal wireless services as defined at 47 U.S.C. § 332 (c)(7)(C); or wireless information services provided to the public or to such classes of users as to be effectively available directly to the public via licensed or unlicensed frequencies. A WCF does not include a facility entirely enclosed within a permitted building where the installation does not require a modification of the exterior of the building; nor does it include a device attached to a building, used for serving that building only and that is otherwise permitted under other provisions of the

⁸⁶⁷ Carries forward definition in Chapter A of the current UDO and removes references to SIC codes.

⁸⁶⁸ Updates definition in Chapter A of the current UDO.

⁸⁶⁹ New definition.

⁸⁷⁰ New definition.

⁸⁷¹ Carries forward definition in Chapter A of the current UDO.

⁸⁷² Combines definitions for 'Wholesale Trade A' and 'Wholesale Trade B' in Chapter A of the current UDO. The only difference between the uses in the current UDO is that storage and activities must take place indoors in Wholesale Trade A, and can take place outdoors in Wholesale Trade B. That distinction has been carried forward as a use-specific standard in the updated UDO.

⁸⁷³ Replaces current 'Transmission Tower.'

Code. A WCF includes an antenna or antennas, including without limitation, directional, omni-directional, and parabolic antennas, support equipment, alternative tower structures and towers. It does not include the support structure to which the WCF or its components are attached if the use of such structures for WCFs is not the principal use. The term does not include mobile transmitting devices used by wireless service subscribers, such as vehicle or hand-held radios/telephones and their associated transmitting antennas, nor does it include other facilities specifically excluded from the coverage of this Code. WCFs include:

Attached WCF

A WCF that is affixed to an existing or proposed structure including, but not limited to, buildings, water tanks, traffic signal light standard, utility poles, and broadcast towers.

Freestanding WCF, Stealth Tower

Man-made trees, clock towers, bell steeples, light poles, traffic signals, flagpoles, artistic structures, and similar freestanding alternative design mounting structures, including attached antennas and antenna arrays.

Freestanding WCF, Tower

A non-self-supported tower using a guy wire support framework under tension on a concrete base (guyed), multi-legged freestanding framework tower with structural support provided by the framework sections of the tower (lattice) or a single pole-type structure supporting one or more antennas (monopole).

X**Y**

Yard

See Section 159.03.01I, Yard.

Z

Zoning Lot

See Section 159.03.01B, Zoning Lot.

Zoning Map

See Section 150.06, Official Zoning Map.