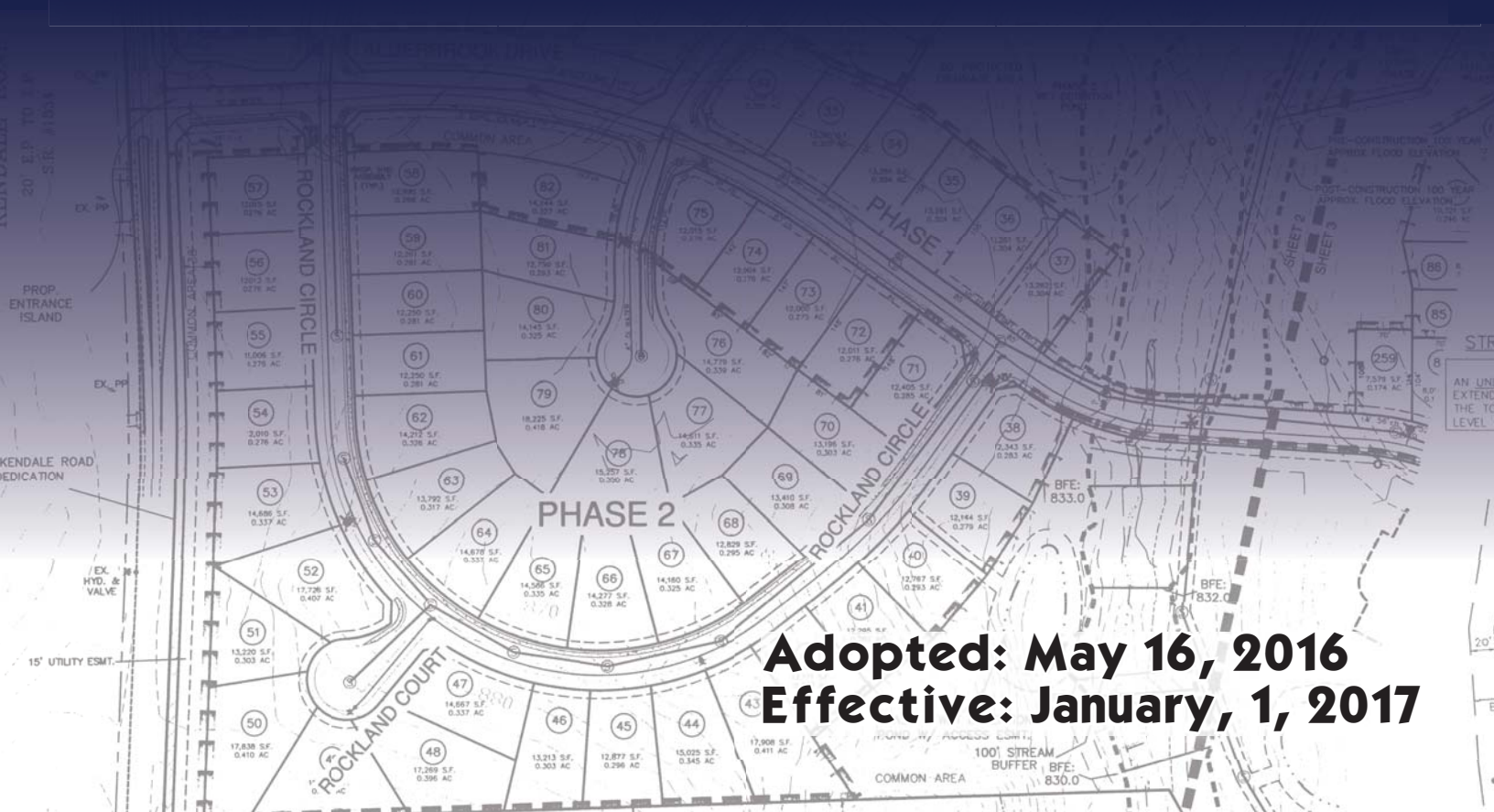
HIGH POINT

NORTH CAROLINA'S INTERNATIONAL CITY™

Development Ordinance



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CHAPTER 1: GENERAL PROVISIONS

1.1. TITLE

This Ordinance shall be officially known as the "Development Ordinance of the City of High Point" and may be referred to as "the Development Ordinance," "this Ordinance," and several abbreviated references ("the DO," "this DO," or "DO.")

1.2. AUTHORITY

1.2.1. GENERAL AUTHORITY

This Ordinance consolidates the City's zoning, subdivision, and flood damage prevention regulations, as authorized by the North Carolina General Statutes. It is adopted in accordance with:

A. The General Assembly

The authority granted to the City of High Point by the General Assembly of the State of North Carolina;

B. The North Carolina Statutes

The North Carolina General Statutes, including:

1. Chapter 160A, Article 8 (Police Powers);
2. Chapter 160A, Article 19 (Planning and Regulation of Development);
3. Chapter 143, Article 21 (Water and Air Resources);
4. Chapter 113A, Article 4 (Sedimentation and Pollution Control);

C. The City Charter

The High Point City Charter;

D. Other Relevant Laws

1. All other relevant laws of the State of North Carolina; and
2. Any special legislation enacted by the General Assembly.

1.2.2. REFERENCES TO NORTH CAROLINA GENERAL STATUTES

Whenever any provision of this Ordinance refers to or cites a section of the North Carolina General Statutes and that section is later amended or superseded, this Ordinance shall be deemed amended to refer to the amended section or the section that most nearly corresponds to the superseded section.

1.3. GENERAL PURPOSE AND INTENT

The purpose of this Ordinance is to protect the public health, safety, morals, and general welfare of the citizens and landowners of the City of High Point, and to implement the policies and objectives of City-adopted plans addressing the City's growth and development. More specifically, the intent of this Ordinance is to:

A. Foster convenient, compatible, and efficient relationships among land uses;

B. Support and encourage a strong and diverse economy;

C. Better manage and lessen congestion in the streets;

D. Improve and revitalize the city's central core area, as identified in the Core City Plan;

E. Ensure the provision of adequate open space between uses for light, air, and fire safety;

F. Secure the safety of landowners and residents from flooding, fire, seismic activity, and dangers presented from extreme weather events, to the extent possible;

G. Encourage urban densities in appropriate locations such as the Core City area;

H. Facilitate the adequate and economic provision of transportation, water, sewage, schools, parks, and other public services;

I. Improve development quality and the quality of life for city residents and visitors;

J. Protect water quality within the Watershed Critical Areas and the General Watershed Areas of designated water supply watersheds;

K. Preserve and enhance visual attractiveness and economic vitality;

L. Preserve the neighborhood character and quality of residential communities while providing increased housing choices indicated in adopted policy guidance, as appropriate;

M. Establish new compact, mixed-use centers in appropriate locations, as identified in adopted policy guidance;

N. Maintain and enhance the character of distinct areas in the city through an emphasis on design and form standards;

O. Require appropriate setbacks for buildings and other structures to facilitate the safe movement of vehicular and pedestrian traffic, provide adequate fire lanes, and ensure adequate distance from dust, noise, and fumes created by vehicular traffic;

P. Protect and revitalize the city's neighborhoods and gateways;

Q. Add flexibility and provide incentives for beneficial redevelopment, development that incorporates sustainable features, and increased pedestrian-orientation;

R. Protect existing established development and neighborhoods from incompatible infill and redevelopment; and

S. Protect open space, natural resources, and rural character, where appropriate.

1.4. APPLICABILITY

1.4.1. EFFECTIVE DATE

This Ordinance shall be in full force and effect on January 1, 2017, and repeals and replaces the High Point Development Ordinance, as originally adopted on January 7, 1992, and subsequently amended.

1.4.2. GENERAL APPLICABILITY

The provisions of this Ordinance shall apply to the development of all land within the corporate limits and the Extraterritorial Jurisdiction (ETJ) of the City of High Point unless it is expressly exempted by a specific section or subsection of this Ordinance.

1.4.3. APPLICATION TO GOVERNMENTAL UNITS

Except as stated elsewhere, this Ordinance shall apply to:

A. The City of High Point

Development by the City or its agencies or departments;

B. Local and State Government

Development of buildings by state or city agencies or departments, public colleges or universities, or other political subdivisions of the State, in accordance with the standards in Section 160A-392 of the North Carolina General Statutes; and

C. The Federal Government

Development owned or held in tenancy by the government of the United States, its agencies, departments, or corporate services, to the full extent permitted by federal law.

1.4.4. NO DEVELOPMENT UNTIL COMPLIANCE WITH ALL APPLICABLE LAW

A. No Land Developed

Unless exempted, no land shall be developed without compliance with this Ordinance and all other applicable City, State, and federal regulations.

B. No Use or Occupancy

No person shall use, occupy, or divide any land or a building or authorize or permit the use, occupancy, or division of land or a building under their control, except in accordance with this Ordinance.

C. No Building Constructed

No building, or portion thereof, shall be erected, used, occupied, maintained, moved, or altered except in conformity with the applicable regulations in this Ordinance.

1.4.5. ANNEXATION

A. County Regulations Prevail

If any portion of the territory subject to county jurisdiction is annexed by the City or taken into the City's ETJ, county regulations and powers of enforcement shall remain in effect until one of the following occurs:

1. The City has adopted regulations for the area; or
2. A period of 60 days has elapsed following the effective date of annexation or extension of the ETJ.

B. Utility Connection Required

The City shall require annexed land to connect to or use public utilities (potable water, sanitary sewer, stormwater, etc.), as appropriate.

1.5. CONFORMANCE WITH CITY ADOPTED POLICY GUIDANCE

1.5.1. ADOPTED POLICY GUIDANCE

The administration, enforcement, and amendment of this Ordinance shall be accomplished in accordance with the City's adopted planning policy framework. The *Community Growth Vision Statement* provides overarching policy guidance. The comprehensive plan (also referred to as the *Land Use Plan*) sets out general goals for desired uses of land and resource protection strategies. Area plans provide strategic planning policy guidance for specific parts of the City, and system plans address planning issues related to the City's infrastructure systems. Figure 1.5.1.1, Planning Policy Framework, illustrates the relationship of these planning documents to one another.

FIGURE 1.5.1.1, PLANNING POLICY FRAMEWORK

1.5.2. CONFORMANCE

A. Consistency

This Ordinance is intended to ensure that all development within the City is consistent with the goals, objectives, policies, strategies, and actions contained in the City's adopted policy guidance.

B. Amendment Upon Inconsistency

To the extent this Ordinance is or becomes inconsistent with the adopted policy guidance, it should be amended to remain consistent. All amendments to this Ordinance's text or to the Official Zoning Map should maintain and enhance consistency between this Ordinance and adopted policy guidance.

1.6. DEVELOPMENT GUIDE

The purpose of the *Development Guide* is to supplement and assist the use of this Ordinance. The Planning and Development Director is authorized to establish the content and form for each type of development application reviewed under this Ordinance. The Planning and Development Director shall prepare and maintain a *Development Guide* that sets forth the procedures, specifications, and practices necessary for the effective and efficient administration of this Ordinance.

1.7. RELATIONSHIP TO OTHER LAWS, AGREEMENTS OR RIGHTS

1.7.1. MINIMUM REQUIREMENTS

In the application of this Ordinance, all provisions shall be considered as minimum requirements and shall not be deemed to limit or repeal any other powers or authority granted under the North Carolina General Statutes.

1.7.2. CONFLICTS WITH OTHER CITY CODES OR LAWS

If a provision of this Ordinance is inconsistent with another provision of this Ordinance, or with a provision found in other adopted ordinances of the City, the more restrictive provision shall govern unless the terms of the more restrictive provision specifies otherwise. The more restrictive provision is the one that imposes greater restrictions or burdens, or more stringent controls.

1.7.3. REVIEW OF PRIVATE AGREEMENTS

The City may review private agreements, such as those related to maintenance of private common open space, shared parking, or cross access easements, but the City is not responsible for monitoring or enforcing private covenants and restrictions.

1.7.4. CONFLICTS WITH STATE OR FEDERAL LAW

If a provision of this Ordinance is inconsistent with state or federal law, the more restrictive provision controls, to the extent permitted by law.

1.7.5. 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, provided such agreements or vested rights are lawfully established and remain in effect.

1.8. TRANSITIONAL PROVISIONS

1.8.1. PRIOR VIOLATIONS CONTINUE

Any prior violation of the previous ordinance shall continue to be a violation under this Ordinance, unless the development complies with this Ordinance. Violations of this Ordinance shall be subject to Chapter 9: Enforcement.

1.8.2. EXISTING NONCONFORMITIES

If any use, structure, lot or sign, legally existed on the effective date of this Ordinance, but does not fully comply with the standards of this Ordinance, the use, structure, lot or sign, is considered nonconforming under this Ordinance and shall comply with the requirements in Chapter 8: Nonconformities.

1.8.3. PENDING COMPLETE APPLICATIONS

A. Final Action Pending

Except for applications for subdivision, any development application accepted as complete before January 1, 2017, but still pending final action as of that date, shall be reviewed and decided in accordance with the regulations in effect when the application was accepted as complete. To the extent such an application is approved and proposes development that does not comply with this Ordinance, the subsequent development, although permitted, shall be nonconforming and subject to the provisions of Chapter 8: Nonconformities.

B. Complete Applications

Completed applications shall be processed in good faith and shall comply with any time frames for review, approval, and completion as established in the regulations in effect at the time of the application is deemed by the Planning and Development Director to be complete. If the application fails to comply with the required time frames, it shall expire and future development shall be subject to the requirements of this Ordinance.

C. Review Under this Ordinance

An applicant with a pending application accepted before January 1, 2017 may opt to have the proposed development reviewed under this Ordinance by submitting a written request to the Planning and Development Director.

D. Subdivision Applications

Applications for subdivision approval still pending final action as of January 1, 2017 shall be reviewed under either the rules in place at the time the application was deemed by the Planning and Development Director to be complete or this Ordinance, at the choice of the applicant. To the extent such an application is approved and proposes development that does not comply with this Ordinance, the development, although permitted, shall be nonconforming and subject to the provisions of Chapter 8: Nonconformities.

1.8.4. APPROVED APPLICATIONS

A. Valid Until Expiration

Any development approvals or permits granted before January 1, 2017 shall remain valid until their expiration date. Developments with valid approvals or permits shall be carried out in accordance with the terms and conditions of their approval and the development standards in effect at the time of approval, provided the approval or permit is valid and has not expired.

B. Expiration

If the prior approval expires or is revoked (e.g., for failure to comply with the terms and conditions of approval), any subsequent development of the site shall comply with this Ordinance.

C. Nonconforming Development

To the extent a prior-approved application proposes development that does not comply with this Ordinance, the subsequent development, although permitted, shall be nonconforming and subject to the provisions of Chapter 8: Nonconformities.

1.8.5. PRIOR-APPROVED CONDITIONAL USE ZONING

A. Subject to Existing Conditions

A conditional use zoning approval (and associated conditional use permit) approved before January 1, 2011 shall be translated to the corresponding new zoning district classification. It shall continue to be subject to all conditions in the conditional use permit.

B. Amendment

A conditional use zoning (and associated conditional use permit) approved before January 1, 2011 must be amended through an amendment to the Official Zoning Map in accordance with Section 2.4.19, Zoning Map Amendment.

1.8.6. PRIOR-APPROVED CONDITIONAL ZONING

A. Subject to Existing Conditions

A conditional zoning approved before January 1, 2017 shall be translated to the corresponding new zoning district classification. It shall continue to be subject to all conditions of approval.

B. Minor Changes

Unless prohibited by City Council as part of the original approval, a conditional rezoning approved before January 1, 2017 may include minor changes from the approved conditions in accordance with the standards in Section 2.4.5.F.1, Minor Changes.

C. Amendment

To the extent a landowner proposes development that is not allowed by a conditional zoning approved before January 1, 2017, it must be amended in accordance with Section 2.4.5.F.2, Material Changes are Amendments.

1.8.7. PRIOR APPROVED PLANNED UNIT DEVELOPMENT AND TRADITIONAL NEIGHBORHOOD DISTRICT

A. Classification Retained

A PDR, PDM, PDL, or TN district subject to a master or general development plan approved before January 1, 2017 shall retain the PDR, PDM, PDL, or TN classification and continue to be subject to the master plan or general development plan and all associated conditions of approval.

B. Amendment of Conditional Use Zoning

Amendments to a PDR, PDM, or PDL district established through a conditional use zoning classification (and a conditional use permit) approved before January 1, 2011 shall be subject to the standards in Section 1.8.5, Prior-Approved Conditional Use Zoning.

C. Amendment of Conditional Zoning

Amendments to a PDR, PDM, or PDL district established through a conditional zoning classification approved before January 1, 2017 shall be subject to the standards in Section 1.8.6, Prior-Approved Conditional Zoning.

D. Amendment of TN District

Amendments to a TN district approved before January 1, 2017 shall be reviewed and decided in accordance with Section 2.4.19, Zoning Map Amendment.

1.8.8. EXISTING USES

If a use was a lawfully established permitted use before January 1, 2017 and is subsequently made a special use in Table 4.1.9, Principal Use Table, the use shall be considered a lawfully-established special use.

1.9. TRANSITION TO NEW ZONING DISTRICTS

1.9.1. DISTRICT TRANSLATION TABLE

On January 1, 2017, land zoned with a zoning district classification from the previous ordinance shall be translated or reclassified to one of the zoning district classifications in this Ordinance as set forth in Chapter 3: Zoning Districts. Table 1.9, Zoning District Translation, summarizes the translation or reclassification of the zoning districts used in the previous ordinance to the zoning districts used in this Ordinance. (For example, Table 1.9 shows that all lands classified as Agricultural (AG) in the previous ordinance (under the column titled "Former Zoning District") are now classified Agricultural/Rural (AGR) in this Ordinance (under the column titled "Current Zoning District").

TABLE 1.9: ZONING DISTRICT TRANSLATION

Former Zoning District	Current Zoning District
Residential Districts	
Residential Single Family – 40 (RS-40)	Residential Single Family – 3 (R-3)
Residential Single Family – 20 (RS-20)	
Residential Single Family – 15 (RS-15)	
Residential Single Family – 12 (RS-12)	
Residential Single Family – 9 (RS-9)	Residential Single Family – 5 (R-5)
Residential Single Family – 7 (RS-7)	
Residential Single Family – 5 (RS-5)	Residential Single Family – 7 (R-7)
Residential Multifamily – 5 (RM-5)	Residential Multi-Family – 5 (RM-5)
Residential Multifamily – 8 (RM-8)	Residential Multi-Family – 16 (RM-16)
Residential Multifamily – 12 (RM-12)	
Residential Multifamily – 18 (RM-18)	Residential Multi-Family – 26 (RM-26)
Residential Multifamily – 26 (RM-26)	
Business Districts	
Limited Office (LO)	Transitional Office (TO)
General Office Moderate Intensity (GO-M)	Office & Institutional (OI)
General Office High Intensity (GO-H)	
Neighborhood Business (NB)	Limited Business (LB)
Limited Business (LB)	
General Business (GB)	General Business (GB)
Highway Business (HB)	
Shopping Center (SC)	Retail Center (RC)
Central Business (CB)	Central Business (CB)
Corporate Park (CP)	Employment Center (EC)
Light Industrial (LI)	Light Industrial (LI)
Heavy Industrial (HI)	Heavy Industrial (HI)
Special Districts	
Agricultural (AG)	Agricultural/Rural (AGR)
Public and Institutional (PI)	Institutional (I)
Main Street (MS)	Main Street (MS)
	Mixed-Use (MX)
	Parks and Natural Resources (PNR)
Planned Development Districts	
Planned Unit Development – Residential (PDR)	
Planned Unit Development – Mixed (PDM)	
Planned Unit Development – Limited (PDL)	
Traditional Neighborhood (TN)	
	Planned Development-Core City (PD-CC)
	Planned Development-Periphery (PD-P)
Overlay Districts	
Historic District (HD)	Local Historic Overlay (LHO)
Scenic Corridor District (SR)	Gateway Corridor Overlay (GCO)
Airport District (AR)	Airport Overlay (ARO)
Manufactured Housing District (MH)	Manufactured Housing Overlay (MHO)
Watershed Critical Area District (WCA)	Watershed Overlay (WSO)
General Watershed Area District (GWA)	

TABLE 1.9: ZONING DISTRICT TRANSLATION	
FORMER ZONING DISTRICT	CURRENT ZONING DISTRICT
Mixed-Use Center Overlay District (MUC)	
	Neighborhood Conservation Overlay (NCO)

1.10. VESTED RIGHTS

Vested rights under this Ordinance shall be established only in accordance with the following.

1.10.1. BUILDING PERMIT

The issuance of a building permit establishes a vested right to development in accordance with Section 160A-385.1 of the North Carolina General Statutes, as long as the building permit complies with the terms and conditions of approval of that building permit.

1.10.2. VESTED RIGHTS CERTIFICATE

A vested right for a site plan, preliminary plat, or group development plan may be established in accordance with Section 2.4.16, Vested Rights Certificate.

1.10.3. COMMON LAW VESTING

A common law vested right is established only when the following can be demonstrated by the landowner:

A. There is an affirmative governmental act by the City in the form of an approval of a permit or development approval under this Ordinance; and

B. The landowner relies on this affirmative governmental act in good faith and makes substantial expenditures to develop the land; and

C. It would be inequitable to prevent the landowner from proceeding to develop the land consistent with the terms and conditions of the permit or development approval relied upon.

1.10.4. PRIOR VESTING

Amendments, supplements, repeals, or other changes in zoning regulations and zoning boundaries shall not be applicable or enforceable without the consent of the landowner with regard to lots for which building permits or vested rights certificates have been issued (pursuant to state law) prior to the enactment of the ordinance making the change(s), so long as the vested rights, building permit, or vested rights certificate remain valid and unexpired.

1.11. SEVERABILITY

The legislative intent of the City Council in adopting this Ordinance is that all provisions shall regulate development in accordance with the existing and future needs of the City as established in this Ordinance, and promote the public health, safety, and general welfare of the landowners and residents of High Point. If any section, subsection, sentence, boundary, or clause of this Ordinance is for any reason held by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the remaining portions of the Ordinance. The City Council hereby declares that it would have passed this Ordinance and any section, subsection, sentence, boundary, clause, and phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, boundaries, clauses, or phrases are declared invalid.

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CHAPTER 2: ADMINISTRATION

2.1. SUMMARY DEVELOPMENT REVIEW TABLE

2.1.1. TABLE CONTENTS

Table 2.1, Summary Development Review Table, identifies the review authority for development applications reviewed under this Ordinance. The table also identifies:

A. The relevant section of this Ordinance where procedural information may be found;

B. Whether or not a pre-application conference is mandatory or optional;

C. If a citizen information meeting is required as part of an application's review procedure;

D. If a public hearing is required; and

E. If a required public hearing is conducted as a quasi-judicial public hearing.

2.1.2. ADDITIONAL INFORMATION

Detailed information on each development review procedure is included in Section 2.4, Review Procedures Subject to Decision-Making Body Review and Decision, and Section 2.5, Review Procedures Subject to Staff Review and Decision.

TABLE 2.1: SUMMARY DEVELOPMENT REVIEW TABLE

Pre-application Conference & Citizen Information Meeting: M = Mandatory O = Optional
Type of Action: C = Comment R = Recommendation D = Decision A = Appeal
Type of Hearing: { } = Public Hearing [ ] = Quasi-Judicial Public Hearing
Table symbols: "·" = not applicable / / = see notes

Procedure	Section Reference	Pre-application Conference	Citizen Information Meeting	Review Authorities							
				Staff				Decision-Making Bodies			
				Planning and Development Director	Engineering Services Director	Technical Review Committee (TRC)	Urban Forestry Committee (UFC)	Historic Preservation Commission (HPC)	Planning & Zoning Commission (P&Z)	City Council	Board of Adjustment (BOA)
Procedures Subject to Decision-Making Body Review and Decision											
Appeal	2.4.2	O	·	C /1/	C /1/	·	·	·	·	·	[D]
Beneficial Use Determination	2.4.3	O	·	·	·	·	·	·	·	D	·
Certificate of Appropriateness	2.4.4	O	·	R	·	·	·	{D}	·	·	[A]
Conditional Zoning	2.4.5	M	M	R	·	·	·	R /2/	{R}	{D}	·
Development Agreement	2.4.6	M	·	R	·	·	·	·	{R}	{D}	·
Land Use Plan Amendment	2.4.7	M	O	R	·	·	·	·	{R}	{D}	·

TABLE 2.1: SUMMARY DEVELOPMENT REVIEW TABLE

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Procedure	Section Reference	Pre-application Conference	Citizen Information Meeting	Review Authorities							
				Staff				Decision-Making Bodies			
				Planning and Development Director	Engineering Services Director	Technical Review Committee (TRC)	Urban Forestry Committee (UFC)	Historic Preservation Commission (HPC)	Planning & Zoning Commission (P&Z)	City Council	Board of Adjustment (BOA)
Planned Development	2.4.8	M	M	R	·	C	·	R /2/	{R}	{D}	·
Reasonable Accommodation	2.4.9	M	·	R	·	·	·	·	·	·	[D]
Right-of-Way Encroachment	2.4.10	O	·	R	·	D /3/	·	·	·	{D}	·
Special Use	2.4.11	M	M	R	·	·	·	R /2/	{R}	[D]	·
Street Abandonment	2.4.12	M	·	R	·	C	·	·	{R}	{D}	·
Street Name Change	2.4.13	M	·	R	·	·	·	·	{D}	·	·
Text Amendment	2.4.14	M	·	R	·	·	·	·	{R}	{D}	·
Variance	2.4.15	M	·	R	R /4/	·	·	R /2/	·	·	[D]
Vested Rights Certificate	2.4.16	M	·	R	·	·	·	·	·	[D]	·
Voluntary Annexation	2.4.17	M	·	R	·	C	·	·	·	{D}	·
Watershed Variance	2.4.18	O	·	·	·	D /5/	·	·	·	D /5/	·
Zoning Map Amendment	2.4.19	M	M /6/	R	·	·	·	R /2/	{R}	{D}	·
Procedures Subject to Staff Review and Decision											
Administrative Adjustment (Type I)	2.5.2	O	·	D	·	·	·	·	·	·	[A]
Administrative Adjustment (Type II)	2.5.2	O	·	·	·	D	·	·	·	·	[A]
Building Permit	2.5.3	O	·	D	·	·	·	·	·	·	·
Determination	2.5.4	O	·	D	·	·	·	·	·	·	[A]

TABLE 2.1: SUMMARY DEVELOPMENT REVIEW TABLE

Pre-application Conference & Citizen Information Meeting: M = Mandatory O = Optional
Type of Action: C = Comment R = Recommendation D = Decision A = Appeal
Type of Hearing: { } = Public Hearing [ ] = Quasi-Judicial Public Hearing
Table symbols: "·" = not applicable / / = see notes

Procedure	Section Reference	Pre-application Conference	Citizen Information Meeting	Review Authorities							
				Staff				Decision-Making Bodies			
				Planning and Development Director	Engineering Services Director	Technical Review Committee (TRC)	Urban Forestry Committee (UFC)	Historic Preservation Commission (HPC)	Planning & Zoning Commission (P&Z)	City Council	Board of Adjustment (BOA)
Easement Reconveyance	2.5.5	O	·	·	·	D	·	·	·	·	[A]
Exclusion Map	2.5.6	O	·	D	·	·	·	·	·	·	[A]
Final Plat	2.5.7	O	·	D	·	·	·	·	·	·	[A]
Floodplain Development Permit	2.5.8	O	·	·	D	·	·	·	·	·	[A]
Group Development	2.5.9	O	·	·	·	D	·	·	·	·	[A]
Land Disturbance Permit	2.5.10	O	·	·	D	·	·	·	·	·	[A]
Preliminary Plat	2.5.11	O	·	·	·	D	·	·	·	·	[A]
Public Tree Certificate	2.5.12	O	·	·	·	·	D	·	·	·	[A]
Sign Permit	2.5.13	O	·	D	·	·	·	·	·	·	[A]
Site Plan	2.5.14	O	·	·	·	D	·	·	·	·	[A]
Zoning Compliance Permit	2.5.15	O	·	D	·	·	·	·	·	·	[A]

NOTES:

/1/ The decision-making director provides comments on appeals.
/2/ The Historic Preservation Commission provides a recommendation on applications associated with a local historic district and comments on applications associated with a landmark.
/3/ The Technical Review Committee decides right-of-way encroachments for features located below ground and comments on above ground right-of-way encroachments.
/4/ The Engineering Director provides a recommendation on variance requests involving the flood damage prevention provisions.
/5/ The Technical Review Committee decides minor watershed variances and provides a recommendation to the City Council on major watershed variances. Major watershed variances require approval by the City Council prior to consideration by the North Carolina Environmental Management Commission.
/6/ Only zoning map amendment applications seeking to re-designate land to a more intense zoning district designation are subject to a citizen information meeting requirement.

2.2. REVIEW AUTHORITIES

2.2.1. OVERVIEW

The following review authorities have powers and responsibilities in administering and reviewing development applications under this Ordinance:

A. City Council;
B. Planning and Zoning Commission (P&Z);
C. Board of Adjustment (BOA);
D. Historic Preservation Commission (HPC);
E. Technical Review Committee (TRC);
F. Urban Forestry Committee (UFC);
G. Planning and Development Director;
H. Engineering Services Director;
I. Public Services Director; and
J. Transportation Director; .

2.2.2. CITY COUNCIL

To exercise the authority granted the City Council by State law, the Council shall have the powers and duties under this Ordinance set out in Table 2.2.2, City Council.

TABLE 2.2.2: CITY COUNCIL

A. Powers and Duties	**1. Application review and decision - to initiate, review, and decide applications for:**	
	(a) Beneficial use determination;	(h) Street abandonments;
	(b) Conditional zonings;	(i) Text amendments;
	(c) Development agreements;	(j) Vested rights certificates;
	(d) Land use plan amendments;	(k) Voluntary annexations;
	(e) Planned developments;	(l) Watershed variances (major); and
	(f) Right-of-way encroachments	(m) Zoning map amendments.
	(g) Special uses;	
	2. Other powers and duties – The City Council shall have the following other powers and duties:	
	(a) To approve, by resolution, a schedule of fees governing:	
	(1) Applications for permits and other development approvals reviewed under this Ordinance; and	
	(2) Civil penalties for violations of this Ordinance.	
	(b) To take any other action not delegated to the P&Z, BOA, HPC, UFC, TRC, Planning and Development Director, Engineering Services Director, or Public Services Director, as the City Council may deem desirable and necessary to implement the provisions of this Ordinance.	
B. Conflict of Interest	**1. Practice**	
	(a) A member shall not participate in or vote on any matter that has a direct, substantial, and readily identifiable financial impact on the member.	
	(b) If an objection is raised to a member's participation and that member does not recuse himself or herself, then the remaining members shall by majority vote rule on the objection.	

2.2.3. PLANNING AND ZONING COMMISSION (P&Z)

The P&Z is hereby established in accordance with Section 160A-361 of the North Carolina General Statutes. Table 2.2.3, Planning and Zoning Commission (P&Z), sets out the P&Z's powers and duties, composition, and rules of procedure.

TABLE 2.2.3: PLANNING AND ZONING COMMISSION (P&Z)

A. Powers and Duties	**1. Application review and decision - to review and decide applications for:**	
	(a) Street name changes for existing streets.	
	2. Recommendation authority - to make recommendations to the City Council on the following applications:	
	(a) Conditional zonings;	(f) Street abandonments;
	(b) Development agreements;	(g) Text amendments;
	(c) Land use plan amendments;	(h) Vested rights certificates; and
	(d) Planned developments;	(i) Zoning map amendments.
	(e) Special uses;	
	3. Other powers and duties – The P&Z shall have the following other powers and duties:	
	(a) To develop a comprehensive plan for the territory under its jurisdiction, subject to specific direction from the City Council.	
	(b) To make such other studies and plans and to review such other related matters as directed by the City Council.	
	(c) To exercise other powers and authority provided to it by the City Council, this Ordinance, or State law.	
B. Composition	**1. Membership:**	
	(a) The P&Z shall consist of 9 regular members.	
	2. Residence location and appointment:	
	(a) 8 members shall be residents of the City of High Point and shall be appointed by the City Council.	
	(b) 1 member shall be a resident of the ETJ and shall be appointed by the Guilford County Board of Commissioners, in accordance with Section 160A-362 of the North Carolina General Statutes.	
	(c) The ETJ member shall have the same rights, privileges, and duties as the other members.	
	(d) If a City resident member moves outside the City, or the ETJ member moves outside the ETJ, the move constitutes a resignation, effective upon the date a replacement is appointed in accordance with the procedures of this section.	
	3. Alternate members:	
	(a) The City Council may appoint alternate members to serve in the absence or temporary disqualification of regular members.	
	(b) Each alternate member attending a meeting and serving in the absence of a regular member may exercise all the powers and duties of a regular member.	
	4. Member terms:	
	(a) Members may serve a 3-year term and shall continue to serve until their successors are appointed, provided that upon initial appointment their terms of office may be staggered.	
	(b) The terms of all members shall not expire at the same time.	
	(c) Regular members shall not serve more than 2 full consecutive terms.	

TABLE 2.2.3: PLANNING AND ZONING COMMISSION (P&Z)	
	(d) Vacancies shall be filled by a new member or an alternate member appointed to serve for the remainder of the unexpired term.
	5. Officers:
	(a) The P&Z shall elect, from its members, a Chair and Vice Chair for a 1 year term of office commencing on July 1.
	(b) The Chair shall preside over all meetings.
	(c) In the absence of the Chair, the Vice-Chair shall preside over meetings.
	(d) If both the Chair and Vice-Chair are absent, the P&Z membership shall vote to determine who shall serve as acting Chair for the meeting.
	6. Staff - The Planning and Development Director shall:
	(a) Provide administrative support to the P&Z;
	(b) Record the minutes of all meetings;
	(c) Conduct all correspondence of the P&Z;
	(d) Supervise all clerical work; and
	(e) Provide other technical support, as needed.
C. Rules of Procedure	**1. Schedule:**
	(a) The P&Z shall hold at least 1 regular meeting in each month unless the Chair determines that there are no agenda items for consideration.
	2. Publication of notice:
	(a) Notice of all meetings shall be provided in accordance with State law.
	3. Open meetings:
	(a) All hearings shall be open to the public.
	4. Official record:
	(a) The P&Z shall keep minutes of its proceedings, showing the vote of each member upon every action or, if absent or failing to vote, indicate such fact.
	(b) The P&Z shall keep records of its examinations and other official actions.
	(c) All records and minutes shall be public record.
	5. Quorum:
	(a) No official business of the P&Z may be conducted without a quorum present.
	(b) A quorum is the majority of the P&Z membership, excluding vacancies.
	6. Voting:
	(a) An affirmative vote of the majority of P&Z members present and constituting a quorum is required for all decisions.
	(b) The Chair shall vote as any other member.
	(c) The ETJ member shall vote on all matters as any other member.
	(d) The ETJ member shall be required to vote on all matters involving land located within the ETJ.
	7. Continuance:
	(a) The P&Z may continue a public hearing or delay voting on any matter to a subsequent meeting upon showing of good cause, in accordance with Section 2.3.13, Deferral and Continuance.
	8. Absence:
	(a) Members shall inform the Planning and Development Director of any anticipated absence immediately after receipt of the agenda.

TABLE 2.2.3: PLANNING AND ZONING COMMISSION (P&Z)	
	(b) A regular member who misses 3 consecutive regular meetings or 33 percent or more of the regular meetings in a calendar year shall lose their status as a voting member until reinstated.
	(c) Absences due to sickness, death in the family, or other emergencies of a similar nature shall be regarded as approved absences and shall not affect the member's status on the P&Z; except that in the event of a long illness or other such case resulting in a prolonged absence, the member may be replaced.
	9. Special committees:
	(a) The P&Z may establish special committees to assist it in studying specific issues.
	(b) The membership of a special committee is not limited to P&Z members.
	(c) In establishing these committees, the P&Z may not delegate its official powers and duties.
	10. Compensation:
	(a) Compensation for members may be provided for by the City Council.
	11. Conflict of interest:
	(a) A member shall not participate in or vote on any matter that has a direct, substantial, and readily identifiable financial impact on the member.
	(b) If an objection is raised to a member's participation and that member does not recuse himself or herself, then the remaining members shall by majority vote rule on the objection.
	12. Rules of procedure:
	(a) The P&Z shall adopt rules necessary to conduct its affairs and establish its organization, committees, procedures, meeting notice, and meeting conduct.
	(b) The P&Z's rules of procedure shall be made available for public inspection in the Planning and Development Department.

2.2.4. BOARD OF ADJUSTMENT (BOA)

The BOA is hereby established in accordance with Section 160A-388 of the North Carolina General Statutes. Table 2.2.4, Board of Adjustment (BOA), sets out the BOA's powers and duties, composition, and rules of procedure.

TABLE 2.2.4: BOARD OF ADJUSTMENT (BOA)	
A. Powers and Duties	**1. Application review and decision - to review and decide applications for:**
	(a) Appeals on decisions of the Planning and Development Director, Engineering Services Director, Public Services Director, Transportation Director, TRC, HPC, or UFC;
	(b) Reasonable accommodations; and
	(c) Variances.
	2. Other powers and duties:
	(a) To hear and decide appeals from and review any order, requirement, decision, or determination made by the Planning and Development Director with regard to High Point City Code Title 9, Chapter 11, Article E (Minimum Housing Code) provisions.
	(b) To exercise other powers and authority provided to it by the City Council, this Ordinance, or state law.
B. Composition	**1. Membership:**
	(a) The BOA shall consist of 5 regular members and up to 4 alternate members.

TABLE 2.2.4: BOARD OF ADJUSTMENT (BOA)	
	2. Residence location and appointment:
	(a) At least 4 members shall be residents of the City of High Point and shall be appointed by the City Council.
	(b) At least 1 member shall be a resident of the ETJ and shall be appointed by the Guilford County Board of Commissioners, in accordance with Section 160A-362 of the North Carolina General Statutes.
	(c) The ETJ member shall have the same rights, privileges, and duties as the other members.
	3. Alternate members:
	(a) The City Council may appoint alternate members to serve in the absence or temporary disqualification of regular members.
	(b) Each alternate member attending a meeting and serving in the absence of a regular member has and may exercise all the powers and duties of a regular member.
	4. Member terms:
	(a) Members may serve a 3-year term and shall continue to serve until their successors are appointed, provided that upon initial appointment the terms of office may be staggered.
	(b) The terms of all members shall not expire at the same time.
	(c) Regular members shall not serve more than 2 full consecutive terms.
	(d) Vacancies shall be filled by a new member or an alternate member appointed to serve for the remainder of the unexpired term.
	5. Officers:
	(a) The BOA shall elect from its members a Chair and Vice Chair for a 1 year term of office commencing on July 1.
	(b) The Chair shall preside over all meetings.
	(c) In the absence of the Chair, the Vice-Chair shall preside over meetings.
	(d) If both the Chair and Vice-Chair are absent, the BOA membership shall vote to determine who shall serve as acting Chair for the meeting.
	6. Staff - The Planning and Development Director shall:
	(a) Provide administrative support to the BOA;
	(b) Record the minutes of all meetings;
	(c) Conduct all correspondence of the BOA;
	(d) Supervise all clerical work; and
	(e) Provide other technical support, as needed.
C. Rules of Procedure	**1. Schedule:**
	(a) The BOA shall hold at least 1 regular meeting in each month unless the Chair determines that there are no agenda items for consideration.
	2. Publication of notice:
	(a) Notice of all meetings shall be provided in accordance with state law.
	3. Open meetings:
	(a) All meetings and hearings shall be open to the public.
	4. Official record:
	(a) The BOA shall keep minutes of its proceedings, showing the vote of each member upon every action or, if absent or failing to vote, indicate such fact.
	(b) The BOA shall keep records of its examinations and other official actions.
	(c) All records and minutes shall be public record.

TABLE 2.2.4: BOARD OF ADJUSTMENT (BOA)
5. QUORUM:
(a) No official business of the BOA may be conducted without a quorum present.
(b) A quorum is the majority of the BOA membership, excluding vacancies.
6. VOTING:
(a) The concurring vote of $^4/_5$ of the total number of BOA members shall be necessary to grant a variance. (b) A majority vote of the BOA members present and constituting a quorum shall be required to approve an appeal reversing or modifying a decision. (c) Vacant positions on the BOA and members who are disqualified from voting on a quasi-judicial matter shall not be considered members of the BOA for the calculation of the required majority if there are no qualified alternate members available to take the place of such members. (d) The Chair shall vote as any other member. (e) An ETJ member shall vote on all matters as any other member. (f) The ETJ member shall be required to vote on all matters involving land located within the ETJ.
7. OATHS:
(a) When required, the Chair shall administer required oaths to witnesses in any matter coming before the BOA.
8. CONTINUANCE:
(a) The BOA may continue a public hearing or delay voting on any matter to a subsequent meeting, upon a showing of good cause, in accordance with Section 2.3.13, Deferral and Continuance.
9. ABSENCE:
(a) Members shall inform the Planning and Development Director of any anticipated absence immediately after receipt of the agenda.
(b) A regular member who misses 3 consecutive regular meetings or 33 percent or more of the regular meetings in a calendar year loses their status as a voting member until reinstated.
(c) Absences due to sickness, death in the family, or other emergencies of a similar nature shall be regarded as approved absences and shall not affect the member's status on the BOA; except that in the event of a long illness or other such case resulting in a prolonged absence, the member may be replaced.
10. SPECIAL COMMITTEES:
(a) The BOA may establish special committees to assist it in studying specific issues.
(b) The membership of a special committee is not limited to BOA members.
(c) In establishing these committees, the BOA may not delegate its official powers and duties.
11. COMPENSATION:
(a) Compensation for members may be provided for by the City Council.
12. VIOLATION OF DUE PROCESS:
(a) A member shall not participate in or vote on any quasi-judicial matter that would violate an affected persons' constitutional rights to an impartial decision-maker. Impermissible violations of due process include, but are not limited to: a member having a fixed opinion prior to hearing the matter that is not susceptible to change; undisclosed ex parte communications; a close familial, business, or other associational relationship with an

TABLE 2.2.4: BOARD OF ADJUSTMENT (BOA)	
	affected person; or a financial interest in the outcome of the matter.
	(b) If an objection is raised to a member's participation and that member does not recuse himself or herself, then the remaining members shall by majority vote rule on the objection.
	13. Rules of procedure:
	(a) The BOA shall adopt rules necessary to conduct its affairs and establish its organization, committees, procedures, meeting notice, and meeting conduct.
	(b) The BOA's rules of procedure shall be made available for public inspection in the Planning and Development Department.

2.2.5. HISTORIC PRESERVATION COMMISSION (HPC)

The HPC is hereby established in accordance with Chapter 160A-400.8 of the North Carolina General Statutes. Table 2.2.5, Historic Preservation Commission (HPC), sets out the HPC's powers and duties, composition, and rules of procedure.

TABLE 2.2.5: HISTORIC PRESERVATION COMMISSION (HPC)		
A. Powers and Duties	**1. Application review and decision - to review and decide applications for:**	
	(a) Certificates of appropriateness.	
	2. Recommendation authority - to review and make recommendations on the following, when they involve land located within the Local Historic Overlay (LHO) district:	
	(a) Conditional zonings;	(d) Variances; and
	(b) Planned developments;	(e) Zoning map amendments.
	(c) Special uses;	
	3. Other powers and duties – The HPC shall have the following other powers and duties:	
	(a) To recommend to the City Council regarding areas to be designated by ordinance as a local historic district, or that such designation of any local historic district or a part thereof be revoked or removed for good cause shown.	
	(b) To adopt and update detailed historic district guidelines applicable to lands within a local historic district.	
	(c) To recommend to the Guilford County Historic Preservation Commission regarding the designation of any building, structure, site, area, or object as a landmark, or that such designation be revoked or removed for good cause shown.	
	(d) To review and act upon applications for COA proposals for alterations, demolitions or new construction within local historic districts, in accordance with this section and the North Carolina General Statutes, and to revoke an approved COA for good cause shown.	
	(e) To undertake an inventory of lands of historical, pre-historical, architectural, and/or cultural significance, as authorized by the City Council.	
	(f) To recommend, as a North Carolina Certified Local Government Commission, individual buildings, structures, sites, areas or objects for inclusion in the National Register of Historic Places.	
	(g) To recommend appropriate changes to this Ordinance which relate to local historic districts or which relate to the preservation of historic buildings, structures, sites, areas or objects, and to prepare and recommend the adoption of a preservation element as part of the City's adopted policy guidance.	
	(h) To conduct an educational program with respect to historic properties and districts	

TABLE 2.2.5: HISTORIC PRESERVATION COMMISSION (HPC)	
	within the city.
	(i) To enter, solely in performance of its official duties and only at reasonable times, upon private lands for examination or survey thereof. However, no member, employee, or agent of the HPC may enter any private building or structure without the express consent of the owner or occupant.
	(j) To exercise other duties and authority provided to it by the City Council, this Ordinance, and state law.
B. Composition	**1. Membership:**
	(a) The HPC shall consist of 9 regular members.
	2. Residence location and Qualifications:
	(a) All members of the HPC shall reside within the City's planning jurisdiction.
	(b) Members shall have demonstrated experience or an interest in the preservation of historic structures, and should be employed in architecture, history, planning, archaeology, or a related discipline.
	3. Alternate members:
	(a) The City Council may appoint alternate members to serve in the absence or temporary disqualification of regular members.
	(b) Each alternate member attending a meeting and serving in the absence of a regular member may exercise all the powers and duties of a regular member.
	4. Member terms:
	(a) Members may serve a 3-year term and shall continue to serve until their successors are appointed, provided that upon initial appointment the terms of office may be staggered.
	(b) The terms of all members shall not expire at the same time.
	(c) Regular members shall not serve more than 2 full consecutive terms.
	(d) Vacancies shall be filled by a new member or an alternate member appointed to serve for the remainder of the unexpired term.
	5. Officers:
	(a) The HPC shall elect from its members a Chair and Vice Chair for a 1 year term of office commencing on July 1.
	(b) The Chair shall preside over all meetings.
	(c) In the absence of the Chair, the Vice-Chair shall preside over meetings.
	(d) If both the Chair and Vice-Chair are absent, the HPC membership shall vote to determine who shall serve as acting Chair for the meeting.
	6. Staff - The Planning and Development Director shall:
	(a) Provide administrative support to the HPC;
	(b) Record the minutes of all meetings;
	(c) Conduct all correspondence of the HPC;
	(d) Supervise all clerical work; and
	(e) Provide other technical support, as needed.
C. Rules of Procedure	**1. Schedule:**
	(a) The HPC shall hold at least 1 regular meeting in each month unless the Chair determines that there are no agenda items for consideration.
	2. Publication of notice:
	(a) Notice of all meetings shall be provided in accordance with state law.
	3. Open meetings:

TABLE 2.2.5: HISTORIC PRESERVATION COMMISSION (HPC)	
	(a) All meetings and hearings shall be open to the public.
	4. Official record:
	(a) The HPC shall keep minutes of its proceedings, showing the vote of each member upon every action or, if absent or failing to vote, indicate such fact.
	(b) The HPC shall keep records of its examinations and other official actions.
	(c) All records and minutes shall be public record.
	5. Quorum:
	(a) No official business of the HPC may be conducted without a quorum present.
	(b) A quorum is the majority of the HPC membership, excluding vacancies
	6. Voting:
	(a) An affirmative vote of the majority of HPC members present and constituting a quorum is required for all decisions. (b) The Chair shall vote as any other member.
	7. Continuance:
	(a) The HPC may continue a public hearing or delay voting on any matter to a subsequent meeting upon a showing of good cause, in accordance with Section 2.3.13, Deferral and Continuance.
	8. Absence:
	(a) Members shall inform the Planning and Development Director of any anticipated absence immediately after receipt of the agenda.
	(b) A regular member who misses 3 consecutive regular meetings or 33 percent or more of the regular meetings in a calendar year loses their status as a voting member until reinstated.
	(c) Absences due to sickness, death in the family, or other emergencies of a similar nature shall be regarded as approved absences and shall not affect the member's status on the Commission; except that in the event of a long illness or other such case resulting in a prolonged absence, the member may be replaced.
	9. Special committees:
	(a) The HPC may establish special committees to assist it in studying specific issues.
	(b) The membership of a special committee is not limited to HPC members.
	(c) In establishing these committees the HPC may not delegate its official powers and duties.
	10. Compensation:
	(a) Compensation for members may be provided for by the City Council.
	11. Conflict of interest:
	(a) A member shall not participate in or vote on any matter that has a direct, substantial, and readily identifiable financial impact on the member.
	(b) If an objection is raised to a member's participation and that member does not recuse himself or herself, then the remaining members shall by majority vote rule on the objection.
	12. Rules of procedure:
	(a) The HPC shall adopt rules necessary to conduct its affairs and establish its organization, committees, procedures, meeting notice, and meeting conduct.
	(b) The HPC's rules of procedure shall be made available for public inspection in the Planning and Development Department.

2.2.6. RESERVED

2.2.7. TECHNICAL REVIEW COMMITTEE (TRC)

The TRC is hereby established in accordance with Section 160A-361 of the North Carolina General Statutes. Table 2.2.7, Reserved
Technical Review Committee (TRC), sets out the TRC's powers and duties, composition, and rules of procedure.

TABLE 2.2.7: TECHNICAL REVIEW COMMITTEE (TRC)		
A. POWERS AND DUTIES	**1. APPLICATION REVIEW AND DECISION - TO REVIEW AND DECIDE APPLICATIONS FOR:**	
	(a) Administrative adjustments (Type II);	(e) Right-of-way encroachments (below ground);
	(b) Easement reconveyances;	(f) Site plans; and
	(c) Group developments;	(g) Watershed variances (minor).
	(d) Preliminary plats;	
	2. RECOMMENDATION AUTHORITY - TO COMMENT OR MAKE RECOMMENDATIONS ON THE FOLLOWING APPLICATIONS:	
	(a) City construction and infrastructure projects and construction that may impact city infrastructure;	(d) Street abandonments;
	(b)Planned development;	(e) Voluntary annexations; and
	(c) Right-of-way encroachment (above ground);	(f) Watershed variances (major).
	3. OTHER POWERS AND DUTIES – THE TRC SHALL HAVE THE FOLLOWING OTHER POWERS AND DUTIES:	
	(a) To provide its expertise and technical assistance to the Planning and Development Director in compiling and maintaining a *Development Guide* and in establishing application content requirements and a submission schedule for review of applications and appeals.	
	(b) To review and recommend the acquisition, sale, and disposal of all city real property (not equipment).	
	(c) To perform any other related duties that the City Manager may direct.	
	(d) To review and comment on an item submitted by a department director.	
	(e) To exercise other powers and authority provided to it by the City Council, this Ordinance, or state law.	
B. COMPOSITION	**1. MEMBERSHIP – THE TRC SHALL BE COMPRISED OF DEPARTMENT HEADS (OR THEIR DESIGNEES) FROM THE FOLLOWING CITY DEPARTMENTS:**	
	(a) Planning and Development;	(c) Public Services; and
	(b) Transportation;	(d) Engineering Services.
	(e) Representatives from other departments, such as Police, Fire, Electric Utilities, and Parks and Recreation; private utility companies; and public or private school systems may also provide comments on applications.	
	2. OFFICERS:	
	(a) The Planning and Development Director shall serve as Chair of the TRC, and shall schedule committee meetings, coordinate the committee's activities, preside over committee meetings, prepare committee reports, and serve as liaison to the departments and agencies involved for clarification of issues and resolution of conflicts.	
C. RULES OF	**1. MEETINGS:**	

TABLE 2.2.7: TECHNICAL REVIEW COMMITTEE (TRC)	
PROCEDURE	(a) The TRC shall establish a regular meeting schedule which is set out in the *Development Guide*.
	(b) Applicants are encouraged to attend TRC meetings.

2.2.8. URBAN FORESTRY COMMITTEE (UFC)

The Urban Forestry Committee (UFC) is established to oversee the implementation of the City's urban forestry program, in accordance with the provisions of this Ordinance and Section 160A-361 of the North Carolina General Statutes. Table 2.2.8, Urban Forestry Committee (UFC), sets out the Urban Forestry Committee's powers and duties, composition, and rules of procedure.

TABLE 2.2.8: URBAN FORESTRY COMMITTEE (UFC)		
A. POWERS AND DUTIES	**1. APPLICATION REVIEW AND DECISION - TO REVIEW AND DECIDE APPLICATIONS FOR:**	
	(a) Public tree certificates.	
	2. RECOMMENDATION AUTHORITY - TO MAKE RECOMMENDATIONS ON THE FOLLOWING:	
	(a) Appeals.	
	3. OTHER POWERS AND DUTIES – THE UFC SHALL HAVE THE FOLLOWING OTHER POWERS AND DUTIES:	
	(a) To develop a comprehensive strategy for the protection, maintenance, planning, planting and removal of trees on City-owned or controlled land.	
	(b) To facilitate the planting, growth, and protection of trees within the community.	
	(c) To develop and implement programs that educate the community about proper tree planting and maintenance practices, encourage volunteer tree planting efforts, and increase public awareness and support of the City's urban forest.	
	(d) To identify and recommend the removal of dead, dying, diseased, or insect-infested trees affecting City-owned or City-controlled land.	
	(e) To coordinate and sponsor the City's annual observance of Arbor Day.	
	(f) To develop, adopt, and maintain standards and practices for the conservation and maintenance of trees on City-owned or City-controlled land.	
	(g) To develop, adopt and maintain guidelines for the planting of trees in the community, including standards and specifications for plantings on street rights-of-way and adjacent to overhead and underground utilities, preferred trees for planting along street rights-of-way, and recommended tree species that are best suited for the community's climate and conditions.	
	(h) To review the City's ordinances, codes, and policies to promote the proper utilization of trees and recommend appropriate changes as necessary.	
	(i) To develop and maintain an inventory of trees on City-owned or City-controlled land.	
	(j) To identify and solicit grants, loans, or contributions from governmental agencies, corporations, organizations, and individuals that benefit the City's urban forestry program.	
	(k) To prepare an annual work program and budget for the City's urban forestry program and an annual report on the City's activities and expenditures.	
	(l) To perform any other related duties that the City Manager may direct.	
	(m) To exercise other powers and authority provided to them by the City Council, this Ordinance, or State law.	
B. COMPOSITION	**1. MEMBERSHIP: THE UFC SHALL BE COMPRISED OF DEPARTMENT HEADS (OR THEIR DESIGNEES) FROM THE FOLLOWING CITY DEPARTMENTS:**	
	(a) Planning and Development;	(c) Electric Utilities; and

TABLE 2.2.8: URBAN FORESTRY COMMITTEE (UFC)		
	(b) Public Services;	(d) Parks and Recreation.
	2. OFFICERS:	
	(a) The Planning and Development Director shall serve as Chair of the UFC, and shall schedule committee meetings, coordinate the committee's activities, preside over committee meetings, prepare committee reports, and serve as liaison to the departments and agencies involved for clarification of issues and resolution of conflicts.	
C. RULES OF PROCEDURE	**1. MEETINGS:**	
	(a) The UFC shall establish a regular meeting schedule which is set out in the *Development Guide*.	
	(b) Applicants are encouraged to attend UFC meetings.	

2.2.9. RESERVED

2.2.10. PLANNING AND DEVELOPMENT DIRECTOR

Table 2.2.10, Planning and Development Director, sets out the Planning and Development Director's powers and duties under this Ordinance.

TABLE 2.2.10: PLANNING AND DEVELOPMENT DIRECTOR		
A. POWERS AND DUTIES	**1. APPLICATION REVIEW AND DECISION - TO REVIEW AND DECIDE APPLICATIONS FOR:**	
	(a) Administrative adjustments (Type I);	(e) Exclusion maps;
	(b) Building permits;	(f) Final plats;
	(c) Certificates of occupancy;	(g) Sign permits; and
	(d) Determinations;	(h) Zoning compliance permits.
	2. RECOMMENDATION AUTHORITY - TO COMMENT OR MAKE RECOMMENDATIONS ON THE FOLLOWING APPLICATIONS:	
	(a) Appeals;	(i) Special uses;
	(b) Certificates of appropriateness;	(j) Street abandonments;
	(c) Conditional zonings;	(k) Street name changes;
	(d) Development agreements;	(l) Text amendments;
	(e) Land use plan amendments;	(m) Variances;
	(f) Planned developments;	(n) Vested rights certificates;
	(g) Reasonable accommodations;	(o) Voluntary annexations; and
	(h) Right-of-way encroachments;	(p) Zoning map amendments;
	3. OTHER POWERS AND DUTIES – THE PLANNING AND DEVELOPMENT DIRECTOR SHALL HAVE THE FOLLOWING OTHER POWERS AND DUTIES:	
	(a) To investigate violations and enforce this Ordinance in accordance with Chapter 9: Enforcement.	
	(b) To establish application content requirements and a submission schedule for review of applications and appeals.	
	(c) To ensure proper public notification regarding pending development applications is provided in accordance with state law.	
	(d) To serve as Chair of the TRC.	
	(e) To review development applications for compliance with this Ordinance and submit staff reports to decision-making bodies.	
	(f) To maintain the Official Zoning Map and related materials.	

TABLE 2.2.10: PLANNING AND DEVELOPMENT DIRECTOR	
	(g) To compile and maintain a *Development Guide*.
	(h) To provide expertise and technical assistance to City staff and decision-making bodies, upon request.
	(i) To maintain all records pertaining to the provisions of this Ordinance and make records available for public inspection.
	(j) To perform any other related duties that the City Manager may direct.
	(k) To exercise other powers and authority provided by the City Council, this Ordinance, or state law.

2.2.11. ENGINEERING SERVICES DIRECTOR

Table 2.2.11, Engineering Services Director, sets out the Engineering Service Director's powers and duties under this Ordinance.

TABLE 2.2.11: ENGINEERING SERVICES DIRECTOR		
A. POWERS AND DUTIES	**1. APPLICATION REVIEW AND DECISION - TO REVIEW AND DECIDE APPLICATIONS FOR:**	
	(a) Floodplain development permits; and	(b) Land disturbance permits.
	2. RECOMMENDATION AUTHORITY - TO COMMENT OR MAKE RECOMMENDATIONS ON THE FOLLOWING APPLICATIONS:	
	(a) Appeals; and	(b) Flood damage prevention variance requests.
	3. OTHER POWERS AND DUTIES – THE ENGINEERING SERVICES DIRECTOR SHALL HAVE THE FOLLOWING OTHER POWERS AND DUTIES:	
	(a) To insure development applications comply with soil and erosion control standards in Section 6.3, Soil Erosion and Sedimentation, and flood damage prevention standards in Section 6.4, Flood Damage Prevention.	
	(b) To inspect sites for compliance with the soil and erosion control standards in Section 6.3, Soil Erosion and Sedimentation, and flood damage prevention standards in Section 6.4, Flood Damage Prevention.	
	(c) Investigate violations of soil and erosion control and flood damage prevention standards in accordance with Chapter 9: Enforcement.	
	(d) To insure that stormwater management devices and best management practices for watershed protection are designed in accordance with Section 6.2, Watershed Protection, and the City's Stormwater Best Management Practices Design Manual.	
	(e) To perform any other related duties that the City Manager may direct.	
	(f) To exercise other powers and authority provided to them by the City Council, this Ordinance, or state law.	

2.2.12. PUBLIC SERVICES DIRECTOR

Table 2.2.12, Public Services Director, sets out the Public Service Director's powers and duties under this Ordinance.

TABLE 2.2.12: PUBLIC SERVICES DIRECTOR	
A. POWERS AND DUTIES	**1. THE PUBLIC SERVICES DIRECTOR SHALL HAVE THE FOLLOWING POWERS AND DUTIES:**
	(a) Inspection of stormwater management devices and best management practices

TABLE 2.2.12: PUBLIC SERVICES DIRECTOR	
	constructed in accordance with Section 6.2, Watershed Protection.
	(b) Investigate violations of stormwater management devices and best management practices in accordance with Chapter 9: Enforcement.
	2. Recommendation authority - to comment or make recommendations on the following applications:
	(a) Appeals.
	3. Other Powers and Duties – The Public Services Director Shall Have the Following Other Powers and Duties:
	(a) To perform any other related duties that the City Manager may direct.
	(b) To exercise other powers and authority provided by the City Council, this Ordinance, or state law.

2.2.13. TRANSPORTATION DIRECTOR

Table 2.2.13, Transportation Director, sets out the Transportation Director's powers and duties under this Ordinance.

TABLE 2.2.13: TRANSPORTATION DIRECTOR	
A. Powers and Duties	**1. The Transportation Director shall have the following powers and duties:**
	(a) To determine the ability of a landowner to obstruct a required cross-accessway in a vehicular use area.
	(b) To determine if the installation of a required sidewalk conflicts with other city, state, or federal road projects, and if an in-lieu fee is an appropriate remedy.
	(c) To determine the allowable alternative sign background and letter colors for signs associated with a private street.
	2. Recommendation authority - to comment or make recommendations on the following applications:
	(a) Appeals.
	3. Other Powers and Duties – The Transportation Director Shall Have the Following Other Powers and Duties:
	(a) To perform any other related duties that the City Manager may direct.
	(b) To exercise other powers and authority provided by the City Council, this Ordinance, or state law.

2.3. STANDARD REVIEW PROCEDURES

2.3.1. GENERAL

A. Overview

This section describes the standard procedural steps and rules generally applicable to development applications reviewed under this Ordinance, unless otherwise specified in Section 2.4, Review Procedures Subject to Decision-Making Body Review and Decision or Section 2.5, Review Procedures Subject to Staff Review and Decision. The flow charts of specific procedures in Section 2.4 and Section 2.5 depict the procedural steps that apply to the review of the particular type of development application.

B. Development Guide

The City maintains a *Development Guide* that includes information for persons submitting applications for development review under this Ordinance.

2.3.2. PRE-APPLICATION CONFERENCE

A. Purpose

The purpose of a pre-application conference is to provide an opportunity for the applicant to learn about the submittal requirements, procedures, and standards applicable to a development application. A pre-application conference is also an opportunity for city staff to become familiar with, and offer preliminary comments about, the scope, features, and impacts of the proposed development, as it relates to the standards in this Ordinance.

B. Applicability

1. Pre-Application Conference Required

A pre-application conference between the applicant and City staff shall be held before submittal of the following applications:

(a) Conditional zonings;
(b) Development agreements;
(c) Land use plan amendments;
(d) Planned developments;
(e) Reasonable accommodations;
(f) Special uses;
(g) Street abandonments.
(h) Street name changes;
(i) Text amendments;
(j) Variances;
(k) Vested rights certificates; and
(l) Voluntary annexations;
(m) Zoning map amendments.

2. Pre-Application Conference Optional

A pre-application conference may be requested and held at the applicant's option for any development application other than those listed in Section 2.3.2.B.1, Pre-Application Conference Required.

C. Scheduling

Applicants shall contact the Planning and Development Department to schedule a pre-application conference.

D. Effect

A completed pre-application conference entitles an applicant to take the next step in the application process.

2.3.3. CITIZEN INFORMATION MEETING

A. Purpose

The purpose of the citizen information meeting is to inform landowners and occupants of nearby lands about a development application that is going to be reviewed under this Ordinance, and to provide the applicant an opportunity to hear comments and concerns about the development proposal as a means of resolving conflicts and outstanding issues, where possible.

B. Favored Practice

1. Citizen information meetings are encouraged and sometimes required as opportunities for informal communication between applicants and the landowners and occupants of nearby lands, and other residents who may be affected by development proposals.
2. If a citizen information meeting is conducted, it is preferable to hold it in close proximity to the proposed development.

C. Applicability

A citizen information meeting is required for any of the following applications (unless they ae initiated by City Council):

1. Conditional zoning;
2. Planned developments;
3. Special uses; and
4. Zoning map amendments that propose to establish a more intense zoning district.

D. Procedure

If a citizen information meeting is required, it shall comply with the following procedures:

1. Timing

The applicant shall hold the citizen information meeting at least 23 days prior to consideration of the application by the P&Z.

2. Form

The citizen information meeting can take the form of a meeting, gathering, or a telephone communication between the applicant or the applicant's representative and landowners or other interested parties. Nothing shall prohibit multiple meetings or telephone communications from taking place.

3. Notification

(a) Prior to the citizen information meeting, the applicant shall provide notice of the meeting to all landowners of land located within 300 feet of the land subject to the application, as shown on the county tax listing.

(b) Failure of a party to receive notice of the meeting shall not invalidate the application.

4. Information Provided

The applicant shall provide the following information to those attending a meeting or participating in a telephone call:

(a) A description of the proposed development;

(b) Information provided by the Department of Planning and Development that describes:

(1) The purpose of the citizen information meeting;

(2) The development review procedure(s) the application will follow;

(3) The potential for changes in the applicant's development proposal as it proceeds through the review process;

(4) Sources of further information about the development review process; and

(5) Any additional information that would promote understanding of the development proposal.

5. Conduct of Meeting

At the meeting, the applicant shall explain the development proposal and application, inform attendees about the application review process and the potential for change to the proposal as it proceeds through the process, respond to questions and concerns neighbors raise about the application, and propose ways to resolve conflicts and concerns.

6. Written Summary

At least 22 days before the initial consideration of the application by the P&Z, the applicant shall submit a written summary of the citizen information meeting or telephone call to the Planning and Development Department that includes:

(a) The date, time, and location of the meeting;

(b) The method and date of notification about the meeting;

(c) A list of landowners notified about the meeting;

(d) A list of meeting attendees;

(e) If the meeting was conducted as a series of telephone calls;

(f) The description of the development proposal presented to the attendees; and

(g) A summary of attendee comments, ideas, and suggestions from citizens to be incorporated into the development proposal.

The written summary shall be included with the application materials and be made available to the public for inspection.

7. No Meeting Conducted

(a) Applicants subject to the requirement to conduct a citizen information meeting but who choose not to do so shall include, in writing, the reasons for not conducting a meeting or the activities undertaken in-lieu of conducting a meeting.

(b) The City Council shall consider an application regardless of whether a required citizen information meeting is conducted.

2.3.4. APPLICATION SUBMITTAL AND ACCEPTANCE

A. Authority to File Applications

Unless expressly stated otherwise in this Ordinance, development applications reviewed under this Ordinance shall be submitted by the landowner, contract purchaser, or other person having a recognized property interest in the land on which development is proposed.

B. Application Content

1. The Planning and Development Director is authorized to establish the application content and forms, which shall be placed in the *Development Guide*.
2. The Planning and Development Director may change requirements for submission of certain required information when, in the Director's opinion, such information is otherwise available or is not necessary to review the application.

C. Application Fees

1. The City Council shall establish application fees, and may amend and update those fees as necessary.
2. No action shall be taken on an application and no application approval shall be issued until all required application fees are paid in full.

D. Submittal and Review Schedule

The Planning and Development Director is authorized to and shall establish specific rules for submittal and review schedules (including time frames for review) for the various types of development applications, which shall be included in the *Development Guide*.

E. Application Submittal

1. Applications shall be submitted to the Planning and Development Director in the form established by the Planning and Development Director, along with the appropriate application fee.
2. Except for applications initiated by the City Council, no development application requiring approval by the City Council may be filed that includes land subject to a pending appeal being considered by the BOA or the courts.
3. An application shall not be considered submitted until it has been determined to be complete in accordance with subsection F below.

F. Determination of Application Completeness

1. Completeness Review

On receiving a development application, the Planning and Development Director shall determine whether the application is complete or incomplete based on the application completeness requirements in the *Development Guide*.

2. Application Incomplete

If the application is incomplete, the Planning and Development Director shall notify the applicant of the deficiencies in accordance with the *Development Guide*.

3. Application Complete

On determining that the application is complete, it shall be considered as submitted, and the Planning and Development Director shall commence review in accordance with the procedures and standards of this Ordinance.

2.3.5. STAFF REVIEW AND ACTION

A. Staff Review

1. Applications shall be reviewed during the review cycle in place when the application is determined to be complete.
2. When an application is determined complete, it shall be distributed by the Planning and Development Director to all appropriate staff and review agencies for review and comment, and the preparation of a staff report, if appropriate.

3. In considering the application, the Planning and Development Director, the TRC, or other city staff (as appropriate), shall review the application, relevant support material, and any comments or recommendations from other staff and review agencies to which the application was referred.
4. If deficiencies in complying with applicable standards of this Ordinance are identified, the Planning and Development Director shall notify the applicant of such deficiencies and provide the applicant a reasonable opportunity to discuss them and revise the application accordingly.

B. Staff Report and Recommendation

1. The Planning and Development Director shall prepare a written staff report on any application listed under Procedures Subject to Decision-Making Body Review and Decision in Table 2.1, Summary Development Review Table. The staff report shall conclude whether the application complies with all applicable review standards of this Ordinance, and recommend one of the decisions authorized for the particular type of application, based on the review standards applicable to the application type, in accordance with Section 2.4, Review Procedures. The staff report may identify and recommend conditions of approval addressing how compliance deficiencies might be corrected and how adverse effects of the development application might be mitigated.
2. A staff report is not required for an application listed under Procedures Subject to Staff Review and Decision in Table 2.1, Summary Development Review Table, even though one may be prepared.

C. Distribution and Availability of Application and Staff Report

In cases where a development application is listed under Procedures Subject to Decision-Making Body Review and Decision in Table 2.1, Summary Development Review Table, the Planning and Development Director shall take the following actions within a reasonable time period before the application is scheduled for review:

1. Schedule and ensure any required notice of the application (if appropriate) is prepared in accordance with Section 2.3.6, Public Notification;
2. Transmit the application, related materials, and staff report to the appropriate review authority;
3. Transmit a copy of the staff report to the applicant; and
4. Make the application, related materials, and staff report available for examination by the public in the Planning and Development Department during normal business hours.

D. Applications Subject to Decision by Staff

1. Decision

In cases where a development application is listed under Procedures Subject to Staff Review and Decision in Table 2.1, Summary Development Review Table, the appropriate City staff member shall approve, approve subject to conditions, or disapprove the application, based on the review standards set forth in Section 2.5, Review Procedures Subject to Staff Review and Decision, for the particular type of application.

2. Conditions of Approval

Conditions of approval shall be limited to those deemed necessary to ensure compliance with the standards of this Ordinance. They shall be related in both type and amount to the anticipated impacts of the proposed development on the public

and surrounding development. All conditions of approval shall be expressly set forth in the development permit or approval.

2.3.6. PUBLIC NOTIFICATION

A. Public Hearing Scheduling

When a development application is subject to a public hearing, the Planning and Development Director shall ensure that the public hearing is scheduled for a regular meeting or a meeting specially called for that purpose by the review authority.

B. Public Notification

All development applications subject to public notification shall comply with the North Carolina General Statutes, the provisions listed in Table 2.3.6, Public Notification Timing Requirements, the provisions of this section, and other provisions in this Ordinance related to public notice.

1. Notification Requirements

The Planning and Development Director shall ensure public notification is provided in accordance with the timing requirements in Table 2.3.6, Public Notification Timing Requirements, for the type of application and the type of notice. In computing the required time periods, the day the notice is published, mailed, or posted shall not be included, but the day of the hearing shall be included.

TABLE 2.3.6: PUBLIC NOTIFICATION TIMING REQUIREMENTS

Application Type	Decision-making Body Review	Types of Required Public Notice		
		Published Notice	Mailed Notice	Posted Notice
Appeal	BOA	X [1]	X [2]	X [3]
Certificate of Appropriateness	HPC	·	X [4]	·
Conditional Zoning	P&Z	X	X [5]	X [3]
	City Council	X [6]	X [5]	X [3]
Development Agreement	P&Z	X	X [5]	X [3]
	City Council	X [6]	X [5]	X [3]
Land Use Plan Amendment	P&Z	X	·	·
	City Council	X [6]	·	·
Text Amendment	P&Z	X	·	·
	City Council	X [6]	·	·
Planned Development	P&Z	X	X [5]	X [3]
	City Council	X [6]	X [5]	X [3]
Reasonable Accommodation	BOA	X [1]	X [2]	X [3]
Street Abandonment	P&Z	X	X	X [8]
	City Council	X [9]	X [7]	X [8]
Street Name Change	P&Z	X	X [10]	·
Special Use	P&Z	X	X [5]	X [3]
	City Council	X [6]	X [5]	X [3]
Variance	BOA	X [1]	X [2]	X [3]
Vested Rights Certificate	P&Z	X	X [5]	X [3]
	City Council	X [6]	X [5]	X [3]
Voluntary Annexation	City Council	X [1]	·	·

TABLE 2.3.6: PUBLIC NOTIFICATION TIMING REQUIREMENTS

Application Type	Decision-making Body Review	Types of Required Public Notice		
		Published Notice	Mailed Notice	Posted Notice

[1] Published notice provided once, at least 10 days before the hearing.
[2] Mailed notice provided to affected owners and landowners within 100 feet of the subject lot or site between 10 and 25 days before the hearing.
[3] Posted notice provided between 10 and 25 days before the hearing.
[4] Mailed notice provided to all landowners in the subject LHO district between 10 and 25 days before the hearing.
[5] Mailed notice provided to affected owners and landowners within 300 feet of the subject lot or site between 10 and 25 days before the hearing.
[6] Published notice provided once a week for 2 successive calendar weeks, with first notice between 10 and 25 days before the hearing.
[7] Certified mailed notice provided to all landowners abutting the street, plus NCDOT if street is under NCDOT control, between 10 and 25 days before the hearing.
[8] Posted notice required in at least 2 locations along the street at least 10 days before the hearing.
[9] Published notice provided once a week for 4 weeks before the hearing.
[10] Mailed notice provided to all landowners abutting the street between 10 and 25 days before the hearing.

2. Published Notice Requirements

When the provisions of this Ordinance require that public notice be published, the Planning and Development Director shall publish a notice in a newspaper having general circulation in the City.

3. Mailed Notice Requirements

(a) Mailed notice specified in Table 2.3.6, Public Notification Timing Requirements, shall be mailed to:

(1) All landowners subject to the application;
(2) The applicant, if different from the landowner; and
(3) All landowners entitled to receive notice (including landowners located outside the city) whose address is known by reference to the latest county tax listing.

(b) Notice shall be deemed mailed by its deposit in the United States mail, first class or certified (as appropriate), properly addressed, postage paid. The content and form of the notice shall comply with Section 2.3.6.B.5, Notice Content, and the North Carolina General Statutes.

(c) The Planning and Development Director shall prepare an affidavit affirming that notice meeting these standards was mailed. The affidavit shall be conclusive that notice has been given in compliance with the terms of this subsection. The affidavit shall be included in the support materials of the application.

(d) A copy of the mailed notice shall be maintained in the Planning and Development Department for public inspection during normal business hours.

4. Posted Notice Requirements

Posted notice shall be made by the Planning and Development Director, and shall comply with the following:

(a) A sign shall be placed on subject property in a conspicuous location so as to

be clearly visible to the traveled portion of the respective street. Where the land subject to the notice does not have frontage on a public street, the sign shall be erected on the nearest street right-of-way with an attached notation generally indicating the direction and distance to the land subject to the application.

(b) The content and form of the notice shall comply with Section 2.3.6.B.5, Notice Content, and the North Carolina General Statutes.

5. Notice Content

Unless expressly noted otherwise, all notices, whether done by mail, publication, or posting shall:

(a) Identify the date, time, and place of the public hearing;

(b) Describe the land involved by street address or by its relationship to a fronting street and the nearest cross street (if applicable), and its size (except posted notice);

(c) Describe the nature and scope of the proposed development or action;

(d) Indicate that more restrictive changes in the proposal may be made following the public hearing (this requirement shall not be applied to posted notice); and

(e) Identify the means to contact a City official for further information.

6. Notice Involving Street Abandonment

(a) In the case of street abandonment, the City shall publish the required City Council resolution of intent once a week for 4 successive weeks.

(b) The resolution shall indicate the time, date, and location of a public hearing to consider the street abandonment.

(c) In addition to published notice, all the landowners, as listed on the county tax listing, fronting or abutting the street or segment affected by the abandonment, shall be given certified mailed notice of the proposed abandonment.

(d) Notice shall also be mailed to the North Carolina Department of Transportation, if the street is under the control and authority of the department.

(e) In addition, the notification of the public hearing purpose, date, time, and location shall be posted in at least 2 locations along the street.

7. Notice Involving Street Name Change Requests

(a) In the case of a street name change request, all the landowners, as listed on the county tax listing, fronting, or abutting the street or segment affected by the request, shall be given first class mailed notice of the request.

(b) The City shall also make a good faith effort to notify renters of property affected.

(c) If the street name change is approved, the landowners of properties affected shall be sent address change notices containing the effective date of the change.

8. Constructive Notice

(a) Minor defects in any notice shall not impair the notice or invalidate proceedings if a bona fide attempt is made to comply with applicable notice requirements. Minor defects in notice may include, but are not limited to:

(1) Errors in a legal description;

(2) Errors or omissions in the county tax listing; or

(3) Typographical or grammatical errors that do not impede communication of the notice to affected parties.

(b) Failure of a party to receive written notice shall not invalidate subsequent action. In all cases, however, the requirements for the timing of the notice and for specifying the time, date, and place of a public hearing and the location of the subject property(ies) shall be strictly adhered to.

2.3.7. QUASI-JUDICIAL PUBLIC HEARING PROCEDURES

If the development application is subject to a quasi-judicial public hearing by a decision-making body, the decision-making body shall hold a quasi-judicial public hearing in accordance with the following procedures.

A. Opportunity to Present Testimony and Evidence

Any affected party shall be afforded a reasonable opportunity to present testimony and evidence in support of or in opposition to the application, and to ask questions of the applicant, the applicant's representatives, City staff, and the City staff's representatives. At the discretion of the person chairing the body conducting the quasi-judicial public hearing, an affected party may be granted an opportunity to ask questions of any other member of the public who has testified at the hearing.

B. Not Bound by Rules of Evidence

Except as otherwise provided in the North Carolina General Statutes, the body conducting a quasi-judicial public hearing is not bound by the rules of evidence, or limited to consideration of evidence that is admissible in a court of law. The body may consider all testimony and evidence it deems competent and material to the application under consideration.

C. Cross Examination

Any inquiry under cross-examination shall be limited to matters raised in the direct examination of the person testifying. No re-direct or re-cross shall be allowed unless requested by the applicant, an affected party, or the City—who shall state the desired area of inquiry. The request shall be approved by the person chairing the body conducting the quasi-judicial public hearing. If re-direct or re-cross is allowed, it shall be limited to questions of the witness on issues raised in the cross-examination or re-direct examination.

D. Ex Parte Communication

Ex parte communications between an applicant or an affected party and a member of the decision-making body is prohibited. If it occurs, it shall be disclosed during the quasi-judicial public hearing.

2.3.8. REVIEW BY P&Z OR HPC

If an application is subject to a recommendation by the P&Z or HPC, the P&Z or HPC shall review and act on the application in accordance with the following procedures:

A. General

The P&Z or HPC, as appropriate, shall consider the application, relevant support materials, staff report, and any public comments. One of the decisions authorized for the particular type of application shall be recommended, based on the review standards applicable to the application type, as set forth in Section 2.4, Review Procedures Subject to Decision-Making Body Review and Decision.

B. General Conduct

Members conducting a review and providing a recommendation should act in accordance with the following guidelines:

1. No Prejudice

Consider the application without prejudice.

2. No Commitment Prior to Review

Make no commitment or agreement or take a public position on an application or on any proposed condition until the application is reviewed during the meeting.

3. Acknowledgement

Acknowledge any information obtained outside the public meeting that they believe has influenced their evaluation of the application.

4. Deliberation

Refrain from deliberation or formulation of a judgment or decision prior to the meeting at which the application is considered.

C. Clearly State Factors for Recommendation

The recommendation shall clearly state the factors considered in making the recommendation and the basis or rationale for the recommendation.

D. Vote

1. A decision to recommend approval shall be decided by a simple majority of a quorum present.
2. A tie vote by members of the P&Z shall be forwarded to the City Council without a recommendation.
3. Zoning map amendment, conditional zoning, special use, and text amendment applications receiving a recommendation for denial by the P&Z shall require a $^{2}/_{3}$ favorable vote of the City Council members present and voting to be approved.

E. Timing

Unless an application is deferred or continued in accordance with Section 2.3.13, Deferral and Continuance, a vote or recommendation on an application shall be made within 60 days from the date of the initial meeting where it is considered.

F. Failure to Recommend

If the P&Z or HPC fails to make a recommendation in the time allotted for an application to be reviewed and decided by the City Council, the application shall be forwarded to the City Council without a recommendation from the P&Z or HPC.

2.3.9. ACTION BY DECISION-MAKING BODY

If an application is subject to a decision by the City Council, P&Z, BOA, or HPC, the decision-making body shall review and decide the application in accordance with the following procedures:

A. General

The decision-making body shall conduct any required public hearing(s) and consider the application, relevant support materials, staff report, any advisory body recommendations, and public comments. After the conclusion of the public hearing, it shall make one of the decisions authorized for the particular type of application based on the review standards applicable to the application type, as set forth in Section 2.4, Review Procedures Subject to Decision-Making Body Review and Decision.

B. General Conduct

Members making a decision should act in accordance with the following guidelines:

1. No Prejudice

Consider the application without prejudice.

2. No Commitment Prior to Review

Make no commitment or agreement or take a public position on an application or on any proposed condition until the application is reviewed during the hearing.

3. Acknowledgement

Acknowledge any information obtained outside the public hearing that they believe has influenced their evaluation of the application.

4. Deliberation

Refrain from deliberation or formulation of a judgment or decision prior to the meeting to consider the application.

C. Quasi-Judicial Procedures

Required quasi-judicial public hearings (see Table 2.1, Summary Development Review Table) shall be conducted in accordance with Section 2.3.7, Quasi-Judicial Public Hearing Procedures.

D. Remand

The decision-making body may remand the application to City staff or the appropriate advisory body for further consideration of new information or specified issues or concerns, if appropriate.

E. Clearly State Factors for Decision

Unless stated otherwise in this Ordinance, the decision shall clearly state the factors considered in making the decision and the basis or rationale for the decision.

F. Application Revision

The decision-making body may revise an application to apply more restrictive requirements, or to ensure the application better serves the purpose and intent of this Ordinance. In cases where an application is revised by a decision-making body in this manner, additional public notification or public hearings are not required.

G. Vote

1. A zoning map amendment, conditional zoning, special use, or text amendment application receiving a recommendation for denial from the P&Z shall only be approved by the City Council with a $^{2}/_{3}$ majority vote of the City Council members present and voting. (SL 1989-88)
2. A board member shall recuse themselves from voting on an application where the outcome of the matter being considered is reasonably likely to have a direct, substantial, or readily identifiable financial impact on the member.
3. Vacant seats shall not be considered members for the calculation of the requisite supermajority.
4. Upon failure of the City Council to act on a request following a public hearing and any properly followed continuance procedures, the application shall be deemed denied.

H. Timing

The decision-making body shall take action on the application as promptly as reasonably possible in consideration of the public interest.

2.3.10. CONDITIONS OF APPROVAL

A. Unless expressly stated otherwise in the specific procedures in Section 2.4, Review Procedures Subject to Decision-Making Body Review and Decision or Section 2.5, Review Procedures Subject to Staff Review and Decision, a condition of approval shall be limited to those deemed necessary to ensure compliance with the review standards for the particular type of application, or to prevent or minimize adverse effects from the proposed development on surrounding lands. They shall be related in both type and amount to the anticipated impacts of the proposed development on the public and surrounding development. All conditions of approval shall be expressly set forth in the notice of decision or development permit approval.

B. Conditions of approval associated with a conditional zoning may only be offered by the applicant and may only be accepted or not accepted as proposed, by the City Council.

2.3.11. NOTIFICATION OF DECISION OR ACTION

A. Timing

Except where otherwise stated in this Ordinance, the Planning and Development Director shall provide the applicant written notification of a decision or action within 10 business days after a final decision on a development application.

B. Copy of Decision

In addition, the Planning and Development Director shall make a copy of the decision available to the public in the offices of the Planning and Development Department, during normal business hours.

2.3.12. EFFECT OF DEVELOPMENT APPROVAL

A. Approval Limited

Approval of a development application in accordance with this Ordinance authorizes only the particular use, plan for development, or other specific activity approved.

B. Permit Prerequisite

In the event a permit or development approval is prerequisite to another permit or development approval (e.g., administrative adjustment or variance approval prior to a site plan approval), development may not take place until all prerequisite approvals are obtained. Approval of one development application does not guarantee approval of any subsequent development application.

C. Sequence of Permit Issuance

1. A land disturbance permit can be issued after a site plan is approved; however, the Planning and Development Director may allow its issuance if a watershed development plan, floodplain development permit, or landscape plan (as applicable), has been approved.

2. If required, a well or septic tank permit, driveway approval, water and sewer construction plan, site plan, watershed development plan, group development plan, or final plat shall be approved prior to issuance of a building permit.

3. The Planning and Development Director may issue permits for temporary construction-related uses prior to approval of a site plan, group development plan, or preliminary plat.

2.3.13. DEFERRAL AND CONTINUANCE

A. Planning and Development Director Deferral

1. Application to be Heard by the P&Z

A development application reviewed or decided by the P&Z may be granted a 1-month deferral by the Planning and Development Director, provided the request to defer is submitted in writing by the applicant at least 22 days prior to the initial consideration of a development application. The Planning and Development Director is authorized to grant only one deferral. The application must then either be forwarded to the P&Z for consideration or be withdrawn.

2. Application to be Heard by the BOA or HPC

A development application reviewed or decided by the BOA or the HPC may be granted a 1-month deferral by the Planning and Development Director, provided the request to defer is submitted in writing by the applicant at least 15 days prior to the initial consideration of a development application. The Planning and Development Director is authorized to grant only one deferral. The application must then either be forwarded to the BOA or HPC, as appropriate, for consideration, or be withdrawn.

B. Decision-Making Body Continuance

1. When a development application is before the City Council, P&Z, BOA, or HPC for a decision, the decision-making body may continue consideration of the application for up to 60 days, provided the reason for the continuance is stated in the motion to continue. Nothing in this section shall prohibit a continuance from being granted for a greater period of time, provided it is mutually agreed upon by the decision-making body and the applicant.
2. In cases where a development application has been forwarded to the City Council following P&Z review and recommendation, the applicant cannot request a continuance until the City Council public hearing.

2.3.14. WITHDRAWAL

A. Application to be Heard by the P&Z

An applicant may request, and the Planning and Development Director may grant an applicant's request to withdraw an application if it is done at least 22 days prior to initial consideration by the P&Z. A request to withdraw an application after that date shall only be considered by the P&Z at the public hearing.

B. Application to be Heard by the BOA or the HPC

An applicant may request, and the Planning and Development Director may grant an applicant's request to withdraw an application if it is done at least 15 days prior to initial consideration of the application by the BOA or the HPC. A request to withdraw an application after that date shall only be considered by the BOA or HPC, as appropriate, at the public hearing.

C. Successive Requests

If an applicant withdraws an application for the same land after public notification 2 times within a single calendar year, the same application may not be resubmitted for a period of 1 year from the date of the second withdrawal.

2.3.15. EXPIRATION OF PERMIT OR DEVELOPMENT APPROVAL

A. General

1. Development approvals granted in accordance with this Ordinance shall expire as provided in Section 2.4, Review Procedures Subject to Decision-Making Body Review and Decision, or Section 2.5, Review Procedures Subject to Staff Review and Decision, for the particular type of development permit or approval.

2. If no expiration period is provided in Section 2.4, Review Procedures Subject to Decision-Making Body Review and Decision, or Section 2.5, Review Procedures Subject to Staff Review and Decision, then the development approval does not expire.

3. A change in ownership of the land shall not affect the established expiration time period. The filing of an appeal shall delay the established expiration period until final resolution of the appeal.

B. Extension of Expiration Time Period

1. Except as otherwise provided in Section 2.4, Review Procedures Subject to Decision-Making Body Review and Decision, or Section 2.5, Review Procedures Subject to Staff Review and Decision, for the particular type of development permit or approval, the Planning and Development Director may, on receipt a written request for extension before the expiration date and on a showing of good cause, grant one or more extensions of the expiration time period for up to a cumulative total of 1 year.

2. Any further extensions shall be subject to approval by the decision-making body that granted the development permit or approval, on submittal of a request for extension to the Planning and Development Director before the expiration date and a showing of good cause.

2.4. REVIEW PROCEDURES SUBJECT TO DECISION-MAKING BODY REVIEW AND DECISION

2.4.1. OVERVIEW

A. General

This section sets out supplemental procedures, standards, and related information for each of the specific review procedures subject to decision-making body review and decision, as identified in Table 2.1, Summary Development Review Table. They apply in addition to, or instead of, the standard procedures set forth in Section 2.3, Standard Review Procedures.

B. Structure of Procedures

1. For each type of development application reviewed under this Ordinance, the following sections state the purpose of the development permit or approval, the steps in the review process, the review standards for the application, and provisions addressing expiration and amendment, if applicable.
2. Development application provisions in this section are organized in alphabetical order in accordance with the sequence of procedures in Table 2.1, Summary Development Review Table.

C. Procedural Flowchart Legend

Each development application review procedure in this section includes a procedural flowchart that depicts the steps in the review process. White boxes indicate actions of the applicant. Light blue boxes indicate actions of City staff. Black boxes show quasi-judicial public hearings, and grey boxes show public hearings or public meetings (as appropriate). Boxes with dashed lines show optional steps.

2.4.2. APPEAL

A. Applicability

1. This section sets out the procedure and standards for an aggrieved party, officer, department, or board of the City affected by any decision or determination by a City official to determine if the decision or interpretation complies with the requirements of this Ordinance.
2. In the event an applicant wishes to appeal a standard outside this Ordinance, or a decision by a staff member not addressed by this Ordinance, the appeal is made to the City Manager in accordance with City policy, not this appeal procedure.

B. Initiation

An appeal shall be initiated by filing a written notice of appeal with the Planning and Development Director within:

1. 30 days of the date the written determination or decision being appealed is received by the applicant (except where otherwise specified in this Ordinance); or
2. In the event that a soil erosion and sedimentation control plan is denied in accordance with Section 6.3, Soil Erosion and Sedimentation, the applicant may appeal the denial directly to the North Carolina Sedimentation Control Commission.

C. Appeal Procedure

1. Pre-Application Conference

Optional (see Section 2.3.2, Pre-Application Conference).

2. Application Submittal and Acceptance

(a) Applicable (see Section 2.3.4, Application Submittal and Acceptance).

(b) The written notice of appeal shall include a statement of the error or improper decision or determination, the date of the decision or determination, the grounds for the appeal, and all related support materials.

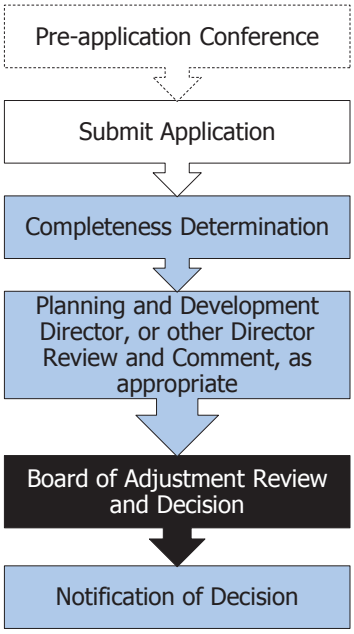
3. Staff Review

(a) Applicable (see Section 2.3.5, Staff Review and Action).

(b) On accepting a notice of appeal, the Planning and Development Director shall transmit to the BOA the appeal and the record of material considered by the decision-maker in making the decision or determination (including but not limited to, for example, the application and support materials, staff report, other plans, documents, reports, and studies considered in making the decision, and any minutes, transcripts, or record of the meetings held to consider and make the decision).

(c) The Planning and Development Director, Engineering Services Director, Public Services Director, or Transportation Director, as appropriate, shall review and comment on appeals related to the aspects of this Ordinance for which they are responsible for administering.

APPEAL



4. Public Notification

Applicable (see Section 2.3.6, Public Notification).

5. BOA Review and Decision

(a) Applicable (see Section 2.3.9, Action by Decision-Making Body, and 2.3.7, Quasi-Judicial Public Hearing Procedures).

(b) The BOA, at the conclusion of a quasi-judicial public hearing, shall decide the application for the appeal.

(c) The decision shall be based on the competent, material, and subsequent evidence in the record of the appeal, as supplemented by arguments presented at the quasi-judicial hearing, and the standards in Section 2.4.2.D, Appeal Review Standards.

(d) The decision shall be one of the following:

(1) Affirmation of the decision or determination (in whole or in part);
(2) Modification of the decision or determination (in whole or in part); or
(3) Reversal of the decision or determination (in whole or in part).

(e) A vote to reverse or modify a decision or determination shall require approval of a majority of a quorum present at the hearing.

(f) Each decision shall be made in writing and reflect the BOA's determination of contested facts and their application to the standards in this Ordinance.

(g) The written decision shall be signed by the Chair or other duly authorized member of the BOA.

(h) The decision of the BOA shall be effective upon the filing of the written decision.

6. Notification of Decision

The decision of the BOA shall be delivered by personal service, electronic mail, or by first-class mail to the applicant, the landowner, and to any person who has submitted a written request for a copy prior to the date the decision becomes effective. The person providing notification of decision shall certify that proper notification has been made.

D. Appeal Review Standards

1. The BOA is limited to the following determinations in considering the appeal, which shall be based on clear and substantial evidence in the record:

(a) The decision-maker did not make an error or correctly applied the standards of this Ordinance in making the decision or interpretation;

(b) The decision-maker made an error in determining whether a standard was met. The record must indicate that an error in judgment occurred or facts, plans, or regulations were misread in determining whether the particular standard was or was not met;

(c) The decision-maker made an error because the decision was based on a standard not contained in this Ordinance or other appropriate City ordinances, regulations, or state law, or that a standard more strict or broad than the standard established in this Ordinance was applied; or

(d) The decision-maker made an error in applying a standard or measuring a standard.

2. Where conflicting evidence exists, the appeal is limited to determining what evidence or testimony bears the greatest credibility in terms of documentation and qualifications of those making the determination.

3. The BOA shall not hear any evidence or make any decision based on hardships or special conditions. (Such matters may only be considered in the context of an application for a variance.)

E. Effect

1. An appeal stays all proceedings in furtherance of the action appealed, unless the City official from whom the appeal is taken certifies to the BOA, after notice of appeal has been filed, that because of facts stated in the certificate a stay would, in the city official's opinion, cause imminent peril to life or property or because the violation is transitory in nature, a stay would seriously interfere with enforcement of this Ordinance.

2. If certification by a City official is filed, administrative proceedings shall not be stayed except through issuance of a restraining order by a court of competent jurisdiction.

3. If the appeal is not stayed, the appellant may file for an expedited hearing of the appeal, and the BOA shall meet to consider the appeal with 15 days of the date the request is filed.

4. The filing of an appeal prevents the filing of an application for a zoning map amendment or special use for the same land subject to an appeal application, as well as the filing of a text amendment application by the same party filing the appeal until the appeal application is decided or appealed to the courts.

F. Appeal

Any decision by the BOA shall be subject to Superior Court review by proceedings in the nature of certiorari.

2.4.3. BENEFICIAL USE DETERMINATION

A. Applicability

If, after a decision on an application for development approval, a landowner is of the opinion that application of this Ordinance during the application review process has denied an economically beneficial use of the land, the procedures of this section shall be used by an applicant before seeking relief from the courts in order that any denial of economically beneficial use of land may be remedied through a non-judicial forum.

B. Beneficial Use Determination Procedure

1. Pre-Application Conference

Optional (see Section 2.3.2, Pre-Application Conference).

2. Application Submittal and Acceptance

(a) Applicable (see Section 2.3.4, Application Submittal and Acceptance).

(b) An application for beneficial use determination may be submitted by a landowner at any time to the Planning and Development Director.

(c) The application shall include the following:

(1) The landowner's name and address;

(2) A legal description and the street address (when a street address is available) of the land;

(3) Documentation of the date of purchase and the purchase price of the land, and any offers to purchase the land made by any person, corporation, or association, within the last 3 years;

(4) A description of the physical features present on the land, its total acreage, the present use, the use of the land on the effective date of this Ordinance, and the current use of the land;

(5) Evidence of any investments made by the landowner to improve the land, the date the improvements were made, and the costs of the improvements;

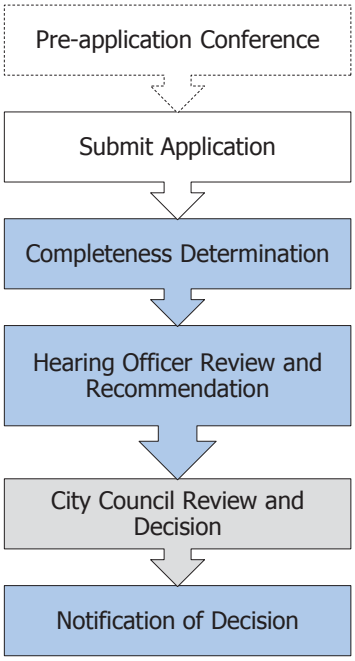
(6) A description of what uses of land were available when the land was purchased by the landowner;

(7) A description of the regulations and uses permitted which are alleged to result in an elimination of economically beneficial use of the land;

(8) All appraisals, studies, and any other supporting evidence, and any actions taken by the City related to the land; and

(9) A description of the use which the landowner believes represents the

BENEFICIAL USE DETERMINATION



minimum legally required economically beneficial use of the land and all documentation, studies, and other supporting evidence thereof.

3. Hearing Officer Review and Recommendation

(a) City Council Appointment of Hearing Officer

Within a reasonable time after the date the application is determined complete the City Council shall appoint a Hearing Officer to schedule and conduct a hearing on the application in accordance with this section. The Hearing Officer shall be a licensed attorney with expertise in land use and takings claims.

(b) Hearing by Hearing Officer

At the hearing conducted by the Hearing Officer, the applicant or the applicant's representative shall present the applicant's case and the City Attorney shall represent the City. All evidence presented shall be under oath, and the parties involved shall be permitted to cross-examine witnesses. The sworn testimony and evidence shall pertain to the standards set forth in Section 2.4.3.B.5, Beneficial Use Determination Review Standards, as to whether the applicant is deprived of an economically beneficial use of the land and the standards in Section 2.4.3.B.6, Relief, pertaining to the degree of relief needed to provide the landowner with an economically beneficial use of the land.

(c) Findings of the Hearing Officer

Within a reasonable period of time following the close of the hearing, the Hearing Officer shall prepare recommended findings of fact and a proposed order for consideration by the City Council. The recommended findings and recommendations of the Hearing Officer as to whether the land is provided economically beneficial use shall be based on the evidence submitted and the standards in Section 2.4.3.B.5, Beneficial Use Determination Review Standards. If the Hearing Officer finds that the applicant has been denied economically beneficial use of the subject land, then the Hearing Officer shall recommend a use that permits an economically beneficial use and results in a minimum change of this Ordinance as it applies to the subject land, in accordance with the standards set forth in Section 2.4.3.B.5, Beneficial Use Determination Review Standards, or other relief as is determined appropriate. The Hearing Officer's recommended findings of fact and proposed order shall be in writing and shall detail the basis of the conclusions from the record of the hearing.

4. City Council Review and Decision

(a) Applicable (see Section 2.3.9, Action by Decision-Making Body.

(b) After receipt of the recommended findings and proposed order from the Hearing Officer, the City Council shall approve the findings of fact and proposed order of the Hearing Officer, or may attach conditions, modify, or reverse the findings of fact or proposed order of the Hearing Officer, based on the standards of Section 2.4.3.B.5, Beneficial Use Determination Review Standards. If the City Council attaches conditions, modifies or reverses the findings of fact or proposed order, it shall do so only where the record of the hearing indicates that the Hearing Officer is unsupported by the record, or that the proposed order is not in conformance with the standards of Section 2.4.3.B.5, Beneficial Use Determination Review Standards.

5. Beneficial Use Determination Review Standards

(a) General

In determining if a landowner has been deprived of an economically beneficial use of land, the Hearing Officer and the City Council shall take into account the following factors:

(1) Economically Viable Use

In making the determination of whether the land is provided an economically viable use, the Hearing Officer and the City Council shall first evaluate the uses of the land as provided by this Ordinance, and the uses of land in relation to the uses provided similarly situated lands. For the purposes of this section, "economically viable use" means the opportunity to make a return equivalent to that which would have been received from a conservative financial investment. Transitory economic issues shall not be relevant to this determination.

(2) Diminution in Value

The market value of the land, as established by the comparable sales approach, prior to adoption of this Ordinance, or a relevant amendment thereto, which caused the landowner to apply for relief shall be compared to the market value of the land, as established by the comparable sales approach, with the regulations as applied. Market value of the land prior to the adoption of this Ordinance, or a relevant amendment, shall constitute its highest and best use on December 31, 2016 of the relevant amendment thereto or the date of purchase of the land, whichever is later, and any other land value/appraisal information that the applicant would like to be considered. All appraisals shall be proposed by qualified licensed appraisers, and shall follow the best professional practices as established by the profession. A mere diminution in market value is not sufficient to support a determination of denial of economically beneficial use.

(b) Subsidy

The amount or nature of any subsidy that may be required by the City, neighbors, purchasers, tenants, or the public if the uses allowed under this Ordinance are modified.

(c) Other Adverse Effects

Any other adverse effects on the City and its residents.

(d) Current State of the Law

The state of the law established by the United States Supreme Court, the federal Circuit Courts of Appeals, and the North Carolina Supreme Court, relevant to these standards.

6. Relief

If the finding is that a landowner has been deprived economically beneficial use of land, or is otherwise entitled to relief in accordance with the standards of this section, relief shall be granted.

(a) General

In granting relief, the Hearing Officer may recommend and the City Council may adopt any legally available incentive or measure reasonably necessary

to offset any substantial economic hardship, and may condition such incentives upon approval of specific development plans. If there is a finding that the denial of the application would create a substantial economic hardship, the Hearing Officer may recommend and the City Council may consider additional relief to provide an appropriate increase in market value or other benefit or return to the applicant sufficient to offset the substantial economic hardship. The types of incentives that the Hearing Officer may recommend and the City Council may consider include, but are not limited to, the following:

(1) A zoning map amendment of the land to a more appropriate classification, issuance of a variance, approval of a site plan, or other appropriate land use regulatory action that will enable the applicant to realize a reasonable return on the land;

(2) An opportunity to transfer density or cluster development on other land;

(3) A modification of permit fees;

(4) Development finance assistance;

(5) Approval of development on some portion of the land; or

(6) Acquisition of all or a portion of the property at market value.

(b) Minimum Increase

In granting relief, the landowner shall be given the minimum increase in use or density/intensity or other possible concessions from this Ordinance and Section 2.4.3.B.6, Relief, above, in order to permit an economically viable use of the land or a use that is determined to be required by law. The highest use, or even an average or generally reasonable expectation, is not required or intended as the appropriate remedy. The following guidelines shall be used for determining the minimum economically viable use of land and, therefore, the amount of relief to be granted a landowner in order to reach that minimum.

(1) A minimum economically viable use of the land should be one that does not have any governmental subsidy attached to the long-term safe occupation of the land. If such a subsidy is needed, then that should be reflected by lowering the use intensity that is considered a minimum economically viable use on a market valuation basis.

(2) A use common to the city, although it may not involve further development of the land, is considered an economically viable use. Attention shall also be given to land uses that are considered to be the lowest intensity in the city but which still provide for occupation and living within the city. These land uses, as well, shall be considered economically viable uses.

(3) The actual condition of the land shall be considered. The reality of limited development potential, given the natural condition of the land, shall not be attributed to the regulations applied to the land. If the land is such that it cannot safely accommodate development with normal grading and clearing practices, this fact shall lower the intensity of use that is considered a minimum economically viable use.

(4) The potential for damages to either residents or land shall be assessed in determining economically viable use. The need for a governmental subsidy to future landowners shall be considered, and the cost of such subsidies shall be deducted from the otherwise established minimum economically viable use.

(5) Expectations shall, in general, not be considered. Only reasonable expectations backed by investments as required by the current state of the law shall be considered.

(6) The current state of law established by the United States Supreme Court, the federal Circuit Court of Appeals, and the North Carolina Supreme Court, relevant to the granting of relief.

2.4.4. CERTIFICATE OF APPROPRIATENESS

A. Applicability

A certificate of appropriateness (COA) or Minor Work COA is required within an LHO whether or not a building permit is required. If a building permit is required, the COA must be obtained prior to its issuance. Unless exempted in accordance with Section 2.4.4.B, Exemptions, a COA shall be required within an LHO for the following:

1. Making an architectural or environmental change to the exterior features of a property.

(a) For the purposes of this section, "architectural or environmental change" means the erection, construction, alteration, reconstruction, restoration, moving, removal, or demolition of all or part of a building or other structure, or an appurtenant fixture.

(b) For purposes of this section, "exterior features" means the architectural style, general design and general arrangement of the exterior of a building or other structure, including the kind and texture and color of building materials, the size and scale of a building or structure, and the type and style of all windows, doors, light fixtures, steps, pavement, masonry walls, fences, decks, signs, and other appurtenant features. It is also deemed to include major replacement or redesign of landscaping, and the removal of mature trees.

2. Any changes in the character of street paving, street width, utility installations or removals, street lighting, street trees, walls, fences, sidewalks, or to the exterior of buildings or structures on property or streets in which the City and all public utilities have a fee or other interest.

B. Exemptions

The requirements of this section shall not apply to:

1. The ordinary maintenance, repair, or replacement of streets, sidewalks, pavement markings, utility service lines, street signs, traffic signs, and street light fixtures, provided such activities comply with the purpose and intent of this section and any guidelines adopted by the HPC.

2. The immediate restoration of utility service in the event of an emergency.

C. Certificate of Appropriateness Procedure

1. Pre-Application Conference

Optional (see Section 2.3.2, Pre-Application Conference).

2. Application Submittal and Acceptance

(a) Applicable (see Section 2.3.4, Application Submittal and Acceptance).

(b) An application shall include sketches, drawings, photographs, specifications, descriptions, and other information which clearly show the proposed development.

3. Staff Review

(a) Applicable (see Section 2.3.5, Staff Review and Action).

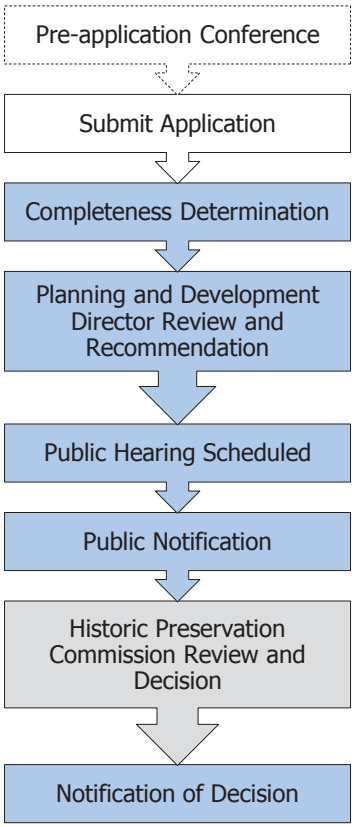
(b) Except as otherwise provided in Section 2.4.4.C.3(c), Minor Work, the Planning and Development Director shall review the application, prepare a staff report, and provide a recommendation in accordance with Section 2.4.4.D, Certificate of Appropriateness Review Standards.

(c) **Minor Work**

(1) If the development proposed is identified by the *Design Review Guidelines-Historic Districts High Point, North Carolina* as a minor work, the Planning and Development Director may review and make a decision on the application in accordance with the standards in Section 2.4.4.D, Certificate of Appropriateness Review Standards.

(2) If the Planning and Development Director proposes to disapprove the minor work, the application shall be forwarded to the HPC for a final decision in accordance with Section 2.4.4.C.5, HPC Review and Decision.

CERTIFICATE OF APPROPRIATENESS



4. Public Notification

Applicable (see Section 2.3.6, Public Notification).

5. HPC Review and Decision

(a) Applicable (See Section 2.3.9, Action by Decision-Making Body).

(b) The HPC shall consider the application, relevant support materials, the staff report, and testimony or evidence given at the public hearing (if one is conducted), and make one of the following decision, based on the standards in Section 2.4.4.D, Certificate of Appropriateness Review Standards:

(1) Approval of the certificate of appropriateness in part or as submitted;

(2) Approval of the certificate of appropriateness subject to conditions of approval; or

(3) Denial of the certificate of appropriateness in part or as submitted. The HPC shall not deny an application except for the purpose of preventing the construction, reconstruction, alteration, restoration, or moving of buildings, appurtenant features, or signs that are incompatible with the *Design Review Guidelines-Historic Districts High Point, North Carolina*.

D. Certificate of Appropriateness Review Standards

1. A certificate of appropriateness shall be approved upon a finding the applicant demonstrates the proposed development complies with the guidelines set forth in the *Design Review Guidelines-Historic Districts High Point, North Carolina*, and is otherwise congruous with the special character of the LHO district.

2. In making its decision on the application the HPC shall not consider the interior arrangement of a building or structure.

E. Condition of Approval

Applicable (see Section 2.3.10, Conditions of Approval).

F. Delay in Relocation, Demolition, or Destruction

1. The effective date of a certificate of appropriateness authorizing the relocation, demolition, or destruction of a designated building, structure, or site within the LHO district may be delayed for a period of up to 365 days from the date of approval, except the maximum period of delay authorized by this section shall be reduced by the HPC where the landowner would suffer extreme hardship or be permanently deprived of all beneficial use of or return from the property by virtue of the delay.

2. During this period the HPC shall negotiate with the landowner and with any other parties in an effort to find a means of preserving the building or site.

3. If the HPC finds a building or site within a LHO district has no special significance or value toward maintaining the character of the district, it shall waive all or part of the period and authorize demolition or removal before expiration of the time period.

4. If the HPC has voted to recommend designation as a LHO district, and final designation has not been made by the City Council, the relocation, demolition, or destruction of any building, site or structure located in the proposed district may be delayed by the HPC for a period of up to 180 days or until the City Council takes final action on the designation, whichever occurs first.

5. The City Council may enact an ordinance to prevent the demolition by neglect of any designated building or structure within an LHO district. The ordinance shall provide appropriate safeguards to protect landowners from undue economic hardship.

6. An application for a certificate of appropriateness authorizing the demolition or destruction of a building, site, or structure determined by the State Historic Preservation Officer as having statewide significance as defined in the criteria of the National Register of Historic Places may be denied, except where the HPC finds the landowner would suffer extreme hardship or be permanently deprived of all beneficial use or return by virtue of the denial.

G. Amendment

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

H. Expiration

1. Unless otherwise stated in the approval of a certificate of appropriateness, a certificate of appropriateness shall expire and be null and void if a building permit is not issued or construction or installation commenced for development approved by the certificate within 18 months of the date of certificate issuance.

2. If work on development approved under a certificate of appropriateness is started then discontinued for a period exceeding 12 months, the certificate of appropriateness shall expire and become null and void.

I. Appeals

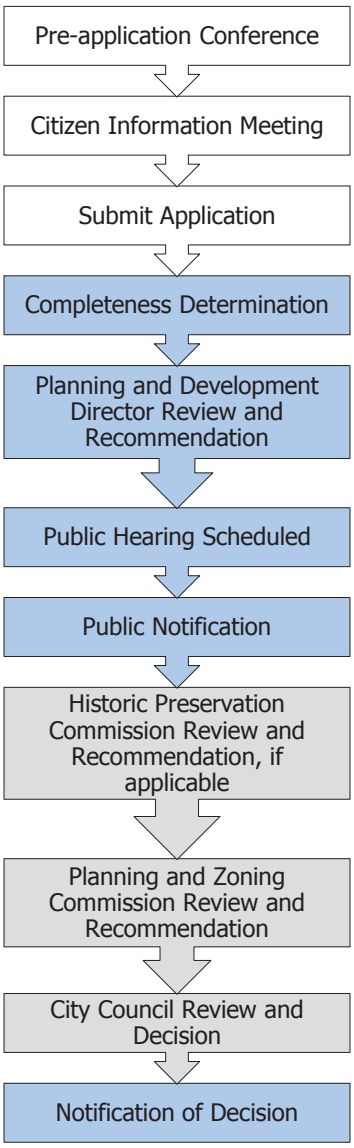
Appeal of a decision on a COA shall be reviewed and decided by the BOA in accordance with Section 2.4.2, Appeal.

2.4.5. CONDITIONAL ZONING

A. Applicability

In cases where the standards of a zoning district are inadequate to ensure that development allowed by a zoning district will conform to the City's adopted policy guidance or to appropriately address the impacts expected to be generated by development, a landowner may apply for a conditional zoning in accordance with this section. Approval of a conditional zoning application establishes a parallel conditional zoning district that is equivalent to a corresponding zoning district, but is subject to additional conditions or restrictions that the applicant and City mutually agree are necessary to ensure conformance with adopted policy guidance and adequately address expected development impacts.

CONDITIONAL ZONING



B. Conditional Zoning Procedure

1. Pre-Application Conference

Applicable (see Section 2.3.2, Pre-Application Conference).

2. Citizen Information Meeting

Applicable (see Section 2.3.3, Citizen Information Meeting).

3. Application Submittal and Acceptance

(a) Applicable (see Section 2.3.4, Application Submittal and Acceptance).

(b) Conditional zoning applications may only be initiated by the landowner(s) of the land subject to the application.

(c) All conditions of approval proposed by the applicant must be included with the conditional zoning application.

(d) An application for a conditional zoning may include a conditional zoning plan that illustrates the proposed development in order to demonstrate proposed conditions where text does not provide an adequate description.

(e) When required, a traffic impact analysis shall be submitted for review with the submittal of an application for a conditional zoning. The procedure for preparation of a traffic impact analysis is described in the *Development Guide*.

4. Staff Review

(a) Applicable (see Section 2.3.5, Staff Review and Action).

(b) The Planning and Development Director shall review the application, prepare a staff report, and provide a recommendation in accordance with Section

2.4.5.C, Conditional Zoning Review Standards.

5. Public Notification

Applicable (see Section 2.3.6, Public Notification).

6. P&Z or HPC Review and Recommendation

(a) Applicable (see Section 2.3.7, Review by P&Z or HPC).

(b) If the application is proposed for land located within a LHO district, the HPC, following a meeting, shall provide a recommendation on the application to the P&Z. The P&Z shall not make a recommendation on an application until they receive a recommendation from the HPC.

(c) The P&Z, following a public hearing, shall make a recommendation on the application in accordance with Section 2.4.5.C, Conditional Zoning Review Standards.

(d) During its review of the application, the P&Z may suggest revisions to the proposed conditions (including the conditional zoning plan), consistent with the provisions of Section 2.3.10, Conditions of Approval. Only those revisions agreed to in writing by the applicant shall be incorporated into the application.

(e) Upon completion of the public hearing, the P&Z shall comment on the application's consistency with the City's adopted policy guidance.

7. City Council Review and Decision

(a) Applicable (see Section 2.3.9, Action by Decision-Making Body).

(b) The City Council, after the conclusion of a public hearing, shall decide the application in accordance with Section 2.4.5.C,Conditional Zoning Review Standards.

(c) The decision shall be one of the following:

(1) Adoption of the conditional zoning as proposed;

(2) Adoption of a revised conditional zoning;

(3) Denial of the conditional zoning; or

(4) Remand of the conditional zoning application to the P&Z for further consideration.

(d) As part of the decision, the City Council shall adopt a written statement of consistency and reasonableness that:

(1) Describes whether the decision is consistent with all applicable City-adopted policy guidance; and

(2) Explains why the decision is reasonable and in the public interest.

8. Changes to Application

An applicant may change the conditions associated with a conditional zoning application until 22 days prior to the initial review by the P&Z. After that time, the applicant may only propose changes in accordance with the following:

(a) Changes shall be made in writing to the Planning and Development Director during or after the hearing conducted by the P&Z but no closer two business days prior to final action by the City Council on the conditional zoning application;

(b) Changes shall be signed by all landowners or those authorized to submit the application; and

(c) Changes shall be approved by P&Z, or the City Council, depending upon the time the changes were submitted by the applicant.

9. Designation on Official Zoning Map

The Planning and Development Director shall make changes to the Official Zoning Map promptly after approval of a conditional zoning district application by the City Council.

C. Conditional Zoning Review Standards

The advisability of a conditional zoning is a matter committed to the legislative discretion of the City Council and is not controlled by any one factor. In determining whether to approve or deny a conditional zoning, the City Council may consider the following standards:

1. Consistency with Adopted Policy Guidance

Whether and the extent to which the proposed conditional zoning district is appropriate for its proposed location, and is consistent with the City's adopted policy guidance.

2. Reasonableness/Public Interest

Whether an approval of the conditional zoning is reasonable and in the public interest.

3. Review Factors

Whether the applicant's proposed conditional zoning district, including the proposed use(s), written conditions, and conditional zoning plan (if applicable), will satisfactorily:

(a) Result in a development that is compatible with surrounding development character and land uses;

(b) Minimize or effectively mitigate any identified adverse impact on adjacent and nearby land, such as that caused by traffic, parking, noise, lighting, trash, loading areas, etc.;

(c) Minimize or effectively mitigate any identified adverse environmental impact on water and air resources, minimize land disturbance, preserve trees, and protect habitat;

(d) Minimize or effectively mitigate any identified adverse impact on municipal facilities and services, such as streets, potable water and wastewater facilities, parks, police, and fire; and

(e) Minimize or effectively mitigate any identified adverse effect on the use, enjoyment, or value of adjacent lands.

4. Changes in the Area

There have been changes in the type or nature of development in the area of the proposed conditional zoning district that support the application.

5. Development Patterns

The proposed conditional zoning district results in development that promotes a logical, preferred, and orderly development pattern.

D. Conditions of Approval

1. Only conditions mutually agreed to by the landowner(s) of the land to be conditionally zoned and the City Council may be approved as part of a conditional zoning district.

2. Conditions shall be limited to those that address conformance of development and use on the site with City regulations and adopted policy guidance and that address the impacts reasonably expected to be generated by the development or use of the site.

3. Conditions may be in the form of text or plans and maps, or both.

4. No condition shall be less restrictive than the standards of the parallel general zoning district, any applicable overlay zoning district standard, or other applicable requirements in this Ordinance.

5. No condition shall be made part of the application which:

(a) Specifies the ownership status, race, religion, or other characteristics of the occupants of housing units;

(b) Establishes a minimum size of a dwelling unit;

(c) Establishes a minimum value of buildings or improvements;

(d) Excludes residents based upon race, religion, or income; or

(e) Obligates the City to perform in any manner relative to the approval of the conditional zoning or development of the land.

E. Effect

1. Lands rezoned to a conditional zoning district shall be subject to the standards applicable to the parallel zoning district (including the range of allowable land uses), as modified by the more restrictive conditions proposed by the applicant and approved by the City Council for the conditional zoning district. These standards and approved conditions are perpetually binding on the land as an amendment to this Ordinance and the Official Zoning Map, and may only be changed in accordance with the procedure for zoning map amendment, conditional zoning, or planned development.

2. No condition shall have the effect of removing or amending any requirement of this Ordinance.

3. No permit or development approval shall be issued for development subject to a conditional zoning district except in accordance with the approved conditions and an accompanying conditional zoning plan (if submitted).

F. Amendment

1. Minor Changes

Unless expressly prohibited by City Council in approval of a conditional zoning district, subsequent plans and permits for development within a conditional zoning district may include minor changes from the approved conditions, provided the development continues to meet the minimum requirements of this Ordinance. Minor changes are limited to changes that will result in equal or better compliance with the conditions of approval or that address technical considerations that could not reasonably be anticipated at the time of the conditional zoning approval. The following minor changes may be approved by the Planning and Development Director:

(a) Changes to the location of entrances or driveways, the rearrangement of internal streets, turn lanes, drives, or access restrictions;

(b) Changes to the configuration of parking areas;

(c) Changes to the configuration or location of open space or placement of required amenities;

(d) Changes to the arrangement or location of buildings, provided there is no increase in number;

(e) Changes to the proposed building elevation or facade, including materials, provided that the change retains the same general architectural character;

(f) Changes to the configuration of landscape yards, including types of materials;

(g) Increases in residential density of up to 10 percent, not to exceed the

zoning district maximum, and increases in nonresidential gross floor area of up to 10 percent, or 50,000 square feet, whichever is less; and

(h) Changes to features on a conditional zoning plan that are not specifically conditioned.

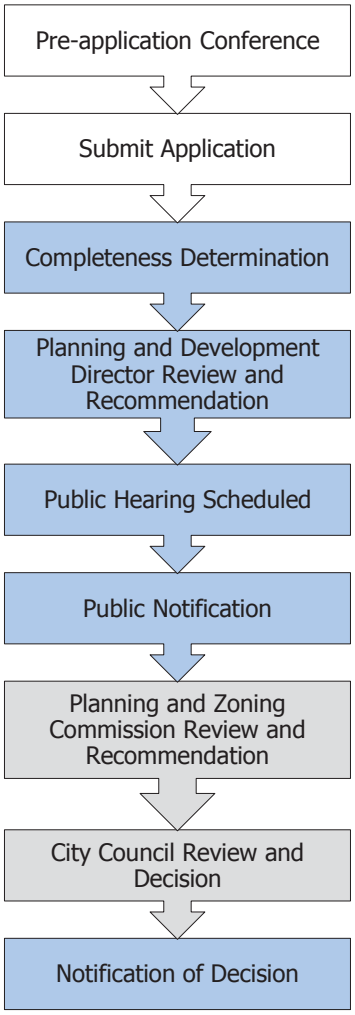
2. Material Changes are Amendments

Changes that materially affect the basic configuration of the development or are beyond the scope of a minor change are not considered minor changes, and shall be reviewed and considered in accordance with the procedures and standards established for the original approval of a conditional zoning application.

G. Expiration

If no application for approval of a preliminary plat, site plan, or group development for any part of the rezoned land is submitted within 3 years after approval of the conditional zoning, the P&Z may forward a recommendation to the City Council to initiate an application to rezone the land to a zoning district determined to be appropriate. Prior to making such a recommendation, the P&Z shall determine that the landowner(s) has been notified and given a reasonable opportunity to comment.

DEVELOPMENT AGREEMENT



2.4.6. DEVELOPMENT AGREEMENT

A. Applicability

In order to provide more regulatory certainty, establish a schedule for development, coordinate the provision of public facilities, and improve management of environmentally sensitive lands, the City Council may enter into a development agreement with a developer, subject to Section 160A-400 of the North Carolina General Statutes, and the provisions of this section. In entering into a development agreement the City may not exercise any authority or make any commitment that is unauthorized by general or local act, and may not impose any unauthorized tax or fee.

B. Development Agreement Procedure

1. Pre-Application Conference

Applicable (see Section 2.3.2, Pre-Application Conference).

2. Application Submittal and Acceptance

Applicable (see Section 2.3.4, Application Submittal and Acceptance).

3. Staff Review

(a) Applicable (see Section 2.3.5, Staff Review and Action).

(b) The Planning and Development Director shall review the application, prepare a staff report, and provide a recommendation in accordance with Section 2.4.6.C, Development Agreement Review Standards.

4. Public Notification

Applicable (see Section 2.3.6, Public Notification).

5. P&Z Review and Recommendation

(a) Applicable (see Section 2.3.7, Review by P&Z or HPC).

(b) The P&Z, following a public hearing, shall make a recommendation on the application in accordance with Section 2.4.6.C, Development Agreement Review Standards.

6. City Council Review and Decision

(a) Applicable (see Section 2.3.9, Action by Decision-Making Body).

(b) The City Council, after the conclusion of a public hearing, shall decide the application in accordance with Section 2.4.6.C, Development Agreement Review Standards.

(c) The action taken shall be one of the following:

(1) Enter into the development agreement, as submitted;

(2) Enter into the development agreement, subject to changes agreed to in writing by the developer; or

(3) Not enter into the development agreement.

7. Recordation

Within 14 days after entering into a development agreement, the applicant shall record the agreement in the office of the Register of Deeds of the county where the subject land is located.

C. Development Agreement Review Standards

For consideration of the City to participate in a development agreement, a development subject to the agreement must meet the following:

1. The land subject to the development agreement shall contain 25 acres or more of developable land (exclusive of wetlands, mandatory buffers, unbuildable slopes, and other portions of the land that may be precluded from the property at the time of application).

2. The development shall demonstrate phasing, and participation in the proposed agreement shall not exceed 20 years.

3. The development shall demonstrate the impact on existing and future provisions of capital improvements by the City, including at least one of the following: transportation, potable water, sanitary sewer, solid waste, stormwater management, educational, parks and recreation, and health systems and facilities.

D. Effect

1. Burdens and Benefits

The burdens of the development agreement are binding upon, and the benefits of the agreement shall inure to, all successors in interest to the parties to the agreement.

2. Rights and Obligations

Rights and obligations established by a development agreement shall not preclude or supersede rights and obligations established pursuant to other law regarding building permits, site specific development plans, phased development plans, group developments, or other provisions of law.

3. Building and Housing Code

A development agreement shall not exempt the property landowner or developer from compliance with the State Building Code or the City's Minimum Housing Code.

4. Identify Subsequently Enacted Laws

Unless the development agreement specifically provides for the application of subsequently enacted laws, the laws applicable to development of the property subject to a development agreement are those in force at the time of execution of the agreement.

5. Application of Subsequently Adopted Laws

Except for grounds specified in Section 160A-385.1(e) of the North Carolina General Statutes, the City may not apply subsequently adopted ordinances or development policies to a development that is subject to a development agreement.

6. Change in State or Federal Law

If state or federal law is changed after a development agreement has been entered into and the change prevents or precludes compliance with one or more provisions of the development agreement, the City, by ordinance after notice and a hearing, may modify the affected provisions, upon a finding that the change in state or federal law has a fundamental effect on the development agreement.

7. Vested Rights

This Ordinance does not abrogate any rights preserved by Sections 160A-385 or 160A-385.1 of the North Carolina General Statutes, or that may vest pursuant to common law or otherwise in the absence of a development agreement.

E. Approval of Debt

If any of the obligations of the City in the development agreement constitute debt, the City shall comply, at the time of the obligation to incur the debt and before the debt becomes enforceable against the City, with any applicable constitutional and statutory procedures for the approval of the debt. The agreement shall be signed by the City Attorney, Finance Director, and the City Clerk.

F. Periodic Review and Breach of Agreement

1. Annual Review

During any period of time in which a permit or development approval subject to a development agreement is active, the Planning and Development Director shall review the development at least once every year for compliance with the agreement and file a report with the City Council. The developer must demonstrate good faith compliance with the terms of the development agreement. Failure to meet a commencement or completion date specified in the development agreement shall not, in and of itself, constitute a material breach of the agreement, but must be judged based upon the totality of the circumstances.

2. Material Breach

If the City Council finds and determines that the developer has committed a material breach of the terms or conditions of the development agreement, the City Attorney shall serve written notice of the breach upon the developer within a reasonable time after the periodic review. Such notice shall set forth with reasonable particularity the nature of the breach and the evidence supporting the finding and determination, and shall provide the developer a reasonable time in which to cure the material breach.

3. Failure to Cure Material Breach

If the developer fails to cure the material breach within the time given, then the City Council may unilaterally terminate or modify the development agreement.

G. Amendment

1. Mutual Consent

A development agreement may be amended or canceled by mutual consent of the parties to the agreement or by their successors in interest.

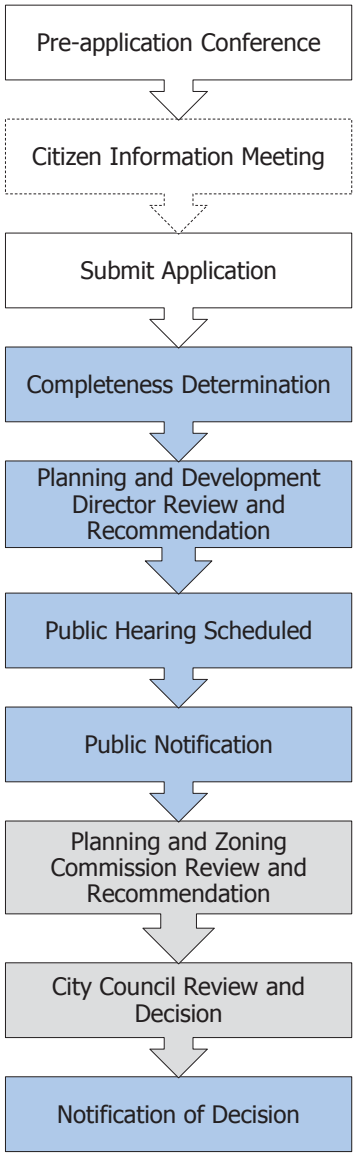
2. Minor Change

The Planning and Development Director may approve minor changes of the development agreement with the mutual consent of the other parties to the agreement, without following the same procedures as required for initial approval of the agreement, upon making written findings that the proposed minor changes would not significantly change the use, intensity, or design of the development, would be consistent with the purposes and goals of the agreement, would comply with this Ordinance, and would not adversely affect the public health, safety, or general welfare.

3. Material Changes are Amendments

Consideration of a proposed material change of a development agreement beyond the scope of a minor change shall be reviewed and considered in accordance with the procedures and standards established for the original approval of a development agreement.

LAND USE PLAN AMENDMENT



2.4.7. LAND USE PLAN AMENDMENT

A. Purpose

The purpose of this section is to provide a uniform means for amending the High Point Land Use Plan whenever the public necessity, changed conditions, convenience, general welfare, or appropriate land use practices justify or require doing so.

B. Land Use Plan Amendment Procedure

1. Pre-Application Conference

Applicable (see Section 2.3.2, Pre-Application Conference).

2. Citizen Information Meeting

Optional (see Section 2.3.3, Citizen Information Meeting).

3. Application Submittal and Acceptance

(a) Applicable (see Section 2.3.4,

Application Submittal and Acceptance).

(b) Applications may be initiated by the City Council, the P&Z, the Planning and Development Director, any person who may submit applications in accordance with Section 2.3.4.A, Authority to File Applications, or any other interested party.

4. Staff Review

(a) Applicable (see Section 2.3.5, Staff Review and Action).

(b) The Planning and Development Director shall review the application, prepare a staff report, and provide a recommendation in accordance with Section 2.4.7.C, Land Use Plan Amendment Review Standards.

5. Public Notification

Applicable (see Section 2.3.6, Public Notification).

6. P&Z Review and Recommendation

(a) Applicable (see Section 2.3.8, Review by P&Z or HPC).

(b) The P&Z, following a public hearing, shall make a recommendation on an application in accordance with Section 2.4.7.C, Land Use Plan Amendment Review Standards.

7. City Council Review and Decision

(a) Applicable (see Section 2.3.9, Action by Decision-Making Body).

(b) The City Council, after the conclusion of a public hearing, shall decide the application in accordance with Section 2.4.7.C, Land Use Plan Amendment Review Standards.

(c) The decision shall be one of the following:

(1) Adoption of the Land Use Plan amendment as proposed;

(2) Adoption of a revised Land Use Plan amendment;

(3) Denial of the Land Use Plan amendment; or

(4) Remand of the Land Use Plan amendment application to the P&Z for further consideration.

C. Land Use Plan Amendment Review Standards

Amending the High Point Land Use Plan is a matter committed to the legislative discretion of the City Council and is not controlled by any one factor. In determining whether to adopt or deny a proposed land use plan amendment, the City Council may consider whether and the extent to which the proposed land use plan amendment is appropriate and is consistent with the City's adopted policy guidance.

D. Amendment

Amendment of a land use plan amendment may only be reviewed and considered in accordance with the procedures and standards established for its original approval.

2.4.8. PLANNED DEVELOPMENT

A. Applicability

This section provides a uniform means for amending the Official Zoning Map to establish a Planned Development (PD) zoning district. This Ordinance establishes two forms of planned development, one intended for lands within the Core City area (PD-CC), and one for peripheral lands located outside the Core City area (PD-P).

B. Planned Development Procedure

1. Pre-Application Conference

Applicable (see Section 2.3.2, Pre-Application Conference).

2. Citizen Information Meeting

Applicable (see Section 2.3.3, Citizen Information Meeting).

3. Application Submittal and Acceptance

(a) Applicable (see Section 2.3.4, Application Submittal and Acceptance).

(b) Planned development applications may only be initiated by the landowner(s) of the land subject to the application.

(c) The application shall include a master plan map and a statement of intent and development standards completed in accordance with Section 3.7.3, Standards Applied to All Planned Development Districts.

(d) To ensure unified control, the application shall also include a copy of the title to all land that is part of the proposed PD zoning district classification.

(e) When required, a traffic impact analysis shall be submitted for review with the submittal of an application for a planned development. The procedure for preparation of a traffic impact analysis is described in the *Development Guide*.

4. Staff Review

(a) Applicable (see Section 2.3.5, Staff Review and Action).

(b) The TRC shall review the application and comment on the availability of municipal services to the development.

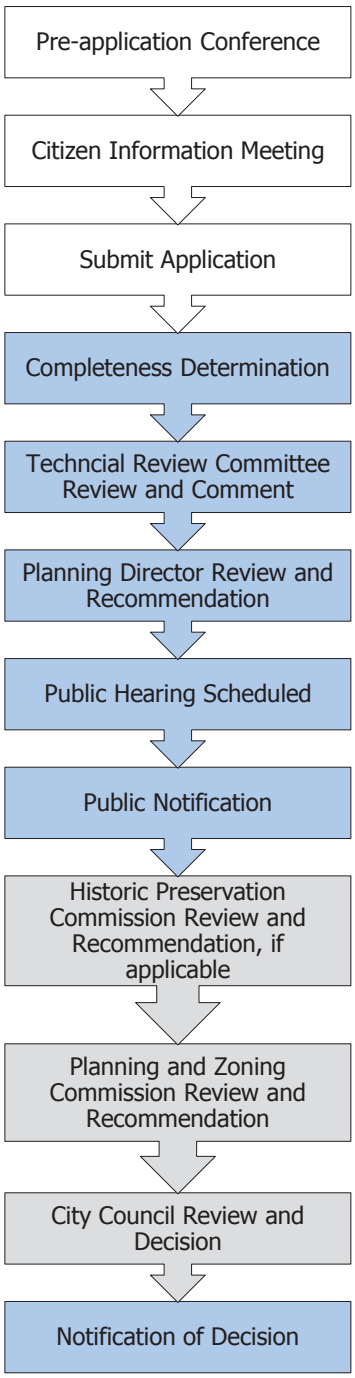
(c) The Planning and Development Director shall review the application, prepare a staff report, and provide a recommendation in accordance with Section 2.4.8.C, Planned Development Review Standards

5. Public Notification

Applicable (see Section 2.3.6, Public Notification).

6. P&Z or HPC Review and Recommendation

PLANNED DEVELOPMENT



(a) Applicable (see Section 2.3.7, Review by P&Z or HPC).

(b) If the application is for land located within a LHO district, the HPC, following a meeting, shall provide a recommendation on the application to the P&Z. The P&Z shall not make a recommendation on an application until they receive a recommendation from the HPC.

(c) The P&Z, following a public hearing, shall make a recommendation on the application in accordance with Section 2.4.8.C, Planned Development Review Standards.

(d) Upon completion of the public hearing, the P&Z shall comment on the application's consistency with the City's adopted policy guidance.

7. City Council Review and Decision

(a) Applicable (see Section 2.3.9, Action by Decision-Making Body).

(b) The City Council, after the conclusion of a public hearing, shall decide the application in accordance with Section 2.4.8.C, Planned Development Review Standards. The decision shall be one of the following:

(1) Adoption of the planned development as proposed;

(2) Adoption of a revised planned development;

(3) Denial of the planned development; or

(4) Remand of the planned development application to the P&Z for further consideration.

(c) As part of the decision, the City Council shall adopt a written statement of consistency and reasonableness that:

(1) Describes whether the decision is consistent with all applicable City-adopted policy guidance; and

(2) Explains why the decision is reasonable and in the public interest.

8. Changes to Application

An applicant may change the standards associated with a planned development zoning application until 22 days prior to the initial review by the P&Z. After that time, the applicant may only propose changes in accordance with the following:

(a) Changes shall be made in writing to the Planning and Development Director during or after the hearing conducted by the P&Z but no closer than 48 hours prior to final action by the City Council on the planned development application;

(b) Changes shall be signed by all landowners or those authorized to submit the application; and

(c) Changes shall be approved by P&Z, or the City Council, depending upon the time the changes were submitted by the applicant.

9. Designation on the Official Zoning Map

The Planning and Development Director shall place the planned development district classification on the Official Zoning Map promptly after approval of a planned development district classification by the City Council.

C. Planned Development Review Standards

The advisability of establishing a planned development district classification is a matter committed to the legislative discretion of the City Council and is not controlled by any one factor. In determining whether to adopt or deny a planned development, the City Council shall consider the standards in Section 2.4.5.C, Conditional Zoning Review Standards, and the standards for the proposed type of PD district in Section 3.7, Planned Development Zoning Districts.

D. Effect

Lands rezoned to a planned development district shall be subject to the approved master plan map and the statement of intent and development standards document. The master plan map and the statement of intent and development standards document are binding on the land as an amendment to the Official Zoning Map. The applicant may apply for and obtain subsequent development permits and approvals necessary to implement the planned development master plan map and the statement of intent and development standards document in accordance with the appropriate procedures and standards in this Ordinance. Any permits or development approvals shall comply with the planned development master plan map and the statement of intent and development standards document.

E. Amendment

1. Minor Changes

Subsequent plans and permits for development within a planned development district may include minor changes to the approved master plan map or statement of intent and development standards, provided the development continues to meet the minimum requirements of this Ordinance. Minor changes are limited to changes that have no material effect on the character of the planned development or any of its terms or conditions or changes that address technical consideration that could not reasonably be anticipated at the time of the planned development approval. The following minor changes may be approved by the Planning and Development Director:

(a) Changes to the location of entrances or driveways, the rearrangement of internal streets, turn lanes, drives, or access restrictions;

(b) Changes to the configuration of parking areas;

(c) Changes to the configuration or location of open space or placement of required amenities;

(d) Changes to the configuration of landscape yards, including types of materials;

(e) Changes to the proposed building elevation or facade, including materials, provided that the change retains the same general architectural character; and

(f) Changes to the arrangement or location of buildings provided there is no increase in the number of buildings or size.

2. Material Changes are Amendments

(a) Changes that materially affect the basic concept of the planned development master plan or basic parameters establishing the terms and conditions or that exceed the scope of a minor change are not considered minor changes. They shall be considered amendments. Amendments include, but are not limited to:

(1) Changes in use designations;

(2) Density/intensity increases;

(3) Decreases in open space;

(4) Substantial changes in the location of streets (particularly if streets are to be deleted or access points to the development moved so traffic flows both inside and outside the development are affected);

(5) Change in the location of any public easement; or

(6) Change in the proportion of housing types by more than 15 percent.

(b) Amendments shall be reviewed and considered in accordance with the procedures and standards established for the original approval of a planned

development application.

F. Expiration

If no application for approval of a preliminary plat, site plan, or group development for any part of the planned development is submitted within 3 years after approval of the planned development, the P&Z may forward a recommendation to the City Council to initiate an application to rezone the land to a zoning district determined to be appropriate. Prior to making such a recommendation, the P&Z shall determine that the landowner(s) has been notified and given a reasonable opportunity to comment.

2.4.9. REASONABLE ACCOMMODATION

A. Applicability

This section provides a procedure for reasonable accommodation of eligible persons in cases where the strict application of the standards of this Ordinance would deprive them of their right to equal opportunity to use a dwelling under the federal Fair Housing Act.

B. Eligible Persons

1. An eligible person is a person who meets the definition of a disabled or handicapped person under federal law.

2. A person recovering from substance abuse is considered a person with a disability or handicap provided they are not currently engaging in the illegal use of controlled substances.

C. Reasonable Accommodation Procedure

1. Pre-Application Conference

Required (see Section 2.3.2, Pre-Application Conference).

2. Application Submittal and Acceptance

(a) Applicable (see Section 2.3.4, Application Submittal and Acceptance).

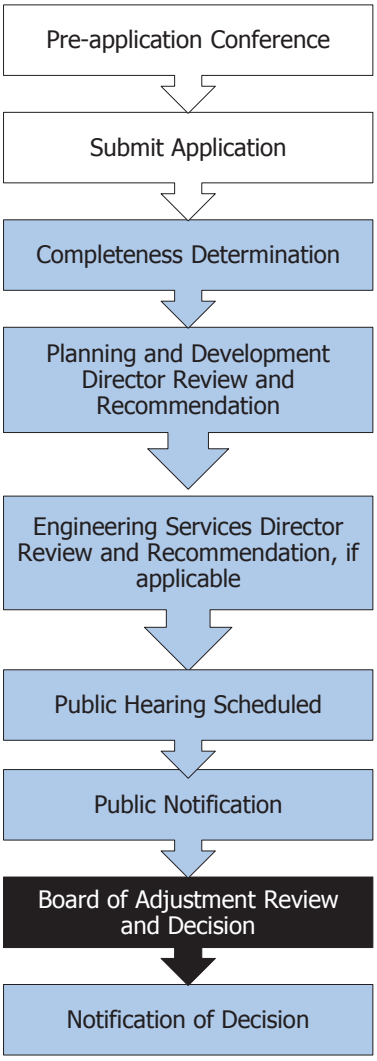
(b) An application for reasonable accommodation may be made by any of the following:

(1) A person with a disability or handicap, or their legal representative; or

(2) A provider of housing for persons with disabilities or handicaps.

(c) In addition to the requirements of Section 2.3.4, Application Submittal and Acceptance, an application for reasonable accommodation shall also

REASONABLE ACCOMMODATION



include the following:

(1) The basis for the claim that the applicant or persons receiving services from the applicant is considered disabled or handicapped under federal law;

(2) The Ordinance provision from which the reasonable accommodation is being requested; and

(3) An explanation of why the reasonable accommodation is necessary to make specific land or development available for the applicant.

3. Staff Review

(a) Applicable (see Section 2.3.5, Staff Review and Action).

(b) The Planning and Development Director shall review the application, and after consultation with the City Attorney, prepare a staff report, and provide a recommendation in accordance with Section 2.4.9.D, Reasonable Accommodation Review Standards.

4. Public Notification

Applicable (see Section 2.3.6, Public Notification).

5. BOA Review and Decision

(a) Applicable (see Section 2.3.9, Action by Decision-Making Body, and Section 2.3.7, Quasi-Judicial Public Hearing Procedures).

(b) The BOA, after the conclusion of a quasi-judicial public hearing, shall decide the application.

(c) The decision shall be based on the competent, material, and subsequent evidence in the record, as supplemented by the arguments presented at the quasi-judicial hearing, and the standards in Section 2.4.9.D, Reasonable Accommodation Review Standards.

(d) The decision shall be one of the following:

(1) Approval of the reasonable accommodation application as proposed;

(2) Approval of the reasonable accommodation application with revisions; or

(3) Denial of the application.

(e) Each decision shall be made in writing and reflect the BOA's determination of contested facts and their application to the standards in this Ordinance.

(f) The written decision shall be signed by the Chair or other duly authorized member of the BOA.

(g) The decision of the BOA shall be effective upon the filing of the written decision.

6. Notification of Decision

The decision of the BOA may shall be delivered by personal service, electronic mail, or by first-class mail to the applicant, the landowner, and to any person who has submitted a written request for a copy prior to the date the decision becomes effective. The person providing notification of decision shall certify that proper notification has been made.

D. Reasonable Accommodation Review Standards

1. A reasonable accommodation application shall be approved on a finding the proposed accommodation:

(a) Will be used by an individual or individuals with a disability or handicap protected under federal law;

(b) Is the minimum needed to provide accommodation; and

(c) Is reasonable and necessary.

2. For the purposes of this section, an accommodation is reasonable if it would not undermine the legitimate purposes of this Ordinance, it does not constitute a substantial alteration of this Ordinance or other City standard, and it will not impose significant financial and administrative burden upon the City.

3. For the purposes of this section, an accommodation is necessary if it would provide direct or meaningful therapeutic amelioration of the effects of the particular disability or handicap, and would afford handicapped or disabled persons equal opportunity to use housing in the City.

E. Conditions of Approval

Applicable (see Section 2.3.10, Conditions of Approval).

F. Effect

1. Applicable (see Section 2.3.12, Effect of Development Approval).

2. A reasonable accommodation shall not affect an applicant's obligation to comply with other applicable standards in this Ordinance that are not the subject of the reasonable accommodation application.

G. Amendment

Amendment of an application for reasonable accommodation may only be reviewed and considered in accordance with the procedures and standards established for its original approval.

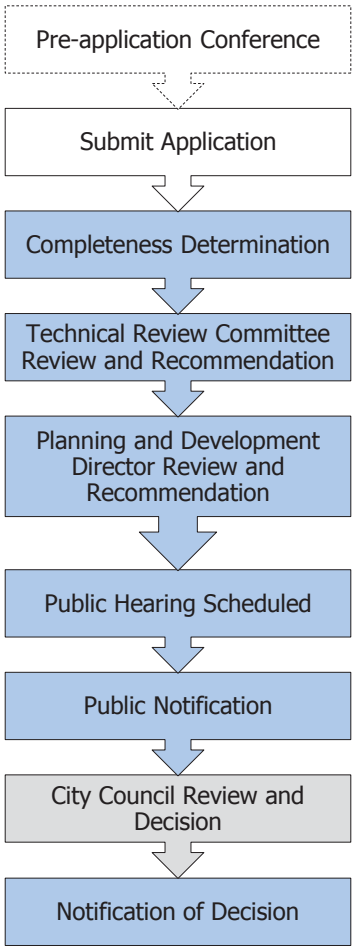
H. Expiration

Approval of a reasonable accommodation shall describe the conditions or events that would terminate the reasonable accommodation or cause it to expire.

I. Appeal

Any decision by the BOA shall be subject to Superior Court review by proceedings in the nature of certiorari.

ABOVE GROUND RIGHT-OF-WAY ENCROACHMENT



2.4.10. RIGHT-OF-WAY ENCROACHMENT

A. Applicability

Development proposing to encroach, either above or below ground, into a City-maintained right-of-way shall gain approval of a right-of-way encroachment in accordance with the procedures and standards of this section, prior to encroachment. Installation of a driveway does not constitute a right-of-way encroachment.

B. Above-Ground Encroachment Procedure

1. Pre-Application Conference

Optional (see Section 2.3.2, Pre-Application Conference).

2. Application Submittal and Acceptance

(a) Applicable (see Section 2.3.4, Application Submittal and Acceptance).

(b) The person seeking approval to encroach may file an application for a right-of-way encroachment.

3. Staff Review

(a) Applicable (see Section 2.3.5, Staff Review and Action).

(b) The TRC shall review and comment on infrastructure-related issues associated with the application.

(c) The Planning and Development Director shall review the application, prepare a staff report, and provide a recommendation in accordance with Section 2.4.10.D, Right-of-Way Encroachment Review Standards.

4. City Council Review and Decision

(a) Applicable (see Section 2.3.9, Action by Decision-Making Body).

(b) The City Council, after conclusion of a public hearing, shall decide the application in accordance with Section 2.4.10.D, Right-of-Way Encroachment Review Standards.

(c) The action taken shall be one of the following:

(1) Approval of the encroachment as proposed;

(2) Approval of a revised encroachment;

(3) Denial of the encroachment; or

(4) Remand of the encroachment application to City staff for further review.

C. Below-Ground Encroachment Procedure

1. Pre-Application Conference

Optional (see Section 2.3.2, Pre-Application Conference).

2. Application Submittal and Acceptance

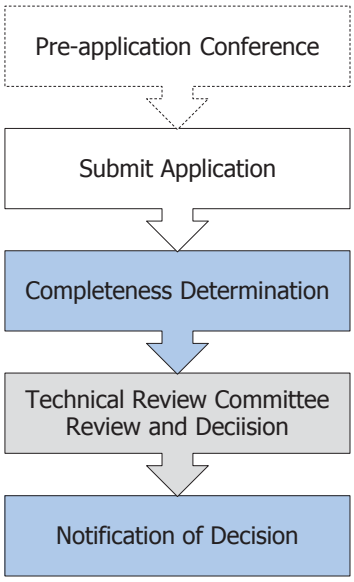
Applicable (see Section 2.3.4, Application Submittal and Acceptance).

3. Staff Review and Decision

(a) Applicable (see Section 2.3.5, Staff Review and Action).

(b) The TRC shall review and decide the application in accordance with Section 2.4.10.D, Right-of-Way Encroachment Review Standards.

BELOWGROUND RIGHT-OF-WAY ENCROACHMENT



D. Right-of-Way Encroachment Review Standards

A right-of-way encroachment shall be approved on a decision that the applicant demonstrates:

1. The right-of-way encroachment is in harmony with the general purpose and intent of this Ordinance;

2. The City is properly indemnified by the applicant against liability arising from the placement of

structures within the right-of-way;

3. Evidence is furnished of insurance covering liability arising from the proposed encroachment, if any; and
4. Any above-ground encroachment is outside areas needed for pedestrian or vehicular safety, or the visual obstruction has been properly mitigated.

E. Effect

Applicable (see Section 2.3.12, Effect of Development Approval).

F. Amendment

Amendment of a right-of-way encroachment may only be reviewed and considered in accordance with the procedures and standards established for its original approval.

2.4.11. SPECIAL USE

A. Applicability

Uses identified as requiring a special use in Table 4.1.9, Principal Use Table, shall be approved as a special use in accordance with the procedures and standards of this section, prior to development. A special use is a use that may be appropriate in a zoning district, but because of its nature, extent, and external effects, requires special consideration of its location, design, and methods of operation before it can be deemed appropriate in the district and compatible with its surroundings.

B. Special Use Procedure

1. Pre-Application Conference

Applicable (see Section 2.3.2, Pre-Application Conference).

2. Citizen Information Meeting

Applicable (see Section 2.3.3, Citizen Information Meeting).

3. Application Submittal and Acceptance

(a) Applicable (see Section 2.3.4, Application Submittal and Acceptance).
(b) An application shall be submitted only by the landowner(s), and shall include a site plan.
(c) When required, a traffic impact analysis shall be submitted for review with the submittal of an application for a special use. The procedure for review of a traffic impact analysis is described in the *Development Guide*.

4. Staff Review

(a) Applicable (see Section 2.3.5, Staff Review and Action).
(b) The Planning and Development Director shall review the application, prepare a staff report, and provide a recommendation in accordance with Section 2.4.11.C, Special Use Review Standards.

5. Public Notification

Applicable (see Section 2.3.6, Public Notification).

6. P&Z or HPC Review and Recommendation

(a) Applicable (see Section 2.3.7, Review by P&Z or HPC).
(b) If the application is for land located within the LHO district, the HPC, following a meeting, shall provide a recommendation on the application to the P&Z. The P&Z shall not make a recommendation on an application until they receive a recommendation from the HPC.

(c) The P&Z, following a public hearing, shall make a recommendation on the application in accordance with Section 2.4.11.C, Special Use Review Standards.

7. City Council Review and Decision

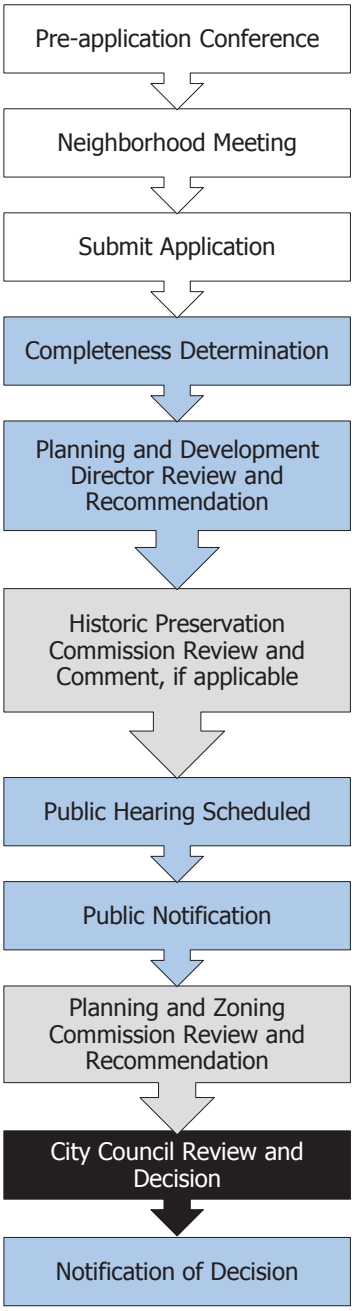
(a) Applicable (see Section 2.3.9, Action by Decision-Making Body, and 2.3.7, Quasi-Judicial Public Hearing Procedures).

(b) The City Council, after the conclusion of a quasi-judicial public hearing, shall decide the application in accordance with Section 2.4.11.C, Special Use Review Standards. The decision shall be the one of the following:

(1) Approval of the special use as proposed;
(2) Approval of a revised special use;
(3) Denial of the special use; or
(4) Remand of the special use application to the P&Z for further consideration.

(c) Any conditions of approval shall meet or exceed the minimum requirements of this Ordinance.

SPECIAL USE



C. Special Use Review Standards

A special use shall be approved upon a finding that the applicant demonstrates the proposed special use:

1. Will not materially endanger the public health or safety if located where proposed;

2. Complies with all required standards, conditions, and specifications of this Ordinance, including Chapter 4: Uses;

3. Will not substantially injure the value of the abutting land, or the special use is a public necessity;

4. Will be in harmony with the area in which it is to be located; and

5. Is in general conformity with the City's adopted policy guidance.

D. Conditions of Approval

Applicable (see Section 2.3.10, Conditions of Approval).

E. Effect

1. Applicable (see Section 2.3.12, Effect of Development Approval).

2. A special use and the associated site plan approval are perpetually binding and run with the land, unless amended.

3. An action invalidating a special use condition of approval for any reason shall render the special use null and void.

F. Amendment

1. Minor Changes

(a) The City Council may approve a minor change to a special use requested by the applicant without a recommendation from the P&Z and without a public hearing, upon receipt of a report from the Planning and Development Director on the proposed minor change.

(b) A minor change includes changes to conditions of a special use or associated site plan which will result in equal or better performance of the conditions and that do not alter the objectives and purposes of the special use.

(c) In granting a minor change, the City Council may require such conditions as will address the objectives of the requirements or conditions changed.

2. Material Changes are Amendments

(a) A material change to a special use or to an associated site plan that alters the objectives and purposes of the requirements or conditions of the special use constitute an amendment to the special use.

(b) An amendment includes but is not limited to:

(1) Boundary changes;
(2) Use changes; and
(3) Increases in density or intensity of development.

(c) Amendments of a special use may only be reviewed and considered in accordance with the procedures and standards established for its original approval.

G. State and Federal Requirements

Special uses shall meet all applicable federal and state requirements for location and operation. Failure to maintain compliance with those requirements may result in the revocation of the special use.

H. Expiration

1. General

(a) Unless otherwise stated in the special use approval, a special use shall expire and become null and void 18 months after the date of issuance if a footing inspection for the development approved has not been passed or an applicant has not requested an extension in accordance with Section 2.4.11.H.2 below.

(b) If development approved as a special use is discontinued for a period exceeding 18 months, or if a special use is replaced by a use otherwise permitted by right in the zoning district, the special use approval is deemed abandoned and the special use approval is null and void.

2. Extension

(a) An applicant may request an extension of a special use approval in writing to the Planning and Development Director at least 30 days prior to expiration.

(b) Extension requests are considered as minor changes and shall be reviewed and approved by City Council in accordance with Section 2.4.11.F.1 above.

2.4.12. STREET ABANDONMENT

A. Applicability

This section provides a procedure for requests to abandon any platted or dedicated street or alley rights-of-way determined to be unnecessary for the movement of vehicles in the City, in accordance with Section 160A-299 of the North Carolina General Statutes.

B. Street Abandonment Procedure

1. Pre-Application Conference

(a) Applicable (See Section 2.3.2, Pre-Application Conference).

(b) The TRC shall review the application and comment on municipal service and infrastructure issues associated with the abandonment.

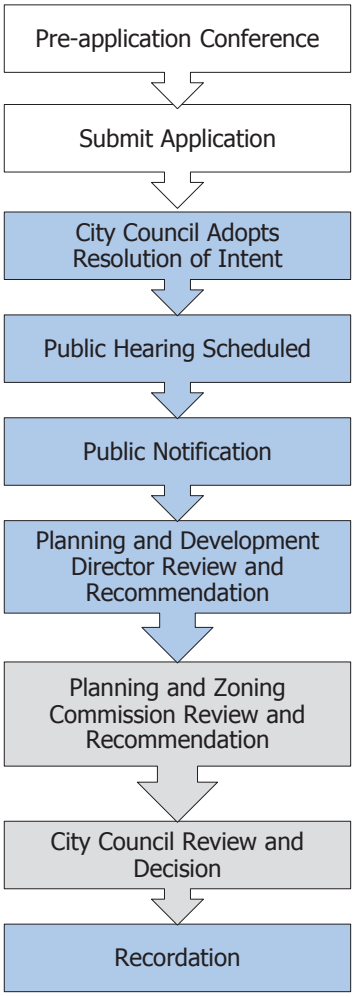
2. Application Submittal and Acceptance

(a) Applicable (see Section 2.3.4, Application Submittal and Acceptance).

(b) Applications may be initiated by the City or landowners abutting a street.

(c) If the City Council wishes to abandon a public street or alley it shall adopt a resolution of intent to close the street or alley.

STREET ABANDONMENT



3. Staff Review

(a) Applicable (see Section 2.3.5, Staff Review and Action).

(b) The Planning and Development Director shall review the application, prepare a staff report, and provide a recommendation in accordance with Section 2.4.12.C, Street Abandonment Review Standards.

4. Public Notification

Applicable (see Section 2.3.6, Public Notification).

5. P&Z Review and Recommendation

(a) Applicable (see Section 2.3.8, Review by P&Z or HPC).

(b) The P&Z, following a public hearing, shall make a recommendation on the application in accordance with 2.4.12.C, Street Abandonment Review Standards.

6. City Council Review and Decision

(a) Applicable (see Section 2.3.9, Action by Decision-Making Body).

(b) The City Council, after the conclusion of a public hearing, shall decide the application in accordance with Section 2.4.12.C, Street Abandonment Review Standards.

(c) The action taken shall be one of the following:

(1) Approve abandonment of all or a portion of the street or alley right-of-way;
(2) Approve abandonment of all or a portion of the street or alley right-of-way with retention of all or a portion of the utility or other easement;
(3) Denial of the street abandonment; or
(4) Remand of the street abandonment application to the P&Z for further consideration.

C. Street Abandonment Review Standards

A street abandonment application shall be approved on a decision that the applicant demonstrates:

1. Closing of the street or alley is in the best interest of the public; and
2. A landowner in the vicinity of the street or alley would not be deprived of reasonable ingress or egress to their land.

D. Recordation

The Planning and Development Director shall file a certified copy of the street abandonment approval in the office of the Register of Deeds in the county where the subject street is located within a reasonable period of time after the approval.

E. Effect

Where a platted street or alley is abandoned in accordance with this section, the regulations applicable to a lot shall apply to the portion of the lot formerly occupied by the abandoned street or alley.

2.4.13. STREET NAME CHANGE

A. Applicability

This section establishes a uniform street name change procedure in the interest of the public health, safety, and welfare of City residents and visitors by improving emergency response times and ease of locating destinations.

B. Street Name Change Procedure

1. Pre-Application Conference

Applicable (see Section 2.3.2, Pre-Application Conference).

2. Application Submittal and Acceptance

(a) Applicable (see Section 2.3.4, Application Submittal and Acceptance).
(b) The City Council or any governmental department of the City, the P&Z, or any landowner of land along the street where a name change is proposed may initiate a request to change the name of a street.
(c) An application for a street name change submitted by landowners along the street shall include a petition of support for the name change signed by a minimum of 66.67 percent of the number of different landowners that are affected by the renaming. The petition shall indicate the desired new street name. No petition shall be required for City-initiated applications.
(d) The application shall not be accepted until the Planning and Development Director confirms the availability of the proposed new street name.

3. Staff Review

(a) Applicable (see Section 2.3.5, Staff Review and Action).

(b) The Planning and Development Director shall review the application, prepare a staff report, and provide a recommendation in accordance with Section 2.4.13.C, Street Name Change Review Standards.

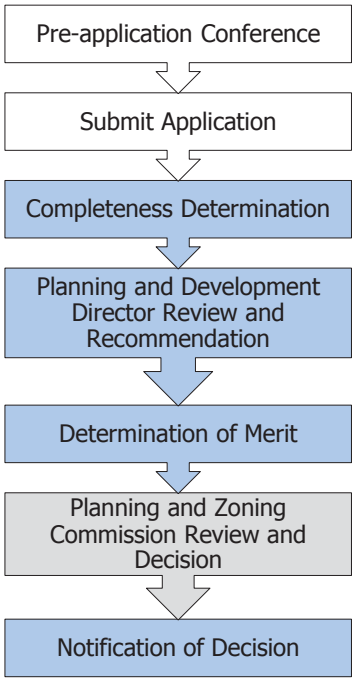
4. Determination of Merit

(a) Each street name change request filed by the required deadline shall be forwarded to the P&Z and placed on the next scheduled regular meeting to determine whether the request should be granted a public hearing. If the P&Z determines that the request should be heard, it shall set the date, time and place for a public hearing.

(b) When a change is initiated due to public safety or emergency service delivery issues, no merit determination is needed and the request shall be placed on the next scheduled regular meeting for public hearing and decision.

(c) If the P&Z decides not to conduct a public hearing on the street name change request, it shall be considered a denial of the request.

STREET NAME CHANGE



5. Public Notification

Applicable (see Section 2.3.6, Public Notification), whenever a public hearing has been scheduled for a street name change request.

6. P&Z Review and Decision

(a) Applicable (see Section 2.3.9, Action by Decision-Making Body).

(b) If a public hearing is conducted, the P&Z, at the conclusion of the public hearing, shall decide the application in accordance with Section 2.4.13.C, Street Name Change Review Standards.

(c) The decision shall be one of the following:

(1) Approval of the street name change as submitted;
(2) Approval of the street name change, with revisions; or
(3) Denial of the street name change.

(d) The P&Z may consider and approve a name change for a portion of the request or a change of prefix or suffix without a new submittal or additional hearing. The P&Z shall not approve alterations to the primary name requested, nor approve the application of the name to a street or segment thereof not included in the original request, without re-notification and re-hearing.

C. Street Name Change Review Standards

A street name change shall be approved on a finding that the applicant demonstrates:

1. The street name change is in accordance with the City's *Street Name and Address Assignment Guidelines and Policies* as included in the Development Guide;

2. The street name change will serve the public interest by enhancing public safety or that it will do no harm;

3. The street name change will not adversely affect land values or cause excessive economic impact to landowners or the City; and
4. The street name change will result in an overall public good that generally cannot be measured in monetary terms, but is found to outweigh known or perceived economic interests and costs.

D. Effect

1. All approved street name change applications shall have an effective date at least 45 days from the date of approval, but may be further delayed for a set period of time not to exceed 1 year, to assist businesses and other affected landowners in preparing for the name change.
2. Street name changes initiated by City Council, P&Z, or other City department due to public safety or emergency service delivery issues may take effect immediately upon approval.

E. Amendment

An application for a street name change with the same name for the same street or portion of the same street shall not be filed within 2 years from the date of final action on the previous request, unless the P&Z determines a substantial change has occurred in the nature of the application that merits reconsideration.

2.4.14. TEXT AMENDMENT

A. Applicability

This section provides a uniform means for amending the text of this Ordinance whenever the public necessity, changed conditions, convenience, general welfare, or appropriate land use practices justify or require doing so.

B. Text Amendment Procedure

1. Pre-Application Conference

Applicable (see Section 2.3.2, Pre-Application Conference).

2. Application Submittal and Acceptance

(a) Applicable (see Section 2.3.4, Application Submittal and Acceptance).
(b) Applications may be initiated by the City Council; any board, commission, or department of the City; any landowner; or any resident of the city.

3. Staff Review

(a) Applicable (see Section 2.3.5, Staff Review and Action).
(b) The Planning and Development Director shall review the application, prepare a staff report, and provide a recommendation in accordance with Section 2.4.14.C, Text Amendment Review Standards.

4. Public Notification

Applicable (see Section 2.3.6, Public Notification).

5. P&Z Review and Recommendation

(a) Applicable (see Section 2.3.8, Review by P&Z or HPC).
(b) The P&Z, following a public hearing, shall make a recommendation on an application in accordance with Section 2.4.14.C, Text Amendment Review Standards.
(c) The P&Z shall comment on whether or not the text amendment is consistent

with the City's adopted policy guidance.

6. City Council Review and Decision

(a) Applicable (see Section 2.3.9, Action by Decision-Making Body).

(b) The City Council, after the conclusion of a public hearing, shall decide the application in accordance with Section 2.4.14.C, Text Amendment Review Standards.

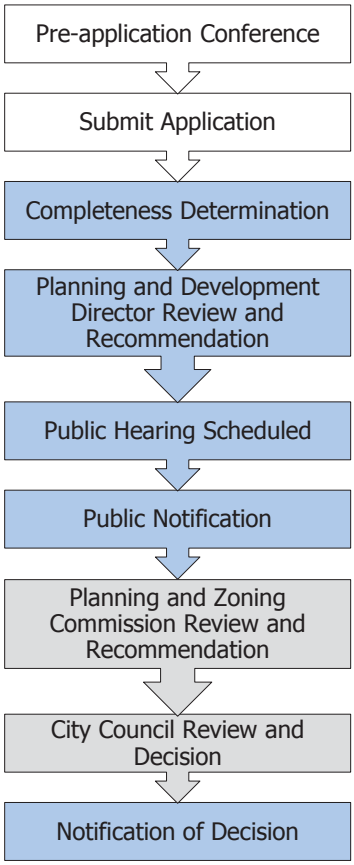
(c) The decision shall be one of the following:

(1) Adoption of the text amendment as proposed;
(2) Adoption of a revised text amendment;
(3) Denial of the text amendment; or
(4) Remand of the text amendment application to the P&Z for further consideration.

(d) In making its decision, the City Council shall adopt a written statement of consistency and reasonableness that:

(1) Describes whether the decision is consistent with the City's adopted policy guidance; and
(2) Explains why the decision is reasonable and in the public interest.

TEXT AMENDMENT



C. Text Amendment Review Standards

The advisability of amending the text of this Ordinance is a matter committed to the legislative discretion of the City Council and is not controlled by any one factor. In determining whether to adopt or deny the proposed text amendment, the City Council may weigh the relevance of and consider whether and the extent to which the proposed text amendment:

1. Is consistent with the City's adopted policy guidance;
2. Is not in conflict with any provision of this Ordinance or the City of High Point Code of Ordinances;
3. Is required by changed conditions;
4. Addresses a demonstrated community need;
5. Addresses an unforeseen matter not present when the Ordinance was adopted;
6. Is consistent with the purpose and intent of the zoning districts in this Ordinance, or would improve compatibility among uses and ensure efficient development within the city;
7. Would result in a logical and orderly development pattern; and
8. Would not result in significantly adverse impacts on the natural environment, including but not limited to water, air, noise, stormwater management, wildlife, vegetation, and the natural functioning of the environment.

D. Effect

Applicable (see Section 2.3.12, Effect of Development Approval).

E. Amendment

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

2.4.15. VARIANCE

A. Applicability

Development that would otherwise be subject to undue and unique hardship from the applications of the standards in this Ordinance may seek relief from the standards in accordance with this section.

B. Variances Distinguished

This section sets out the procedure and review standards for two type of variances.

1. The zoning variance procedure may be used to seek hardship relief from the dimensional standards in this Ordinance. A variance shall not be requested to:

(a) Vary from density or intensity beyond that allowed in a base zoning district;

(b) Permit a use not allowed in a zoning district;

(c) Modify any standards in Section 5.7, Signage other than sign height or allowable sign location; or

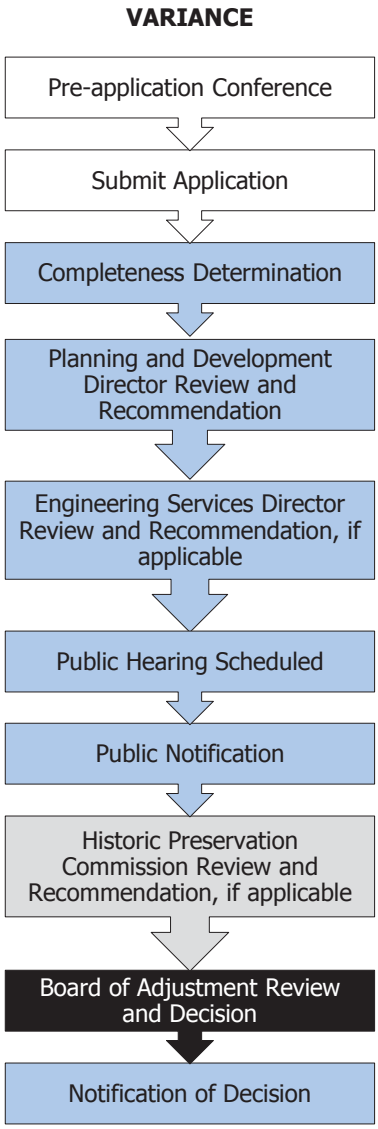
(d) Allow a prohibited use.

2. The flood damage prevention variance may be used to request relief from the standards in Section 6.4, Flood Damage Prevention, for:

(a) The repair or rehabilitation of historic structures when the proposed repair or rehabilitation will not affect the structure's designation as an historic structure and the variance is the minimum necessary to preserve the historic character and design of the structure;

(b) A functionally dependent facility, provided it is protected by methods that minimize flood damage during the base flood and create no additional threats to public safety; and

(c) Any other type of development, provided it meets the standards of this section for a flood damage prevention variance.



C. Variance Procedure

1. Pre-Application Conference

Applicable (see Section 2.3.2, Pre-Application Conference).

2. Application Submittal and

Acceptance

Applicable (see Section 2.3.4, Application Submittal and Acceptance).

3. Staff Review

(a) Applicable (see Section 2.3.5, Staff Review and Action).

(b) The Planning and Development Director shall review the application, prepare a staff report, and provide a recommendation in accordance with Section 2.4.15.D, Variance Review Standards.

4. Public Notification

Applicable (see Section 2.3.6, Public Notification).

5. HPC Review and Recommendation

(a) Applicable (see Section 2.3.8, Review by P&Z or HPC).

(b) If the application is for land located within a LHO district, the HPC, following a public meeting, shall provide a recommendation on the application to the BOA. The BOA shall not make a decision on an application until they receive a recommendation from the HPC.

6. BOA Review and Decision

(a) Applicable (see Section 2.3.9, Action by Decision-Making Body, and Section 2.3.7, Quasi-Judicial Public Hearing Procedures).

(b) The BOA, after the conclusion of a quasi-judicial public hearing, shall decide the application for a variance.

(c) The decision shall be based on the competent, material, and subsequent evidence in the record, as supplemented by the arguments presented at the quasi-judicial hearing, and the standards in Section 2.4.15.D, Variance Review Standards.

(d) The decision shall be one of the following:

(1) Approval of the variance as proposed;

(2) Approval of the variance with revisions; or

(3) Denial of the variance.

(e) Each decision shall be made in writing and reflect the BOA's determination of contested facts and their application to the standards in this Ordinance.

(f) The written decision shall be signed by the Chair or other duly authorized member of the BOA.

(g) The decision of the BOA shall be effective upon the filing of the written decision.

7. Notification of Decision

The decision of the BOA shall be delivered by personal service, electronic mail, or by first-class mail to the applicant, the landowner, and to any person who has submitted a written request for a copy prior to the date the decision becomes effective. The person providing notification of decision shall certify that proper notification has been made.

D. Variance Review Standards

1. Zoning Variance Standards

(a) Required Findings

A zoning variance shall be approved on a finding the applicant demonstrates all of the following:

(1) Unnecessary hardship would result from the strict application of the ordinance. It shall not be necessary to demonstrate that, in the absence of the variance, no reasonable use can be made of the property.

(2) The hardship results from conditions that are peculiar to the property, such as location, size or topography. Hardships resulting from personal circumstances, as well as hardships resulting from conditions that are common to the neighborhood or the general public, may not be the basis for granting a variance.

(3) The hardship did not result from actions taken by the applicant or the property owner. The act of purchasing property with knowledge that circumstances exist that may justify the granting of the variance shall not be regarded as a self-created hardship.

(4) The requested variance is consistent with the spirit, purpose, and intent of the ordinance, such that public safety is secured, and substantial justice is achieved.

(b) Other Considerations

In addition to the making the required findings in subsection (a) above, the BOA may also consider the following:

(1) The variance approval is the minimum necessary to make possible the reasonable use of the land, building, or structure.

(2) None of the following may be used as the basis for approving a variance:

(i) Neither the nonconforming use of lands, buildings, or structures in the same zoning district, or the permitted use of lands, buildings, or structures in other zoning districts, or personal circumstances;

(ii) A request for a particular use that is expressly, or by inference, prohibited in the zoning district;

(iii) Hardships resulting from factors other than application of the relevant standards of this Ordinance;

(iv) The fact that land or a structure may be utilized more profitably or be more marketable with a variance;

(v) The citing of other conforming or nonconforming uses of land or structures in the same or other zoning districts; or

(vi) Financial hardship.

2. Flood Damage Prevention Variance Standards

(a) Required Findings

A flood damage prevention variance shall be approved on a finding the applicant demonstrates all of the following standards are met:

(1) There is a good and sufficient cause to grant the variance.

(2) Failure to grant the variance would result in exceptional hardship to the landowner.

(3) Granting the variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisance, cause fraud on or victimization of the public, or conflict with this Ordinance.

(b) Other Considerations

In addition to making the required findings in subsection (a) above, the BOA may also consider the following:

(1) The variance is the minimum necessary, considering the flood hazard, to afford relief.

(2) Approval of the variance will not render the building in violation of applicable federal, state, or local requirements.

(3) Approval of the variance will not result in any increase in flood levels within any designated floodway or non-encroachment area during the base flood discharge.

(4) The variance is issued prior to any other prerequisite permit or development approvals.

(5) All of the following factors shall be considered by the BOA if an application for a flood damage prevention variance is denied:

- **(i)** The danger that materials may be swept onto other lands and injure others;
- **(ii)** The danger to life and land due to flooding or erosion damage;
- **(iii)** The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual landowner;
- **(iv)** The importance of the services provided by the proposed facility to the community;
- **(v)** The necessity to the facility of a waterfront location as a functionally-dependent facility;
- **(vi)** The availability of alternative locations, not subject to flooding or erosion damage, for the proposed use;
- **(vii)** The compatibility of the proposed use with existing and anticipated development;
- **(viii)** The relationship of the proposed use to the City's adopted policy guidance and the City's floodplain management program;
- **(ix)** The safety of access to the use in times of flood for ordinary emergency vehicles;
- **(x)** The expected height, velocity, duration, rate of rise, and sediment transport of the floodwaters and the effects of wave action, if applicable, expected at the site; and
- **(xi)** The costs of providing governmental services during and after flood conditions including maintenance and repair of public utilities and facilities such as sewer, gas, electrical and water systems, and streets and bridges.

E. Conditions of Approval

In granting a variance the BOA may prescribe conditions of approval to ensure compliance with the standards of this section, and to assure that the use of the land to which the variance applies will be compatible with surrounding lands and will not alter the essential character of the neighborhood.

1. A variance granted subject to a condition of approval shall be permitted as long as there is compliance with the condition.

2. Violation of a condition of approval shall be deemed a violation of this Ordinance.

3. If a violation or invalidation of a condition of approval occurs, the Planning and Development Director may revoke the certificate of occupancy for the development subject to the variance.

F. Effect

1. General

Approval of a zoning variance or flood damage prevention variance authorizes only the particular regulatory relief approved by the BOA. It does not exempt the applicant from the responsibility to obtain all other permits or development approvals required by this Ordinance or any other applicable laws, and does not indicate that the development for which the variance is granted should receive other permits or development approvals under this Ordinance unless the relevant and applicable portions of this Ordinance are met.

2. Notification Regarding Flood Insurance Costs

(a) An applicant for whom a flood damage prevention variance is approved shall be provided written notice by the Planning and Development Director specifying the difference between the base flood elevation (BFE) and the elevation to which the structure is built. The notice shall inform the applicant about the risks to life and property from construction below the BFE and that issuance of a variance to construct a structure below the BFE will result in increased premium rates for flood insurance.

(b) The notification shall be maintained by the Engineering Services Director with the record of the flood damage prevention variance action.

3. Records

Upon request, the Engineering Services Director shall report all flood damage prevention variances approved in accordance with this section to the Federal Emergency Management Agency and the State of North Carolina.

G. Amendment

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

H. Expiration

If the BOA does not include a time period by which development subject to a zoning variance or a flood damage prevention variance expires, development shall commence within 12 months of the date of issuance of the variance or the variance shall expire and become null and void.

I. Appeal

Any decision by the BOA shall be subject to Superior Court review by proceedings in the nature of certiorari.

2.4.16. VESTED RIGHTS CERTIFICATE

A. Applicability

1. A vested right may be established, in accordance with Section 160A-385.1 of the North Carolina General Statutes and this section, for the following permits and development approvals:

(a) Site plans;
(b) Group development plans; or
(c) Preliminary plats.

2. Any application for a vested rights certificate shall be processed concurrently or after the approval of a site plan, group development plan, or a preliminary plat.

B. Vested Rights Certificate Procedure

1. Pre-Application Conference

Required (see Section 2.3.2, Pre-Application Conference).

2. Application Submittal and Acceptance

(a) Applicable (see Section 2.3.4, Application Submittal and Acceptance).

(b) Applications may be initiated by the landowner or any person who may submit an application in accordance with Section 2.3.4.A, Authority to File Applications.

3. Staff Review

(a) Applicable (see Section 2.3.5, Staff Review and Action).

(b) The Planning and Development Director shall review the application, prepare a staff report, and provide a recommendation in accordance with Section 2.4.16.C, Vested Rights Certificate Review Standards.

4. Public Notification

Applicable (See Section 2.3.6, Public Notification).

5. City Council Review and Decision

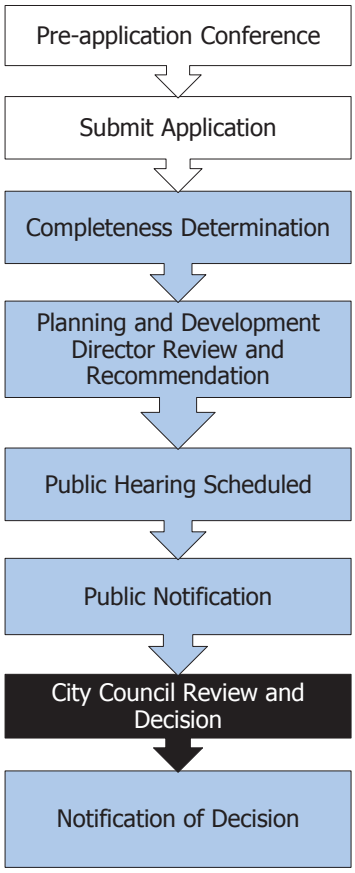
(a) Applicable. (See Section 2.3.9, Action by Decision-Making Body, and 2.3.7, Quasi-Judicial Public Hearing Procedures).

(b) The City Council, after the conclusion of a quasi-judicial public hearing, shall decide the application in accordance with Section 2.4.16.C, Vested Rights Certificate Review Standards.

(c) The decision shall be one of the following:

(1) Approval of the vested rights certificate as proposed;
(2) Approval of a revised vested rights certificate;
(3) Denial of vested rights certificate; or
(4) Remand of the vested rights certificate application to the Planning and Development Director for further review.

VESTED RIGHTS CERTIFICATE



C. Vested Rights Certificate Review Standards

A vested rights certificate shall be approved if the applicant demonstrates:

1. The vested rights certificate is for an approved site plan, group development plan, or preliminary plat;

2. The development is valid and unexpired; and

3. Any required variances have been obtained.

D. Effect

1. Applicable (see Section 2.3.12, Effect of Development Approval).
2. A vested rights certificate shall be approved prior to issuance of a building permit.

E. Amendment

Amendment of vested rights certificate may only be reviewed and considered in accordance with the procedures and standards established for its original approval.

F. Expiration

1. A vested right certificate shall expire and become null and void:
   - (a) If a building permit application for the development subject to the certificate is not submitted within 5 years of the approval of the vested rights certificate.
   - (b) Upon a finding by the City Council after notice and a public hearing, that:
     - (1) Natural or man-made hazards on or in the immediate vicinity of the land, if uncorrected, would pose a serious threat to the public health, safety, and welfare if the project were to proceed as contemplated; or
     - (2) The landowner or landowner's representative intentionally supplied inaccurate information or made material misrepresentations which affected the approval of the site plan, group development, preliminary plat, or vested right certificate; or
     - (3) The landowner failed to comply with any condition imposed upon the establishment of the site plan, group development, preliminary plat, or vested right certificate.
   - (c) Upon payment to the affected landowner of compensation for all costs, expenses, and other losses incurred by the landowner, including but not limited to, all fees paid in consideration of financing, and all architectural, planning, marketing, legal, and other consultant fees incurred after approval of the certificate by the City, together with interest at the legal rate until paid. Compensation shall not include any diminution in the value of the land which is caused by such action.
   - (d) With the written consent of the affected landowner.
2. Upon enactment or promulgation of a state or federal law or regulation that precludes development as contemplated in the site plan, group development, or preliminary plat, the City Council may modify the affected provisions of the certificate by ordinance, if after conducting a hearing, it finds the changed conditions created by the change in the state or federal law have a fundamental effect on the site plan, group development, or preliminary plat.

2.4.17. VOLUNTARY ANNEXATION

A. Applicability

The City Council may consider voluntary annexation petitions, prepared in accordance with the standards in this section, from:

1. The landowner of land that is contiguous with the City's corporate limits; and
2. The landowner of land that is not contiguous to the corporate limits when the proposed voluntary annexation complies with the following standards:
   - (a) The land proposed for annexation is no more than 3 miles from the contiguous corporate limits; and

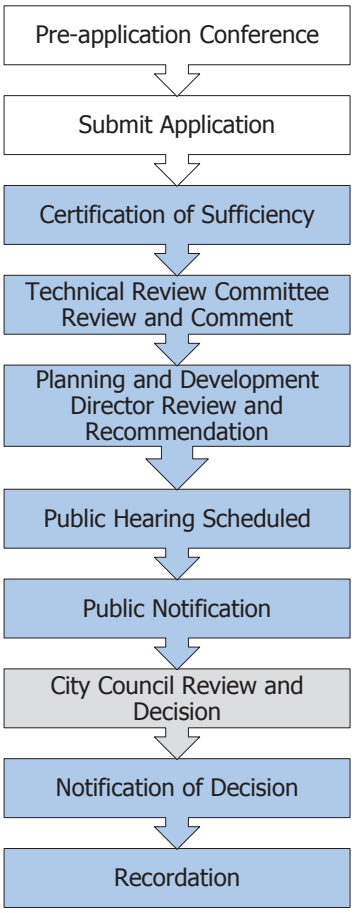
(b) No portion of the land proposed for annexation is closer to the contiguous corporate limits of another municipality unless the land is subject to an approved annexation agreement that includes the land within the City's planning area; and

(c) If the land proposed for annexation is part of a recorded subdivision, all lots in the recorded subdivision are part of the annexation petition; and

(d) The combined total land area associated with the annexation, when added to all other noncontiguous land areas annexed by the City does not exceed 10 percent of the land area located within the City's contiguous corporate limits.

B. Voluntary Annexation Review Procedure

VOLUNTARY ANNEXATION



1. Pre-Application Conference

Applicable (see Section 2.3.2, Pre-Application Conference).

2. Application Submittal and Acceptance

(a) Applicable (see Section 2.3.4, Application Submittal and Acceptance).

(b) The voluntary annexation petition shall be signed by all the landowners of land proposed for annexation.

(c) Applications shall be accompanied by an application for a zoning map amendment for the subject land in accordance with Section 2.4.19, Zoning Map Amendment, unless the land is within the City's Extraterritorial Jurisdiction.

(d) The voluntary annexation petition shall include a signed statement declaring whether or not any vested right with respect to the land subject to the petition has been established under Section 160A-385.1 or 153A-344.1 of the North Carolina General Statutes.

3. Staff Review

(a) Applicable (see Section 2.3.5, Staff Review and Action).

(b) Following receipt of a voluntary annexation petition the City Clerk shall investigate and certify whether the petition is legally sufficient. If certified as legally sufficient, the petition shall be reviewed in accordance with this section.

(c) The TRC shall review the application and comment on the City's ability to provide municipal services.

(d) The Planning and Development Director shall review the application, prepare a staff report, and provide a recommendation in accordance with Section 2.4.17.C, Voluntary Annexation Review Standards.

4. Public Notification

Applicable (see Section 2.3.6, Public Notification).

5. City Council Review and Decision

(a) Applicable (see Section 2.3.9, Action by Decision-Making Body).

(b) The City Council, after the conclusion of a public hearing, shall decide the application in accordance with Section 2.4.17.C, Voluntary Annexation Review Standards.

(c) The decision shall be one of the following:

(1) Approval of the voluntary annexation petition;

(2) Denial of the voluntary annexation petition; or

(3) Remand of the voluntary annexation petition to the Planning and Development Director for further review.

C. Voluntary Annexation Review Standards

Approval of a voluntary annexation is a matter committed to the legislative discretion of the City Council. The voluntary annexation petition may be approved upon a finding the petition complies with all the standards in Section 160A-31 or Section 160A-58 of the North Carolina General Statutes, as appropriate, and:

1. The voluntary annexation petition bears the signatures of all landowners within the area to be annexed;

2. The area to be annexed can be adequately served by the same municipal services provided within the City's primary corporate limits;

3. The debt obligations from serving the subject lands do not exceed the anticipated revenues to the City; and

4. The public health, safety, and welfare of City residents and the residents of the lands proposed for annexation will be best served by the annexation.

D. Recording

An ordinance approving a voluntary annexation adopted by the City, together with a map of the annexed area, shall be recorded in the office of the Register of Deeds for the county where the land is located within a reasonable period of time after adoption of the annexation.

E. Effect

1. Within 60 days of voluntary annexation, the City Council shall adopt a zoning district classification for the land involved. The City Council may consider a City-initiated or landowner-initiated zoning map amendment immediately following approval of the annexation.

2. Upon the effective date of annexation, the land shall be subject to the debts, laws, ordinances and regulations of the City, and shall be entitled to the same privileges and benefits as other parts of the City.

F. Expiration

Land may be de-annexed only by act of the North Carolina General Assembly.

2.4.18. WATERSHED VARIANCE

A. Applicability

Development that would otherwise be subject to undue and unique hardship from the applications of the State's watershed protection standards in this Ordinance may seek relief from those standards in accordance with this section. Where the watershed protection standards exceed the State's minimum watershed protection standards, then a modification

to the requirements may be requested in accordance with Section 6.2.13, Watershed Modifications.

B. Variances Distinguished

There are 2 types of watershed variance:

1. Major Watershed Variances

A major watershed variance is a variance from the minimum State watershed protection rules that result in the relaxation of:

(a) Any buffer, density, or built-upon area requirement by a factor greater than 5 percent under the high density option;

(b) Any variation in the design, maintenance or operation requirements of a wet detention pond or other approved stormwater management system;

(c) Any management requirement by a factor of 10 percent under the low density option; or

(d) Any variance that pertains to activities impacting Zone 1 of a surface water buffer.

2. Minor Watershed Variances

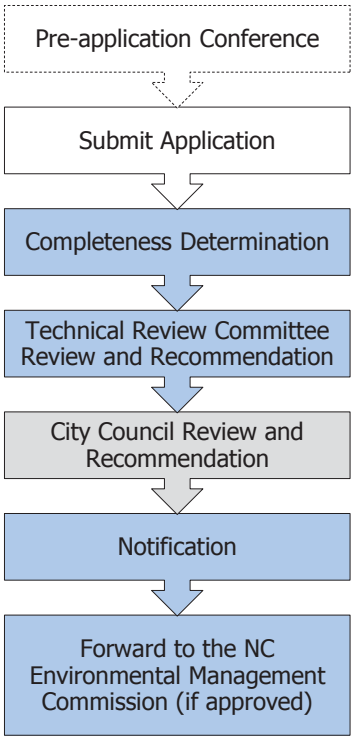
A minor watershed variance is a variance from the minimum State watershed protection rules that result in the relaxation of:

(a) Any buffer, density or built-upon area requirement by a factor of up to 5 percent under the high density option;

(b) Any management requirement by a factor of 10 percent under the low density option; or

(c) Any variance that pertains to activities impacting Zone 2 of a surface water buffer.

MAJOR WATERSHED VARIANCE



C. Major Watershed Variance Procedure

1. Pre-Application Conference

Optional (see Section 2.3.2, Pre-Application Conference).

2. Application Submittal and Acceptance

Applicable (see Section 2.3.4, Application Submittal and Acceptance).

3. Staff Review

(a) Applicable (see Section 2.3.5, Staff Review and Action).

(b) The TRC shall review the application and the associated watershed development plan, and provide a recommendation in accordance with Section 2.4.18.E, Watershed Variance Review Standards.

(c) In the case of water supply watersheds, the City shall notify and allow a reasonable comment period for all local governments having jurisdiction in the applicable designated watershed and any entity using the water supply for consumption where a major watershed variance is being considered.

4. City Council Review and Recommendation

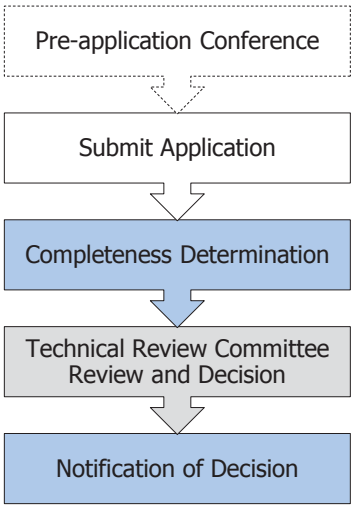
(a) The City Council shall review the application and make a recommendation in accordance with Section 2.4.18.E, Watershed Variance Review Standards.

(b) In making a watershed variance recommendation, the City Council may suggest conditions to assure that the use of the land will be compatible with surrounding lands and will not alter the essential character of the neighborhood.

(c) If the City Council recommends approval, the application shall be forwarded to the North Carolina Environmental Management Commission (EMC) with a report containing the findings of fact for City Council's favorable recommendation, conclusions of law, a recommended decision, recommended conditions and a record of the Council's decision on the request.

(d) If the City Council does not recommend approval, it shall be deemed disapproved and shall not be forwarded to the EMC.

MINOR WATERSHED VARIANCE



D. Minor Watershed Variance Procedure

1. Pre-Application Conference

Optional (see Section 2.3.2, Pre-Application Conference).

2. Application Submittal and Acceptance

Applicable (see Section 2.3.4, Application Submittal and Acceptance).

3. Staff Review

(a) Applicable (see Section 2.3.5, Staff Review and Action).

(b) The TRC shall review and decide the application in accordance with Section 2.4.18.E, Watershed Variance Review Standards.

(c) In approving a watershed variance, the TRC may apply conditions to assure that the use of the land will be compatible with surrounding properties and will not alter the essential character of the neighborhood.

E. Watershed Variance Review Standards

1. Required Findings

A watershed variance (major or minor) shall be approved upon a finding the applicant demonstrates all of the following:

(a) Unnecessary hardship would result from the strict application of the ordinance. It shall not be necessary to demonstrate that, in the absence of the variance, no reasonable use can be made of the property.

(b) The hardship results from conditions that are peculiar to the property, such as location, size or topography. Hardships resulting from personal circumstances, as well as hardships resulting from conditions that are common to the neighborhood or the general public, may not be the basis for granting a variance.

(c) The hardship did not result from actions taken by the applicant or the

property owner. The act of purchasing property with knowledge that circumstances exist that may justify the granting of the variance shall not be regarded as a self-created hardship.

(d) The requested variance is consistent with the spirit, purpose, and intent of the ordinance, such that public safety is secured, and substantial justice is achieved.

2. Other Considerations

In addition to the making the required findings in subsection (1) above, the TRC and City Council, as applicable, may also consider the following:

(a) The watershed variance approval is the minimum necessary to make possible the reasonable use of the land, building, or structure.

(b) None of the following may be used as the basis for approving a watershed variance:

(1) Neither the nonconforming use of lands, buildings, or structures in the same zoning district, or the permitted use of lands, buildings, or structures in other zoning districts, or personal circumstances;

(2) Hardships resulting from factors other than application of the relevant standards of this Ordinance;

(3) The fact that land or a structure may be utilized more profitably or be more marketable with a variance; or

(4) Financial hardship.

F. Effect

1. Applicable (see Section 2.3.12, Effect of Development Approval).

2. The Planning and Development Director shall keep a record of all watershed variances in accordance with Section 6.2.14.D, Record Keeping.

G. Amendment

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

H. Expiration

An approved watershed variance is part of an approved plan and shall have the same duration as the original plan approval.

2.4.19. ZONING MAP AMENDMENT

A. Applicability

This section provides a uniform means for reviewing and deciding proposed amendments to the Official Zoning Map whenever the public necessity, general welfare, the City's adopted policy guidance, or appropriate land use practices justify or require doing so.

B. Zoning Map Amendment Procedure

1. Pre-Application Conference

Applicable (see Section 2.3.2, Pre-Application Conference).

2. Citizen Information Meeting

Applicable when a more intense zoning district classification is being requested (see Section 2.3.3, Citizen Information Meeting).

3. Application Submittal and Acceptance

(a) Applicable (see Section 2.3.4, Application Submittal and Acceptance).

(b) Applications may be initiated by the City Council or all landowner(s) of the land in the proposed Zoning Map Amendment application. (SL 1989-88)

(c) When required, a traffic impact analysis shall be submitted for review with the submittal of an application for a zoning map amendment. The procedure for preparation of a traffic impact analysis is described in the *Development Guide*.

4. Staff Review

(a) Applicable (see Section 2.3.5, Staff Review and Action).

(b) The Planning and Development Director shall review the application, prepare a staff report, and provide a recommendation in accordance with Section 2.4.19.C, Zoning Map Amendment Review Standards.

5. Public Notification

Applicable (see Section 2.3.6, Public Notification).

6. P&Z or HPC Review and Recommendation

(a) Applicable (see Section 2.3.8, Review by P&Z or HPC).

(b) If the application is for land located within a LHO district, the HPC, following a meeting, shall provide a recommendation on the application to the P&Z. The P&Z shall not make a recommendation until they receive a recommendation from the HPC.

(c) The P&Z, following a public hearing, shall make a recommendation on the application in accordance with Section 2.4.19.C, Zoning Map Amendment Review Standards, and shall comment on the application's consistency with applicable City adopted policy guidance.

7. City Council Review and Decision

(a) Applicable (see Section 2.3.9, Action by Decision-Making Body).

(b) The City Council, at the conclusion of a public hearing, shall decide the application in accordance with Section 2.4.19.C, Zoning Map Amendment Review Standards.

(c) The decision shall be one of the following:

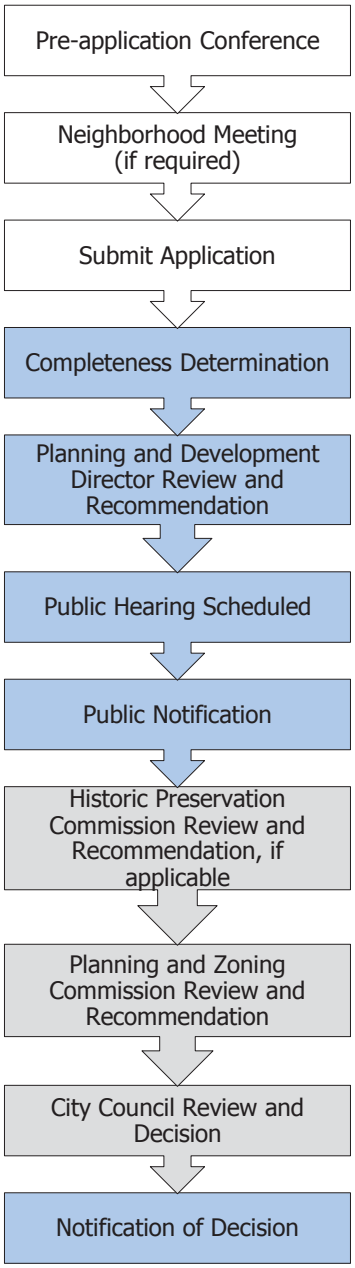
(1) Adoption of the zoning map amendment as proposed;

(2) Adoption of a revised zoning amendment;

(3) Denial of the zoning map amendment; or

(4) Remand of the zoning map amendment application to the P&Z for

ZONING MAP AMENDMENT



further consideration.

(d) In making its decision, the City Council shall adopt a written statement of consistency and reasonableness that:

(1) Describes whether the decision is consistent with the City's adopted policy guidance; and

(2) Explains why the decision is reasonable and in the public interest.

8. Designation on Official Zoning Map

The Planning and Development Director shall make changes to the Official Zoning Map promptly after approval of a map amendment application by the City Council.

C. Zoning Map Amendment Review Standards

The advisability of an amendment to the Official Zoning Map is a matter committed to the legislative discretion of the City Council and is not controlled by any one factor. In determining whether to adopt or deny a proposed zoning map amendment, the City Council may weigh the relevance of and consider the following:

1. Consistency with Adopted Plans

Whether and the extent to which the proposed zoning map amendment is appropriate for its proposed location, and is consistent with the purposes, goals, objectives, and policies of the City's adopted policy guidance.

2. Reasonableness/Public Interest

Whether an approval of the zoning map amendment is reasonable and in the public interest.

D. Effect

Applicable (see Section 2.3.12, Effect of Development Approval).

E. Amendment

Amendment of an approved zoning map amendment may only be reviewed and considered in accordance with the procedures and standards established for its original approval.

2.5. REVIEW PROCEDURES SUBJECT TO STAFF REVIEW AND DECISION

2.5.1. OVERVIEW

A. General

This section sets forth supplemental procedures, standards, and related information for each of the specific review procedures subject to staff review and decision, as identified in Table 2.1, Summary Development Review Table. They apply in addition to, or instead of, the standard procedures set forth in Section 2.3, Standard Review Procedures.

B. Structure of Procedures

1. For each type of development application reviewed under this Ordinance, the following sections state the applicability of a procedure, the steps in the procedure, the review standards for the application, and provisions addressing expiration and amendment, if applicable.
2. Development application provisions in this section are organized in alphabetical order in accordance with the sequence of procedures in Table 2.1, Summary Development Review Table.

C. Procedural Flowchart Legend

Each development application review procedure in this section includes a procedural flowchart that depicts the steps in the review process. White boxes indicate actions of the applicant. Light blue boxes indicate actions of City staff. Grey boxes indicate the decision-making step. Boxes with dashed lines show optional steps.

2.5.2. ADMINISTRATIVE ADJUSTMENT (TYPE I/TYPE II)

A. Applicability

This section provides an administrative mechanism for allowing minor adjustments to certain standards (e.g., setbacks) in this Ordinance, based on specific review criteria, with the intent of providing relief where application of a standard creates practical difficulties in allowing development that otherwise advances the purposes served by this Ordinance where the adjustment is compatible with the surrounding development.

B. Administrative Adjustments Distinguished

1. Type I Administrative Adjustment

A type I administrative adjustment is reviewed and decided by the Planning and Development Director and allows an adjustment of the standards in accordance with Section 2.5.2.C, Administrative Adjustment Amount, by up to 10 percent outside the Core City, and up to 20 percent in the Core City area.

2. Type II Administrative Adjustment

A type II administrative adjustment is reviewed and decided by the TRC and allows an adjustment to the standards in accordance with Section 2.5.2.C, Administrative Adjustment Amount, by up to 25 percent throughout the City.

C. Administrative Adjustment Amount

Table 2.5.2.C, Administrative Adjustment Amount, sets out the standards that may be adjusted through the administrative adjustment procedure and the maximum percentage of allowable adjustment.

TABLE 2.5.2.C: ADMINISTRATIVE ADJUSTMENT AMOUNT

Standard	Maximum Administrative Adjustment in Core City Area	Maximum Administrative Adjustment Outside Core City Area
Type I Administrative Adjustments		
Maximum building height (except where increases in maximum height are prohibited in this Ordinance)	20%	10%
Minimum building setbacks	20%	10%
Maximum residential density	20%	10%
Minimum required lot width	20%	10%
Minimum lot area	20%	10%
Minimum required parking spaces	20% [1]	10% [2]
Average landscape yard width	20%	10%
Minimum open space amount	20%	10%
Minimum active recreational area open space	20%	10%
Type II Administrative Adjustments		
Maximum cul-de-sac street length	20%	10%
Street right-of-way width	20%	10%
Street pavement width	20%	10%
Stopping sight distance	20%	10%
Centerline radius	20%	10%
Turnaround radius	20%	10%
Grades at intersection	20%	10%
Block length	20%	10%
NOTES [1] Allowed when other parking alternatives cannot be utilized. New construction and building addition space are not eligible for reduced parking. [2] Allowed for existing development to retrofit parking to conform to the landscaping regulations or to allow an existing or new development to preserve trees within or adjacent to a vehicular use area.		

D. Administrative Adjustment Procedure

1. Pre-Application Conference

Optional (see Section 2.3.2, Pre-Application Conference).

2. Application Submittal and Acceptance

Applicable (see Section 2.3.4, Application Submittal and Acceptance).

3. Staff Review and Action

(a) Applicable (see Section 2.3.5, Staff Review and Action).

(b) The Planning and Development Director shall review and decide applications for a type I administrative adjustment in accordance with Section 2.5.2.E,

Administrative Adjustment Review Standards.

(c) The TRC shall review and decide applications for a type II administrative adjustment in accordance with Section 2.5.2.E, Administrative Adjustment Review Standards.

E. Administrative Adjustment Review Standards

An administrative adjustment shall be approved on a decision the applicant demonstrates all of the following:

1. The administrative adjustment is consistent with the thresholds for a type I or type II administrative adjustment established in this section;

2. The administrative adjustment is consistent with the character of development on surrounding land, and is compatible with surrounding land uses;

3. The administrative adjustment is either:

(a) Required to compensate for some unusual aspect of the site or the proposed development that is not shared by landowners in general;

(b) Supports an objective or goal from the purpose and intent statements of the zoning district where it is located; or

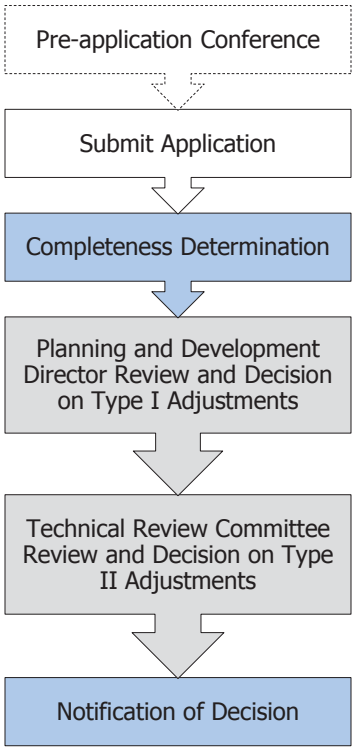
(c) Saves healthy existing trees;

4. The administrative adjustment will not pose a danger to the public health or safety;

5. Adverse impacts resulting from the administrative adjustment will be fully mitigated; and

6. The development standard being adjusted is not the subject of a previously approved administrative adjustment on the same site.

TYPE I & TYPE II ADMINISTRATIVE ADJUSTMENT



F. Conditions of Approval

Applicable (see Section 2.3.10, Conditions of Approval).

G. Effect

An administrative adjustment shall be reviewed and decided prior to the other applications with which it is submitted. (For example, if an administrative adjustment application is submitted in conjunction with a site plan application because the administrative adjustment is needed to achieve the plan for development in the site plan, the administrative adjustment application shall be reviewed and decided prior to the approval of the site plan application.)

H. Amendment

Amendment of an administrative adjustment may only be reviewed and considered in accordance with the procedures and standards established for its original approval.

I. Expiration

If an administrative adjustment is associated with another permit or development approval, the expiration of the administrative adjustment shall be the same as the permit or development approval with which it is associated.

J. Appeal

Applicable (see Section 2.4.2, Appeal).

2.5.3. BUILDING PERMIT

A. Applicability

Unless exempted in accordance with the State Building Code, no construction, addition, alteration, repair, movement to another site, removal, or demolition of any building or structure may occur until a building permit is approved in accordance with the procedures and standards of this section.

B. Building Permit Procedure

1. Pre-Application Conference

Optional (see Section 2.3.2, Pre-Application Conference).

2. Application Submittal and Acceptance

Applicable (see Section 2.3.4, Application Submittal and Acceptance).

3. Staff Review and Action

(a) Applicable (see Section 2.3.5, Staff Review and Action).

(b) The Planning and Development Director shall review and decide the application for a building permit in accordance with Section 2.5.3.C, Building Permit Review Standards.

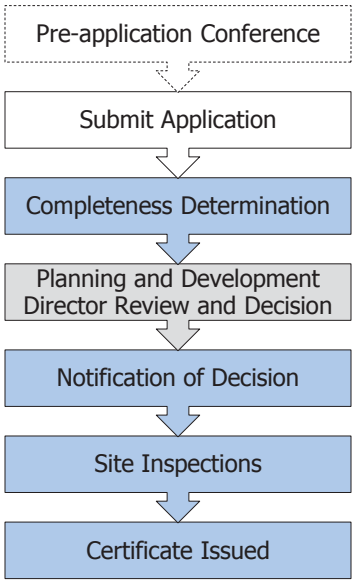
(c) All applications for a building permit shall also be granted a certificate of occupancy or a certificate of compliance upon satisfactory completion of all required building and site inspections in accordance with Section 2.5.3.C, Building Permit Review Standards.

(d) A temporary certificate of occupancy may be issued by the Planning and Development Director prior to the completion of all construction or changes if occupancy will not violate any health or safety considerations of any applicable codes.

(1) The Planning and Development Director shall specify the duration of the temporary certificate of occupancy, which shall not exceed 90 days.

(2) If all remaining work is not completed within the specified timeframe of the temporary certificate of occupancy, the Planning and Development Director shall order the applicant to cease occupancy immediately. Occupancy shall not recommence until a certificate of occupancy is obtained in accordance with this section.

BUILDING PERMIT



(e) The Planning and Development Director may require the applicant to submit a financial guarantee (see Section 7.2, Financial Guarantees) in an amount necessary to ensure that any work not completed as specified in the development permit or approval will be completed within the specified timeframe for a certificate of occupancy or a temporary certificate of

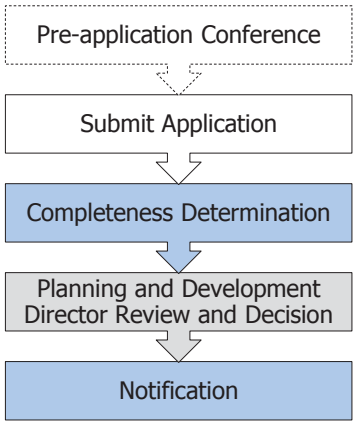
occupancy.

C. Building Permit Review Standards

A building permit shall be issued and a certificate of occupancy granted on a decision that the application complies with:

1. The State Building Code;
2. The applicable requirements of the county Health Department;
3. All standards or conditions of any prior, applicable permits and development approvals; and
4. All other applicable requirements of this Ordinance and the City Code of Ordinances.

DETERMINATION



D. Effect

Applicable (see Section 2.3.12, Effect of Development Approval).

E. Amendment

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

F. Expiration

1. A building permit shall expire and become null and void if the development it authorizes is not commenced within 6 months of the permit issuance.
2. If development authorized by a building permit commences but is discontinued for a continuous period of 12 months, the permit shall expire and become null and void.

G. Appeal

An appeal of a decision on a building permit may be filed with the North Carolina Commissioner of Insurance, in accordance with Section 160A-434 of the North Carolina General Statutes.

2.5.4. DETERMINATION

A. Applicability

The Planning and Development Director is responsible for written determinations of all provisions of this Ordinance, including, but not limited to:

1. Determinations of the meaning of the text;
2. Determinations of the zoning district boundaries on the Official Zoning Map;
3. Determinations of whether an unlisted use in Table 4.1.9, Principal Use Table, is comparable to a listed use or not, and should be allowed in a zoning district or prohibited in that district; and
4. Determinations of compliance with a condition of approval.

B. Determination Procedure

1. Pre-Application Conference

Optional (see Section 2.3.2, Pre-Application Conference).

2. Application Submittal and Acceptance

(a) Applicable (see Section 2.3.4, Application Submittal and Acceptance).

(b) An application for a formal written determination may be initiated by any person having an interest in the matter in question.

3. Staff Review and Action

(a) Applicable (see Section 2.3.5, Staff Review and Action).

(b) The Planning and Development Director shall review the request and make determinations in accordance with Section 2.5.4.C, Determination Review Standards.

(c) The Planning and Development Director may request additional information as necessary to make a determination.

(d) Prior to rendering a determination the Planning and Development Director may consult with the City Attorney and other affected City officials.

C. Determination Review Standards

1. Zoning District Map Boundaries

Determination of zoning district boundaries on the Official Zoning Map shall be in accordance with the standards in Section 3.1.5.C, Interpretation of Official Map Boundaries, and consistent with the City's adopted policy guidance.

2. Unlisted Uses

Determination of whether an unlisted use is similar to a use identified in Table 4.1.9, Principal Use Table, shall be based on consistency with the City's adopted policy guidance and the following standards:

(a) The function, product, or physical characteristics of the use;

(b) The impact on adjacent lands created by the use;

(c) The type, size, and nature of buildings and structures associated with the use;

(d) The type of sales (retail, wholesale), and the size and type of items sold and displayed on the premises;

(e) The types of items stored (such as vehicles, inventory, merchandise, chemicals, construction materials, scrap and junk, and raw materials including liquids and powders);

(f) The volume and type of vehicle traffic generated by the use, and the parking demands of the use;

(g) Any processing associated with the use, including assembly, manufacturing, warehousing, shipping, distribution, and whether it occurs inside or outside a building;

(h) Any dangerous, hazardous, toxic, or explosive materials associated with the use;

(i) The amount and nature of any nuisances generated on the premises, including but not limited to noise, smoke, odor, glare, vibration, radiation, and fumes; and

(j) Any prior determinations made by the Planning and Development Director or decisions made by the BOA.

3. Text Provisions

Determination of the text and its application shall be based on the standards in Section 10.1, General Rules for Interpretation, and the following considerations:

(a) The clear and plain meaning of the provision's wording, as defined by the meaning and significance given specific terms used in the provision—as established in Section 10.4, Definitions, and by the common and accepted

usage of the term;

(b) The intended purpose of the provision, as indicated by purpose statements, its context and consistency with surrounding and related provisions, and any legislative history related to its adoption;

(c) The general purposes served by this Ordinance, as set forth in Section 1.3, General Purpose and Intent; and

(d) Consistency with the City's adopted policy guidance.

D. Effect

1. General

(a) A written determination shall be binding on subsequent decisions by the Planning and Development Director or other administrative officials in applying the same provision of this Ordinance or the Official Zoning Map in the same circumstance, unless the determination is modified in accordance with this section, or the text of this Ordinance is amended.

(b) The Planning and Development Director shall maintain a record of written determinations in the *Development Guide* that shall be available in the Planning and Development Department for public inspection, on reasonable request, during normal business hours.

2. Approval of Unlisted Use

(a) After the Planning and Development Director determines the use category or use type in which the unlisted use is best classified as well as the land use intensity score, then the unlisted use shall be subject to all applicable requirements of that use category or use type.

(b) After making a determination of an unlisted use, the Planning and Development Director shall determine whether the unlisted use is likely to be common or recur frequently, and whether its omission is likely to lead to uncertainty and confusion. On determining that the unlisted use is likely to be common and would lead to confusion if unlisted, the Planning and Development Director shall initiate an application for a text amendment. Until final action is taken on the text amendment, the Planning and Development Director's decision shall be binding.

(c) If after making a determination of an unlisted use, the Planning and Development Director determines that the unlisted use is of an unusual or transitory nature, and unlikely to recur frequently, the determination shall be binding without further action or amendment of this Ordinance.

E. Appeal

Applicable (see Section 2.4.2, Appeal).

2.5.5. EASEMENT RECONVEYANCE

A. Applicability

This section provides a procedure for the City to transfer a recorded, but unnecessary access, utility, drainage, conservation, or other easement back to one or more landowners.

B. Easement Reconveyance Procedure

1. Pre-Application Conference

Optional (see Section 2.3.2, Pre-Application Conference).

2. Application Submittal and Acceptance

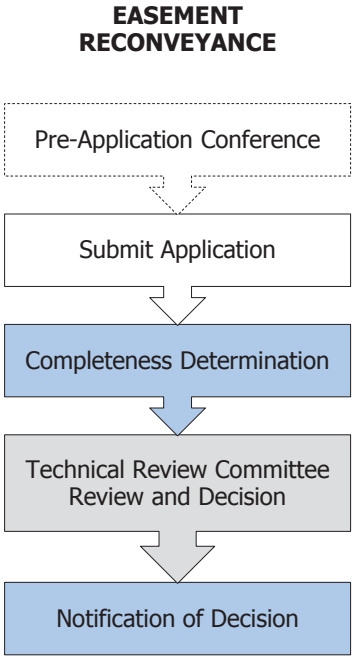
Applicable (see Section 2.3.4, Application Submittal and Acceptance).

3. Staff Review and Action

(a) Applicable (see Section 2.3.5, Staff Review and Action).

(b) The TRC shall review and decide the application in accordance with Section 2.5.5.C, Easement Reconveyance Review Standards.

(c) Following a decision on the reconveyance application by the TRC, the City Attorney shall prepare a quitclaim deed that is signed by the Mayor.



C. Easement Reconveyance Review Standards

An easement reconveyance shall be approved on a decision that the application complies with:

1. The easement being reconveyed is no longer required and is not likely to be needed in the future;

2. Reconveyance of all or a portion of an easement will not impair the City's ability to provide necessary municipal services;

3. Reconveyance will not convey a right or obligation to one landowner over another similarly situated landowner; and

4. The proposed reconveyance would be in the best interest of the public.

D. Conditions of Approval

Applicable (see Section 2.3.10, Conditions of Approval).

E. Appeal

Applicable (see Section 2.4.2, Appeal).

2.5.6. EXCLUSION MAP

A. Applicability

This section provides a procedure, in accordance with Section 160A-376 of the North Carolina General Statutes, for exclusion of the following divisions of land from the subdivision requirements of this Ordinance:

1. A combination or recombination of portions of previously subdivided and recorded lots that does not increase the total number of lots, and the resultant lots are equal to or exceed the standards of this Ordinance;
2. The division of land into parcels greater than 10 acres where no street right-of-way dedication is involved;
3. Public acquisition involving the purchase of strips of land for the widening or opening of streets; or
4. Division of a tract of land in single ownership, where the total area is no greater than 2 acres, the division creates no more than 3 lots, where no street right-of-way dedication is involved, and the resultant lots are equal to or exceed the standards of this Ordinance.

B. Exclusion Map Review Procedure

1. Pre-Application Conference

Optional (see Section 2.3.2, Pre-Application Conference).

2. Application Submittal and Acceptance

Applicable (see Section 2.3.4, Application Submittal and Acceptance).

3. Staff Review and Action

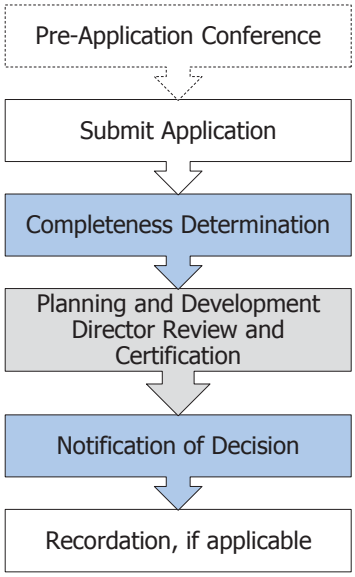
(a) Applicable (see Section 2.3.5, Staff Review and Action).

(b) The Planning and Development Director shall review the application in accordance with Section 2.5.6.C, Exclusion Map Review Standards, and certify that the land division qualifies as an exclusion map. If certified, the land division shall be certified exempt from the standards and procedures in Section 2.5.11, Preliminary Plat.

4. Recordation

If an exclusion map is prepared, and certified by the Planning and Development Director, it may be recorded in the office of the Register of Deeds for the county where the land is located.

EXCLUSION MAP



C. Exclusion Map Review Standards

A division of land shall be certified as an exclusion map if it:

1. Is excluded from the definition of a subdivision in accordance with Section 160A-376 of the North Carolina General Statutes; and
2. Complies with all applicable standards in Chapter 3: Zoning Districts; and
3. Complies with all standards or conditions of any prior applicable permits and development approvals; and
4. Complies with all other prior applicable requirements of this Ordinance and the City Code of Ordinances.

D. Effect

Applicable (see Section 2.3.12, Effect of Development Approval).

E. Amendment

Amendment of an exclusion map may only be reviewed and considered in accordance with the procedures and standards established for its original approval.

F. Appeal

Applicable (see Section 2.4.2, Appeal).

2.5.7. FINAL PLAT

A. Applicability

A final plat, reviewed and approved in accordance with this section, shall be required for all subdivisions of land required to obtain a preliminary plat under this Ordinance. A landowner shall not submit an application for final plat review until a preliminary plat is approved and all required improvements serving the subdivision are installed and inspected by the City, or the developer provides a financial guarantee in accordance with Section 7.2, Financial Guarantees.

B. Final Plat Review Procedure

1. Pre-Application Conference

Optional (see Section 2.3.2, Pre-Application Conference).

2. Application Submittal and Acceptance

Applicable (see Section 2.3.4, Application Submittal and Acceptance).

3. Staff Review and Action

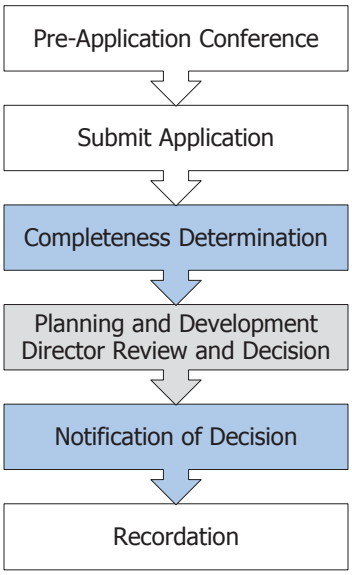
(a) Applicable (see Section 2.3.5, Staff Review and Action).

(b) The Planning and Development Director shall review and decide the application in accordance with Section 2.5.7.C, Final Plat Review Standards.

4. Recordation

Once a final plat is approved, a signed statement by the Planning and Development Director shall be entered on the face of the plat. The final plat may not be recorded without this certification. Failure to record the final plat in accordance with Section 2.5.7.F, Expiration, shall render the plat null and void.

FINAL PLAT



C. Final Plat Review Standards

A final plat shall be approved on a decision that the application complies with the following:

1. The final plat is prepared and sealed by a licensed professional land surveyor or professional engineer.

2. The final plat is in substantial conformance with the preliminary plat and all applicable requirements in Chapter 7: Subdivision Standards;

3. All required improvements depicted on the preliminary plat and final plat are installed and inspected by the City, or are subject to a financial guarantee (see Section 7.2, Financial Guarantees);

4. The final plat complies with all standards and conditions of any applicable permits and development approvals; and
5. The final plat complies with all other applicable requirements of this Ordinance and the City Code of Ordinances.

D. Effect

1. General

Approval of a final plat allows the sale or conveyance of lots within the subdivision. Building permits may be issued following recordation of the final plat.

2. Acceptance of Public Infrastructure

(a) Approval and recordation of a final plat constitutes dedication by the owner and acceptance by the City and the public of the right-of-way of each public street, alley or utility easement shown on the plat.

(b) Approval of the final plat does not constitute acceptance for maintenance responsibility of any improvements within such right-of-way or easement and the City assumes no responsibility to open, operate, repair, or maintain any improvements until it is in the public interest to do so. Improvements within such right-of-ways or easements, such as utilities, streets, drainage facilities or sidewalks may be accepted for maintenance by the City Council or the Engineering Services Director, when appropriate.

(c) The subdivider shall retain responsibility for public improvements until maintenance responsibility is accepted by the City, NCDOT, or a public utility provider, as appropriate.

E. Amendment

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

F. Expiration

1. A final plat shall be null and void unless it is recorded in the office of the Register of Deeds for the county where the development is located within 60 days of approval.
2. If a final plat is not recorded within 2 years of the associated preliminary plat approval, or if there is a lapse of more than 2 years between the recording of different sections or phases, then the preliminary plat shall expire.
3. An expired preliminary plat may be resubmitted in accordance with Section 2.5.11, Preliminary Plat, and shall be reviewed in accordance with the standards of this Ordinance.

G. Appeal

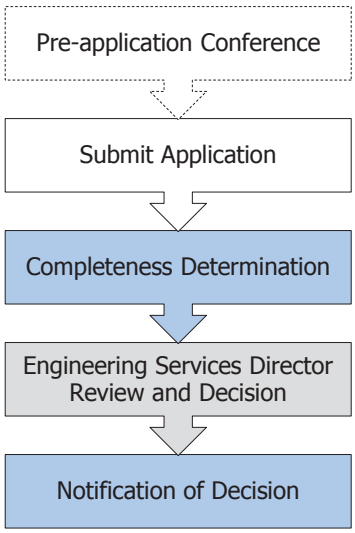
Applicable (see Section 2.4.2, Appeal).

2.5.8. FLOODPLAIN DEVELOPMENT PERMIT

A. Applicability

To reduce the potential for damage to land and life from flooding or floodwaters, development proposed on land in a special flood hazard area within the City's zoning jurisdiction shall obtain a floodplain development permit in accordance with this section prior to or concurrent with an application for a site plan, group development, building permit, or zoning compliance permit, as appropriate.

B. Floodplain Development Permit Procedure



1. Pre-Application Conference

Optional (see Section 2.3.2, Pre-Application Conference).

2. Application Submittal and Acceptance

Applicable (see Section 2.3.4, Application Submittal and Acceptance).

3. Staff Review and Action

(a) Applicable (see Section 2.3.5, Staff Review and Action).

(b) The Engineering Services Director shall review and decide the application in accordance with Section 2.5.8.C, Floodplain Development Permit Review Standards.

C. Floodplain Development Permit Review Standards

A floodplain development permit shall be approved on a decision that the application complies with the following:

1. The permit is issued prior to the commencement of development; and

2. The development complies with all applicable standards in Section 6.4, Flood Damage Prevention.

D. Conditions of Approval

Applicable (see Section 2.3.10, Conditions of Approval).

E. Effect

Approval of a floodplain development permit authorizes an applicant to obtain all required elevation certificates or other required certificates and proceed with development following issuance of a building permit.

F. Amendment

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

G. Expiration

A floodplain development permit shall expire and become null and void if the development it authorizes is not commenced within 6 months of permit issuance.

H. Appeal

Applicable (see Section 2.4.2, Appeal).

2.5.9. GROUP DEVELOPMENT

A. Applicability

Group development review is applicable to any land development subject to a site plan that includes 2 or more principal buildings (without a subdivision of land) for the purpose of

development (whether immediate or in the future) to be occupied by separate families, firms, businesses, or other enterprises.

B. Group Development Review Procedure

1. Pre-Application Conference

Optional (see Section 2.3.2, Pre-Application Conference).

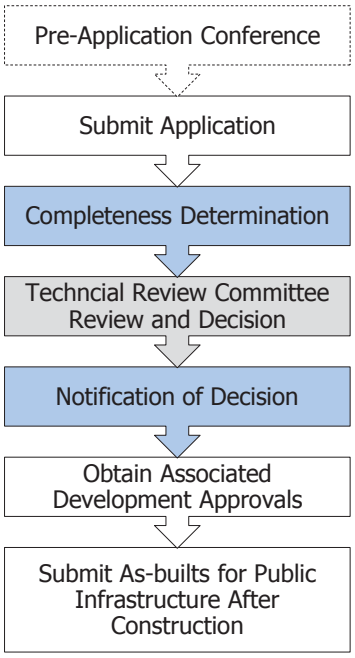
2. Application Submittal and Acceptance

(a) Applicable (see Section 2.3.4, Application Submittal and Acceptance).

(b) When required, a traffic impact analysis shall be submitted for review with the application for a group development. The procedure for preparation of a traffic impact analysis is described in the *Development Guide*.

(c) If a watershed development plan, landscape plan, or land disturbance plan approval are required, they shall be obtained concurrently with the group development approval.

GROUP DEVELOPMENT



3. Staff Review and Action

(a) Applicable (see Section 2.3.5, Staff Review and Action).

(b) The TRC shall review and decide the application in accordance with Section 2.5.9.C, Group Development Review Standards.

(c) The TRC may grant conditional approval of a group development pending additional revision by the applicant. In the case of a conditional approval, the applicant shall revise the group development to address all TRC comments and re-submit the revised plan to the Planning and Development Director, who shall convert the conditional group development approval to an approved group development, upon finding the revised group development complies with all TRC comments. Failure to submit a revised group development shall render the conditional approval null and void.

C. Group Development Review Standards

A group development shall be approved on a decision that the application complies with the following:

1. All standards or conditions of any prior applicable permits and development approvals; and

2. All applicable requirements of this Ordinance and the City Code of Ordinances.

D. Conditions of Approval

Applicable (see Section 2.3.10, Conditions of Approval).

E. Effect

1. General

Approval of a group development plan authorizes the submittal of street and utility plans, if applicable, and the submittal of an application for a building permit in accordance with Section 2.5.3, Building Permit.

2. Street and Utility Construction Plans

(a) Street and utility construction plans for all public improvements associated with the group development shall be approved prior to street and utility construction in accordance with Section 7.1.3. Street and Utility Construction.

(b) In the case of a multi-phase group development, street and utility construction plans shall include all improvements within a phase and all public improvements outside the phase but necessary to serve development within that phase.

3. Land Disturbance Permit

Upon issuance of a land disturbance permit in accordance with Section 2.5.10, Land Disturbance Permit, any approved soil erosion and sedimentation control devices, and approved permanent runoff control structures may be installed prior to the approval of street and utility construction plans in accordance with Section 7.1.5, Permanent Runoff Control Structures/Soil Erosion and Sedimentation Control Devices.

4. Financial Guarantees

All public improvements that have not been installed by the developer and inspected and accepted by the City shall comply with the requirements in Section 7.2, Financial Guarantees, prior to the issuance of a certificate of occupancy.

5. As-Built Plans

As-built plans for all public improvements shall be submitted in accordance with Section 7.2.4, As-Built Plans Required.

F. Amendment

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

G. Expiration

Group development approval shall expire and become null and void if the development approved in the plan does not begin within 18 months of issuance of the group development approval.

H. Appeal

Applicable (see Section 2.4.2, Appeal).

2.5.10. LAND DISTURBANCE PERMIT

A. Applicability

In order to avoid groundwater contamination, sediment accumulation in drainage conveyances and surface waters, and unnecessary loss of erodible soils, land-disturbing activities specified in Section 6.3.1, Applicability require approval of a land-disturbance permit in accordance with this section, prior to commencement.

B. Land Disturbance Permit Procedure

1. Pre-Application Conference

Optional (see Section 2.3.2, Pre-Application Conference).

2. Application Submittal and Acceptance

Applicable (see Section 2.3.4, Application Submittal and Acceptance).

3. Staff Review and Action

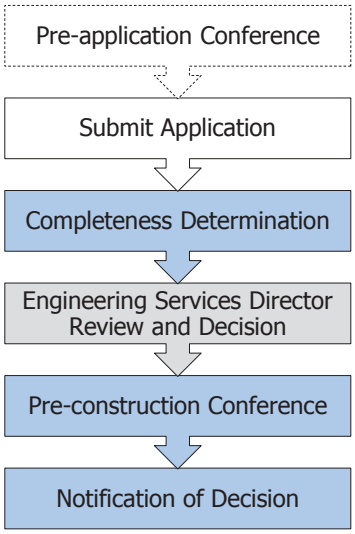
(a) Applicable (see Section 2.3.5, Staff Review and Action).

(b) The Engineering Services Director shall review and decide the application in accordance with Section 2.5.10.C, Land Disturbance Permit Review Standards.

(c) A pre-construction conference shall be conducted on-site with the applicant.

(d) Following the pre-construction conference, the Engineering Services Director shall issue the land disturbance permit.

LAND DISTURBANCE PERMIT



C. Land Disturbance Permit Review Standards

A land disturbance permit shall be approved in accordance with a soil erosion and control plan developed in accordance with Section 6.3, Soil Erosion and Sedimentation.

D. Conditions of Approval

Applicable (see Section 2.3.10, Conditions of Approval).

E. Effect

1. Applicable (see Section 2.3.12, Effect of Development Approval).

2. The applicant shall post the approved land disturbance permit in a prominent location on the site where the land disturbance is occurring at all times while it is in effect.

F. Amendment

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

G. Expiration

1. The land disturbance permit shall be null and void if work authorized is not completed within 1 year from the issuance of the permit.

2. The Engineering Services Director may, on receipt of a written request for an extension filed at least 30 days prior to the expiration date, renew a land disturbance permit for an additional 180 days, for good cause.

H. Appeal

Applicable (see Section 2.4.2, Appeal).

2.5.11. PRELIMINARY PLAT

A. Applicability

Unless exempted in accordance with Section 2.5.6, Exclusion Map, all divisions of land shall comply with the provisions of this section.

B. Preliminary Plat Review Procedure

1. Pre-Application Conference

Optional (see Section 2.3.2, Pre-Application Conference).

2. Sketch Plan Review

(a) A sketch plan for land subject to a preliminary plat shall be reviewed by the TRC prior to submittal of an application for a preliminary plat in the following instances:

(1) The applicant for a preliminary plat owns land adjacent to the preliminary plat, but the land under common ownership is not included in the preliminary plat application; or

(2) The preliminary plat includes more than 50 lots.

(b) A sketch plan shall be prepared in accordance with the *Development Guide*.

(c) Following the review of a sketch plan, an applicant may file an application for a preliminary plat.

(d) Applicants are encouraged to file sketch plans, even when not required.

3. Application Submittal and Acceptance

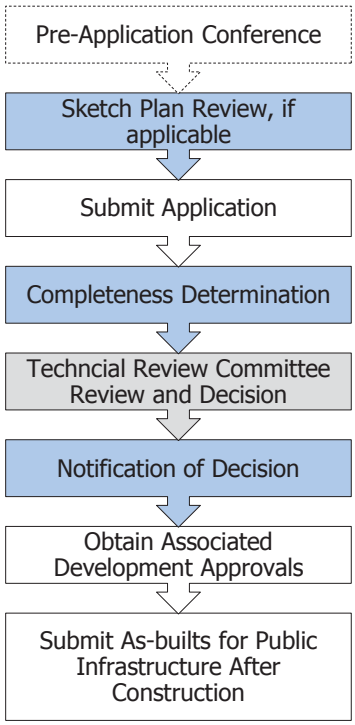
(a) Applicable (see Section 2.3.4, Application Submittal and Acceptance).

(b) A preliminary plat shall be prepared by a licensed professional surveyor, registered professional landscape architect, or licensed professional engineer, and shall be prepared in accordance with the *Development Guide*.

(c) When required, a traffic impact analysis shall be submitted for review with the submittal of a preliminary plat application. The procedure for preparation of a traffic impact analysis is described in the *Development Guide*.

(d) If a watershed development plan approval is required, it shall be obtained concurrent with preliminary plat approval.

PRELIMINARY PLAT



4. Staff Review and Action

(a) Applicable (see Section 2.3.5, Staff Review and Action).

(b) The TRC shall decide an application for a preliminary plat in accordance with Section 2.5.11.C, Preliminary Plat Review Standards.

(c) The TRC may grant conditional approval of a preliminary plat. In the case of a conditional approval, the applicant shall revise the preliminary plat to address the conditions of approval and re-submit the revised plat to the Planning and Development Director, who shall convert the conditional approval to an approval upon finding the revised preliminary plat complies with all conditions of approval. If the plat is not revised within 60 days of a conditional approval, then it shall be deemed denied.

(d) If the preliminary plat is denied, then the reasons shall be stated in writing. The applicant may revise and resubmit a preliminary plat that has been denied.

C. Preliminary Plat Review Standards

An application for a preliminary plat shall be approved on a decision that the application complies with:

1. All applicable standards in Chapter 7: Subdivision Standards;

2. All standards or conditions of any prior applicable permits and development approvals; and

3. All other applicable requirements of this Ordinance and in the City Code of Ordinances.

D. Effect

1. General

Approval of a preliminary plat authorizes the submittal of street and utility construction plans, and soil erosion and sedimentation control plans.

2. Street and Utility Construction Plans

(a) Street and utility construction plans for all public improvements associated with the preliminary plat shall be approved prior to street and utility construction and prior to the approval of a final plat in accordance with Section 7.1.3, Street and Utility Construction.

(b) In the case of a multi-phase subdivision, street and utility construction plans shall include all improvements within a phase and all public improvements outside the phase but necessary to serve development within that phase.

3. Land Disturbance Permit

An approved preliminary plat authorizes the submittal of soil erosion and sedimentation control plans and the issuance of a land disturbance permit in accordance with Section 2.5.10, Land Disturbance Permit. Any approved soil erosion and sedimentation control devices, and approved permanent runoff control structures may be installed prior to the approval of street and utility construction plans in accordance with Section 7.1.5, Permanent Runoff Control Structures/Soil Erosion and Sedimentation Control Devices.

4. Final Plat

An approved preliminary plat, along with approved street and utility construction plans, allows the applicant to submit for final plat approval in accordance with Section 2.5.7, Final Plat.

5. Financial Guarantees

All public improvements that have not been installed by the developer, and inspected and accepted by the City shall comply with the requirements in Section 7.2, Financial Guarantees, prior to the recordation of a final plat.

6. As-Built Plans

As-built plans for all public improvements shall be submitted in accordance with Section 7.2.4, As-Built Plans Required.

E. Amendment

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

F. Expiration

An approved preliminary plat shall be valid for two years from the date of approval and may be extended in accordance with Section 2.5.7, Final Plat.

G. Appeal

Applicable (See Section 2.4.2, Appeal).

2.5.12. PUBLIC TREE CERTIFICATE

A. Applicability

Unless exempted in accordance with Section 6.1.3.B, Exemptions, activity that involves the planting, removal, trimming, or below grade excavation within the critical root zone of trees within a street right-of-way, park, City facility, or other areas owned or controlled by the City shall require approval of a public tree certificate in accordance with the standards of this section.

B. Public Tree Certificate Review Procedure

1. Pre-Application Conference

Optional (see Section 2.3.2, Pre-Application Conference).

2. Application Submittal and Acceptance

(a) Applicable (see Section 2.3.4, Application Submittal and Acceptance).

(b) An application may be initiated by the City or any person.

3. Staff Review and Action

(a) Applicable (see Section 2.3.5, Staff Review and Action).

(b) The Urban Forestry Committee shall review and decide the application in accordance with Section 2.5.12.C, Public Tree Certificate Review Standards.

C. Public Tree Certificate Review Standards

A public tree certificate shall be approved on a decision the application complies with:

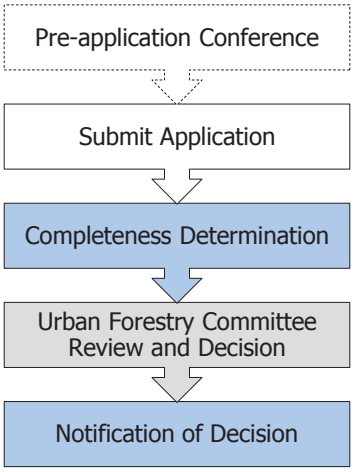
1. The standards in Section 6.1, Public Tree Protection;

2. The guidelines in *The City of High Point Guidelines and Standard Practices for Trees*;

3. All standards or conditions of any prior applicable permits and development approvals; and

4. All other applicable requirements of this Ordinance and in the City Code of Ordinances.

PUBLIC TREE CERTIFICATE



D. Conditions of Approval

Applicable (see Section 2.3.10, Conditions of Approval).

E. Effect

Approval of a public tree certificate entitles removal, pruning, or planting of trees within a street right-of-way, park, City facility, or other areas owned or controlled by the City.

F. Amendment

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

G. Expiration

A public tree certificate shall expire and become null and void if the activity it authorized is not commenced within 12 months of certificate issuance, or a different time period as approved by the UFC.

H. Appeal

Applicable (See Section 2.4.2, Appeal).

2.5.13. SIGN PERMIT

A. Applicability

All signs, unless exempted in accordance with Section 5.7, Signage, shall obtain a sign permit in accordance with this section before being erected, replaced, relocated, or altered.

B. Sign Permit Procedure

1. Pre-Application Conference

Optional (see Section 2.3.2, Pre-Application Conference).

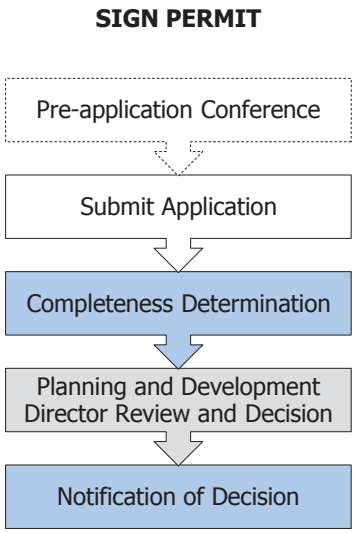
2. Application Submittal and Acceptance

Applicable (see Section 2.3.4, Application Submittal and Acceptance).

3. Staff Review and Action

(a) Applicable (see Section 2.3.5, Staff Review and Action).

(b) The Planning and Development Director shall review and decide the application in accordance with Section 2.5.13.C, Sign Permit Review Standards.



C. Sign Permit Review Standards

A sign permit shall be approved on a decision the application complies with:

1. The standards in Section 5.7, Signage;
2. The State Building Code;
3. All standards or conditions of any prior applicable permits and developments approvals; and
4. All other applicable requirements of this Ordinance and in the City Code of Ordinances.

D. Conditions of Approval

Applicable (see Section 2.3.10, Conditions of Approval).

E. Effect

Applicable (see Section 2.3.12, Effect of Development Approval).

F. Amendment

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

G. Expiration

If the work authorized by a sign permit is not commenced within 6 months from the date of issuance, the permit shall become null and void.

H. Appeal

Applicable (See Section 2.4.2, Appeal).

2.5.14. SITE PLAN

A. Applicability

Site plan review is applicable to any development activity that includes constructing a building or increasing the amount of impervious surface other than a group development, single-family detached dwelling, duplex, including their accessory buildings.

B. Site Plan Review Procedure

1. Pre-Application Conference

Optional (see Section 2.3.2, Pre-Application Conference).

2. Application Submittal and Acceptance

(a) Applicable (see Section 2.3.4, Application Submittal and Acceptance).

(b) When required, a traffic impact analysis shall be submitted for review with a site plan application. The procedure for preparation of a traffic impact analysis is described in the *Development Guide*.

(c) If a watershed development plan, landscape plan, or land disturbance plan is required, they shall be obtained concurrently with the site plan approval.

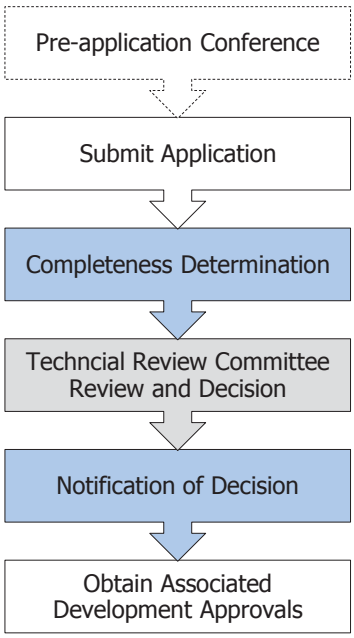
3. Review and Action

(a) Applicable (see Section 2.3.5, Staff Review and Action).

(b) The TRC shall review and decide the application in accordance with Section 2.5.14.C, Site Plan Review Standards.

(c) The TRC may grant conditional approval of a site plan pending additional revision by the applicant. In the case of a conditional approval, the applicant shall revise the site plan to address all TRC comments and re-submit the revised plan to the Planning and Development Director, who shall convert the conditional site plan approval to an approval, upon finding the revised site plan complies with all TRC comments. Failure to submit a revised site plan shall render the conditional approval null and void.

SITE PLAN



C. Site Plan Review Standards

A site plan shall be approved on a decision the application complies with:

1. All standards or conditions of any prior applicable permits and development approvals; and

2. All applicable requirements of this Ordinance and the City Code of Ordinances.

D. Conditions of Approval

Applicable (see Section 2.3.10, Conditions of Approval).

E. Effect

1. General

Approval of a site plan authorizes the submittal of street and utility construction plans, if applicable, and the submittal of an application for a building permit in accordance with Section 2.5.3, Building Permit, or for a zoning compliance permit is accordance with Section 2.5.15, Zoning Compliance Permit.

2. Street and Utility Construction Plans

(a) Street and utility construction plans for all public improvements associated with the site plan shall be approved prior to street and utility construction and prior to the approval of a final plat in accordance with Section 7.1.3, Street and Utility Construction.

(b) In the case of a multi-phase site plan, street and utility construction plans shall include all improvements within a phase and all public improvements outside the phase but necessary to serve development within that phase.

3. Land Disturbance Permit

Upon issuance of a land disturbance permit in accordance with Section 2.5.10, Land Disturbance Permit, any approved soil erosion and sedimentation control devices, and approved permanent runoff control structures may be installed prior to the approval of street and utility construction plans in accordance with Section 7.1.5, Permanent Runoff Control Structures/Soil Erosion and Sedimentation Control Devices.

4. Financial Guarantees

All public improvements that have not been installed by the developer, and inspected and accepted by the City shall comply with the requirements in Section 7.2, Financial Guarantees, prior to issuance of a certificate of occupancy.

5. As-Built Plans

As-built plans for all public improvements shall be submitted in accordance with Section 7.2.4, As-Built Plans Required.

F. Amendment

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

G. Expiration

Site plan approval shall expire and become null and void if the development approved in the site plan does not begin within 18 months of issuance of the site plan approval.

H. Appeal

Applicable (See Section 2.4.2, Appeal).

2.5.15. ZONING COMPLIANCE PERMIT

A. Applicability

Approval of a zoning compliance permit is required for development that does not require a building permit (such as accessory buildings with no horizontal dimension greater than 12 feet, outdoor storage activities, fences, and temporary uses).

B. Zoning Compliance Permit Procedure

1. Pre-Application Conference

Optional (see Section 2.3.2, Pre-Application Conference).

2. Application Submittal and Acceptance

Applicable (see Section 2.3.4, Application Submittal and Acceptance).

3. Staff Review and Action

(a) Applicable (see Section 2.3.5, Staff Review and Action).

(b) The Planning and Development Director shall review and decide the application in accordance with Section 2.5.15.C, Zoning Compliance Permit Review Standards.

C. Zoning Compliance Permit Review Standards

1. Temporary Uses

Temporary uses shall comply with the standards in Section 4.5, Temporary Uses.

2. All Other Uses

A zoning compliance permit shall be approved on a decision the application complies with:

(a) All standards or conditions of any prior applicable permits and developments approvals; and

(b) All applicable requirements of this Ordinance and in the City Code of Ordinances.

D. Conditions of Approval

Applicable (see Section 2.3.10, Conditions of Approval).

E. Effect

Approval of a zoning compliance permit authorizes an applicant to commence construction or move forward with the approved development.

F. Amendment

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

G. Expiration

1. Temporary Uses

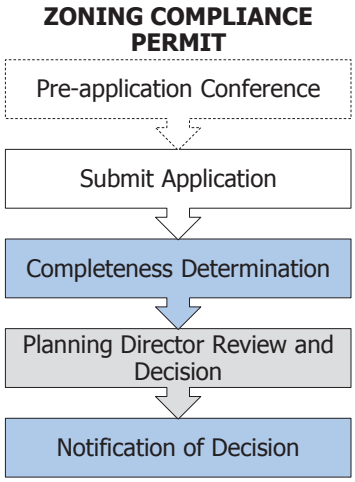
A zoning compliance permit for a temporary use is effective on the date of approval and shall remain effective for the time period indicated in the permit.

2. All Other Development

A zoning compliance permit shall expire and become null and void if development it authorizes is not commenced within 180 days of permit issuance.

H. Appeal

Applicable (See Section 2.4.2, Appeal).



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CHAPTER 3: ZONING DISTRICTS

3.1. GENERAL PROVISIONS

3.1.1. TYPES OF ZONING DISTRICTS

Land within the City is generally classified by this Ordinance to be in one of a number of general zoning districts. Land may be reclassified to one of a number of comparable conditional zoning districts in accordance with Section 2.4.5, Conditional Zoning. Land in any general or conditional district may also be classified into one or more overlay zoning districts, in which case regulations governing development in the overlay district shall apply in addition to the regulations governing development in the underlying general zoning district or conditional zoning district.

3.1.2. COMPLIANCE WITH DISTRICT STANDARDS

Land in the City shall not be developed except in accordance with the zoning district regulations of this chapter and all other regulations of this Ordinance, including but not limited to: Chapter 4: Uses, Chapter 5: Development Standards, Chapter 6: Environmental Standards, and Chapter 7: Subdivision Standards.

3.1.3. CONFLICT

In the event of a conflict between the standards in Chapter 5: Development Standards, and the district standards in Chapter 3: Zoning Districts, the standards in Chapter 3: Zoning Districts, shall control.

3.1.4. MAXIMUM DENSITY MAY BE INCREASED

Unless otherwise indicated in this Ordinance, the maximum density for a zoning district may be increased beyond the amount listed in Section 3.3, Residential Zoning Districts, Section 3.4, Business Zoning Districts, and Section 3.5, Special Zoning Districts, in accordance with the standards and procedure in Section 2.5.2, Administrative Adjustment (Type I/Type II).

3.1.5. OFFICIAL ZONING MAP

A. General

1. The Official Zoning Map designates the location and boundaries of the various zoning districts established in this Ordinance. The Official Zoning Map shall be kept on file in the Planning and Development Department and is available for public inspection during normal business hours. It is maintained solely in digital form. It shall be the final authority as to the status of the current zoning district classification of land in the City's planning jurisdiction, and shall only be amended in accordance with Section 2.4.19, Zoning Map Amendment.
2. The Planning and Development Director shall maintain digital or printed copies of superseded versions of the Official Zoning Map for historical reference.

B. Incorporated by Reference

1. The Official Zoning Map is incorporated herein by reference and made part of this Ordinance.
2. The City of High Point Water Supply Watershed Map is incorporated herein by reference and made a part of this Ordinance.

3. The Flood Insurance Rate Maps (FIRM) prepared by the State and the associated Flood Insurance Study (FIS) are incorporated herein by reference and made part of this Ordinance.
4. The Core City boundary delineated in the Core City Plan adopted February 8, 2007 is incorporated herein by reference and made part of this Ordinance.

C. Interpretation of Official Map Boundaries

The Planning and Development Director shall be responsible for determination of boundaries on the Official Zoning Map in accordance with the standards in Section 2.5.4, Determination, and the following standards:

1. Boundaries shown as approximately following a utility line or a street, alley, railroad, or other public access way shall be interpreted as following the centerline of the right-of-way or easement for the utility line or access way.
2. If a street, alley, railroad, or utility easement forming the boundary between 2 separate zoning districts is abandoned or removed from dedication, the district boundaries shall be construed as following the centerline of the abandoned or vacated roadbed or utility easement.
3. Boundaries shown as approximately following a lot line shall be interpreted as following the lot line as it existed when the boundary was established. If a subsequent minor adjustment (such as from settlement of a boundary dispute or overlap) results in the lot line moving 10 feet or less, the zoning boundary shall be interpreted as moving with the lot line.
4. Boundaries shown as approximately following a river, stream, canal, lake, or other watercourse shall be interpreted as following the centerline of the watercourse as it actually exists, and as moving with that centerline to the extent the watercourse moves as a result of natural processes (flooding, erosion, sedimentation, etc.).
5. Boundaries shown as approximately following shorelines of a river, stream, or lake shall be interpreted to follow the shoreline, even in the event of change.
6. Boundaries shown parallel to or as extensions of features indicated in this subsection shall be interpreted as such.
7. If the specific location of a depicted boundary cannot be determined from application of the above standards, it shall be determined by using the Official Zoning Map's scale to determine the boundary's distance from other features shown on the map. In the case of flood hazard boundaries, the U.S. Army Corps of Engineers work maps, if available, shall be used for scaling.
8. Where the actual location of existing physical or natural features vary from that shown on the Official Zoning Map, or in other circumstances are not covered by this subsection, the Planning and Development Director shall have the authority to determine the district boundaries (see Section 2.5.4, Determination).
9. Interpretations of the floodplain boundary shall be made by the Engineering Services Director, in accordance with the standards in Section 6.4, Flood Damage Prevention.
10. Outer boundaries of a Watershed Overlay District shall be construed to follow actual drainage basin boundaries. In cases of conflicts between the boundaries as they appear on the Watershed Map and detailed engineering studies, the TRC may rely on the more detailed study in approving watershed development plans.
11. Locations of perennial and intermittent streams within General Watershed Area and Watershed Critical Area shall be construed to be as depicted on the Watershed Map. In case of conflicts between the locations as they appear on the Watershed Map and detailed engineering studies, the TRC may rely on the more detailed study

in approving watershed development plans.

12. Wherever a single lot is located within 2 or more different zoning districts, each portion of the lot shall be subject to all the regulations applicable to the zoning district where it is located.

D. Changes to Official Zoning Map

Changes made in zoning district boundaries on the Official Zoning Map shall be considered an amendment to this Ordinance and are made in accordance with Section 2.4.19, Zoning Map Amendment. Changes shall be entered on the Official Zoning Map by the Planning and Development Director promptly after the amendment is approved by the City Council. Where the ordinance enacting a zoning district boundary change contains wording explaining or clarifying the location of the new boundary, the Planning and Development Director shall enter the boundary on the Official Zoning Map in accordance with the ordinance wording.

3.2. GENERAL ZONING DISTRICTS ESTABLISHED

Table 3.2, General Zoning Districts Established, sets out the general zoning districts established by this Ordinance. General zoning districts are grouped into Residential, Business, Special, and Planned Development districts.

TABLE 3.2: GENERAL ZONING DISTRICTS ESTABLISHED

District Name	Abbreviation
Residential Districts	
Residential Single Family – 3	R-3
Residential Single Family – 5	R-5
Residential Single Family – 7	R-7
Residential Multi-Family – 5	RM-5
Residential Multi-Family – 16	RM-16
Residential Multi-Family – 26	RM-26
Business Districts	
Transitional Office	TO
Office Institutional	OI
Limited Business	LB
General Business	GB
Retail Center	RC
Central Business	CB
Employment Center	EC
Light Industrial	LI
Heavy Industrial	HI
Special Districts	
Agricultural/Rural	AGR
Institutional	I
Main Street	MS
Mixed-Use	MX
Parks and Natural Resources	PNR
Planned Development Districts	

TABLE 3.2: GENERAL ZONING DISTRICTS ESTABLISHED

DISTRICT NAME	ABBREVIATION
Planned Development-Core City	PD-CC
Planned Development-Periphery	PD-P

A. Classification of General Zoning Districts

Land shall be classified or reclassified into a zoning district only in accordance with the procedures and requirements set forth in Section 2.4.19, Zoning Map Amendment, Section 2.4.5, Conditional Zoning, or Section 2.4.8, Planned Development, as appropriate.

B. Relationship to Overlay Zoning Districts

Regulations governing development in an overlay zoning district shall apply in addition to the regulations governing development in the underlying general or conditional zoning district classification. If the standards governing a general zoning district expressly conflict with those governing an overlay zoning district, the standards governing the overlay zoning district shall control.

C. Organization of General Zoning District Regulations

1. Sections 3.3 through 3.5 set out the general purposes of each group of zoning districts and contain subsections that set out the specific purpose, density, bulk, and dimensional standards for each individual zoning district.
2. Each district includes a summary table of dimensional standards that include numbers in black circles. The black circles in the dimensional standards table correspond to the black circles depicted in the district graphics.
3. The building form photographs and lot pattern diagrams are for illustrative purposes only. The text of this Ordinance shall control.
4. The range of allowable uses for each general zoning district are identified in Table 4.1.9, Principal Use Table.

3.3. RESIDENTIAL ZONING DISTRICTS

3.3.1. GENERAL PURPOSE AND INTENT

The residential zoning districts established in this section are intended to provide a, healthy and safe environment in which to live and recreate. More specifically, they are intended to:

A. Provide appropriately located lands for residential development that are consistent with the City's adopted policy guidance;

B. Ensure adequate light, air, privacy, and recreation and open space areas for each dwelling;

C. Provide for residential housing choice, affordability, and diversity with varying housing densities, types, and designs, including accessory dwelling units where appropriate;

D. Provide for safe and efficient vehicular access and circulation and pedestrian-friendly neighborhoods in the Core City area;

E. Provide for public services and facilities needed to serve residential areas while protecting residential areas from incompatible nonresidential development;

F. Create neighborhoods and preserve existing community character while accommodating new development and redevelopment consistent with the City's goals and objectives.

G. Preserve the unique character and historic resources of the city's traditional neighborhoods and the community.

3.3.2. RESIDENTIAL SINGLE FAMILY – 3 (R-3)

R-3 RESIDENTIAL DISTRICT

A. District Purpose

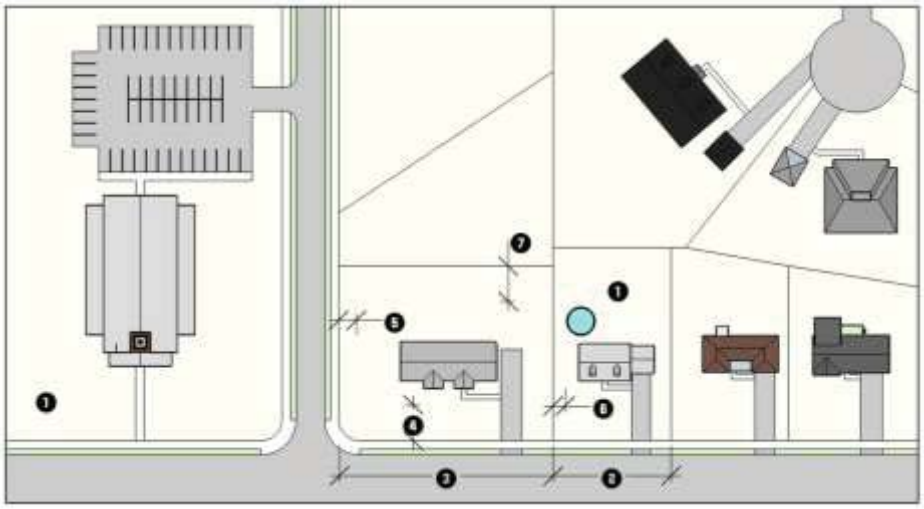
The R-3 district is established to accommodate principally single-family detached dwellings developed at a density of 3 units an acre, in developments served by public water and sewer. Complimentary uses such as open space, schools, utilities, religious institutions, and recreational facilities are also allowed. District regulations discourage any use that interferes with the development of single-family detached dwellings or that is detrimental to the residential nature of the district.

B. Dimensional Standards

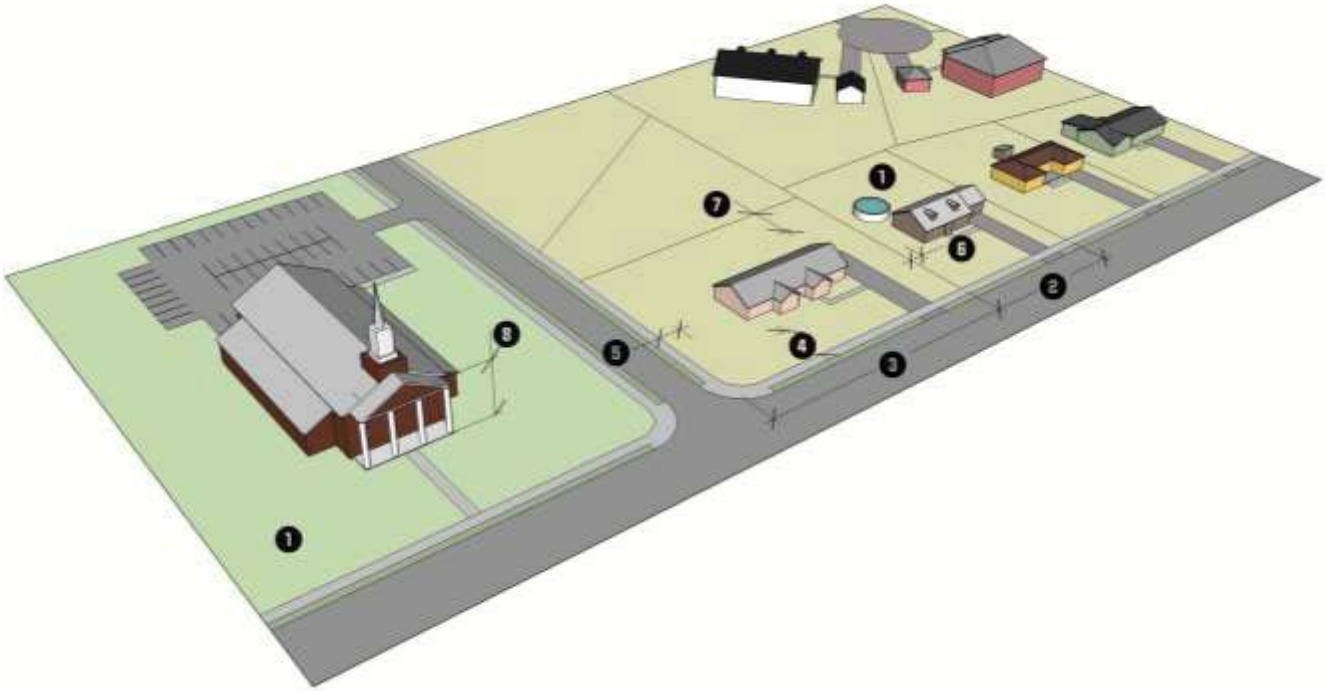
Standard		Reference #	Outside Core City Area				Inside Core City Area			
			SF Detached	Duplex	SF Attached & Multi-family	All Other Uses	SF Detached	Duplex	SF Attached & Multi-family	All Other Uses
Minimum Lot Area (square feet)		1	12,000 [1]	n/a		20,000	12,000 [2]	n/a		20,000
Minimum Lot Width (feet) [3]	Interior lot	2	75	n/a		75	75 [2]	n/a		75
	Corner lot	3	85			85	85 [2]			85
Minimum Street Setback (feet)	Front	4	30	n/a		30	30 [2]	n/a		30 [2]
	Side	5	15				15 [2]			
Minimum Side Setback (feet)		6	10	n/a		20	5 [2]	n/a		15
Minimum Rear Setback (feet)		7	30	n/a		40	15 [2]	n/a		25
Maximum Building Height (feet)		8	50	n/a		50	50	n/a		50

[1] Lots in projects 2 acres or greater in area may be between 75% and 125% of the district minimum lot area, provided the development as a whole maintains an average lot area that equals or exceeds the district minimum.
[2] At applicant's option, may be reduced to the lesser of: zoning district minimum or between 75% and 125% of the average for lots on the same block face (See Section 10.2.3.D, Dimensional Standards in the Core City).
[3] All development shall comply with the City's Driveway Ordinance requirements.

C. Typical Building Forms

D. Typical Lot Patterns	E. District Dimensions
	

F. Typical Building Configuration



3.3.3. RESIDENTIAL SINGLE FAMILY – 5 (R-5)

R-5 RESIDENTIAL DISTRICT

A. District Purpose

The R-5 district is established to accommodate principally single-family detached dwellings developed at a density of 5 units an acre that is served by public water and sewer. Complimentary uses such as open space, schools, utilities, religious institutions, and recreational facilities are also allowed. District regulations discourage uses that interfere with the development of residential development or that is detrimental to the residential nature of the district.

B. Dimensional Standards

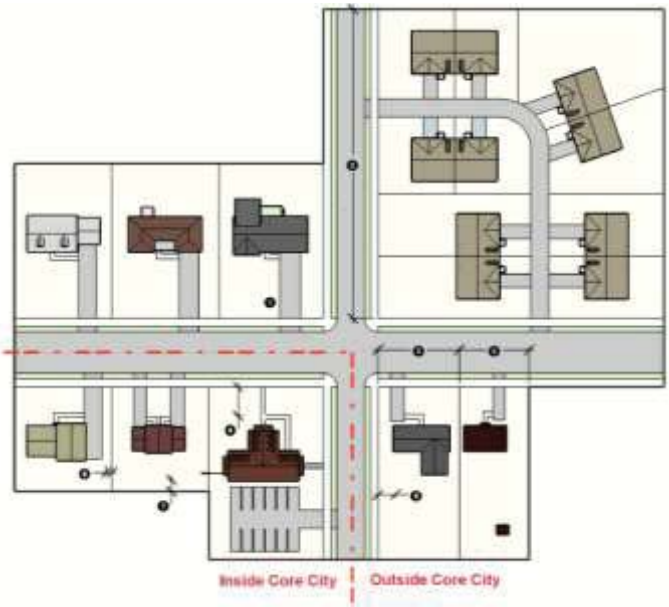
Standard		Reference #	Outside Core City Area				Inside Core City Area			
			SF Detached	Duplex	SF Attached & Multi-family	All Other Uses	SF Detached	Duplex	SF Attached & Multi-family	All Other Uses
Minimum Lot Area (square feet)		1	7,000 [1]	n/a		15,000	7,000 [2]	10,000 [2]	15,000 [3]	15,000
Minimum Development Size (acres)			n/a		5	n/a	n/a			
Maximum Density (units/acre)			n/a		5 [4]	n/a	n/a			
Minimum Lot Width (feet) [5]	Interior lot	2	50	n/a	75 + [6]	50	50 [2]		80	50
	Corner lot	3	60			70	60 [2]			70
Minimum Street Setback (feet)	Front	4	25	n/a	20	25	25 [2]			25 [2]
	Side	5	15				15 [2]			
Minimum Side Setback (feet)		6	5	n/a	20 [7]		5 [2]		10 [7]	20 [7]
Minimum Rear Setback (feet)		7	20	n/a			10 [2]		15 [7]	
Maximum Building Height (feet)		8	50	n/a	50		50			

[1] May be between 75% and 125% of the district minimum lot area, provided the development as a whole maintains an average lot area that equals or exceeds the district minimum.
[2] At applicant's option, may be reduced to the lesser of: zoning district minimum or between 75% and 125% of the average for lots on the same block face (See Section 10.2.3.D, Dimensional Standards in the Core City).
[3] Minimum development size.
[4] The maximum number of attached dwelling units per structure is 2.
[5] All development shall comply with the City's Driveway Ordinance requirements.
[6] For developments with more than 3 units, minimum lot width is increased by 5 feet per unit up to a maximum width of 120 feet.
[7] In a group development, applied only to buildings along the perimeter of the development.

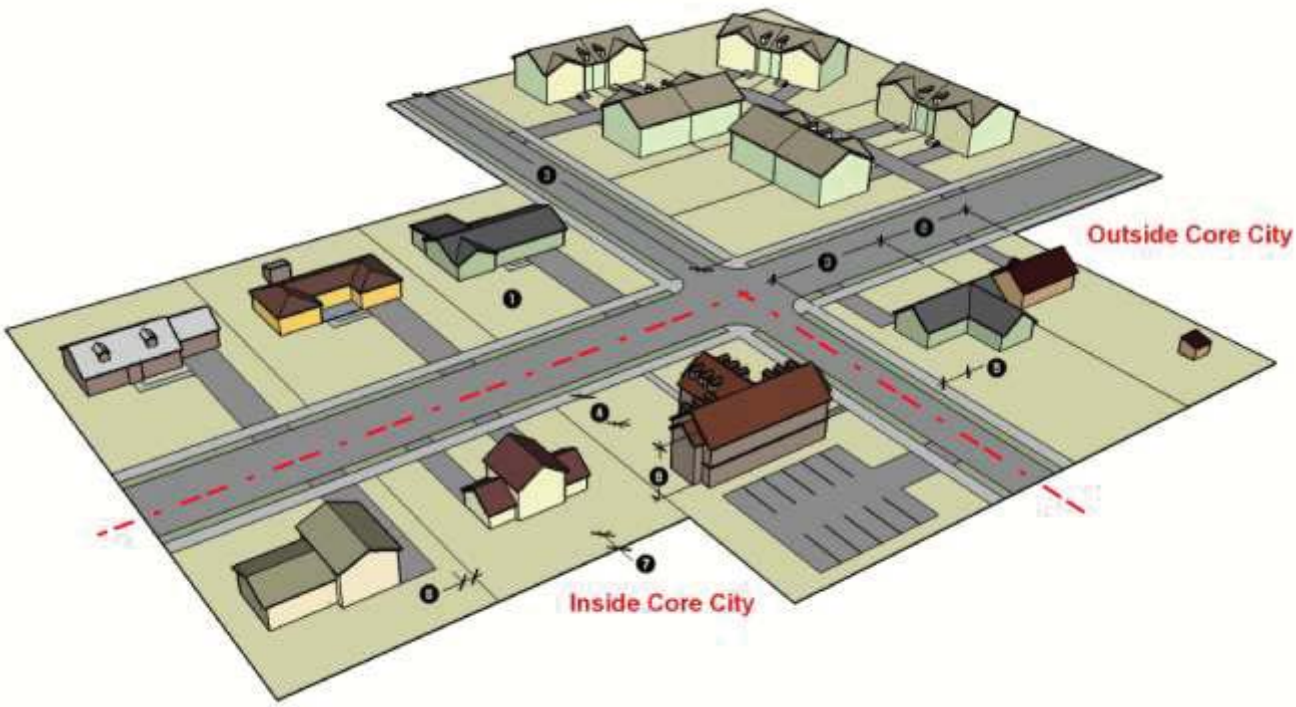
C. Typical Building Forms

D. Typical Lot Patterns

E. District Dimensions



F. Typical Building Configuration



3.3.4. RESIDENTIAL SINGLE FAMILY – 7 (R-7)

R-7 RESIDENTIAL DISTRICT

A. District Purpose

The R-7 district is established to accommodate principally single-family detached dwellings developed at a density of 7 units an acre, that are served by public water and sewer. Complimentary uses such as open space, schools, utilities, religious institutions, and recreational facilities are also allowed. District regulations discourage any use that interferes with the development of residential development or that is detrimental to the residential nature of the district.

B. Dimensional Standards

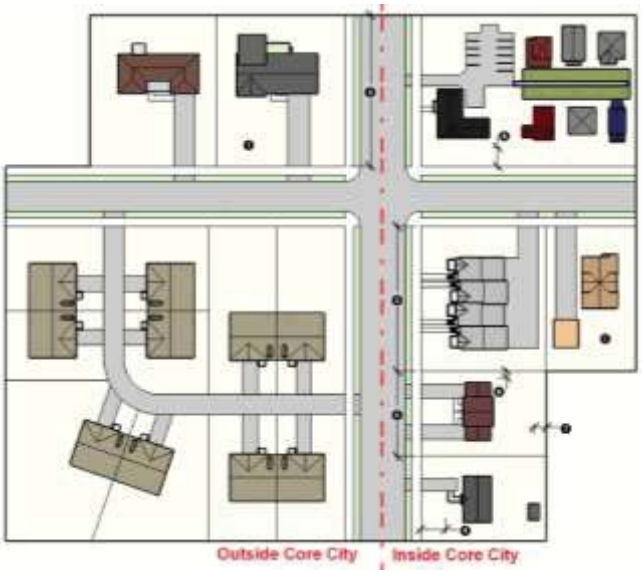
Standard		Reference #	Outside Core City Area				Inside Core City Area			
			SF Detached	Duplex	SF Attached & Multi-family	All Other Uses	SF Detached	Duplex	SF Attached & Multi-family	All Other Uses
Minimum Lot Area (square feet)		1	5,000 [1]	7,000	n/a	12,000	5,000 [2]	7,000 [2]	12,000 [3]	12,000
Minimum Development Size (acres)			n/a		5	n/a	n/a			
Maximum Density (units/acre)			n/a		7 [4]	n/a	n/a			
Minimum Lot Width (feet) [5]	Interior lot	2	40		75+ [6]	50	40 [2]		80	50
	Corner lot	3	50			65	50 [2]			65
Minimum Street Setback (feet)	Front	4	20		20	20	20 [2]			20 [2]
	Side	5	15				15 [2]			
Minimum Side Setback (feet)		6	5		20 [7]		5 [2]		5 [7]	20 [7]
Minimum Rear Setback (feet)		7	15				10 [2]		10 [7]	
Maximum Building Height (feet)		8	50		50		50			

[1] May be between 75% and 125%of the district minimum lot area, provided the development as a whole maintains an average lot area that equals or exceeds the district minimum.
[2] At applicant's option, may be reduced to the lesser of: zoning district minimum or between 75% and 125% of the average for lots on the same block face (See Section 10.2.3.D, Dimensional Standards in the Core City.
[3] Minimum development size.
[4] The maximum number of attached dwelling units per structure is 2.
[5] All development shall comply with the City's Driveway Ordinance requirements.
[6] For developments with more than 3 units, minimum lot width is increased by 5 feet per unit up to a maximum width of 120 feet.
[7] In a group development, applied only to buildings along the perimeter of the development.

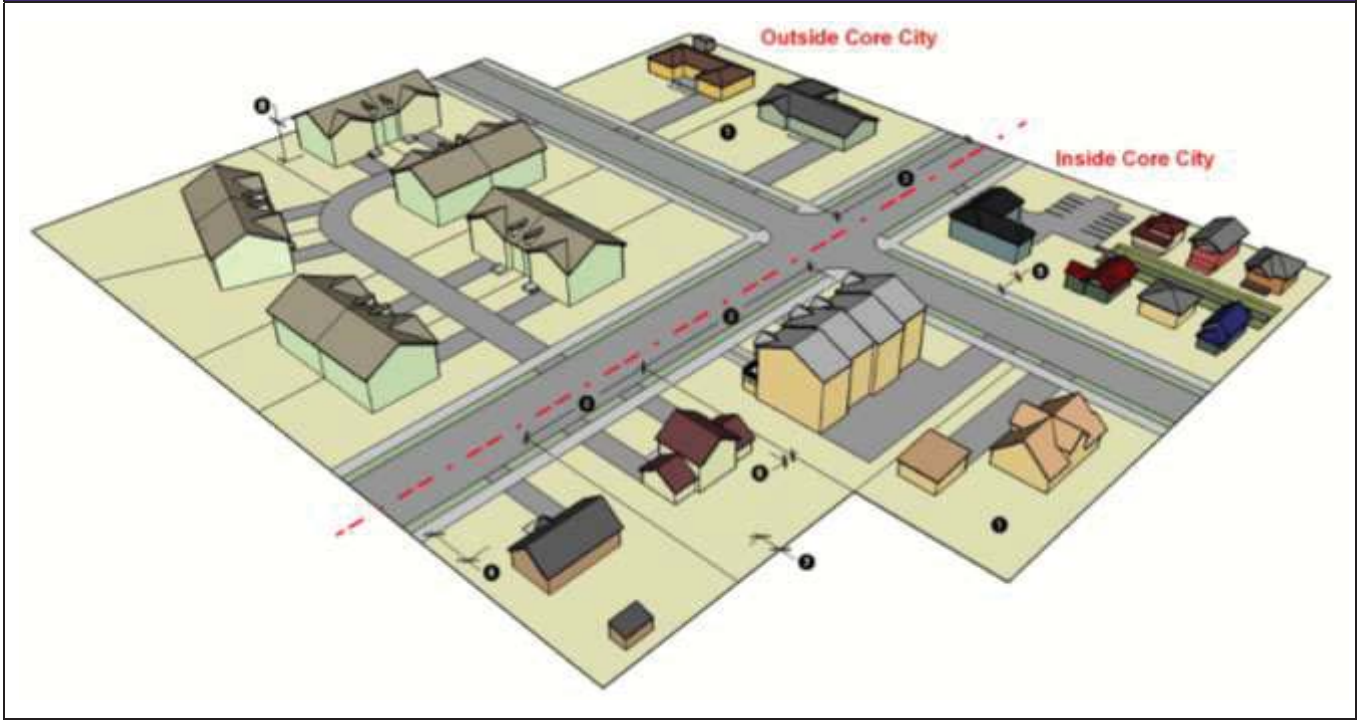
C. Typical Building Forms

D. Typical Lot Patterns

E. District Dimensions



F. Typical Building Configuration



3.3.5. RESERVED

3.3.6. RESIDENTIAL MULTIFAMILY – 5 (RM-5)

RM-5 RESIDENTIAL DISTRICT

A. District Purpose

The RM-5 district is established to accommodate a mix of residential development at densities of 5 units an acre, that are served by public water and sewer. Complimentary uses such as open space, schools, utilities, religious institutions and recreational facilities are also allowed. District regulations discourage any use that interferes with the development of residential development or that is detrimental to the residential nature of the district.

B. Dimensional Standards

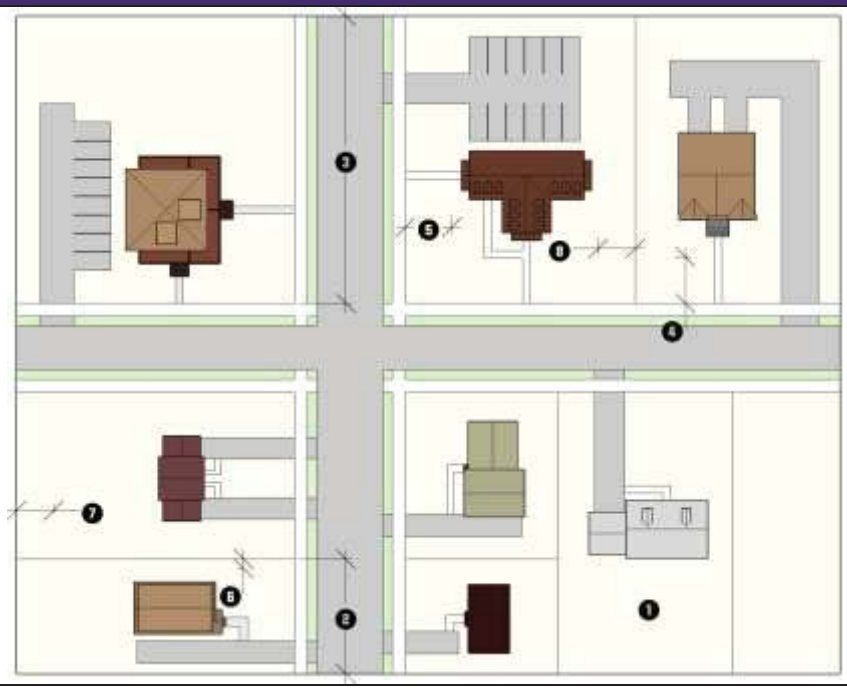
Standard	Reference #	Outside Core City Area				Inside Core City Area			
		SF Detached	Duplex	SF Attached & Multi-family	All Other Uses	SF Detached	Duplex	SF Attached & Multi-family	All Other Uses
Maximum Density (units/acre)		n/a		5	5 [1]	n/a		5	5 [1]
Minimum Lot Area (square feet)	1	7,000 [2]	12,000	26,000 [3]	15,000	7,000 [4]	10,000 [4]	26,000 [3]	15,000
Minimum Lot Width (feet) [5] – Interior lot	2	50		75 + [6]	50	50 [4]		75 + [6]	50
Minimum Lot Width (feet) [5] – Corner lot	3	60			70	60 [4]			70
Minimum Street Setback (feet) – Front	4	25		25		25 [4]		25 [4]	
Minimum Street Setback (feet) – Side	5	15				15 [4]			
Minimum Side Setback (feet)	6	5		n/a		5 [4]		n/a	
Minimum Rear Setback (feet)	7	20				10 [4]			
Minimum Perimeter Setback (feet) – Adjacent to Residential District	8	n/a		20		n/a		20 [4]	20
Minimum Perimeter Setback (feet) – Adjacent to Non-residential District	9								
Maximum Building Height (feet)	10	50				50			

[1] Mixed-used development is subject to the maximum density standards.
[2] May be between 75% and 125% of the district minimum lot area, provided the development as a whole maintains an average lot area that equals or exceeds the district minimum.
[3] Minimum development size.
[4] At applicant's option, may be reduced to the lesser of: zoning district minimum or between 75% and 125% of the average for lots on the same block face (See Section 10.2.3.D, Dimensional Standards in the Core City).
[5] All development shall comply with the City's Driveway Ordinance requirements.
[6] For developments with more than 3 units, minimum lot width is increased by 5 feet per unit up to a maximum width of 120 feet.

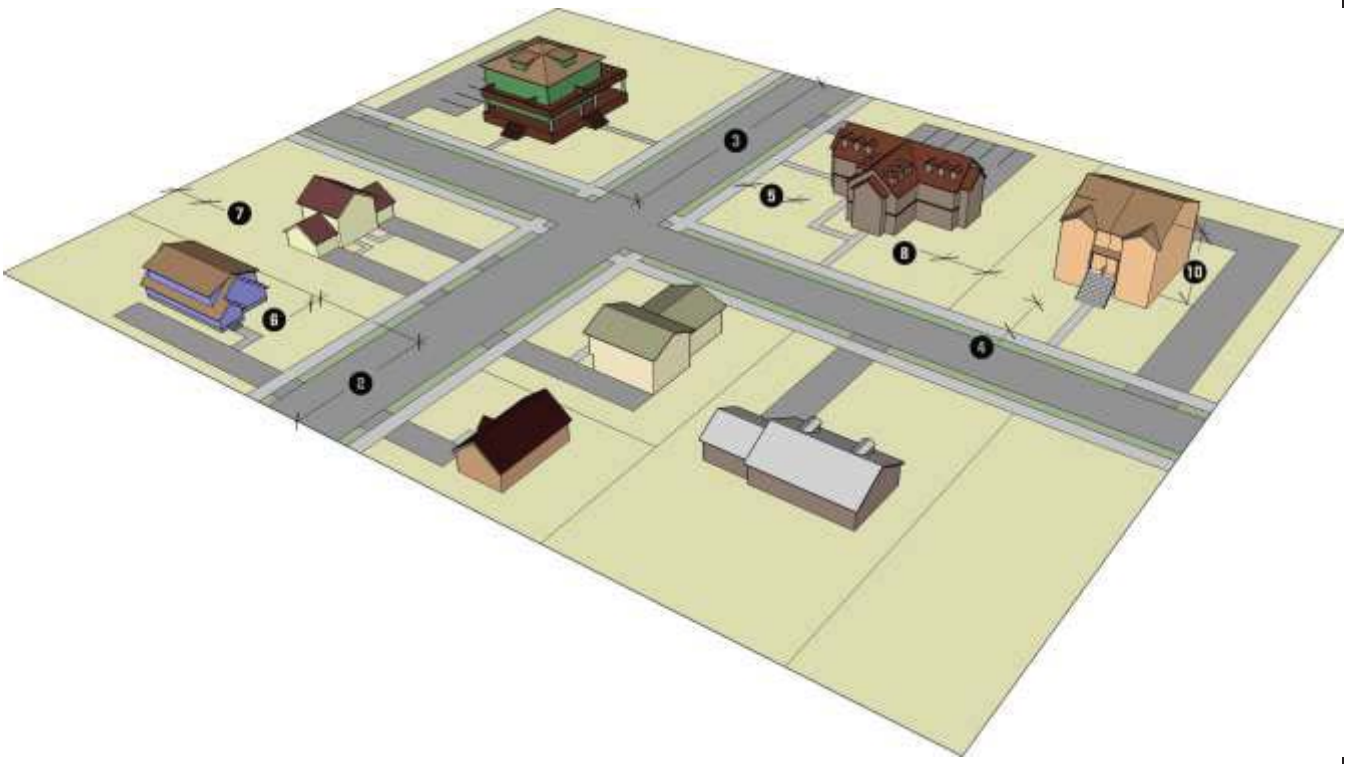
C. Typical Building Forms

D. Typical Lot Patterns

E. District Dimensions



F. Typical Building Configuration



3.3.7. RESIDENTIAL MULTIFAMILY – 16 (RM-16)

RM-16 RESIDENTIAL DISTRICT

A. District Purpose

The RM-16 district is established to accommodate a mix of residential development at around 16 units an acre, that is served by public water and sewer. District regulations encourage the development of functioning neighborhoods that include a mix of housing types and a variety of institutional uses. Complimentary uses such as open space, schools, utilities, religious institutions, and recreational facilities are also allowed.

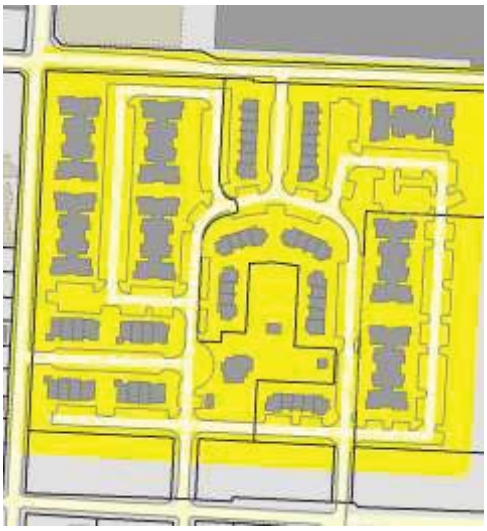
B. Dimensional Standards

Standard		Reference #	Outside Core City Area				Inside Core City Area			
			SF Detached	Duplex	SF Attached & Multi-family	All Other Uses	SF Detached	Duplex	SF Attached & Multi-family	All Other Uses
Maximum Density (units/acre)			n/a		16	16 [1]	n/a		16	16 [1]
Minimum Lot Area (square feet)		1	5,000 [2]	7,000	10,000 [3]	12,000	5,000 [4]	7,000 [4]	10,000 [3]	12,000
Minimum Lot Width (feet) [5]	Interior lot	2	40		75 + [6]	50	40 [4]		75 + [6]	50
	Corner lot	3	50			65	50 [4]			65
Minimum Street Setback (feet)	Front	4	20		20		20 [4]		20 [4]	
	Side	5	15				15 [4]			
Minimum Side Setback (feet)		6	5		n/a		5 [4]		n/a	
Minimum Rear Setback (feet)		7	15				10 [4]			
Minimum Perimeter Setback (feet)	Adjacent to Residential District / Adjacent to Non-residential District	8	n/a		15		n/a		15 [4]	15
Maximum Building Height (feet)		9	50		50/80 [7]		50		80 [8]	

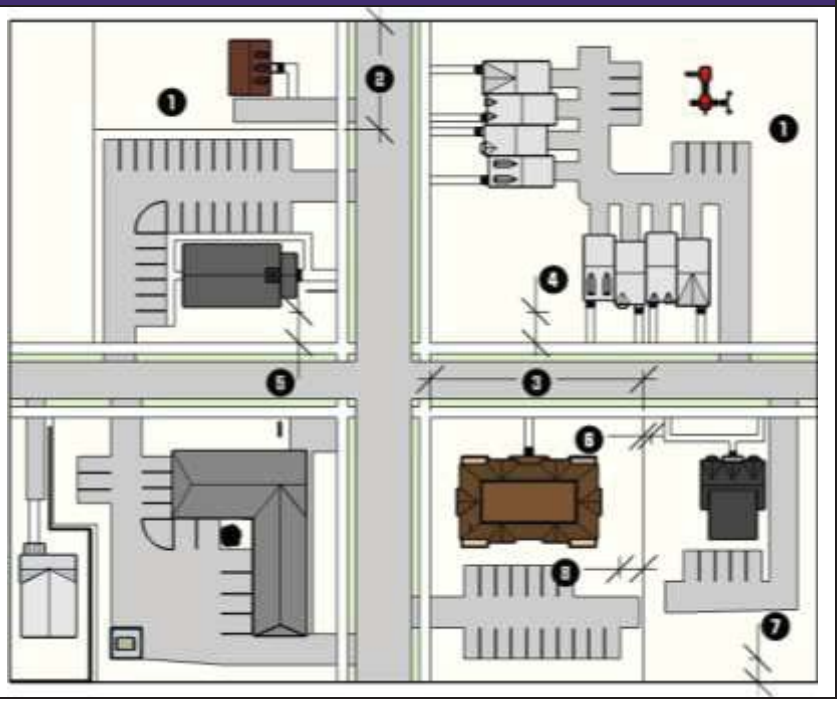
[1] Mixed-use development is subject to the maximum density standards.
[2] May be between 75% and 125% of the district minimum lot area, provided the development as a whole maintains an average lot area that equals or exceeds the district minimum.
[3] Minimum development size.
[4] At applicant's option, may be reduced to the lesser of: zoning district minimum or between 75% and 125% of the average for lots on the same block face (See Section 10.2.3.D, Dimensional Standards in the Core City).
[5] All development shall comply with the City's Driveway Ordinance requirements.
[6] For developments with more than 3 units, minimum lot width is increased by 5 feet per unit up to a maximum width of 120 feet.
[7] For each additional foot of height beyond 50 feet up to 80 feet, the perimeter setbacks shall be increased by 1 foot.
[8] When a perimeter setback abuts a single-family residential zoning district, the effected setback shall be increased by 1 foot for each foot in height beyond 50 up to 80 feet.

C. Typical Building Forms

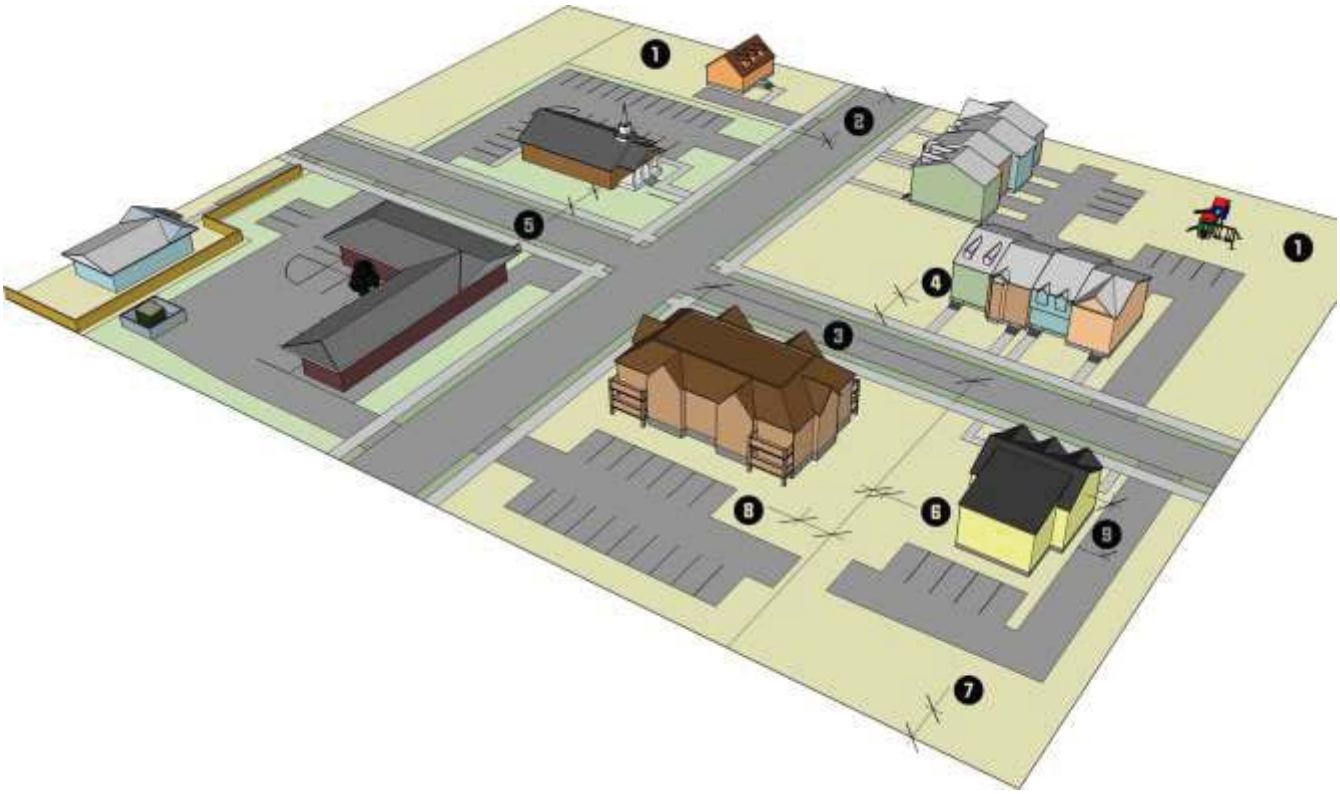
D. Typical Lot Patterns



E. District Dimensions



F. TYPICAL BUILDING CONFIGURATION



3.3.8. RESIDENTIAL MULTIFAMILY – 26 (RM-26)

RM-26 RESIDENTIAL DISTRICT

A. District Purpose

The RM-26 district is established to accommodate a mix of residential and institutional uses intended to help establish functioning neighborhoods. The district accommodates residential uses at densities of up to 26 units an acre. Complimentary uses such as open space, schools, utilities, and recreation facilities are also allowed.

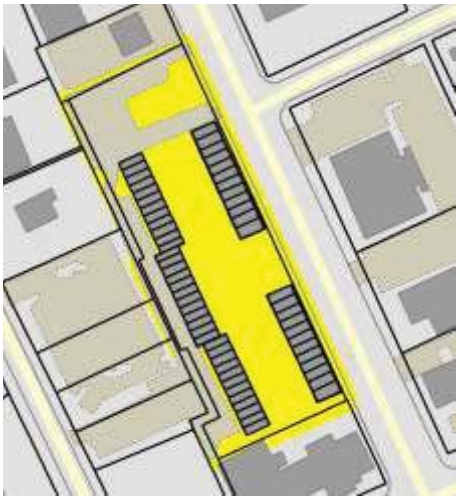
B. Dimensional Standards

Standard		Reference #	Outside Core City Area				Inside Core City Area			
			SF Detached	Duplex	SF Attached & Multi-family	All Other Uses	SF Detached	Duplex	SF Attached & Multi-family	All Other Uses
Maximum Density (units/acre)			n/a		26	26 [1]	n/a		26	26 [1]
Minimum Lot Area (square feet)		1	4,000 [2]	7,000	8,000 [3]	10,000	4,000 [4]	7,000 [4]	8,000 [3]	10,000
Minimum Lot Width (feet) [5]	Interior lot	2	30		60 + [6]	50	30 [4]		60 + [6]	50
	Corner lot	3	40			65	40 [4]			65
Minimum Street Setback (feet)	Front	4	20		20		20 [4]		20 [4]	
	Side	5	15				15 [4]			
Minimum Side Setback (feet)		6	5		n/a		5 [4]		n/a	
Minimum Rear Setback (feet)		7	15				10 [4]			
Minimum Perimeter Setback (feet)	Adjacent to Residential District	8	n/a		10		n/a		10 [4]	10
	Adjacent to Non-residential District	9								
Maximum Building Height (feet)		10	50		n/a [7]		50		n/a [8]	

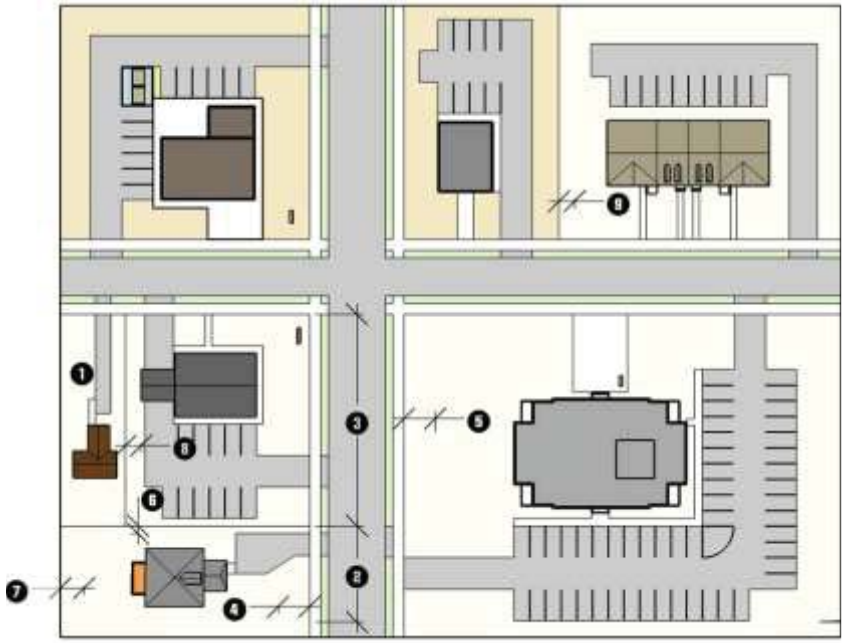
[1] Mixed-use development is subject to the maximum density standards.
[2] May be between 75% and 125% of the district minimum lot area, provided the development as a whole maintains an average lot area that equals or exceeds the district minimum.
[3] Minimum development size.
[4] At applicant's option, may be reduced to the lesser of: zoning district minimum or an amount between 75% and 125% of the average for lots on the same block face (See Section 10.2.3.D, Dimensional Standards in the Core City).
[5] All development shall comply with the City's Driveway Ordinance requirements.
[6] For developments with more than 3 units, minimum lot width is increased by 5 feet per unit up to a maximum width of 120 feet.
[7] For each additional foot of height beyond 50 feet up to 80 feet, the perimeter setbacks shall be increased by 1 foot
[8] When a perimeter setback abuts a single-family residential zoning district, the effected setback shall be increased by 1 foot for each foot in height beyond 50 up to 80 feet.

C. Typical Building Forms

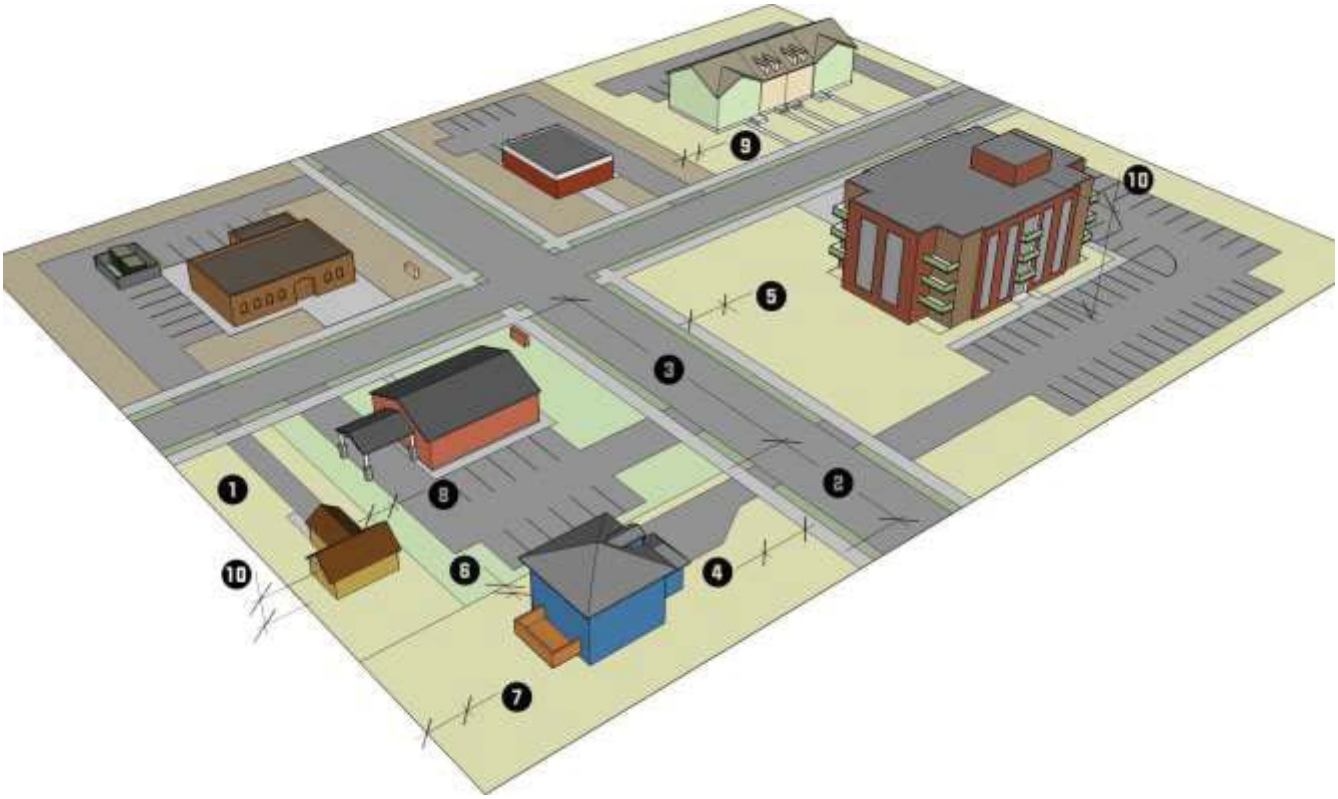
D. Typical Lot Patterns



E. District Dimensions



F. Typical Building Configuration



3.4. BUSINESS ZONING DISTRICTS

3.4.1. GENERAL PURPOSE AND INTENT

The business zoning districts are established for the general purpose of ensuring there are lands in the City that provide a wide range of office, retail, service, industrial, and related uses to meet household and business needs. More specifically they are intended to:

A. Provide appropriately located lands for the full range of business uses needed by the City's residents, businesses, and workers, consistent with the City's adopted policy guidance;

B. Strengthen the city's economic base, and provide employment opportunities close to home for residents of the city and surrounding communities;

C. Create suitable environments for various types of business uses, and protect them from the adverse effects of incompatible uses;

D. Create suitable environments for various types of mixed-use development, where business, office, retail, and residential uses are designed and integrated in compatible ways;

E. Preserve the unique character and historic resources of the Core City area; and

F. Minimize the impact of business development on residential districts and uses, Piedmont Triad International Airport operations, and sensitive natural environments.

3.4.2. TRANSITIONAL OFFICE (TO)

TO TRANSITIONAL OFFICE DISTRICT

A. District Purpose

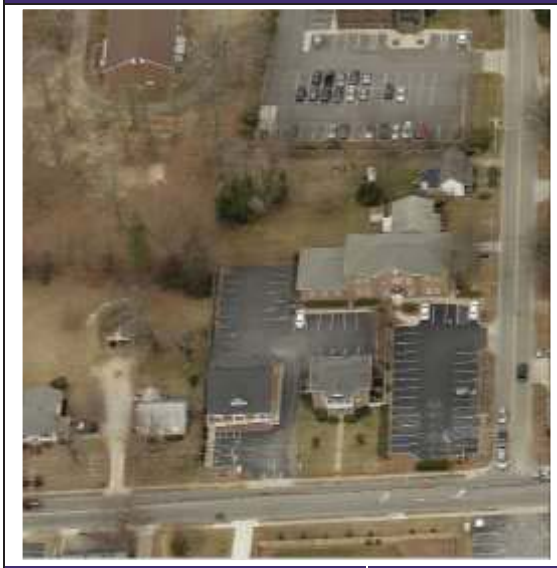
The TO district is intended to provide a transition between residential neighborhoods and higher intensity office and commercial development. The TO district accommodates nonresidential uses in small buildings that are generally similar to the character of residential development.

B. Dimensional Standards

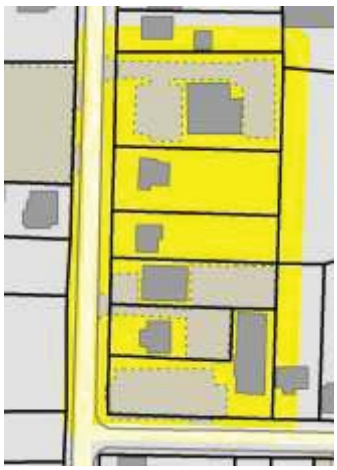
Standard		Reference #	Outside Core City Area				Inside Core City Area			
			SF Detached	Duplex	SF Attached & Multi-family	All Other Uses	SF Detached	Duplex	SF Attached & Multi-family	All Other Uses
Maximum Density (units/acre)			n/a		5	5 [1]	n/a		5.5	5.5 [1]
Minimum Lot Area (square feet)		1	7,000 [2]	12,000	26,000 [3]	n/a	7,000 [4]	10,000 [4]	26,000 [3]	n/a
Minimum Lot Width (feet) [5]	Interior lot	2	50		75 + [6]	50	50 [4]		75 + [6]	50
	Corner lot	3	60			70	60 [4]			70
Minimum Street Setback (feet)	Front	4	25		25		25 [4]		15 [4]	
	Side	5	15				15 [4]			
Minimum Side Setback (feet)		6	5		n/a		5 [4]		n/a	
Minimum Rear Setback (feet)		7	20				10 [4]			
Minimum Perimeter Setback (feet)	Adjacent to Residential District	8	n/a		20		n/a		15	
	Adjacent to Non-residential District	9			0/5 [7]				0/5 [7]	
Maximum Building Height (feet)		10	50		50		50			

[1] Mixed-use development is subject to the maximum density standards.
[2] May be between 75% and 125% of the district minimum lot area, provided the development as a whole maintains an average lot area that equals or exceeds the district minimum.
[3] Minimum development size.
[4] At applicant's option, may be reduced to the lesser of: zoning district minimum or between 75% and 125% of the average for lots on the same block face (See Section 10.2.3.D, Dimensional Standards in the Core City.
[5] All development shall comply with the City's Driveway Ordinance requirements.
[6] For developments with more than 3 units, minimum lot width is increased by 5 feet per unit up to a maximum width of 120 feet.
[7] No setback is required, but if provided, it shall be at least 5 feet.

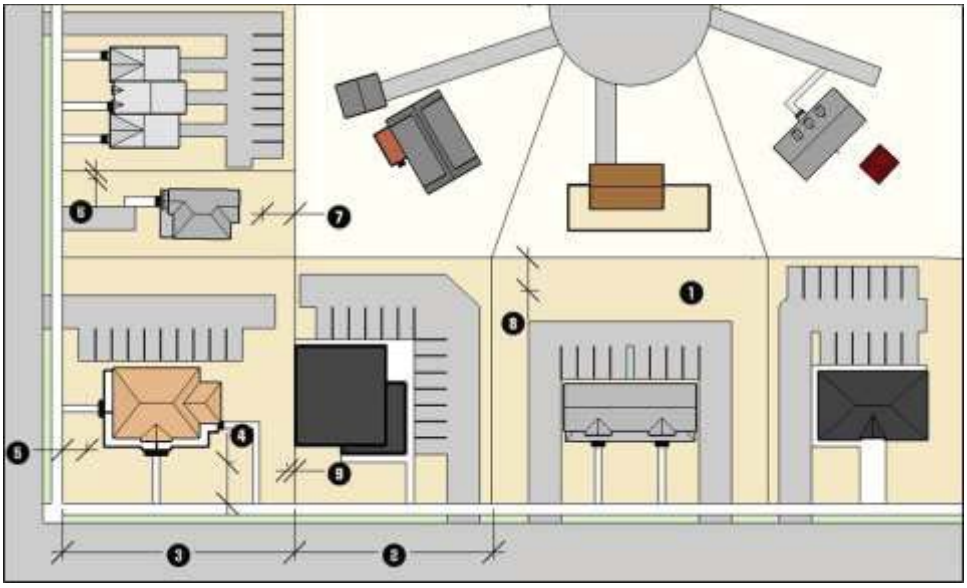
C. Typical Building Forms



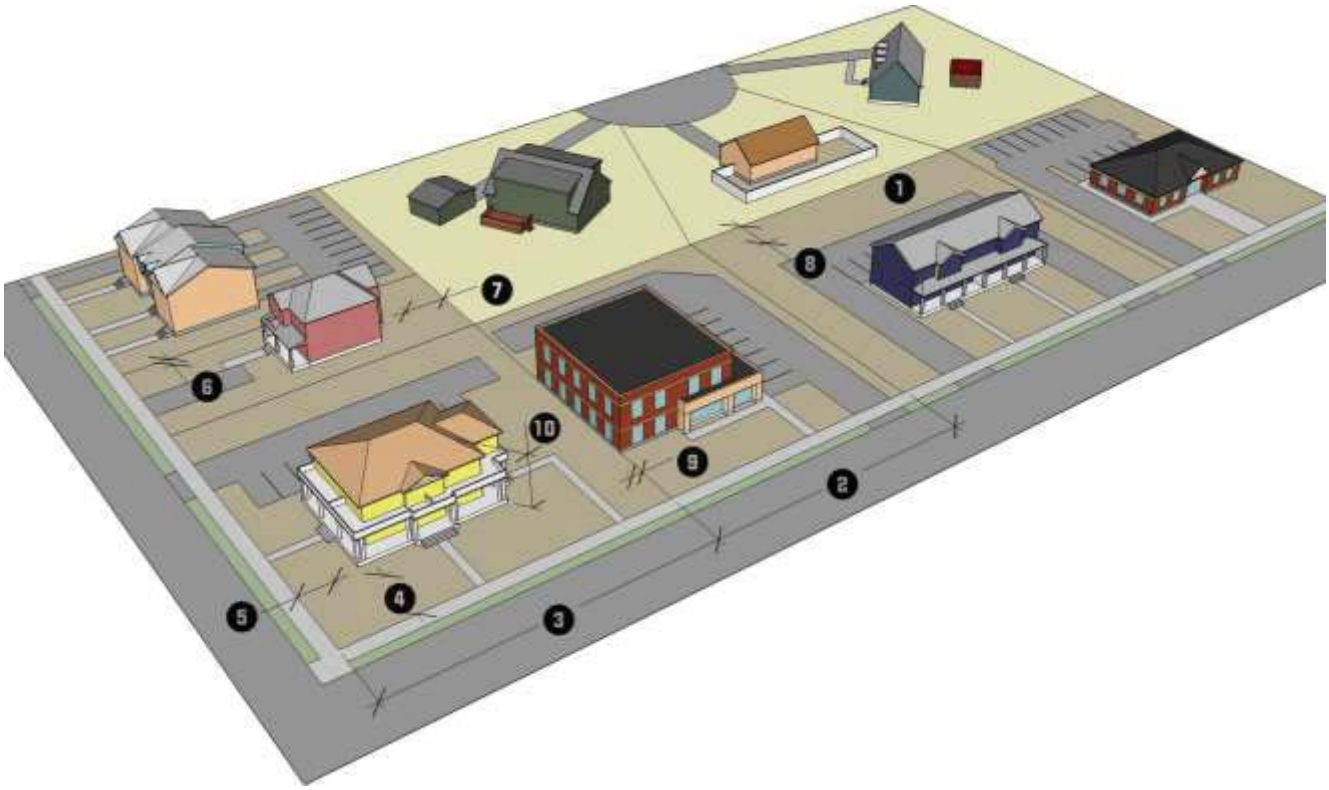
D. Typical Lot Patterns



E. District Dimensions



F. Typical Building Configuration



G. District Standards

1. Drive-Throughs

Drive-through lanes and windows are prohibited.

2. Outdoor Storage

Outdoor storage of materials, supplies, products, or equipment is prohibited for all nonresidential uses. Nothing shall prohibit the outdoor display of merchandise for sale in accordance with Section 4.4.5.K, Outdoor Display.

3.4.3. OFFICE INSTITUTIONAL (OI)

OI

OFFICE-INSTITUTIONAL DISTRICT

A. District Purpose

The OI district is established to primarily accommodate a wide variety of moderate and high intensity office, institutional, and residential uses. In addition, the district accommodates health care, personal services, and retail uses. Supporting services are permitted provided they are located in multi-tenant buildings and limited in floor area.

B. Dimensional Standards

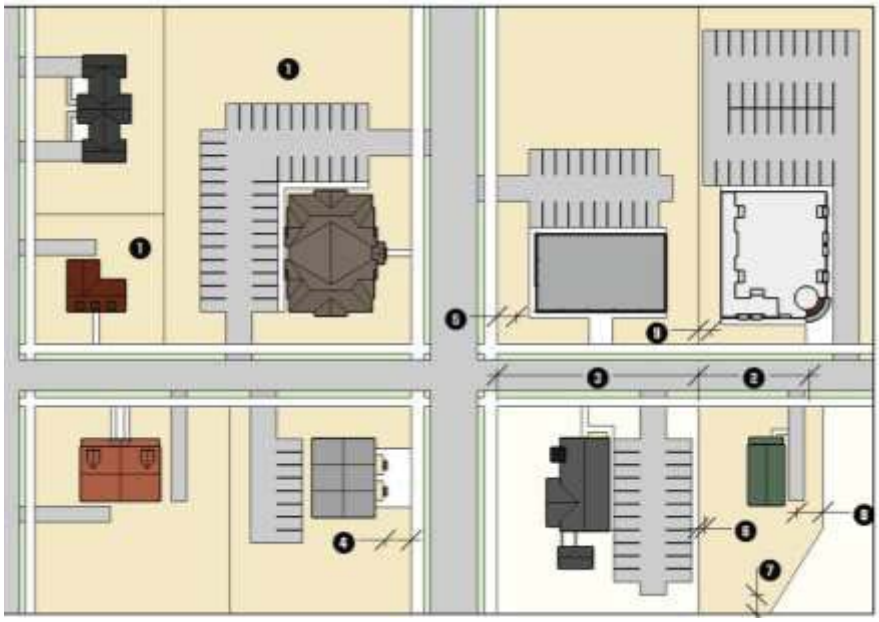
Standard		Reference #	Outside Core City Area				Inside Core City Area			
			SF Detached	Duplex	SF Attached & Multi-family	All Other Uses	SF Detached	Duplex	SF Attached & Multi-family	All Other Uses
Maximum Density (units/acre)			n/a		16	16 [1]	n/a		17.6	17.6 [1]
Minimum Lot Area (square feet)		1	5,000 [2]	7,000	10,000 [3]	n/a	5,000 [4]	7,000 [4]	10,000 [3]	n/a
Minimum Lot Width (feet) [5]	Interior lot	2	40		75 + [6]	60	40 [4]		75 + [6]	60
	Corner lot	3	50				50 [4]			
Minimum Street Setback (feet)	Front	4	20		20		20 [4]		15 [4]	
	Side	5	15				15 [4]			
Minimum Side Setback (feet)		6	5		n/a		5 [4]		n/a	
Minimum Rear Setback (feet)		7	15				10 [4]			
Minimum Perimeter Setback (feet)	Adjacent to Residential District	8	n/a		20		n/a		15	
	Adjacent to Non-residential District	9			10				5	
Maximum Building Height (feet)		10	50		50/80 [7]		50		80 [8]	

[1] Mixed-use development is subject to the maximum density standards.
[2] May be between 75% and 125% of the district minimum lot area, provided the development as a whole maintains an average lot area that equals or exceeds the district minimum.
[3] Minimum development size.
[4] At applicant's option, may be reduced to the lesser of: zoning district minimum or between 75% and 125% of the average for lots on the same block face (See Section 10.2.3.D, Dimensional Standards in the Core City.
[5] All development shall comply with the City's Driveway Ordinance requirements.
[6] For developments with more than 3 units, minimum lot width is increased by 5 feet per unit up to a maximum width of 120 feet.
[7] For each additional foot of height beyond 50 feet up to 80 feet, the perimeter setbacks shall be increased by 1 foot.
[8] When a perimeter setback abuts a single-family residential district, the setback shall be increased by 1 foot for each foot in height beyond 50 feet up to 80 feet.

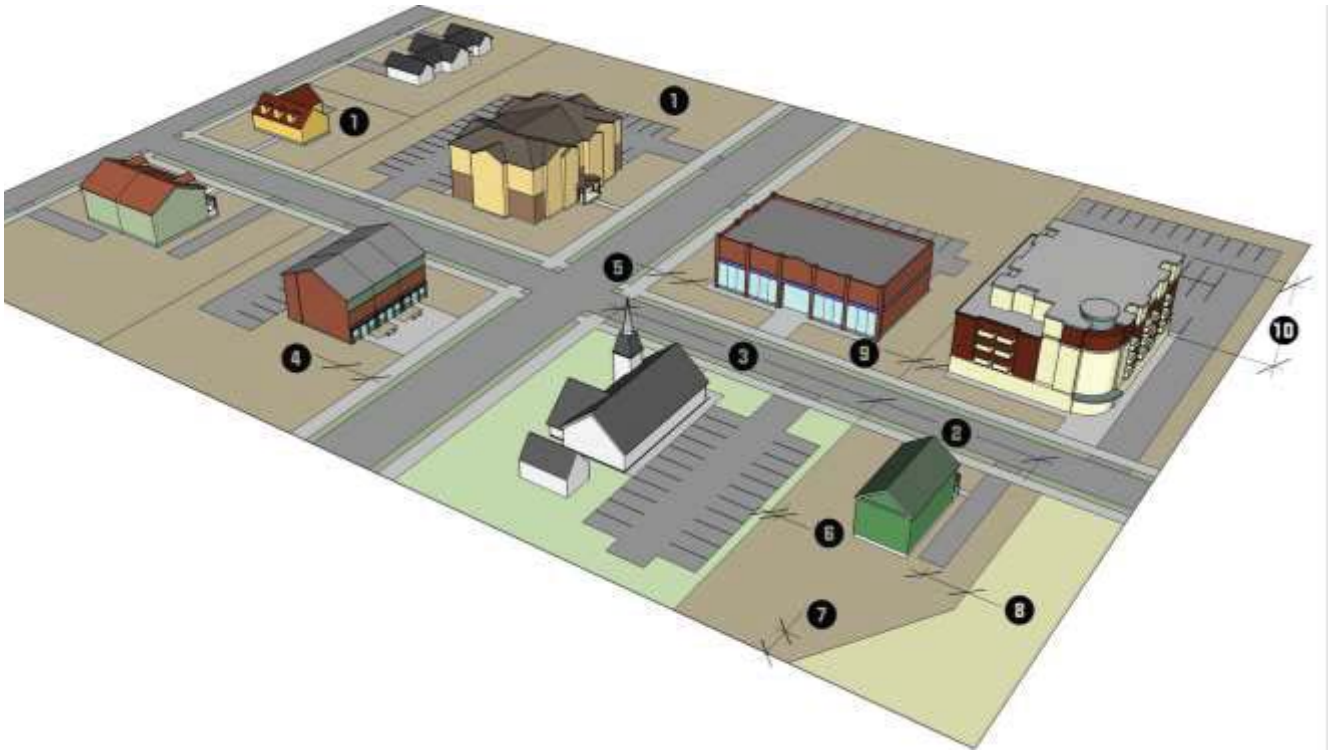
C. Typical Building Forms

D. Typical Lot Patterns

E. District Dimensions



F. Typical Building Configuration



G. District Standards

1. Drive-Throughs

Drive-through lanes and windows are prohibited.

2. Maximum Use Size

Eating establishments, retail sales, and personal service uses established as a principal use shall be located within a multi-tenant building and shall not exceed more than 4,000 square feet of gross floor area per use and collectively shall not exceed 40 percent of the gross floor area of the multi-tenant building.

3. Outdoor Storage

Outdoor storage of materials, supplies, products, or equipment is prohibited for all nonresidential uses. Nothing shall prohibit the outdoor display of merchandise for sale in accordance with Section 4.4.5.K, Outdoor Display.

3.4.4. RESERVED

3.4.5. LIMITED BUSINESS (LB)

LB
LIMITED BUSINESS DISTRICT

A. District Purpose

The LB district is established to primarily accommodate low to moderate intensity office, retail, and personal service uses adjacent to and within residential neighborhoods. In addition to commercial uses, the district also allows a variety of residential and institutional uses in stand-alone structures as well as in mixed-use developments.

B. Dimensional Standards

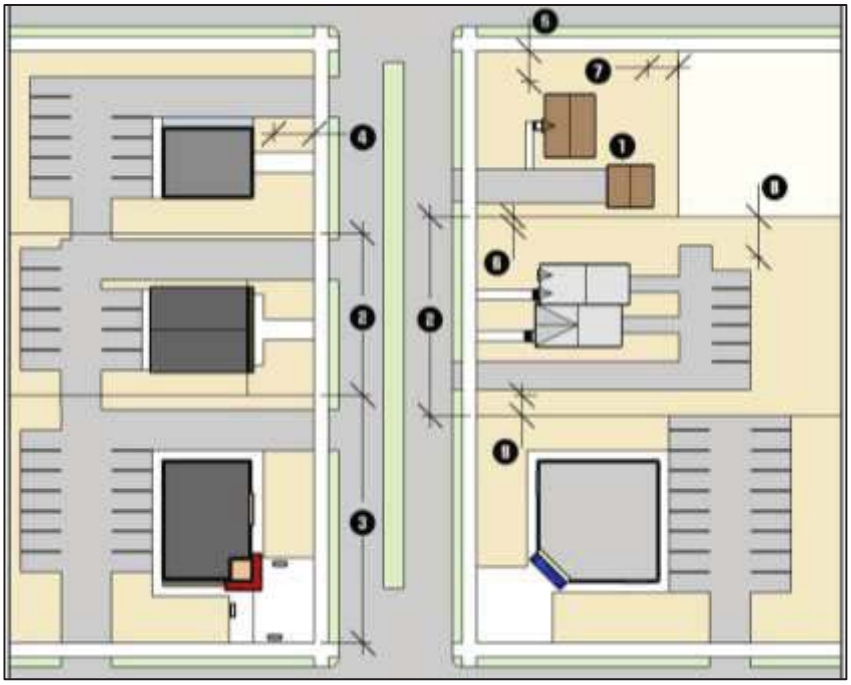
Standard		Reference #	Outside Core City Area				Inside Core City Area			
			SF Detached	Duplex	SF Attached & Multi-family	All Other Uses	SF Detached	Duplex	SF Attached & Multi-family	All Other Uses
Maximum Density (units/acre)			n/a		16	16 [1]	n/a		17.6	17.6 [1]
Minimum Lot Area (square feet)		1	5,000 [2]	7,000	10,000 [3]	n/a	5,000 [4]	7,000 [4]	10,000 [3]	n/a
Minimum Lot Width (feet) [5]	Interior lot	2	40		75 +[6]	60	40 [4]		75 + [6]	60
	Corner lot	3	50				50 [4]			
Minimum Street Setback (feet)	Front	4	20		20		15 [4]			
	Side	5	15							
Minimum Side Setback (feet)		6	5		n/a		5 [4]		n/a	
Minimum Rear Setback (feet)		7	15				10 [4]			
Minimum Perimeter Setback (feet)	Adjacent to Residential District	8	n/a		20		n/a		15	
	Adjacent to Non-residential District	9			10				5	
Maximum Building Height (feet)		10	50		50/80 [7]		50		80 [8]	

[1] Mixed-use development is subject to the maximum density standards.
[2] May be between 75% and 125% of the district minimum lot area, provided the development as a whole maintains an average lot area that equals or exceeds the district minimum.
[3] Minimum development size.
[4] At applicant's option, may be reduced to the lesser of: district minimum or between 75% and 125% of the average of the lots on the same block face (See Section 10.2.3.D, Dimensional Standards in the Core City).
[5] All development shall comply with the City's Driveway Ordinance requirements.
[6] For developments with more than 3 units, minimum lot width is increased by 5 feet per unit up to a maximum width of 120 feet.
[7] For each additional foot of height beyond 50 feet up to 80 feet, the perimeter setbacks shall be increased by 1 foot.
[8] When a perimeter setback abuts a single-family residential district, the setback shall be increased by 1 foot for each foot in height beyond 50 feet up to 80 feet.

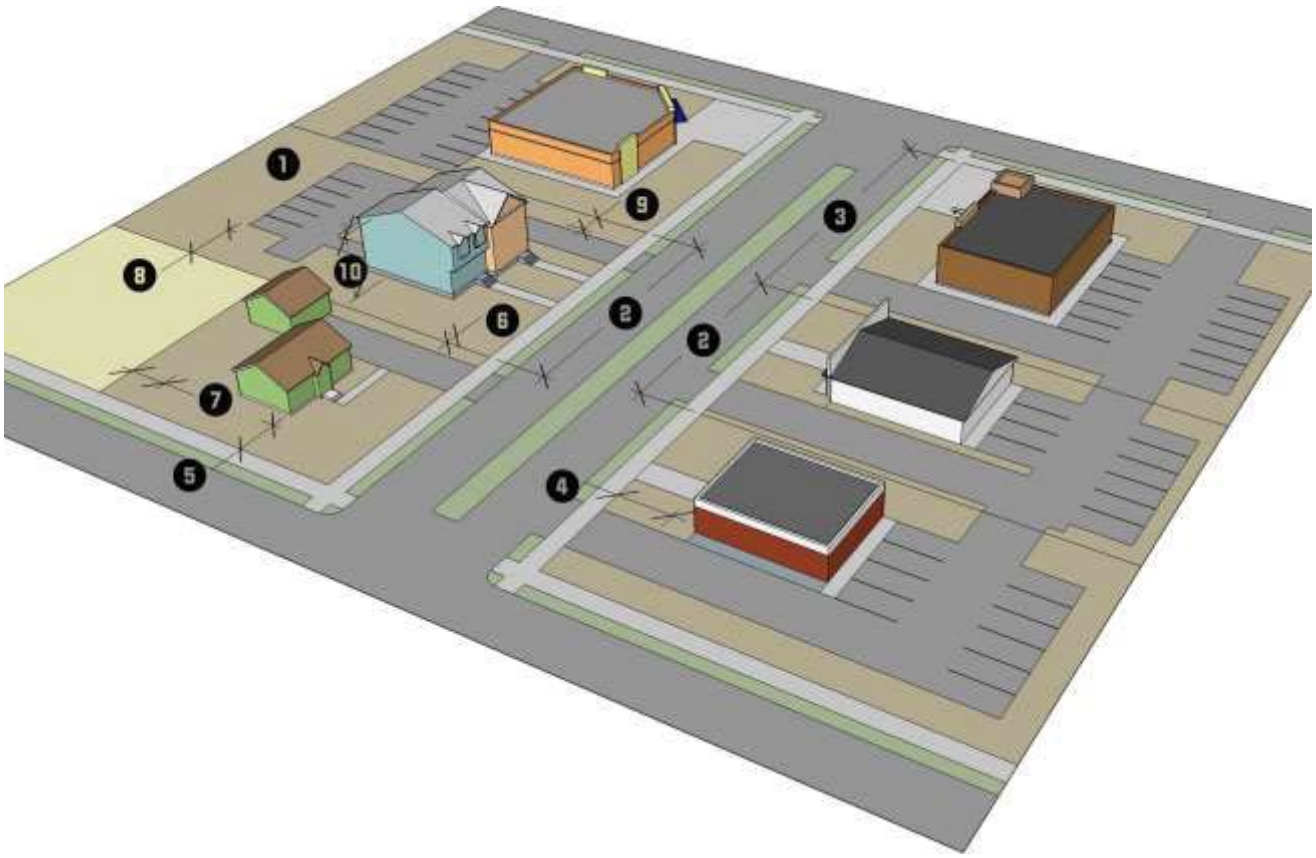
C. Typical Building Forms

D. Typical Lot Patterns

E. District Dimensions



F. Typical Building Configuration



G. District Standards

1. Drive-Throughs

(a) Outdoor speakers associated with a drive-through shall be located at least 50 feet from a residential district.

(b) Drive-through windows, menu boards, and speakers shall not be located between the principal building line and the front street right-of-way.

2. Nonresidential Development

Nonresidential development shall not exceed 50,000 square feet of gross floor area of buildings in the aggregate.

3. Outdoor Storage

Outdoor storage of materials, supplies, products, or equipment is prohibited for all nonresidential uses. Nothing shall prohibit the outdoor display of merchandise for sale in accordance with Section 4.4.5.K, Outdoor Display.

3.4.6. GENERAL BUSINESS (GB)

GB GENERAL BUSINESS DISTRICT

A. District Purpose

The GB district is established to accommodate a wide range of general retail, business, and service uses that serve groups of neighborhoods. GB districts are generally located at major street intersections and along major thoroughfares. Residential uses are encouraged as stand-alone uses and on the upper floors of retail and office buildings as a part of mixed-use development. Uses in the district are subject to standards intended to ensure development is compatible with adjacent residential neighborhoods, particularly within the Core City area.

B. Dimensional Standards

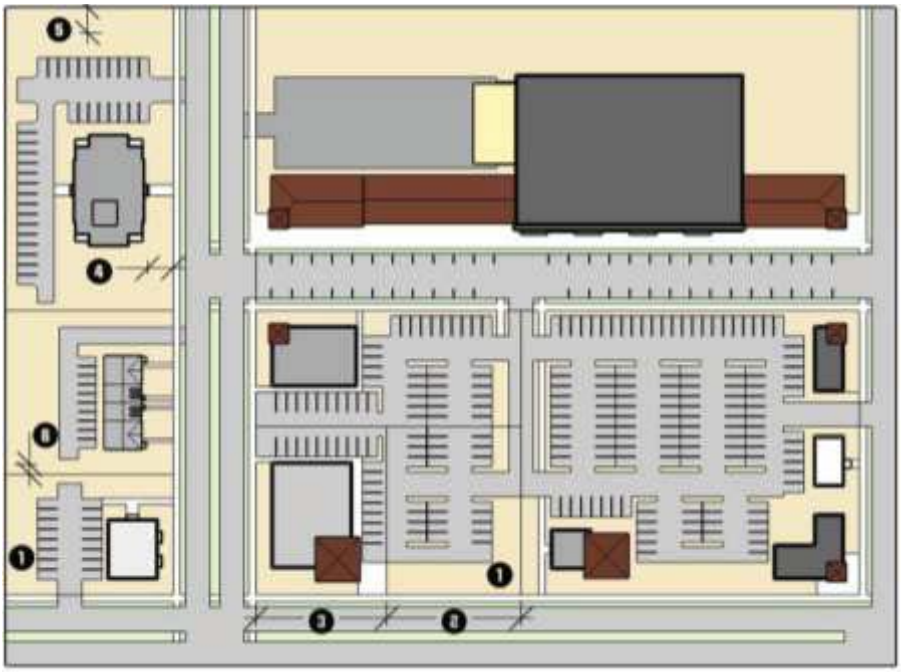
Standard		Reference #	Outside Core City Area		Inside Core City Area	
			SF Attached & Multi-family	All Other Uses	SF Attached & Multi-family	All Other Uses
Maximum Density (units/acre)			26	26 [1]	28.6	28.6 [1]
Minimum Lot Area (square feet)		1	8,000 [2]	n/a	8,000 [2]	n/a
Minimum Lot Width (feet) [3]	Interior lot	2	60 + [4]	75	60 + [4]	75
	Corner lot	3				
Minimum Street Setback (feet)		4	25		15 [5]	
Minimum Perimeter Setback (feet)	Adjacent to Residential District	5	25		10	
	Adjacent to Nonresidential District	6	10		0/5 [6]	
Maximum Building Height (feet)		7	n/a [7]		n/a [8]	

[1] Mixed-use development is subject to the maximum density standards.
[2] Minimum development size.
[3] All development shall comply with the City's Driveway Ordinance requirements.
[4] For developments with more than 3 units, minimum lot width is increased by 5 feet per unit up to a maximum width of 120 feet.
[5] At applicant's option, may be reduced to the lesser of: zoning district minimum or between 75% and 125% of the average of the lots on the same block face (See Section 10.2.3.D, Dimensional Standards in the Core City)
[6] No setback is required, but if provided, it shall be at least 5 feet.
[7] For each additional foot of height beyond 50 feet up to 80 feet, the perimeter setbacks shall be increased by 1 foot.
[8] When a perimeter setback abuts a single-family residential district, the setback shall be increased by 1 foot for each foot in height beyond 50 feet up to 80 feet.

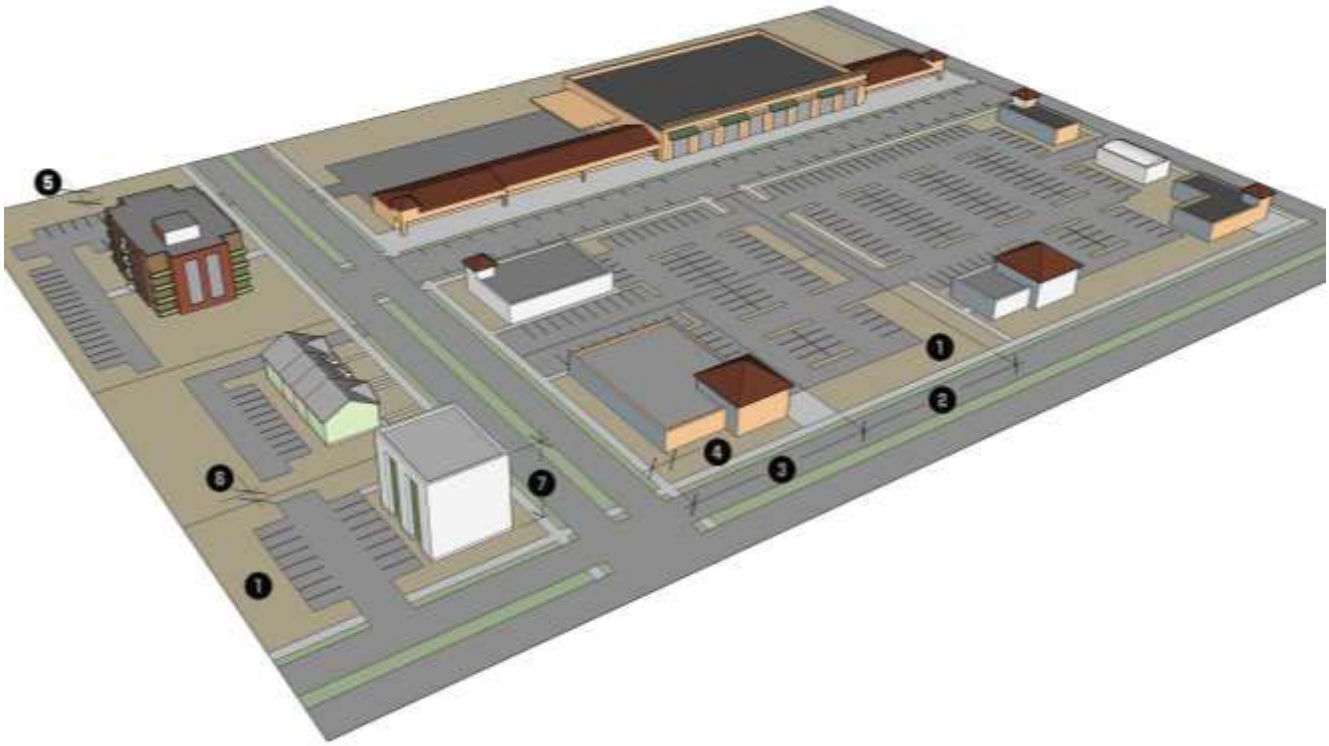
C. Typical Building Forms

D. Typical Lot Patterns

E. District Dimensions



F. Typical Building Configuration



G. District Standards

1. Drive-Throughs

(a) Outdoor speakers associated with the drive-through shall be at least 50 feet from a residential district.

(b) Drive-through windows, menu boards, and speakers shall not be located between the principal building line and the front street right-of-way.

2. Outdoor Storage

Outdoor storage shall:

(a) Not cover an area greater than 50 percent of the ground level gross floor area of the principal building;

(b) Not be located between a principal building line and a front or side street right-of-way;

(c) Not be located in any required landscape yard; and

(d) Be screened from view from adjacent lots and public streets with an opaque wall, fence or other approved means to a height of 6 feet above grade level, provided the screen shall not be allowed in any required landscape yard.

3.4.7. RETAIL CENTER (RC)

RC

RETAIL CENTER DISTRICT

A. District Purpose

The RC district is established to accommodate a diverse range of high-intensity retail, service, and office uses that provide goods and services serving the residents and businesses of the region. The district is typically located at major intersections where visibility and good access are important. Development in the RC district is often configured as large-scale development with multiple uses, shared parking, coordinated signage and landscaping, and deep front setbacks. Higher-density residential uses are encouraged on the upper floors of nonresidential establishments, and may exist as stand-alone buildings as part of a large horizontal mixed-use development.

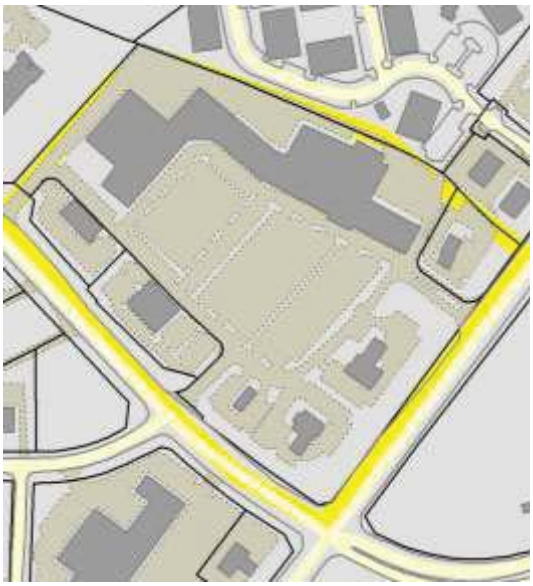
B. Dimensional Standards

Standard		Reference #	Outside Core City Area		Inside Core City Area	
			SF Attached & Multi-family	All Other Uses	SF Attached & Multi-family	All Other Uses
Minimum District Size (acres)			5		3	
Maximum Density (units/acre)			26	26 [1]	28.6	28.6 [1]
Minimum Lot Area (square feet)		1	8,000 [2]	n/a	8,000 [2]	n/a
Minimum Lot Width (feet) [3]	Interior lot	2	60 + [4]	100	60 + [4]	100
	Corner lot	3				
Minimum Street Setback (feet)		4	30		30 [5]	
Minimum Perimeter Setback (feet)		5	30		15	
Maximum Building Height (feet)		6	n/a [6]		n/a [7]	

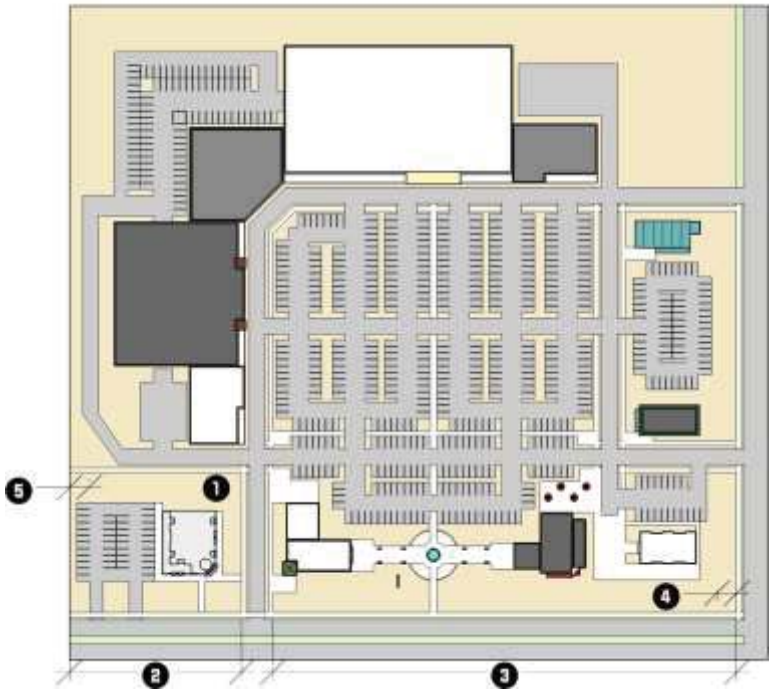
[1] Mixed-use development is subject to the maximum density standards.
[2] Minimum development size.
[3] All development shall comply with the City's Driveway Ordinance requirements.
[4] For developments with more than 3 units, minimum lot width is increased by 5 feet per unit up to a maximum width of 120 feet.
[5] At applicant's option, may be reduced to the lesser of: zoning district minimum or between 75% and 125% of the average of the lots on the same block face (See Section 10.2.3.D, Dimensional Standards in the Core City).
[6] For each additional foot of height beyond 50 feet up to 80 feet, the perimeter setbacks shall be increased by 1 foot.
[7] When a perimeter setback abuts a single-family residential district, the setback shall be increased by 1 foot for each foot in height beyond 50 feet up to 80 feet.

C. Typical Building Forms

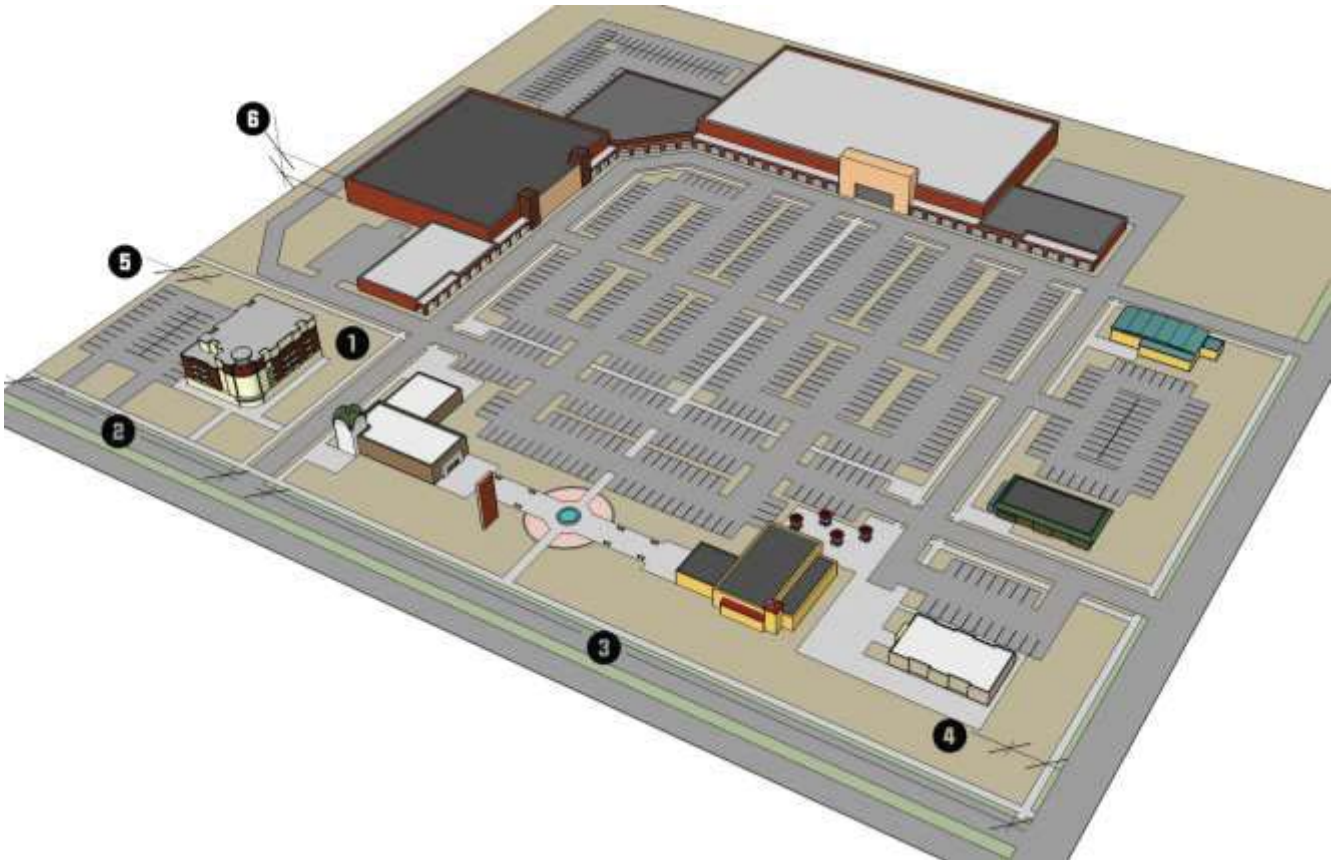
D. Typical Lot Patterns



E. District Dimensions



F. Typical Building Configuration



G. District Standards

1. Drive-Throughs

(a) Outdoor speakers associated with the drive-through shall be at least 50 feet from a residential district.

(b) Drive-through windows, menu boards, and speakers shall not be located between the principal building line and the front street right-of-way.

2. Outdoor Storage

Outdoor storage shall:

(a) Not cover an area greater than 50 percent of the ground level gross floor area of the principal building;

(b) Not be located between a principal building line and a front or side street right-of-way;

(c) Not be located in any required landscape yard; and

(d) Be screened from view from adjacent lots and public streets with an opaque wall, fence or other approved means to a height of 6 feet above grade level, provided the screen shall not be allowed in any required landscape yard.

3.4.8. CENTRAL BUSINESS (CB)

CB

CENTRAL BUSINESS DISTRICT

A. District Purpose

The CB district is established and intended to encourage the urban form and architectural character found in the traditional downtown area as well as promote redevelopment that will make the downtown area, a more diverse and vibrant mixed-use urban center. The CB district is intended to accommodate a well-balanced mix of uses (e.g., office, retail, service, high-density residential, and market showroom development), promote a strong pedestrian-oriented environment (with a reduced need for parking), and preserve and protect the downtown's historical and architectural scale and character. The district is subject to flexible standards intended to support a mixed use urban context.

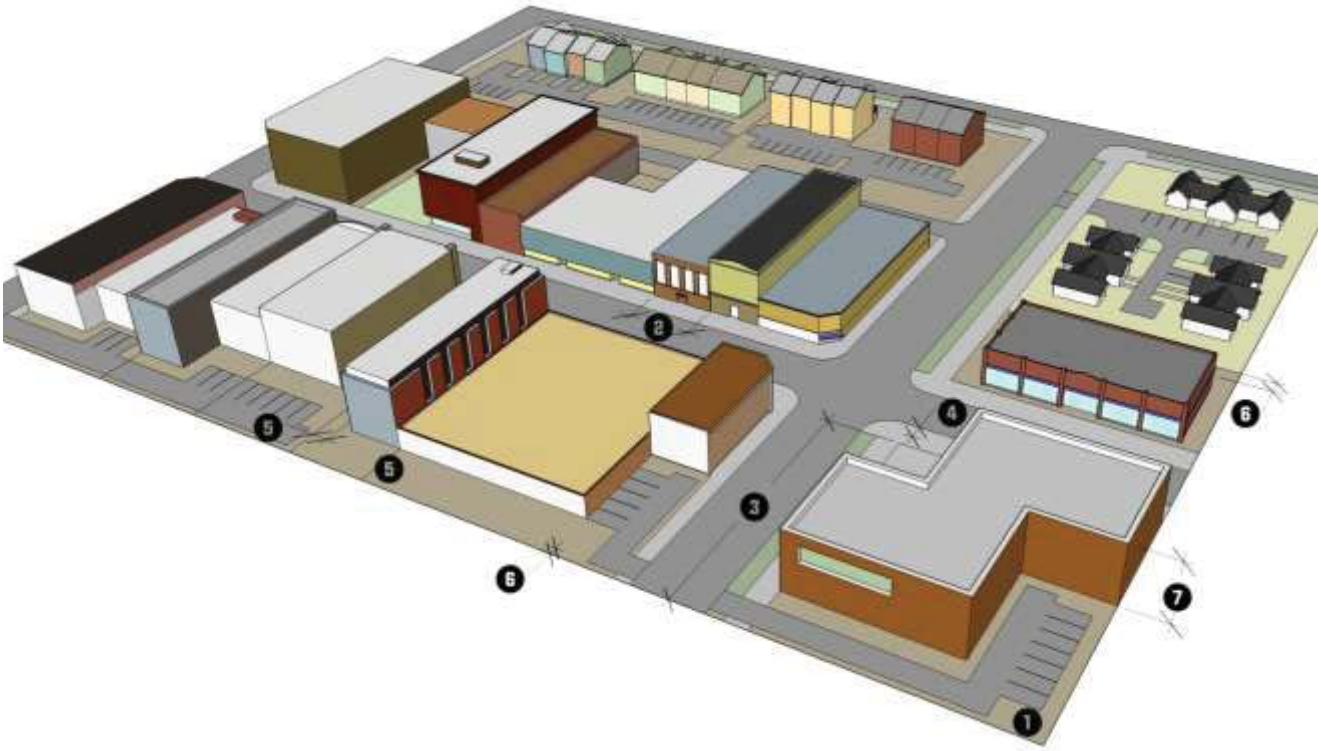
B. Dimensional Standards

Standard		Reference #	All Uses
Maximum Density (units/acre)			n/a
Minimum Lot Area (square feet)		1	n/a
Minimum Lot Width (feet)	Interior lot	2	n/a
	Corner lot	3	n/a
Minimum Street Setback (feet)		4	10 from back of curb
Minimum Side Setback (feet)		5	0; 5 if provided, 10 from single-family residential zoning district
Minimum Rear Setback (feet)		6	
Maximum Building Height (feet)		7	n/a

C. Typical Building Forms

D. Typical Lot Patterns	E. District Dimensions

F. Typical Building Configuration



G. District Standards

1. Drive-Throughs

Drive-through lanes and windows are prohibited.

2. Outdoor Storage

Outdoor storage of materials, supplies, products, or equipment is prohibited for all nonresidential uses. Nothing shall prohibit the outdoor display of merchandise for sale in accordance with Section 4.4.5.K, Outdoor Display.

3.4.9. RESERVED

3.4.10. EMPLOYMENT CENTER (EC)

EC EMPLOYMENT CENTER DISTRICT

A. District Purpose

The EC district is established to accommodate office, warehouse, research and development, light industrial, and supporting activities in a well-planned, high quality business park setting. In addition to typical business park uses, the district also allows retail and service uses intended to serve employees working in the immediate vicinity. In addition to an expectation for high quality design, the district includes standards to help ensure compatibility between development and nearby residential uses. Region-serving commercial and intensive forms of industrial development are prohibited as well as outdoor manufacturing, processing, and storage activities.

B. Dimensional Standards

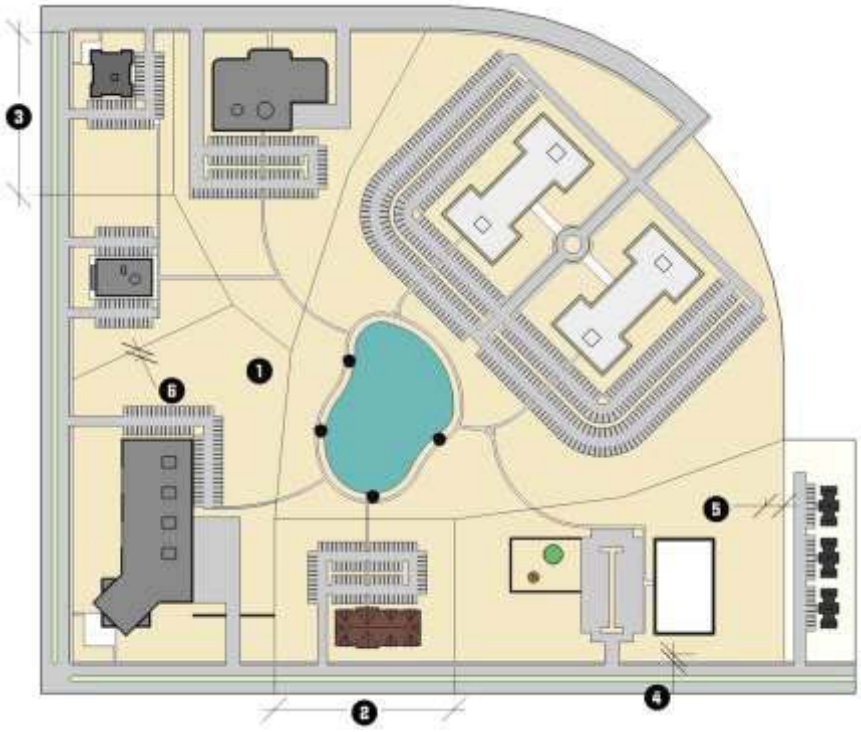
Standard		Reference #	Outside Core City Area		Inside Core City Area	
			SF Attached & Multi-family	All Other Uses	SF Attached & Multi-family	All Other Uses
Minimum District Size (acres)			5		2	
Maximum Density (units/acre)			16	16 [1]	17.6	17.6 [1]
Minimum Lot Area (square feet)		1	40,000 [2]	n/a	40,000 [2]	n/a
Minimum Lot Width (feet) [3]	Interior lot	2	150		150 [4]	150
	Corner lot	3				
Minimum Street Setback (feet)		4	15		15 [4]	
Minimum Perimeter Setback (feet)	Adjacent to Residential District	5	40		25	
	Adjacent to Nonresidential District	6	20		10	
Max. Building Height (feet)		7	n/a [5]		n/a [6]	

[1] Mixed-use development is subject to the maximum density standards.
[2] Minimum development size.
[3] All development shall comply with the City's Driveway Ordinance requirements.
[4] At applicant's option, may be reduced to the lesser of: zoning district minimum or between 75% and 125% of the average of the lots on the same block face (See Section 10.2.3.D, Dimensional Standards in the Core City).
[5] For each additional foot of height beyond 50 feet up to 80 feet, the perimeter setbacks shall be increased by 1 foot.
[6] When a perimeter setback abuts a single-family residential district, the setback shall be increased by 1 foot for each foot in height beyond 50 feet up to 80 feet.

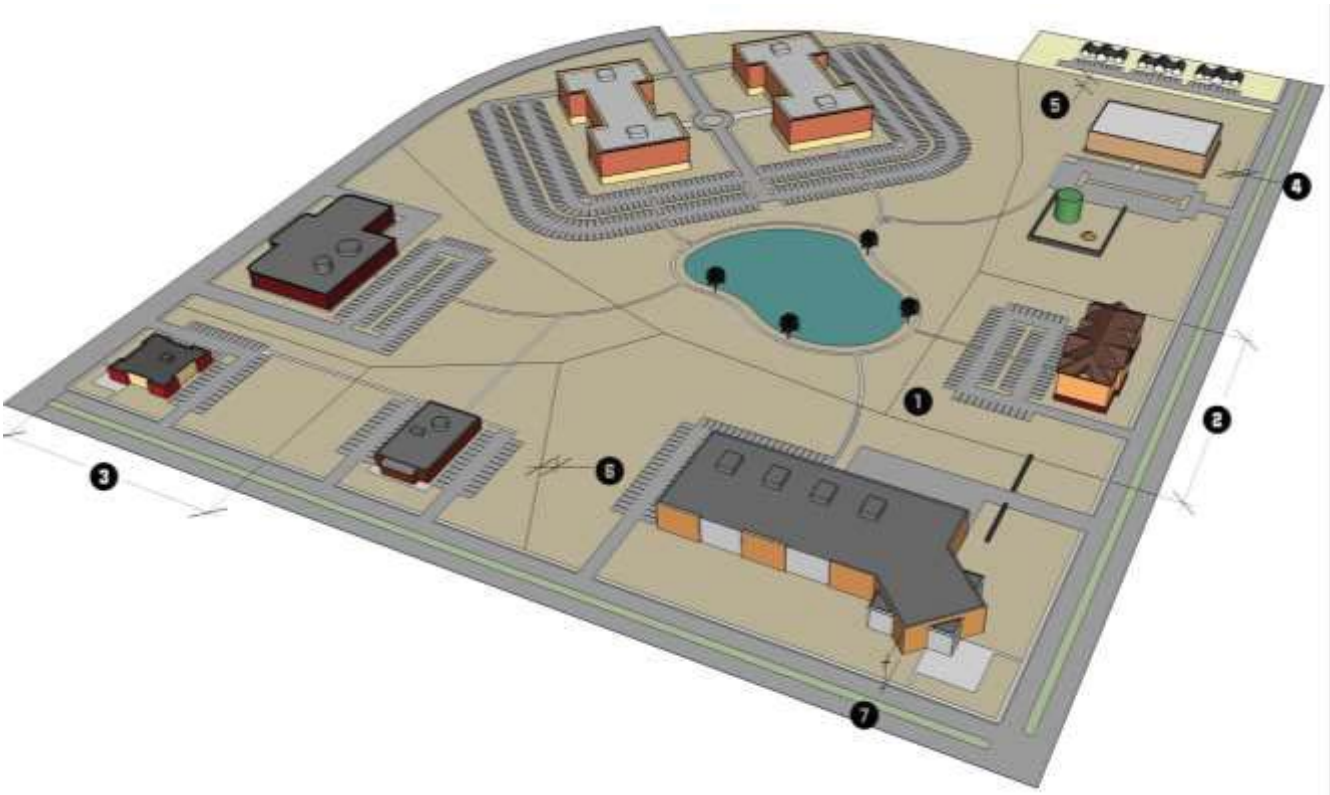
C. Typical Building Forms

D. Typical Lot Patterns

E. District Dimensions



F. Typical Building Configuration



G. District Standards

1. Site Standards

The following standards are applied to nonresidential development sites:

(a) Building Orientation

Single-building developments shall be oriented so that the primary facade faces the street from which the building derives its street address.

(b) Drive-Throughs

Drive-through lanes and windows are prohibited.

(c) Fences

Non-coated chain link fencing shall not be located between the primary facade of a building and the street it faces, and comply with the standards in Section 5.11, Fences.

(d) Ground-based Mechanical Equipment Screening

Ground-based mechanical equipment shall be located to the side or rear of the building and comply with the standards in Section 5.6, Screening.

(e) Off-Street Loading

(1) Loading docks and bays shall be located towards the rear of buildings, or located internally within multi-building developments, and shall not face or be adjacent to public streets.

(2) If located on the side of a building it shall be screened in accordance with Section 5.6, Screening.

(f) Pedestrian Connections

Pedestrian connections with a minimum unobstructed width of 4 feet shall be incorporated to connect a building's primary entrance with all of the following:

(1) Off-street parking areas of 30 or more spaces located on the same lot;
(2) The principal entrances of all other principal buildings in a multi-building development;
(3) The public sidewalk, if one abuts the development;
(4) On-site pedestrian amenities;
(5) Greenways, trails, or paths located on-site or abutting the development; and
(6) Existing or planned transit stops located on-site or abutting the development.

(g) Off-Street Parking

When 30 or more parking spaces are provided, no more than 50 percent of the required off-street parking may be located between the primary building facade and the street it faces and comply with the standards in Section 5.4, Off-Street Parking and Loading.

(h) Accessory Buildings

Accessory buildings shall be located to the side or rear of the development they serve, and shall use the same materials and architectural styling as the principal building they serve.

(i) Outdoor Storage

Outdoor storage shall:

(1) Not cover an area greater than 50 percent of the ground level gross floor area of the principal building;
(2) Be located between the rear building line of the principal building and the rear lot line;
(3) Not be located in any required landscape yard; and
(4) Be screened from view from adjacent lots and public streets with an opaque wall, fence, or other approved means to a height of 6 feet above grade level, provided the screen shall not be allowed in any required landscaping yard.

(j) Outdoor Manufacturing, Processing, Repair, or Assembly

Outdoor manufacturing, processing, repair, or assembly is prohibited and must take place within an enclosed building.

2. Building Standards

The following standards are applied to nonresidential buildings:

(a) Facades

(1) Building facades facing a public street shall include at least 2 or more of the following features:

(i) Windows or fenestration;
(ii) Changes in wall plane (such as projections or recesses) with an offset or depth of at least 1 foot;
(iii) Roofline changes, coupled with correspondingly aligned wall

offset or facade material changes, changes in the roof planes, or changes in the height of a parapet wall;

(iv) Use of columns, pilasters, piers, architectural boxing, or other technique to break the facade into different volumes;

(v) Inclusion of eaves or overhangs;

(vi) Use of brick, stone, or glass as primary materials; or

(vii) Inclusion of an entryway with a roof form that differs from the rest of the facade.

(b) Materials

(1) Exterior building materials should be continued to the finished grade on any elevation.

(2) Building facades utilizing smooth-faced concrete block, or unfinished or untreated tilt-up concrete panels, shall be limited to building facades not visible from public streets.

(3) The use of vinyl siding or corrugated metal siding is prohibited.

(4) The use of high intensity, metallic, or fluorescent colors (such as but not limited to neon or vivid colors) on any building facade is prohibited.

(5) Primary facade materials shall not change at outside corners, and shall continue around the corner to a logical point of conclusion such as a window or change in facade plane.

(c) Roof-Mounted Equipment

(1) Flat roofs shall incorporate parapet walls with 3-dimensional cornice treatments designed to screen the roof and roof-mounted equipment from view from the primary street fronting the building, to the maximum extent practicable. All parapet walls visible from a street shall be finished and be the same or similar in color and material to the building.

(2) For sloped roofs, roof-mounted equipment and other roof penetrations should be located and screened to have a minimal visual impact as seen from the street or existing residential uses.

(3) In cases where complete screening is not practicable, all roof-mounted equipment and other roof penetrations shall be camouflaged through the use of paint or architectural techniques to minimize its appearance.

(4) Green roofs, which use vegetation to improve stormwater quality and reduce runoff, are permitted as an alternative to the roof forms described in this subsection.

3. Retail Sales and Personal Service Uses

Retail Sales and Personal Service uses established as a principal use shall be located within a multi-tenant building.

3.4.11. LIGHT INDUSTRIAL (LI)

LI LIGHT INDUSTRIAL DISTRICT

A. District Purpose

The LI district is established to accommodate light manufacturing, assembly, fabrication, processing, distribution, storage, wholesales sales, research and development, and other industrial uses that are small-scale and result in minimal exterior movement of vehicles, materials, and goods, and have minimal visual impacts. The district also allows commercial activities intended to serve the primary businesses in the districts and their employees as well as multi-family, retail, and personal services establishments as adaptive re-uses of existing buildings within the Core City.

B. Dimensional Standards

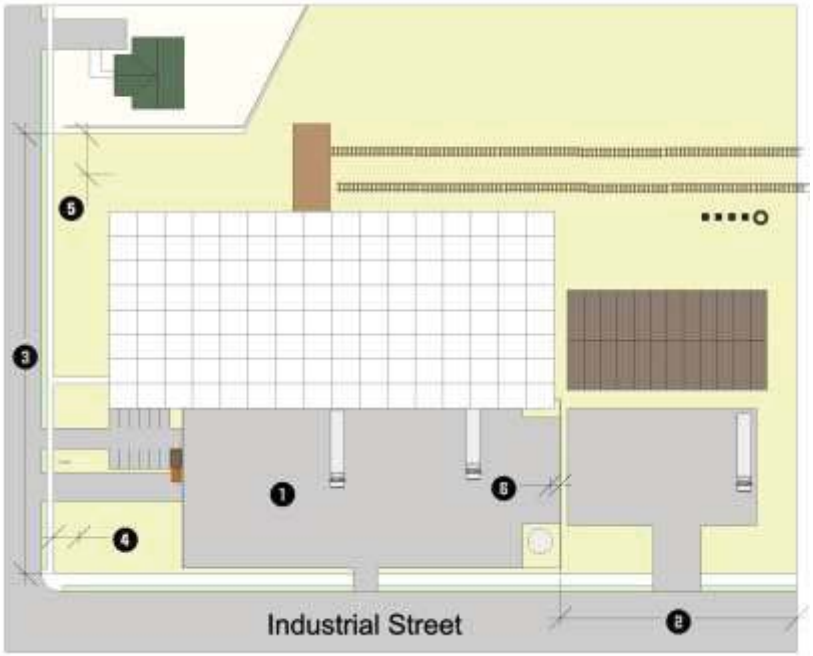
Standard		Reference #	Outside Core City Area	Inside Core City Area
Minimum Lot Area (square feet)		1	n/a	n/a
Minimum Lot Width (feet) [1]	Interior lot	2	100	100
	Corner lot	3		
Minimum Street Setback (feet)		4	25	15 [2]
Minimum Perimeter Setback (feet)	Adjacent to Residential District	5	40	25
	Adjacent to Nonresidential District	6	0/5 [3]	0/5 [3]
Maximum Building Height (feet)		7	n/a [4]	n/a [5]

[1] All development shall comply with the City's Driveway Ordinance requirements.
[2] At applicant's option, may be reduced to the lesser of: zoning district minimum or between 75% and 125% of the average of the lots on the same block face (See Section 10.2.3.D, Dimensional Standards in the Core City).
[3] No setback is required, but if provided, it shall be at least 5 feet.
[4] For each additional foot of height beyond 50 feet up to 80 feet, the perimeter setbacks shall be increased by 1 foot.
[5] When a perimeter setback abuts a single-family residential district, the setback shall be increased by 1 foot for each foot in height beyond 50 feet up to 80 feet.

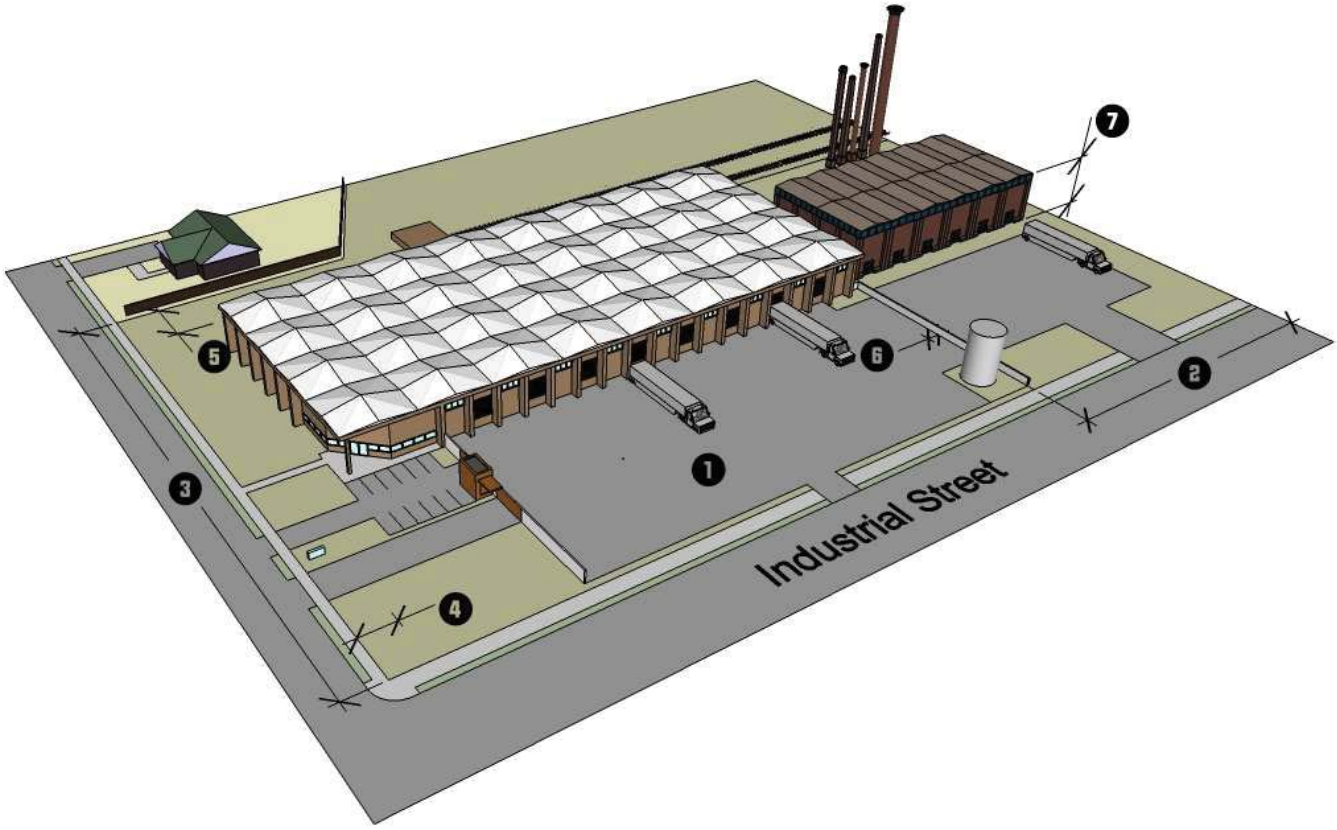
C. Typical Building Forms

D. Typical Lot Patterns

E. District Dimensions



F. Typical Building Configuration



G. District Standards

1. Outdoor Storage

Outdoor storage shall be screened from view from adjacent lots and public streets with an opaque wall, fence, or other approved means to a height 6 feet above grade level.

2. Outdoor Manufacturing, Processing, or Assembly

Outdoor manufacturing, processing, or assembly is prohibited.

3.4.12. HEAVY INDUSTRIAL (HI)

HI HEAVY INDUSTRIAL DISTRICT

A. District Purpose

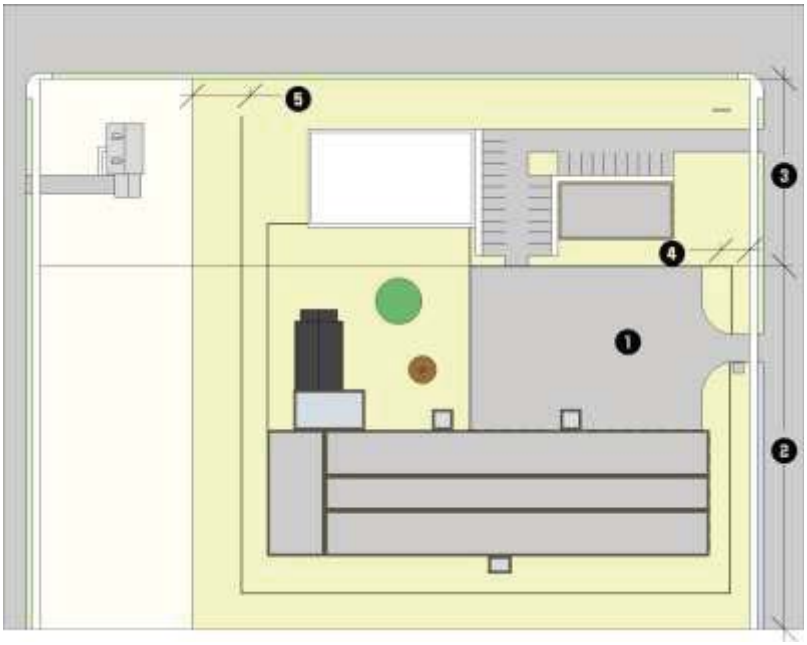
The HI district is established to accommodate heavy manufacturing, assembly, fabrication, processing, distribution, storage, research and development, and other industrial uses that may be large-scale or otherwise have extensive exterior movement of vehicles, materials, and goods, and greater potential for adverse environmental and visual impacts.

B. Dimensional Standards

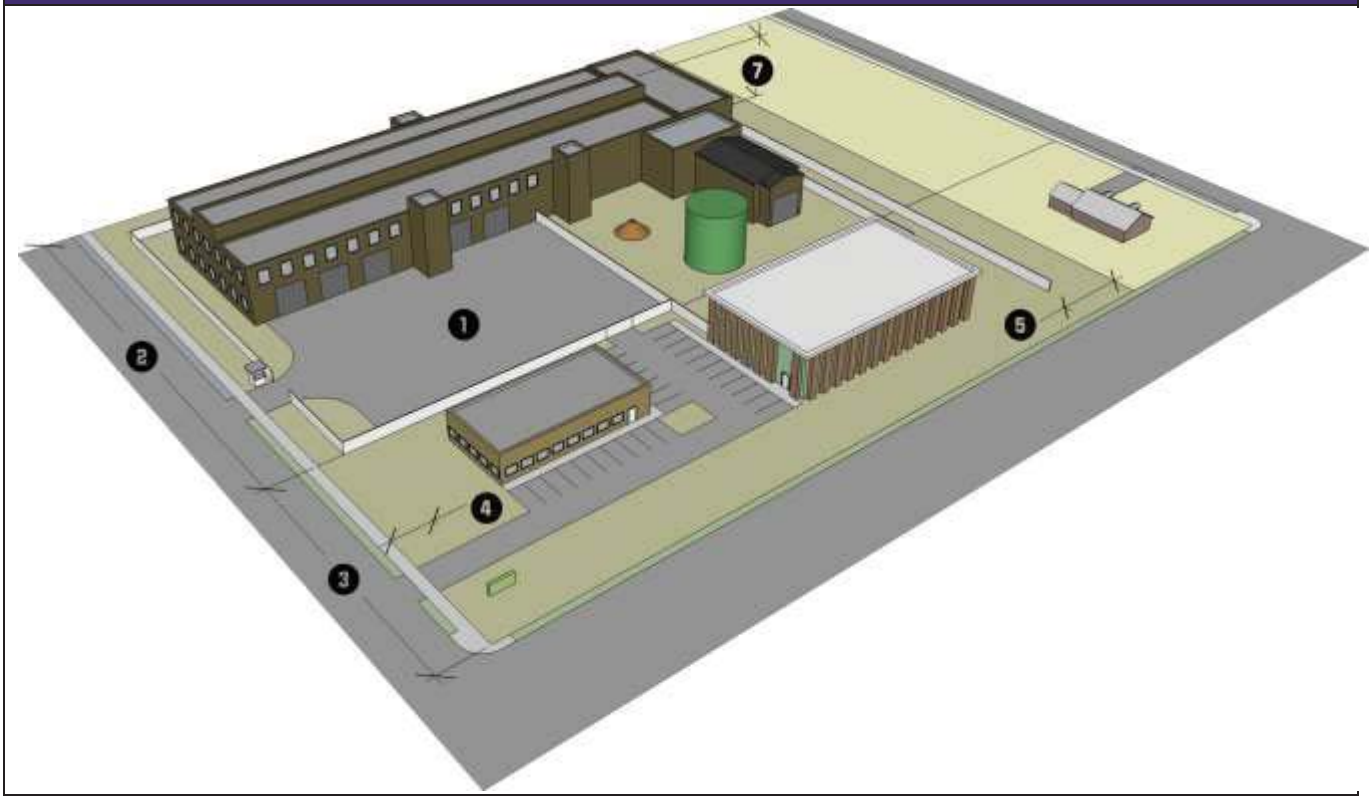
Standard		Reference #	Outside Core City Area	Inside Core City Area
Minimum Lot Area (square feet)		1	n/a	n/a
Minimum Lot Width (feet) [1]	Interior lot	2	100	100
	Corner lot	3		
Minimum Street Setback (feet)		4	25	15 [2]
Minimum Perimeter Setback (feet) [3]	Adjacent to Residential District	5	50	35
	Adjacent to Nonresidential District	6	0/5 [3]	0/5 [3]
Maximum Building Height (feet)		7	n/a [4]	n/a [5]

[1] All development shall comply with the City's Driveway Ordinance requirements.
[2] At applicant's option, may be reduced to the lesser of: zoning district minimum or between 75% and 125% of the average of the lots on the same block face (See Section 10.2.3.D, Dimensional Standards in the Core City.
[3] No setback is required, but if provided, it shall be at least 5 feet.
[4] For each additional foot of height beyond 50 feet up to 80 feet, the perimeter setbacks shall be increased by 1 foot.
[5] When a perimeter setback abuts a single-family residential district, the setback shall be increased by 1 foot for each foot in height beyond 50 feet up to 80 feet.

C. Typical Building Forms

D. Typical Lot Patterns	E. District Dimensions
	

F. Typical Building Configuration



3.5. SPECIAL ZONING DISTRICTS

3.5.1. GENERAL PURPOSE AND INTENT

The special zoning districts established in this section are intended to address special areas where typical urban growth and development does not, should not, or cannot occur, whether because the areas contain important natural resources or natural hazards (the Parkland and Natural Resource Area (PNR) district), rural character and productive natural resources (the Agricultural/Rural (AGR) district), special public or private institutions (the Institutional (I) district), special development considerations and constraints related to the City's current development template and economic situation (the Main Street (MS) district), or the City's adopted policy guidance with respect to the Core City area (the Mixed-Use (MX) district).

3.5.2. AGRICULTURAL/RURAL (AGR)

AGR AGRICULTURAL / RURAL DISTRICT

A. District Purpose

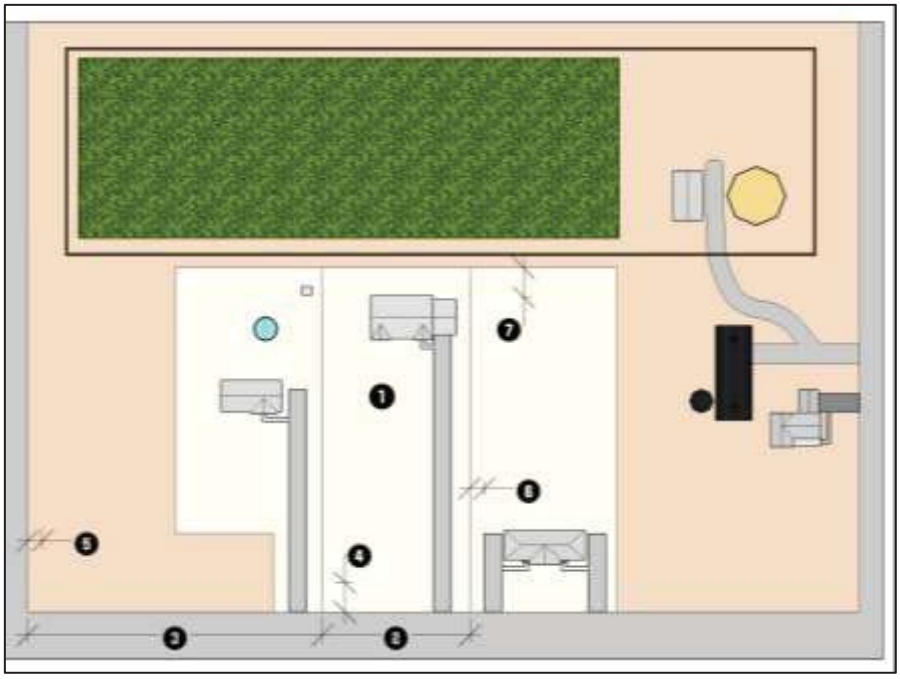
The AGR district is established to accommodate agricultural and agricultural -related uses as well as very low density residential development on large lots, that are not served by public water or sewer. The district is intended to preserve land for agricultural or forest uses, to provide for the orderly transition to urban use, and protect environmentally-sensitive lands. It encourages residential development that preserves farmland and other open space through flexibly-designed conservation subdivisions.

B. Dimensional Standards

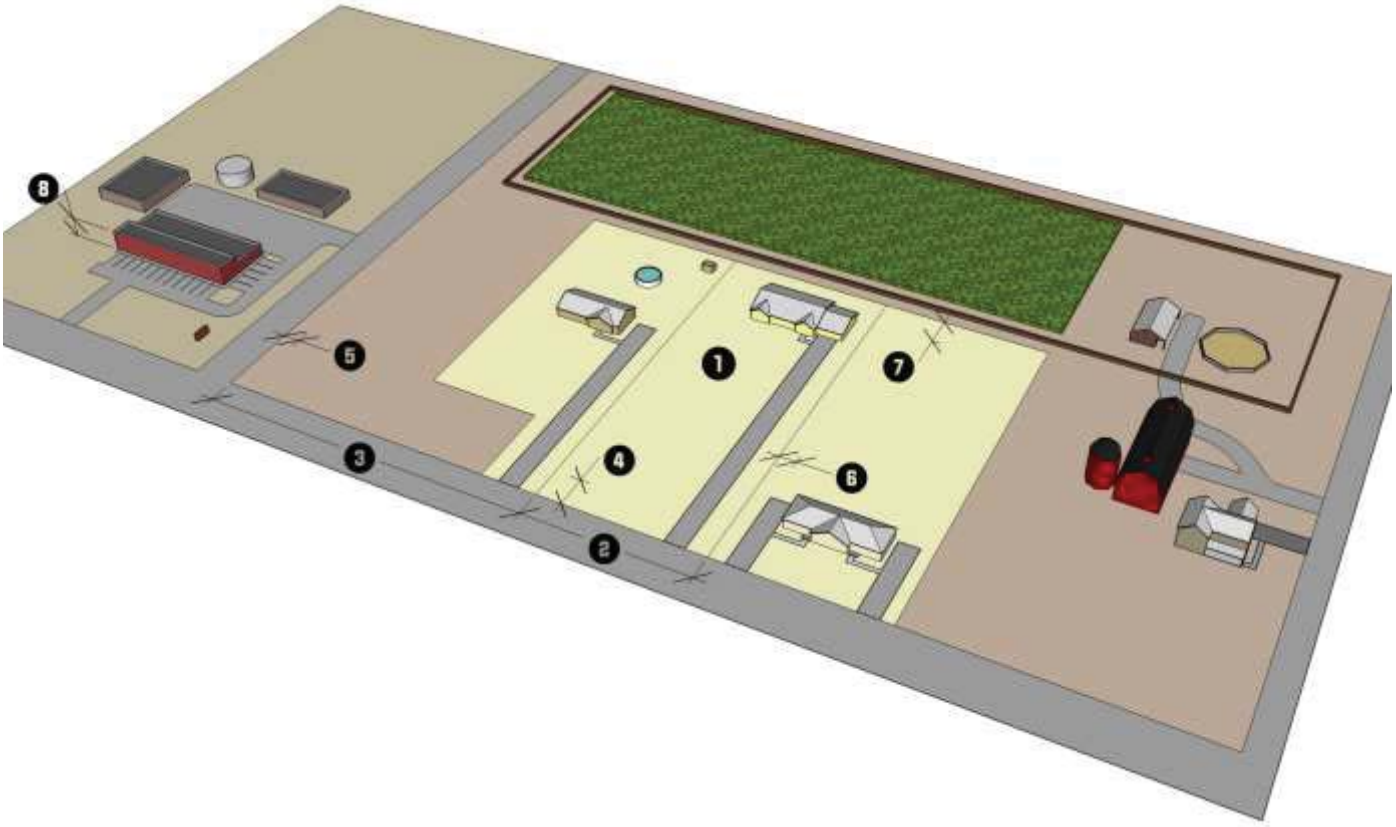
Standard		Reference #	All Uses
Maximum Density (units/acre)			n/a
Minimum Lot Area (acres)		1	5
Minimum Lot Width (feet) [1]	Interior lot	2	150
	Corner lot	3	
Minimum Street Setback (feet)	Front	4	30
	Side	5	15
Minimum Side Setback (feet)		6	15
Minimum Rear Setback (feet)		7	30
Maximum Building Height (feet)		8	50 [2]

[1] All development shall comply with the City's Driveway Ordinance requirements.
[2] Not applied to farm-related accessory structures.

C. Typical Building Forms

D. Typical Lot Patterns	E. District Dimensions
	

F. Typical Building Configuration



3.5.3. RESERVED

3.5.4. INSTITUTIONAL (I)

I INSTITUTIONAL DISTRICT

A. District Purpose

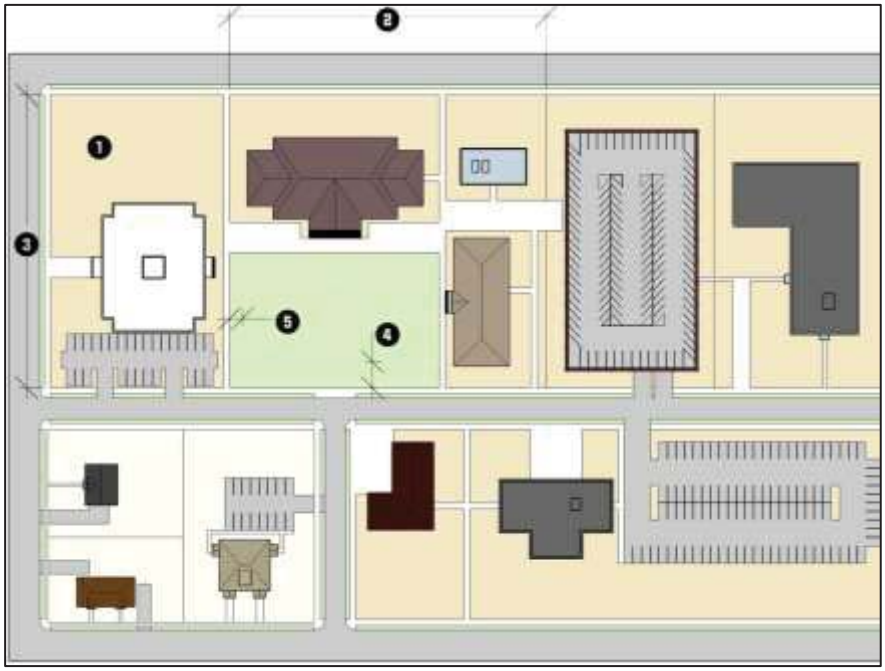
The I district is established to accommodate large-sized public, quasi-public, and institutional uses such as colleges, universities, or hospitals in a campus-like setting. Uses in the I district can have substantial land use impacts or traffic impacts on surrounding uses. This district is not intended to accommodate those smaller public and institutional uses that are typically found in residential districts. The district allows a limited range of residential and institutional development as support uses.

B. Dimensional Standards

Standard	Reference #	Outside Core City Area	Inside Core City Area
		All Uses	All Uses
Minimum District Size (acres)		20	10
Maximum Density (units/acre)		16 [1]	17.6 [1]
Minimum Lot Area (square feet)	1	n/a	n/a
Minimum Lot Width (feet) [2]	2 3	100	100
Minimum Street Setback (feet)	4	30	30 [3]
Minimum Perimeter Setback (feet)	5	30	15
Maximum Building Height (feet)	6	n/a [4]	n/a [5]

[1] Mixed-use development is subject to the maximum density standards.
[2] All development shall comply with the City's Driveway Ordinance requirements.
[3] At applicant's option, may be reduced to the lesser of: zoning district minimum or between 75% and 125% of the average of the lots on the same block face (See Section 10.2.3.D, Dimensional Standards in the Core City.
[4] For each additional foot of height beyond 50 feet up to 80 feet, the perimeter setbacks shall be increased by 1 foot.
[5] When a perimeter setback abuts a single-family residential district, the setback shall be increased by 1 foot for each foot in height beyond 50 feet up to 80 feet.

C. Typical Building Forms

D. Typical Lot Patterns	E. District Dimensions
	

F. Typical Building Configuration

3.5.5. RESERVED

3.5.6. MAIN STREET (MS)

MS MAIN STREET DISTRICT

A. District Purpose

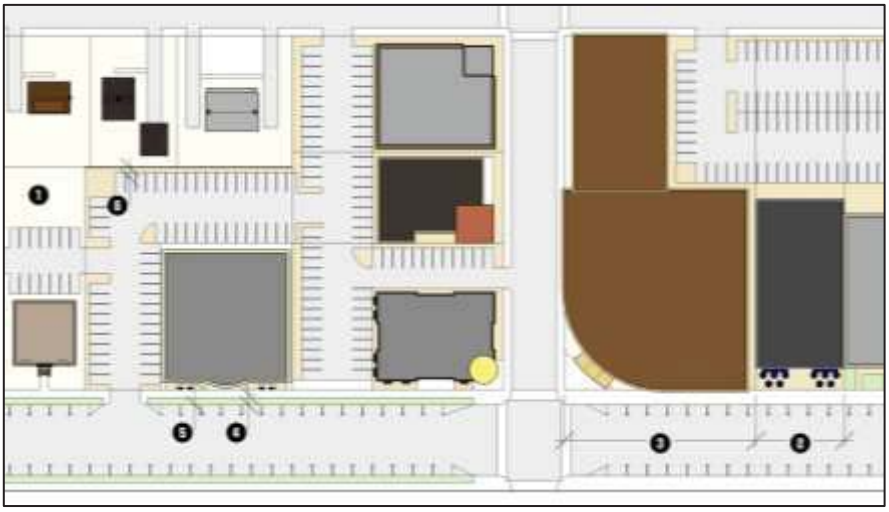
The Main Street (MS) district is established to encourage compact, walkable, pedestrian-oriented, mixed-use development and redevelopment along Main Street. It is intended to enhance the range of goods and services available to shoppers in the Core City area while also providing a wider range of urban housing options for those seeking to live near the central business district.

B. Dimensional Standards

Standard			Sub-district A	Sub-district B	Sub-district C	Sub-district D
Maximum Density (units/acre)			26 [1]			
Minimum Lot Area (square feet)		1	6,000	4,000		6,000
Minimum Lot Width (feet) [2]	Interior lot	2	60	40		60
	Corner lot	3				
Minimum Street Setback (feet) [3]		4	5	0		5
Maximum Street Setback (feet) [4] [5] [6]		5	25	20		25
Minimum Interior Setback (feet)		6	0/5 [7]			
Maximum Building Height (feet)		7	n/a [8]			

[1] Mixed-use development is subject to the maximum density standards.
[2] All development shall comply with the City's Driveway Ordinance requirements.
[3] All buildings shall be at least 10 feet from the back of the curb.
[4] Applied only to lot lines abutting Main Street.
[5] At least 60 percent of the front building facade of buildings facing Main Street built after March 31, 2008 shall be located between the minimum and maximum street setbacks.
[6] Institutional uses (see Table 4.1.9, Principal Use Table) are not subject to the maximum street setbacks along Main Street.
[7] Buildings shall be setback at least 10 feet from lot lines abutting a residential district.
[8] When a perimeter setback abuts a single-family residential district, the setback shall be increased by 1 foot for each foot in height beyond 50 feet up to 80 feet.

C. Typical Building Forms

D. Typical Lot Patterns	E. District Dimensions
	

F. Typical Building Configuration

G. District Standards

1. Sub-districts Established

The MS district is organized into a series of 4 sub-districts (A, B, C, and D, as depicted on the Official Zoning Map) to better recognize the differing development contexts along Main Street. Except where otherwise indicated below, the district standards in this section shall apply to development in all 4 sub-districts.

2. Building Compliance due to Expansion

(a) In cases where an existing building is expanded or enlarged by 25 percent or less of its gross floor area as it existed on March 31, 2008, the expansion of the building shall either maintain the current appearance of the existing building or comply with the standards in Section 3.5.5.G.5, Building Standards.

(b) In cases where an existing building is expanded or enlarged by more than 25 percent of its gross floor area as it existed on March 31, 2008, the portion of the front and side building facades associated with the expansion or enlargement shall comply with the standards in Section 3.5.5.G.5, Building Standards.

(c) In cases where a building existing on March 31, 2008, does not comply with the minimum and maximum street setbacks, the building may be enlarged or expanded without complying with applicable minimum and maximum street setback requirements.

3. Site Standards

(a) Building Orientation

Front building facades located between the minimum and maximum street setbacks along Main Street shall be oriented to be parallel with the Main Street right-of-way.

(b) Exemption from Maximum Setback

Uses that are allowed within the Civic, Education, and Religious Institution Use Categories are not required to comply with the maximum setback. In cases where the setback exceeds the maximum, then the use shall provide a civic space meeting the following requirements:

(1) The civic space shall be between the front of the principal building and Main Street or other primary fronting street;

(2) The area shall not be used for parking or loading and shall have landscaping that covers a minimum of 10 percent of the area;

(3) It may include pedestrian amenities which include but are not limited to: seating, outdoor play areas, bicycle racks, kiosks, water features, public art, freestanding structures such as a clock tower, or similar amenities;

(4) A decorative fence, a hedgerow, or a combination thereof may be provided along Main Street (or other primary fronting street) to provide a boundary between the civic space and the street right-of-way. If provided, the boundary treatment shall meet the following requirements:

(i) Walls and fences are limited to a maximum of 4 feet in height. Decorative fences include, but are not limited to: split rail, wrought iron, or other transparent decorative fence. Chain-link fencing is prohibited.

(ii) Hedges used to establish this boundary shall be a minimum height of 18 inches at planting and shall be maintained at a height between 3 and 4 feet at maturity.

(c) Drive-Throughs

Drive-through lanes and windows are prohibited in sub-district B. In sub-district C the following standards shall apply:

(1) Outdoor speakers associated with a drive-through shall be located at least 50 feet from a residential district.

(2) Drive-through windows, menu boards, and speakers shall not be located between the principal building line and the front street right-of-way.

(d) Fuel Pumps and Canopies

Fuel pumps and canopies shall be located behind the rear building line of the principal building, to the maximum extent practicable.

(e) Fences

Fences shall comply with the standards in Section 5.11, Fences, as well as the following:

(1) Chain link, chain-link panel, slat weave, barbed wire fencing, and plain concrete block shall only be permitted behind the rear building line of the principal building and shall not be located within 40 feet of the right-of-way of a public street (excluding alleys).

(2) Chain link, chain-link panel, slat weave and barbed wire fencing, as well as plain concrete block walls shall only be permitted along the rear lot line of lots without a principal building.

(3) Fences located between the minimum and maximum street setback shall be limited to 4 feet in height or less and may not be fully opaque.

(4) Fences shall be provided along all lot lines that abut a residential zoning district and be opaque to a height 6 feet above grade level.

(f) Ground-based Mechanical Equipment Screening

Ground-based mechanical equipment should be located to the rear of the principal building(s), and shall be screened in accordance with Section 5.6, Screening.

(g) Landscaping

Landscaping shall comply with the standards in Section 5.5, Landscaping Standards, as well as the following:

(1) Street yards are not required in sub-districts B and C.

(2) A Type D yard is required in sub-districts A & D for all street frontages.

(h) Off-Street Loading

If provided, loading areas shall be located to the rear of the principal building and shall be screened in accordance with Section 5.6, Screening.

(i) Outdoor Storage

Outdoor storage of materials, supplies, products, or equipment is prohibited. Nothing shall prohibit the outdoor display of merchandise for sale in accordance with Section 4.4.5.K, Outdoor Display.

(j) Off-Street Parking

In addition to the applicable standards in Section 5.4, Off-Street Parking and Loading, development in the MS district shall comply with the following standards (see Figure 3.5.6.G.3, Parking Lot Location):

(1) Off-street parking areas shall not be located between the front building line and the street it faces.

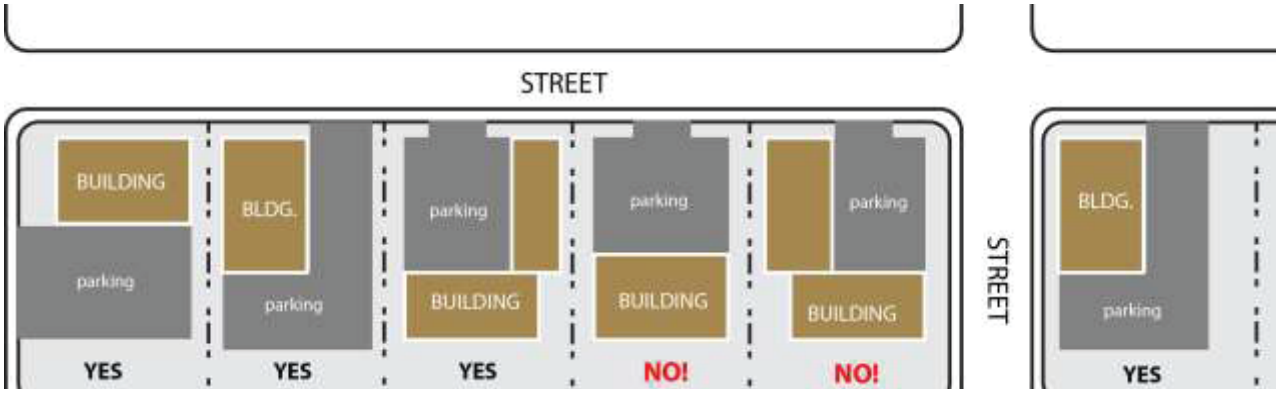
(2) Off-street parking areas on corner lots shall not contiguously front

more than 1 street.

(3) Except for driveway crossings, drive aisles in sub-districts B and C shall not be located in the area between the minimum and maximum street setback.

(4) Residential uses located within a mixed-use building are exempted from the off-street parking requirements in Table 5.4.4.B, Minimum Off-Street Parking Standards.

FIGURE 3.5.6.G.3, PARKING LOT LOCATION



(k) Sidewalks

Sidewalks shall be installed along the abutting public street frontage and shall be constructed in accordance with the standards in Section 5.9, Sidewalks.

(l) Accessory Buildings

(1) Accessory buildings shall be located behind the rear building line of the principal building they serve, or located internally in a group development. In no instance shall an accessory building be located between a primary building facade and the street it faces.

(2) Accessory buildings and structures should be similar in materials and architectural style to a principal building.

(m) Group Developments

Additional principal buildings may be built on a site beyond the maximum street setback if there is at least 1 principal building located on the site with a front facade that meets the street setback requirements and covers a minimum of 50 percent of the lot width.

4. Building Standards

The following standards are applied to all multi-family residential and nonresidential buildings:

(a) Facade Articulation

(1) Front and side building facades shall include at least 2 or more of the following features at least every 15 feet:

(i) Recessed or display windows;

(ii) Offset surfaces, niches, insets, projections, or bas relief with a minimum depth of 4 inches;

(iii) Window indentations that incorporate a differing building

material, texture, or color, along with an awning or overhang;

(iv) Differentiated piers, columns, or pilasters;

(v) Pedestrian entrances;

(vi) Textured materials;

(vii) Roofline changes, coupled with correspondingly aligned wall offset or facade material changes, changes in the roof planes, or changes in the height of a parapet wall; or

(viii) Changes in wall plane (such as projections or recesses).

(2) Building facades facing a street should achieve vertical orientation by using regularly spaced vertically oriented windows and doors, in conjunction with features such as: roof line/parapet variations, window hoods, material changes, columns, pilasters, posts, awnings, canopies, stoops, or facade offsets, to create vertically oriented bays, or divisions of space that are approximately 30 feet wide or less. The rhythm within a building facade should be maintained by making each vertically oriented bay the same width.

(3) Buildings of 2 or more stories are encouraged to have front facades that have a clear and distinct base (ground floor), middle, and top (often defined by a decorative cornice). Features such as an increased ground floor height (including a transom window), the use of a frieze, string course or storefront cornice, a bulkhead or kick plate, and differentiated building materials or coloration are similarly encouraged.

(4) Buildings with flat roofs or a roof with a pitch of 3/12 or less shall include a parapet wall on the front and side of sufficient height to screen all roof-mounted equipment and should be topped with a 3-dimensional cornice that provides architectural detail.

(b) Facade Materials

(1) Where 2 or more materials are proposed to be combined on a facade, the heavier and more massive elements should be located below the lighter elements (e.g., brick shall be located below stucco). It is acceptable to provide the heavier material as a detail on the corner of a building or along cornices or windows.

(2) Primary facade materials shall not change at outside corners, and shall continue around the corner to a logical point of conclusion such as a change in facade plane.

(3) Smooth face concrete block shall not be used on a building facade visible from a street.

(4) Field colors for the main body of a building shall be non-reflective.

(c) Facade Transparency

(1) Front building facades facing a street shall maintain non-reflective, transparent windows on at least 50 percent of the facade area between 2 and 8 feet above average grade.

(2) Upper stories on front and side facades facing a street shall maintain non-reflective, transparent windows on at least 20 percent of the upper story facade area.

(3) Residential buildings, locally or nationally designated historic buildings, contributing structures within a historic district, civic uses, and institutional uses are exempt from these requirements.

(4) If the transparency requirements cannot be met due to internal

configuration of the building, the location of gasoline pumps to the rear of the building, or other conflicting standards of this district, an alternative design shall be approved by the Planning and Development Director that meets the purpose and intent of these facade transparency standards through the use of, for example, opaque glass, enclosed window wells supplemented with awnings, false storefront windows, and similar building wall fenestration techniques. Figure 3.5.6.G.4, Facade Transparency Alternatives, below shows some alternative designs that comply with the purpose and intent of this standard.

FIGURE 3.5.6.G.4, FACADE TRANSPARENCY ALTERNATIVES

(d) Main Street Entrance

(1) Every building on Main Street shall have an entrance that faces the Main Street right-of-way.

(2) A Main Street entrance on corner buildings may be located on the corner.

(3) A Main Street entrance shall be distinguishable from the balance of the front facade through the use of one or more of any of the following or other similar features:

- **(i)** Projecting or recessed entry;
- **(ii)** Transom or sidelight windows;
- **(iii)** Pediments, columns, or other vertical features; or
- **(iv)** Marquis, arcades, or overhangs.

(4) Buildings on lots without a frontage on Main Street shall comply with the standards of this subsection for the street they face.

(e) Roof Mounted Equipment

(1) Flat roofs shall incorporate parapet walls with 3-dimensional cornice treatments designed to screen the roof and roof-mounted equipment from view from the primary street fronting the building, to the maximum extent practicable. All parapet walls visible from a street shall be finished and be the same or similar in color and material to the building.

(2) For sloped roofs, roof-mounted equipment and other roof penetrations should be located and screened to have a minimal visual impact as seen from the street or existing residential uses.

(3) In cases where complete screening is not practicable, all roof-mounted equipment and other roof penetrations shall be camouflaged through the use of paint or architectural techniques to

minimize its appearance.

(4) Green roofs, which use vegetation to improve stormwater quality and reduce runoff, are permitted as an alternative to the roof forms described in this subsection.

(f) Service or Vehicular Bays

(1) Service or vehicular bays and their doors shall not be located so as to face Main Street (or the primary fronting street for properties located off of Main Street) if such the door is located within 50 feet of the street right-of-way.

(2) Public safety facilities are exempt from this requirement.

5. Existing Manufacturing Uses in Sub-district A

The following standards shall apply to manufacturing uses in sub-district A:

(a) Any manufacturing use that existed on March 31, 2008 shall be considered a conforming use of land for the purposes of this Ordinance.

(b) Expansion of an existing manufacturing use is permitted provided all expansions are located at least 200 linear feet from the Main Street right-of-way.

6. Multi-family Residential Uses

In addition to the standards in Section 4.3.2.B.5, Multi-Family Dwelling, multi-family development shall comply with the following standards.

(a) The finished floor of the ground floor shall be at least 3 feet above the grade of the adjacent street or sidewalk unless the unit is intended for occupancy by persons with physical disabilities, or subject to an administrative adjustment (see Section 2.5.2, Administrative Adjustment (Type I/Type II)).

(b) Vehicular access to an individual unit shall occur from a common drive or public alley that provides access to the units in the development.

(c) A garage may be located at grade, if it is located at the rear of the building or in a detached structure.

7. Uses Prohibited

Table 4.1.9, Principal Use Table, sets out the use types prohibited in the MS district.

3.5.7. MIXED-USE (MX)

MX MIXED-USE DISTRICT	A. DISTRICT PURPOSE
	The Mixed-Use (MX) district is intended to establish compact, pedestrian-oriented, mixed-use development and redevelopment at key locations in the Core City in accordance with the City's adopted policy guidance. It seeks to revitalize existing neighborhoods by enabling the development of higher intensity neighborhood centers with new housing, shopping, working, and recreational options in close proximity to one another. The proximity of these uses allows nearby residents to meet some of their daily needs without use of an automobile. The district standards address a variety of design elements including building location, off-street parking, access, land use, and visual quality.

B. Procedure for Establishment of Mixed-Use (MX) Districts

1. Mixed-Use Area Plan

Prior to establishment of a MX district for a specific mixed-use area, a plan for the specific mixed-use area shall be adopted by the City Council. The mixed-use area plan should comply with the City's adopted policy guidance generally, and the specific recommendations for the mixed-use centers in the Core City Plan. The plan should, at a minimum, describe the characteristics, conditions, boundaries, and development goals of the area.

2. Mixed-Use Area Plan Approval

After completion, the mixed-use area plan shall be forwarded to the P&Z for its review and recommendations following a public hearing. Upon completion of its review, the plan along with the recommendations of the P&Z shall be forwarded to the City Council for review and a public hearing. A mixed-use area plan shall be approved by the City Council for a specific mixed-use area before establishment of a corresponding MX district for the same area.

3. District Organization

(a) The MX district is organized into a series of different districts (e.g., Mixed-Use Washington Street (MX-W) as depicted on the Official Zoning Map) to better recognize the differing development contexts.

(b) The City Council may establish an MX district in accordance with this section, Section 2.4.19, Zoning Map Amendment, and Section 2.4.14, Text Amendment.

(c) Based on its associated mixed-use area plan, each MX district should, at a minimum, include boundaries, dimensional standards, and any other standards unique to the district. The general standards in Section 3.5.7.C, General Standards for All MX Districts shall also apply.

C. General Standards for All MX Districts

Except where otherwise indicated below, the standards in this section shall apply to all development in all MX districts.

1. Building Compliance due to an Expansion

(a) In cases where an existing building is expanded or enlarged by 25 percent or less of its gross floor area as it existed on the effective date of the ordinance establishing the MX district, the expansion of the building shall

either maintain the current appearance of the existing building or comply with the standards in Section 3.5.7.C.3, Building Standards.

(b) In cases where an existing building is expanded or enlarged by more than 25 percent of its gross floor area as it existed on the effective date of the ordinance establishing the MX district, the portion of the front and side building facades associated with the expansion or enlargement shall comply with the standards in Section 3.5.7.C.3, Building Standards.

(c) In cases where a building existing on the effective date of the ordinance establishing the MX district, does not comply with the minimum and maximum street setbacks, the building may be enlarged or expanded without complying with any applicable minimum and maximum street setback requirements.

2. Site Standards

(a) Building Orientation

(1) Single-building developments shall be oriented so that the primary facade faces the street from which the building derives its street address.

(2) Front building facades located between the minimum and maximum street setbacks shall be oriented to be parallel with the abutting street right-of-way.

(3) Group developments shall configure building walls to frame and enclose the corners of street intersections or entry points into the development, a central pedestrian access corridor within the development site, or other site amenities on at least 3 sides.

(b) Drive-Throughs

Drive-through lanes and windows are prohibited.

(c) Fences

Fences shall comply with the standards in Section 5.11, Fences, as well as the following:

(1) Chain link, chain-link panel, slat weave, barbed wire fencing, and plain concrete block shall only be permitted behind the rear building line of the principal building and shall not be located within 40 feet of the right-of-way of a public street (excluding alleys).

(2) Chain link, chain-link panel, slat weave and barbed wire fencing, and plain concrete block walls shall only be permitted along the rear lot line of lots without a principal building.

(3) Fences located between the minimum and maximum street setback shall be limited to 4 feet in height or less and may not be fully opaque.

(4) Fences shall be provided along all lot lines that abut a residential zoning district and shall be opaque to a height 6 feet above grade level.

(d) Ground-based Mechanical Equipment Screening

Ground-based mechanical equipment should be located to the rear of the principal building(s), and shall be screened in accordance with Section 5.6, Screening.

(e) Off-Street Loading

If provided, loading areas shall be located to the rear of the principal building and shall be screened in accordance with Section 5.6, Screening.

(f) Outdoor Storage

Outdoor storage of materials, supplies, products, or equipment is prohibited. Nothing shall prohibit the outdoor display of merchandise for sale in accordance with Section 4.4.5.K, Outdoor Display.

(g) Off-Street Parking

In addition to the applicable standards in Section 5.4, Off-Street Parking and Loading, development in the MX district shall comply with the following standards (see Figure 3.5.7.C.2, Parking Lot Configuration):

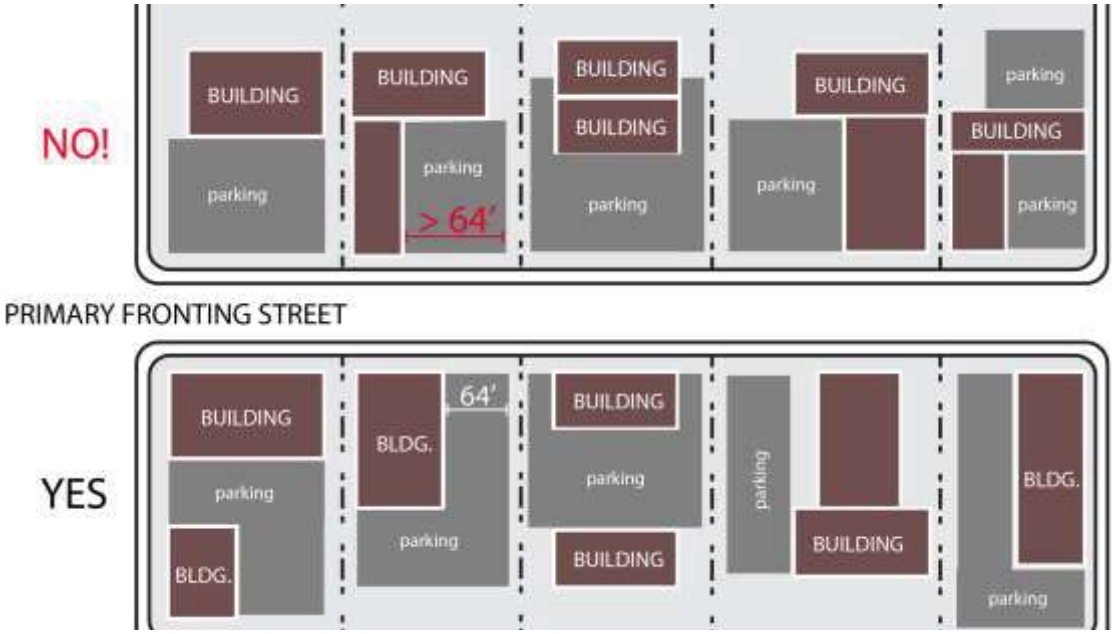
(1) Off-street parking areas shall not be located between the front building line and the street it faces.

(2) Off-street parking areas on corner lots shall not contiguously front more than 1 street.

(3) When located to the side of a building, off-street parking spaces shall not occupy more than 64 linear feet in width along the lot's street frontage.

(4) Residential uses located within a mixed-use building are exempted from the off-street parking requirements in Table 5.4.4.B, Minimum Off-Street Parking Standards.

FIGURE 3.5.7.C.2, PARKING LOT CONFIGURATION



(h) Sidewalks

In cases where development proposes new streets or applies to all lots along an existing block face, sidewalks shall comply with the standards in Section 5.9, Sidewalks, as well as the following:

(1) Sidewalks shall be located on both sides of all streets except alleys.

(2) Sidewalks shall be located at the back of the curb and shall maintain a minimum width of at least 8 feet. A width of 12 feet is strongly encouraged.

(3) Sidewalks shall be configured into 2 zones of at least 4 feet each. The zone closest to the street is intended to accommodate street tree plantings and street furnishings, while the zone closest to building facades is intended for the clear unobstructed movement of pedestrians. Sidewalk dining is encouraged provided it does not encroach into the zone intended for movement of pedestrians.

(4) Sidewalks shall be configured to provide a smooth transition in width between new sidewalks and connections to established sidewalks of a lesser width.

(i) Accessory Buildings

(1) Accessory buildings shall be located behind the rear building line of the principal building they serve, or located internally in a group development. In no instance shall an accessory building be located between a primary building facade and the street it faces.

(2) Accessory buildings and structures should be similar in materials and architectural style to a principal building.

(j) Group Developments

Additional principal buildings may be built on a site beyond the maximum street setback if there is at least 1 principal building located on the site with a front facade that complies with the street setback requirements and covers a minimum of 50 percent of the lot width.

3. Building Standards

The following standards are applied to all multi-family residential and nonresidential buildings:

(a) Facade Articulation

(1) Front and side building facades shall include at least 2 or more of the following features at least every 15 feet:

(i) Recessed or display windows;

(ii) Offset surfaces, niches, insets, projections, or bas relief with a minimum depth of four inches;

(iii) Window indentations that incorporate a differing building material, texture, or color, along with an awning or overhang;

(iv) Differentiated piers, columns, or pilasters;

(v) Pedestrian entrances;

(vi) Textured materials;

(vii) Roofline changes, coupled with correspondingly aligned wall offset or facade material changes, changes in the roof planes, or changes in the height of a parapet wall; or

(viii) Changes in wall plane (such as projections or recesses).

(2) Building facades facing a street should achieve vertical orientation by using regularly spaced vertically oriented windows and doors, in conjunction with features such as: roof line/parapet variations, window hoods, material changes, columns, pilasters, posts, awnings, canopies, stoops, or facade offsets, to create vertically oriented bays, or divisions of space that are approximately 30 feet wide or less. The rhythm within a building facade should be maintained by making each vertically oriented bay the same width.

(3) Buildings of 2 or more stories are encouraged to have front facades with a clear and distinct base (ground floor), middle, and top (often

defined by a decorative cornice). Features such as an increased ground floor height (including a transom window), the use of a frieze, string course or storefront cornice, a bulkhead or kick plate, and differentiated building materials or coloration are similarly encouraged.

(4) Buildings with flat roofs or a roof with a pitch of 3/12 or less shall include a parapet wall on the front and side of sufficient height to screen all roof-mounted equipment and should be topped with a 3-dimensional cornice that provides architectural detail.

(b) Facade Materials

(1) Where 2 or more materials are proposed to be combined on a facade, the heavier and more massive elements should be located below the lighter elements (e.g., brick shall be located below stucco). It is acceptable to provide the heavier material as a detail on the corner of a building or along cornices or windows.

(2) Primary facade materials shall not change at outside corners, and shall continue around the corner to a logical point of conclusion such as a change in facade plane.

(3) Smooth face concrete block shall not be used on a building facade visible from a street.

(4) Field colors for the main body of a building shall be non-reflective. Metallic or fluorescent paint colors are prohibited.

(c) Facade Transparency

(1) Front building facades facing a street shall maintain non-reflective, transparent windows on at least 50 percent of the facade area between 2 and 8 feet above average grade.

(2) Upper stories on front and side facades facing a street shall maintain non-reflective, transparent windows on at least 20 percent of the upper story facade area.

(3) Residential buildings, locally or nationally designated historic buildings, civic uses, contributing structures within a historic district, civic uses, and institutional uses are exempt from these requirements.

(4) If the transparency requirements cannot be met due to internal configuration of the building, the location of gasoline pumps to the rear of the building, or other conflicting standards of this district, an alternative design that meets the intent can submitted for review by the Planning and Development Director. Figure 3.5.7.C.3, Facade Transparency Alternatives, below shows some alternative designs that meet the intent of this standard.

FIGURE 3.5.7.C.3, FACADE TRANSPARENCY ALTERNATIVES

(d) Primary Entrances

(1) Except for corner buildings, the primary entrance of a building shall face the street from which the building derives its street address.

(2) Primary entrances on corner buildings may be located on the corner.

(3) The primary entrance shall be distinguishable from the balance of the front facade through the use of one or more of any of the following features:

(i) Projecting or recessed entry;

(ii) Transom or sidelight windows;

(iii) Pediments, columns, or other vertical features; or

(iv) Marquis, arcades, or overhangs.

(e) Roof Mounted Equipment

(1) Flat roofs shall incorporate parapet walls with 3-dimensional cornice treatments designed to screen the roof and roof-mounted equipment from view from the primary street fronting the building, to the maximum extent practicable. All parapet walls visible from a street shall be finished and be the same or similar in color and material to the building.

(2) For sloped roofs, roof-mounted equipment and other roof penetrations should be located and screened to have a minimal visual impact as seen from the street or existing residential uses.

(3) In cases where complete screening is not practicable, all roof-mounted equipment and other roof penetrations shall be camouflaged through the use of paint or architectural techniques to minimize its appearance.

(4) Green roofs, which use vegetation to improve stormwater quality and reduce runoff, are permitted as an alternative to the roof forms described in this subsection.

(f) Service or Vehicular Bays

(1) Service or vehicular bays and their doors shall not be located so as to face the primary fronting street if the door is located within 50 feet of the primary fronting street right-of-way.

(2) Public safety facilities are exempt from this requirement.

4. Multi-family Residential Uses

In addition the standards in Section 4.3.2.B.5, Multi-Family Dwelling, multi-family development shall comply with the following standards:

(a) The finished floor of the ground floor shall be at least 3 feet above the grade of the adjacent street or sidewalk unless the unit is intended for occupancy by persons with physical disabilities, or subject to an administrative adjustment (see Section 2.5.2, Administrative Adjustment (Type I/Type II)).

(b) Vehicular access to an individual unit shall occur from a common drive or public alley that provides access to the units in the development.

(c) A garage may be located at grade, if it is located at the rear of the building or in a detached structure.

5. Block Design

In cases where development in the MX district proposes a new street, the following block design standards shall apply:

(a) Block Length

Block length shall be limited to 800 linear feet. The TRC may allow modifications from these block length standards if:

(1) Environmental or topographic constraints exist;

(2) A site has an irregular shape; or

(3) A longer block will reduce the number of railroad grade or major stream crossings.

(b) Block Width

To the maximum extent practicable, the width of a block shall be sufficient to permit at least 2 tiers of lots exclusive of any public alleys, watercourses, or other rights-of-way located outside platted lots.

(c) Mid-Block Access

If a block length exceeds 800 feet, sidewalks or multi-use paths shall be provided mid-block to connect parallel sidewalks on the long side of the block.

6. Street Network

In cases where new streets are proposed, the following standards shall apply:

(a) The streets in a MX district shall be interconnected to provide efficient connections between uses and to accommodate vehicular, pedestrian, and bicycle circulation, as well as existing or future transit service.

(b) Streets in a MX district shall maintain a narrow cross section of 3 or fewer travel lanes with a maximum width of 12 feet per lane.

(c) Streets shall connect with existing streets and be configured in a grid or modified grid pattern.

(d) New streets shall be a logical continuation of the existing street network.

(e) On-street parking shall be provided along both sides of all streets (except alleys) in a MX district.

(f) Alleys of 14 to 16 feet in width shall be provided between tiers of lots in the middle of a block, to the maximum extent practicable.

(g) Lots served by an alley shall provide vehicular access from the alley.

D. Specific Standards for the MX-W District

1. Applicability

The Mixed-use Washington Street district was established on March 31, 2008 in accordance with the Core City Plan. The standards in this section apply to all lands within the MX-W district on the Official Zoning Map.

2. Dimensional Requirements

The dimensional requirements in Table 3.5.7.D, Dimensional Requirements in MX-W District, shall apply to all development in the MX-W district.

TABLE 3.5.7.D, DIMENSIONAL REQUIREMENTS IN THE MX-W DISTRICT

REQUIREMENT		STANDARD
Maximum Density (units/acre)		n/a
Minimum Lot Area (square feet)		n/a
Minimum Lot Width [1]		n/a
Minimum Street Setback (feet)		12 from back of curb
Maximum Street Setback (feet)		15
Minimum Side and Rear Setback (feet)	Adjacent to Residential District	10
	Adjacent to a Nonresidential District	0/5 [2]
Maximum Building Height (feet)		50
NOTES: [1] All development shall comply with the City's Driveway Ordinance requirements. [2] No setback is required, but if provided, shall be at least 5 feet.		

3.5.8. PARKS AND NATURAL RESOURCES (PNR)

PNR

PARKS & NATURAL RESOURCES DISTRICT

A. District Purpose

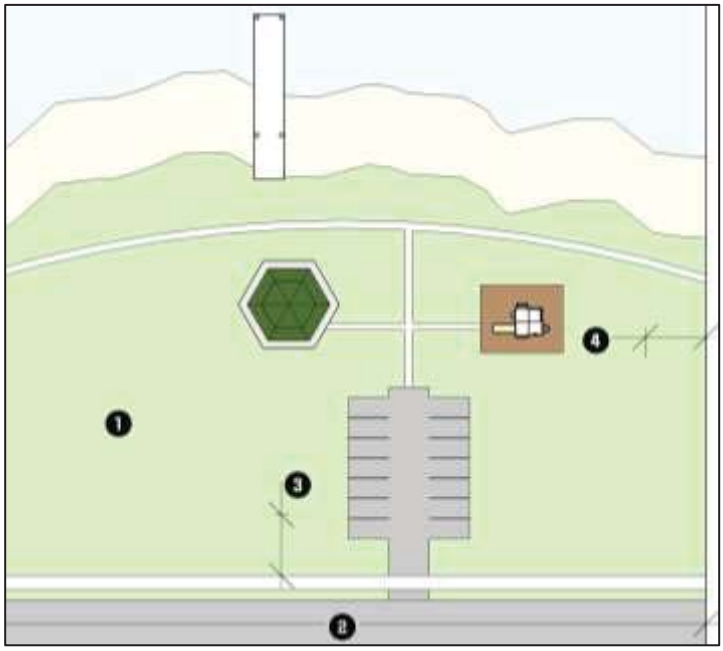
The PNR district is established to preserve and protect identifiable natural resources in the city. The district is used to protect watercourses from erosion and sedimentation; retain open spaces and greenways and protect their environmentally-sensitive character; preserve wildlife and plant life habitats and protect them from the intrusions of urbanization; provide for city parks and recreation facilities; and preserve and maintain the aesthetic qualities and appearance of the city. The district also discourages development that creates risks for loss of life or property from normal natural processes and events in natural hazard areas (e.g., floodplains).

B. Dimensional Standards

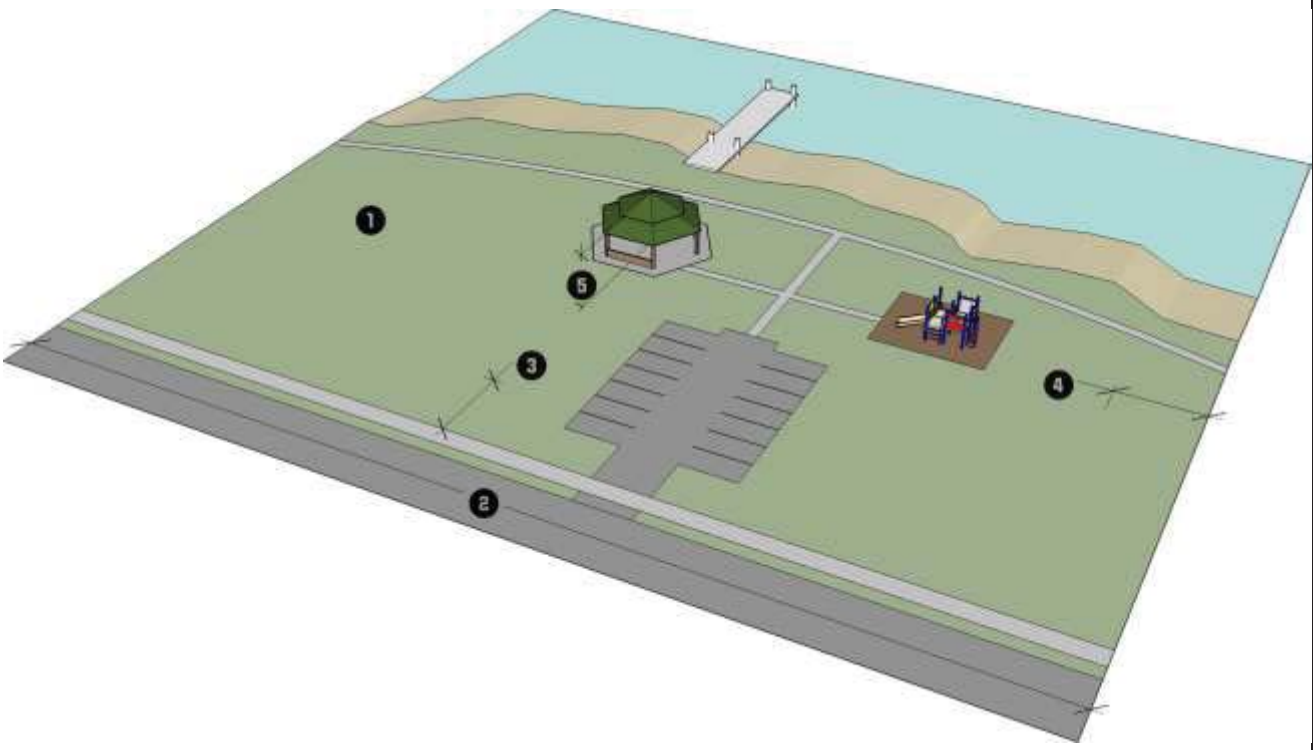
Standard	Reference #	Outside Core City Area	Inside Core City Area
		All Uses	All Uses
Minimum Development Size (acres)	1	5	2
Minimum Lot Width (feet) [1]	2	100	100
Minimum Street Setback (feet)	3	30	30
Minimum Perimeter Setback (feet)	4	30	15
Maximum Building Height (feet)	5	50/80 [2]	80 [3]

[1] All development shall comply with the City's Driveway Ordinance requirements.
[2] The perimeter setbacks shall be increased by 1 foot in height for each additional foot in height beyond 50.
[3] When abutting a single-family residential zoning district, the perimeter setbacks shall be increased 1 foot for each foot in height beyond 50 feet.

C. Typical Building Forms

D. Typical Lot Patterns	E. District Dimensions
	

F. Typical Building Configuration



3.6. CONDITIONAL ZONING DISTRICTS

3.6.1. PURPOSE AND INTENT

The rezoning of land to a conditional zoning district is intended to provide a landowner and the City an alternative to rezoning the land to a general zoning district, where the general zoning district allows certain uses and development that may be appropriate but also allows uses and development that may not conform to adopted policy guidance or would have adverse impacts on public facilities or surrounding lands. Reclassification of land to a conditional zoning district allows a landowner to propose, and the City Council to consider, additional conditions or restrictions on the range of allowable uses, use standards, development intensities, development standards, and other regulations applicable in the parallel general zoning district. This enables the City and the landowner to tailor a zoning classification to accommodate desirable development while avoiding or addressing anticipated problems that may arise from development otherwise allowed by the general zoning district.

3.6.2. CLASSIFICATION

Land shall be classified into a conditional zoning district only in accordance with the procedures and requirements set forth in Section 2.4.5, Conditional Zoning .

3.6.3. DISTRICTS ESTABLISHED

The following conditional zoning districts, each bearing the designation "CZ", are hereby established:

A. Residential Conditional Zoning Districts

The residential conditional zoning districts include: CZ-R-3, CZ-R-5, CZ-R-7, CZ-RM-5, CZ-RM-16; and CZ-RM-26.

B. Business Conditional Zoning Districts

The business conditional zoning districts include: CZ-TO, CZ-OI, CZ-LB, CZ-GB, CZ-CB, CZ-RC, CZ-EC, CZ-LI, and CZ-HI.

C. Special Conditional Zoning Districts

The special conditional zoning districts include: CZ-RU, CZ-I, CZ-PC, CZ-MS, and CZ-MX.

3.6.4. APPLICABLE STANDARDS

Development in a conditional zoning district shall be subject to all the use and development standards and requirements that apply to development in the parallel general zoning district, plus any conditions imposed as part of the conditional zoning approval (including a conditional zoning plan, if provided), which may not be less restrictive than the regulations for the parallel general zoning district.

3.6.5. CONDITIONAL ZONING PLAN

Applications for establishment of a conditional zoning district may include a conditional zoning plan as part of the application for a conditional zoning. The primary purpose for a conditional zoning plan is to illustrate conditions that are difficult to describe with text. A conditional zoning plan shall be of sufficient detail to depict the conditions proposed by the applicant.

3.6.6. RELATIONSHIP TO OVERLAY DISTRICT STANDARDS

Regulations governing development in an overlay zoning district shall apply in addition to the regulations governing development in the conditional zoning district. If the standards governing a conditional zoning district expressly conflict with those governing an overlay zoning district, the more restrictive standards shall control.

3.7. PLANNED DEVELOPMENT ZONING DISTRICTS

3.7.1. PURPOSE AND INTENT

The Planned Development (PD) districts are established to allow development under unified control to occur utilizing more flexible standards and procedures than would otherwise result from a strict application of general district and development standards. Planned development districts are intended to encourage innovative land planning and site design concepts that will produce a high quality, unified project that will not negatively impact adjacent land. More specifically, the intent of the PD districts is to:

A. Promote quality design and reduce or diminish the inflexibility of design that sometimes results from strict application of zoning and development standards designed primarily for individual lots;

B. Allow greater freedom in selecting the means of providing access, open space, and design amenities;

C. Allow greater freedom in providing a well-integrated mix of residential and non-residential uses in the same development, including a mix of housing types, lot sizes, and densities;

D. Provide for efficient use of land resulting in smaller networks of utilities and streets and thereby lowering development and housing costs;

E. Enhance pedestrian orientation and make greater accommodations for alternative forms of transportation such as walking, bicycling, and transit; and

F. Promote environmentally sensitive development that respects surrounding established land use character and respects and takes advantage of a site's natural and man-made features, such as trees, wetlands, slopes in excess of 25 percent, special flood hazard area, and historic resources.

3.7.2. GENERAL PROVISIONS

A. Classification of Planned Development Districts

Land shall be classified as a planned development zoning district only in accordance with the procedures and requirements set forth in Section 2.4.8, Planned Development, and this section.

B. Organization of Planned Development District Regulations

Section 3.7.3, Standards Applied to All Planned Development Districts, sets out general standards applicable to all planned development districts. Sections 3.7.5, Planned Development-Core City (PD-CC), and 3.7.6, Planned Development-Periphery (PD-P), set out the purpose statements and standards applicable to each of the specific planned development districts. The more restrictive requirements between the general standards in this section and the standards in the PD-CC or PD-P districts shall control.

C. Consistency with Adopted Policy Guidance

The PD zoning district classification, the master plan map, and the statement of intent and standards document, shall be consistent with the City's adopted policy guidance.

D. Compatibility with Surrounding Areas

Development along the perimeter of a PD district shall be compatible with adjacent existing or proposed development. Where there are issues of compatibility, the master plan map shall provide for transition areas at the edges of the PD district that provide for appropriate buffering and/or ensure a complimentary character of development. Determination of complimentary character shall be based on densities/intensities, types of uses, lot sizes and dimensions, building height, mass and scale, exterior lighting, siting of service areas, or other aspects identified by the City Council.

E. Planned Development Application

An application for a planned development district shall be made using a form provided by the City, complete with all required signatures, application fees, and other documentation as required in Section 2.4.8, Planned Development.

3.7.3. STANDARDS APPLIED TO ALL PLANNED DEVELOPMENT DISTRICTS

Before approving a PD zoning district, the City Council shall determine that the application, as well as the master plan map, the statement of intent and development standards document, and the common signage plan if included as part of the application, comply with the following standards, unless expressly stated otherwise.

A. Planned Development Master Plan Map

A master plan map shall be included with the application and shall be a part of the planned development approval. It shall:

1. Identify the general location and acreage of individual development areas by land use(s) and/or development density or intensity;
2. Depict the general configuration and relationship of the principal elements of the proposed development;
3. Identify the general location, amount and type (active or passive) of open space;
4. Identify the general configuration of the on-site transportation network, including public and private vehicular, transit, and pedestrian facilities and how they will connect with existing and planned City systems;
5. Identify the general location of on-site potable water, sanitary sewer, and stormwater management facilities and how they will connect to City systems;
6. Identify the general location of any other on-site public facilities serving the development, such as schools, police or fire protection, EMS, and solid waste management; and
7. Identify the general sequence or phases in which development of the district is proposed to occur.

B. Statement of Intent and Development Standards

The statement of intent and development standards document shall incorporate by reference or include, but not be limited to:

1. A written statement of intent for the development, including a description of planning objectives and overall vision for the development at build-out;
2. A listing of all permitted uses;
3. Residential and non-residential dimensional standards, which include at a minimum,

lot area, lot width, setbacks, building height, and setbacks from adjoining residential development or residential zoning districts;

4. For the entire PD district and each development area, the acreage, types, and mix of land uses, number of residential units (by use type), non-residential acreage (by use type), residential development density, and non-residential intensity standards;
5. Identification of all areas where a modification from the required development standards or use standards is proposed, description of the proposed modification, and explanation of why it is needed;
6. The master plan map and specific development standards related to its approval, including any standards related to the form and design of development shown on the master plan map;
7. Provisions addressing how transportation, potable water, sanitary sewer, stormwater management and other infrastructure will be provided to accommodate the proposed development;
8. Provisions related to environmental protection and monitoring;
9. A phasing narrative, including how residential and non-residential development will be timed, how infrastructure, transportation improvements, and open space will be timed, and how the development will be coordinated with any planned City capital improvements; and
10. Any other provisions the City Council determines are relevant and necessary to the development of the PD in accordance with applicable standards and regulations.

C. Allowable Uses

1. Every planned development district shall establish permitted uses by use category and use type as appropriate, from those listed in Table 4.1.9, Principal Use Table.
2. Proposed uses shall be consistent with the City's adopted policy guidance, the purpose of the particular type of PD district, and are subject to any additional requirements set forth in Sections 3.7.5 and 3.7.6 for the particular type of PD district.
3. Uses are subject to all applicable use standards for the use type in Section 4.3, Use Standards, unless modified by the statement of intent and standards document.

D. Mandatory Use Mix

Unless exempted by the City Council, a PD district shall include at least one use type from 2 of the following four use classifications or at least 2 different use types from the use types listed in the Residential Use Classification, in Table 4.1.9, Principal Use Table:

1. Residential uses;
2. Institutional uses;
3. Commercial uses; and
4. Industrial uses.

E. Prohibited Uses

The following use categories and use types are prohibited in a PD district:

1. Extractive industry;
2. Asphalt plants;
3. Major manufacturing use types; and
4. Waste related services.

F. Development Standards

1. General

(a) Unless indicated otherwise, all development in a PD district shall comply with the development standards of Chapter 5: Development Standards, the environmental protection standards in Chapter 6: Environmental Standards, and the subdivision and infrastructure design standards of Chapter 7: Subdivision and Infrastructure Standards.

(b) Except where otherwise indicated, nothing shall limit the ability of a planned development to modify the development standards of Chapter 5, provided the planned development master plan map and statement of intent and standards document demonstrates how and why the proposed modification is needed.

2. Open Space

All development within a PD district shall comply with the standards in Section 5.12, Open Space, which shall not be modified as part of the approval of a PD district.

3. Fences

In no instance shall a PD master plan modify compliance with the standards in Section 5.11.4, Locational Requirements.

4. Exterior Lighting

Development around the perimeter of a PD district shall comply with the standards in Table 5.5.6.D, Maximum Illumination Value at Lot Line, which shall not be modified as part of the approval of a PD district.

5. Screening

Development in a PD district shall comply with the standards in Section 5.6, Screening, which shall not be modified as part of the approval of a PD district.

6. Subdivision and Infrastructure Standards

A planned development shall not modify the subdivision and infrastructure standards in Chapter 7 of this Ordinance.

G. Maximum Allowable Density

Dwelling units within a PD district may be concentrated or evenly distributed throughout the development, provided the maximum allowable density for the development as a whole is not exceeded.

H. Maximum Building Height

The maximum building height for all buildings in a PD district shall be specified on the planned development master plan map or the statement of intent and development standards document, but in no instance shall the maximum building height exceed 50 feet within 50 feet of a single-family residential district.

I. Signs

1. All signs in any PD district shall meet the requirements of Section 5.7, Signage, except as otherwise provided in this subsection.

2. A common signage plan, prepared in accordance with Section 5.7.13, Common Signage Plan, and the *Development Guide* shall be submitted and approved by the Planning and Development Director prior to issuance of the first building permit within the planned development.

3. In preparing the common signage plan, sign specifications shall be as restrictive or more restrictive than the regulations of Table 3.7.3.I, Planned Development Signage Standards.

TABLE 3.7.3.I: PLANNED DEVELOPMENT SIGNAGE STANDARDS

Predominant Use Type	Signage Standards No Less Restrictive than Those in:
Residential (other than live/work)	Table 5.12.8
Live/Work	TO district
Office	OI district
Commercial	RC district
Industrial	LI district

4. Within a PD district, Table 5.7.8, Requirements For A Sign Not Requiring A Sign Permit, shall be interpreted to mean "use" where the word "district" is noted.

5. Directional signs pointing the way to specific named sections of a planned development may be permitted along interior streets, provided:

(a) Signs shall be not more than 12 square feet in area and 6 feet in height;

(b) The number of signs and their location shall be shown and approved with the PD common signage plan; and

(c) Illumination shall be by indirect methods only.

6. All indirect lighting of signs shall be concealed from view and oriented away from adjacent properties and roadways.

J. Final Plat Approval

No final plat for a phase of a planned development shall be approved unless:

1. All open space and common elements and public improvements included in previous phases have been conveyed, completed, or subject to a valid financial guarantee;

2. There is no violation of the PD master plan map or any provision or condition of the PD district in any previous phase; and

3. When a development contains common areas, owners' association documents have been prepared and reviewed, and are ready for recordation, or have been recorded, with the Register of Deeds in the county where the development is located.

3.7.4. AMENDMENTS TO APPROVED PLANNED DEVELOPMENT MASTER PLAN MAP OR THE STATEMENT OF INTENT AND DEVELOPMENT STANDARDS

Amendments or modifications to a planned development master plan map or to the statement of intent and development standards shall be considered in accordance with the standards in Section 2.4.8, Planned Development.

3.7.5. PLANNED DEVELOPMENT-CORE CITY (PD-CC)

A. Purpose

The PD-CC district is established to provide a flexible means of accommodating high density mixed-use development with an urban character in the Core City area. The district

encourages a well-balanced mix of residential, commercial, employment, recreation, and entertainment uses configured in a manner that supports pedestrian orientation and human interaction. It promotes shop fronts, attractive streetscapes, vertical use-mixing, active civic spaces, entertainment destinations for residents after working hours, alternative forms of transportation, and high-quality design.

B. Allowable Location

A PD-CC district may only be established on lots within the Core City area identified on the Official Zoning Map.

C. Minimum Average Residential Density

1. PD-CC districts shall maintain an overall minimum average residential density of four dwelling units per acre.

2. For the purposes of this section, average residential density shall be determined by dividing the total land area in a PD-CC district by the total number of residential dwelling units proposed in a PD master plan map.

D. District Standards

In addition to complying with the standards in Section 3.7.3, Standards Applied to All Planned Development Districts, development in a PD-CC district shall comply with the following standards.

1. Off-Street Parking

In no instance shall development in a PD-CC district deviate from the standards in Section 5.4.7, Standards for Off-Street Parking Spaces and Loading Areas.

2. Landscaping

A PD-CC district shall comply with the standards in Section 5.5, Landscaping Standards, and may be modified by the PD master plan in ways consistent with the purpose of the district and Section 3.7, Planned Development Zoning Districts, except for the following:

(a) Vehicular use area landscaping shall be provided around off-street parking lots visible from areas outside the district.

(b) Screening, in accordance with Section 5.6, Screening, shall be provided around features required to be screened when these features are visible from lands outside the district.

(c) Perimeter landscaping buffers are not required.

(d) If streetyard landscaping requirements are modified by a PD master plan, the PD master plan shall include provisions that ensure an effective transition from the existing streetyard conditions surrounding the PD-CC district.

3.7.6. PLANNED DEVELOPMENT-PERIPHERY (PD-P)

A. Purpose

The PD-P district is established and intended to encourage the use of innovative and creative design to provide a mix of different residential, nonresidential, and institutional uses in close proximity to services, recreation uses, and open space resources on lands outside the Core City area. The district provides a wide degree of flexibility from the typical development standards with the expectation that the resulting development will exceed the quality that otherwise results from a strict application of the standards in this Ordinance while at the same time not creating adverse impacts on adjacent lands.

B. Allowable Location

A PD-P district may only be established on land located outside the Core City area identified on the Official Zoning Map.

C. District Standards

In addition to complying with the standards in Section 3.7.3, Standards Applied to All Planned Development Districts, development in a PD-P district shall comply with the following standards.

1. District Size

A PD-P district shall be at least 10 acres in area.

2. Off- Street Parking and Loading

Development in a PD-P district shall comply with the following:

(a) Section 5.4.7.E, Dimensional Standards for Parking Spaces and Aisles;

(b) Section 5.4.7.I, Stacking Spaces;

(c) Development in a PD-P may reduce the amount of required off-street parking in Table 5.4.4.B, Minimum Off-Street Parking Standards, by up to 30 percent. Nothing shall limit additional use of the parking flexibility provisions in Section 5.4.8, Parking Alternatives;

(d) All other standards in Section 5.4, Off-Street Parking and Loading, may be modified by the PD master plan map or statement of intent and development standards in accordance with the standards in Section 3.7.3, Standards Applied to All Planned Development Districts.

3. Landscaping

A PD-P district shall comply with the standards in Section 5.5, Landscaping Standards, and may be modified by the PD master plan map or statement of intent and development standards in ways consistent with the purpose for the district, except for the following:

(a) Vehicular use area landscaping shall be provided but may be modified through an alternative landscaping plan.

(b) Perimeter landscape yards shall not be required between uses internal to a PD-P district, but shall be provided along the district perimeter.

(c) If streetyard landscaping requirements are modified by a PD master plan, the PD master plan shall include provisions that ensure an effective transition from the existing streetyard conditions surrounding the PD-P district.

3.8. OVERLAY ZONING DISTRICTS

3.8.1. PURPOSE

Overlay zoning districts are superimposed over either all or a portion of 1 or more underlying general zoning districts or conditional zoning districts with the intent of supplementing generally applicable development regulations with additional development regulations that address special area-specific conditions, features, or plans while maintaining the character and purposes of the underlying zoning district.

3.8.2. ESTABLISHMENT

Table 3.8.2, Overlay Zoning Districts Established, sets out the overlay zoning districts established by this Ordinance.

TABLE 3.8.2: OVERLAY ZONING DISTRICTS ESTABLISHED

DISTRICT NAME	ABBREVIATION
Airport Overlay	ARO
Gateway Corridor Overlay	GCO
Local Historic Overlay	LHO
Manufactured Housing Overlay	MHO
Neighborhood Conservation Overlay	NCO
Watershed Overlay	WSO

3.8.3. CLASSIFICATION

Land shall be classified or reclassified into an overlay zoning district only in accordance with the procedures and requirements set forth in Section 2.4.19, Zoning Map Amendment.

3.8.4. RELATIONSHIP TO UNDERLYING ZONING DISTRICTS

A. Regulations governing development in an overlay zoning district shall apply in addition to the regulations governing development in the underlying zoning district, unless otherwise expressly stated.

B. If the standards governing an overlay zoning district expressly conflict with those governing an underlying zoning district, the standards governing the overlay district shall control, unless otherwise stated.

C. Where land is classified into multiple overlay zoning districts and the standards governing one overlay zoning district expressly conflict with those governing another overlay district, the more restrictive standard shall apply.

3.8.5. AIRPORT OVERLAY (ARO)

A. Purpose

The purpose of the Airport Overlay (ARO) district is to establish noise mitigation measures and prohibit certain uses in the vicinity of the Piedmont Triad International Airport (PTIA) and to:

1. Facilitate orderly development around PTIA.
2. Ensure land use compatibility by protecting noise sensitive uses from objectionable aircraft noise impacts.
3. Mitigate noise impacts from aircraft overflights.
4. Contribute to the safe operation of the airport.

B. Applicability

The ARO district applies to designated land in the vicinity of the PTIA.

1. The district boundaries are defined on the Official Zoning Map. The boundaries generally follow physical features and property lines and are associated with aircraft noise impact contours.
2. None of the provisions of the ARO district shall be construed to prohibit the continuance, expansion, or re-establishment of an existing use. The noise level reduction design standards apply only to new uses and not to the expansion of existing uses or to structure additions. Only new subdivisions of land developed within the district shall be required to grant a waiver of claim.
3. Nothing in the ARO district is intended to state that objectionable levels of noise from overhead aircraft will be confined to the limits of the district.

C. ARO District Zone Boundaries

The ARO district is divided into the four zones in order to manage the development of uses that are sensitive to and incompatible with certain levels of daytime and nighttime aircraft noise and to mitigate adverse noise impacts to the public, where possible.

1. Zone 1

Zone 1 is based on the 65 Ldn noise contour developed by the *FAR Part 150 Study for the Piedmont Triad International Airport*. The intent of Zone 1 is to prevent the development of uses sensitive to objectionable noise resulting from daytime and nighttime aircraft flights and those uses that could pose safety hazards to aircraft.

2. Zone 2

Zone 2 is based on the NA 90(1) contour developed the *FAR Part 150 Study for the Piedmont Triad International Airport*. The intent of Zone 2 is to prevent the development of uses sensitive to objectionable noise resulting from nighttime aircraft flights.

3. Zone 3

Zone 3 is also based on the NA 90(1) contour developed by the *FAR Part 150 Study for the Piedmont Triad International Airport*. The intent of Zone 3 is to protect residential uses and their residents by reducing the interior level of objectionable noise resulting from nighttime aircraft flights.

4. Zone 4

Zone 4 is based on the NA 85(2) contour developed by the *FAR Part 150 Study for the Piedmont Triad International Airport*. The intent of Zone 4, along with the other 3 zones, is to provide public notification of potential night time aircraft noise impacts.

D. Aircraft Noise Mitigation Requirements

Aircraft noise mitigation requirements for each zone are identified in Table 3.8.5.D, Aircraft Noise Mitigation Requirements.

TABLE 3.8.5.D: AIRCRAFT NOISE MITIGATION REQUIREMENTS

x = Applicable

Zone	Public Notification (Sec. 3.8.7.E)	Waiver of Claim (Sec. 3.8.7.F)	Prohibited Uses (Sec. 3.8.7.G)	NLR Design Standard (30 dB NLR) (Sec. 3.8.7.H)
1	x	x	x	·
2	x	x	x	·
3	x	x	x	x
4	x	x	·	·

E. Public Notification of Potential Aircraft Noise Impacts

Public notification of the potential aircraft noise impacts made to existing landowners and to prospective purchasers of property within the ARO district shall be made in accordance with the following requirements.

1. Where public notification statements are required or provided for property within the district, the following statement shall be used: "This property is located within the City of High Point Airport Overlay District and is subject to aircraft overflights and to aircraft noise that may be objectionable dependent upon the use and location of the property. Please refer to the City's Airport Overlay District regulations and the Planning and Development Department for more information on potential noise impacts."
2. In accordance with the N.C. Residential Property Disclosure Act in Section 47E of the North Carolina General Statutes, all landowners and their agents shall provide a public notification statement to all prospective purchasers through a written disclosure statement.
3. A public notification statement shall appear on the recorded final plat for all subdivisions of land within the district. In addition, the subdivision owner shall provide public notice to all prospective lot purchasers through a written disclosure statement.
4. The Planning and Development Department shall provide notification of potential aircraft noise impacts to the landowners of lots that are located within the ARO district. After a lot is included in the district, such notice shall be given once by first class mail to the landowner at the address listed on the county tax listing.

F. Waiver of Claim

A waiver of claim shall be required for all subdivisions of land within the ARO district. The waiver shall be executed by the landowner of the property for the benefit of the City, and it shall waive all existing and future landowners' right to any claim or cause of action against the City in connection with adverse aircraft noise impacts or other consequences of the district's noise mitigation requirements. The waiver statement shall appear on the final plat before the plat may be approved and recorded.

G. Prohibited Uses

Unless lawfully established prior to August 7, 2003, or before the effective date of an ordinance applying the ARO designation to other lands after August 7, 2003, uses indicated as prohibited in a particular zone of the ARO district in Table 4.1.9, Principal Use Table, shall be prohibited in the zone.

H. Noise Level Reduction Design

In Zone 3, a new residential use shall be designed to achieve an outside to inside noise reduction level of at least 30 decibels (dB). This performance measure may be achieved by any suitable combination of building design, building materials and construction standards so as to reduce the interior noise levels from overhead aircraft flights. Prior to the issuance of a building permit for a residential use, a qualified acoustical professional satisfactory to the Planning and Development Department shall certify that the design standards, construction methods, and materials used to construct the residential use will achieve at least a 30 dB noise level reduction.

I. Aircraft Interference

No structure may be constructed or altered in a manner or at a height that constitutes a safety hazard to aerial navigation as determined by the FAA in accordance with Section 10.2.6.B, Structure Height Restrictions.

J. Noise Impact Information

1. The Planning and Development Department shall maintain and provide district information depicting potential aircraft noise impacts which shall be available to the public and other interested parties.

2. The noise level reduction design standards and waiver of claim provisions of this section shall not apply to:

(a) Lots of record in the ARO created prior to August 7, 2003 or the date of an ordinance extending the ARO designation to other lands after August 7, 2003;

(b) Lots created by a valid preliminary subdivision plat that was approved prior to August 7, 2003 or the date of an ordinance extending the ARO designation to other lands after August 7, 2003; or

(c) Residential uses in the ARO depicted on a valid site plan or group development plan that was approved prior to August 7, 2003 or the date of an ordinance extending the ARO designation to other lands after August 7, 2003.

3.8.6. RESERVED

3.8.7. GATEWAY CORRIDOR OVERLAY (GCO)

A. Purpose

The Gateway Corridor Overlay (GCO) district regulations are intended to enhance the visual appeal of certain thoroughfares in the City, and to:

1. Preserve and enhance the appearance and operational characteristics of certain designated roadways that serve as gateways to the City; and

2. Address development issues of special concern along these gateways, with specific requirements which relate to use, development form, traffic movement, access, environment, landscaping, visual quality, image, and aesthetics.

B. Procedure for Establishment of Gateway Corridor Overlay (GCO) Districts

Prior to establishment of a GCO district for a specific gateway corridor, a gateway corridor plan for the specific gateway shall be adopted by the City Council. The gateway corridor plan shall describe the conditions, boundaries, development goals, and standards for the proposed GCO district. The plan shall, at a minimum, address the following:

1. The arrangement of uses along the corridor which shall create a visually pleasing impression.
2. The unique qualities of the corridor, such as significant buildings, views and vistas, and natural features which lend themselves to special consideration.
3. The value of the corridor as an entryway to the City which can influence the perception of citizens and persons or businesses considering investment in the City.
4. Transportation conditions on the corridor, including vehicular access, dedication of right-of-way, driveway limitations, and traffic impact.
5. The vision and general goals for development along the corridor, and specific recommendations for regulatory changes to achieve the vision and development goals.

C. Gateway Corridor Plan Approval

The gateway corridor plan shall be forwarded to the P&Z for its review and recommendations. Upon completion of its review, the plan along with the recommendations of the P&Z shall be forwarded to the City Council for review. A gateway corridor plan shall be approved by the City Council for a specific gateway corridor before establishment of a GCO district for the specific corridor.

D. Establishment

The specific GCO district shall be established in accordance with Section 2.4.19, Zoning Map Amendment, and Section 2.4.14, Text Amendment (as appropriate), and included as a district in this section.

E. General Standards

1. GCO district standards for a specific gateway corridor shall follow the policy direction in the gateway corridor plan approved by the City Council. The GCO district shall, at a minimum, address the following elements:
   - **(a)** The name and boundaries of the overlay district.
   - **(b)** The development along the corridor to which the overlay district applies (typically all new development and certain expansions and remodels).
   - **(c)** Any variations from the requirements of the underlying general zoning district(s).
   - **(d)** The uses allowed in the district, if appropriate.
   - **(e)** The development and form standards of the overlay district, including some or all of the following:
     - **(1)** Dimensions (height, setbacks, build-to-lines, etc.);
     - **(2)** Streetscape landscaping;
     - **(3)** Sidewalks and pedestrian circulation features;
     - **(4)** Off-street parking;
     - **(5)** Landscaping and tree preservation/reforestation;
     - **(6)** Open space set-asides;
     - **(7)** Signage;
     - **(8)** Exterior lighting;
     - **(9)** Building design and form; and
     - **(10)** Road access and traffic circulation.
   - **(f)** The extent to which a general or district-specific standard may be modified.
2. Outdoor advertising is prohibited in the GCO.

F. Eastchester GCO District Standards

The Eastchester GCO district is hereby established, and shall be subject to the following standards:

1. Boundaries of the District

The boundaries of the Eastchester GCO district are shown on the Official Zoning Map.

2. Applicability

(a) Application

The Eastchester GCO district regulations shall apply to all principal and accessory buildings, off-street parking and vehicular storage areas on lots, or open uses of land constructed, reconstructed, or established after November 5, 1986, or the effective date of the district upon the land, or otherwise provided in Section 3.8.7.F.2(b), Exemptions.

(b) Exemptions

The following development is exempt from the requirements of the Eastchester GCO district regulations:

(1) A single-family detached dwelling or a duplex dwelling on its own lot.

(2) Lots with an existing structure subject to a building permit application for improvement, repair, or renovation, provided the proposed changes do not result in a change in the type of occupancy under the State Building Code.

(3) Existing development or development that has a vested right under North Carolina law as of November 5, 1986 or the effective date of the district upon the land.

3. Minimum Building Setbacks

Lots within the Eastchester GCO shall be subject to minimum building setbacks from Eastchester / N.C. Highway 68 in accordance with the standards in Table 3.8.7.F.3, Minimum Building Setbacks. The minimum building setback may be reduced to the average streetyard width, in accordance with Table 3.8.7.F.5 Eastchester GCO Landscaping Standards, when off-street parking areas are not located between the front building line and Eastchester Drive and the building facades facing a public street include at least 2 or more of the following features:

(a) Windows or fenestration;

(b) Changes in wall plane (such as projections or recesses) with an offset or depth of at least 1 foot;

(c) Roofline changes, coupled with correspondingly aligned wall offset or facade material changes, changes in the roof planes, or changes in the height of a parapet wall;

(d) Use of columns, pilasters, piers, architectural boxing, or other technique to break the facade into different volumes;

(e) Inclusion of eaves or overhangs;

(f) Use of brick, stone, or glass as primary materials; or

(g) Inclusion of an entryway with a roof form that differs from the rest of the facade.

TABLE 3.8.7.F.3, MINIMUM BUILDING SETBACKS

Street Segment of Eastchester Drive / N.C. Highway 68	Minimum Building Setback from ROW edge (feet)
North Main Street North to Johnson Street	50
Johnson Street North to Penny Road	50
Penny Road North to Gallimore Dairy Road	75

4. Site Standards

(a) Drive-Through

(1) Outdoor speakers associated with the drive-through shall be at least 50 feet from a residential district.

(2) Drive-through windows, menu boards, and speakers shall not be located between the principal building line and the front street right-of-way.

(b) Fuel Pumps and Canopies

Fuel pumps and canopies shall be located behind the rear building line of the principal building, to the maximum extent practicable.

(c) Ground-based Mechanical Equipment Screening

Ground-based mechanical equipment should be located to the rear of the principal building(s), and shall be screened in accordance with Section 5.6, Screening.

(d) Off-Street Loading

Off-street loading areas shall be located to the side or rear of the principal building and shall not face Eastchester.

5. Landscaping Requirements

Landscaping in the Eastchester GCO shall be in accordance with the provisions of Section 5.5, Landscaping Standards, Table 3.8.7.F.5, Eastchester GCO Landscaping Standards, and the following requirements. In the case of conflict, the stricter standard shall apply.

(a) Retention of existing trees to meet planting requirements within landscape yards is strongly encouraged. Existing trees may be credited towards landscaping requirements in accordance with Section 5.5.8, Credit for Existing Vegetation.

(b) Stormwater detention ponds shall be screened with landscaping so as to obscure, to the maximum extent practicable, the view from public right-of-way.

TABLE 3.8.7.F.5: EASTCHESTER GCO LANDSCAPING STANDARDS

Requirement	North Main St. to Johnson St.	Johnson St. north to Penny Rd.	Penny Rd north to Gallimore Dairy Rd.
Minimum streetyard width (feet)	10		20
Average streetyard width (feet) [1]	20		40
Maximum streetyard width (feet)	35		50
Minimum number of canopy trees required per 25 linear feet of streetyard	1		
Minimum number of shrubs required per 100 linear feet of streetyard	17	25	
NOTES: [1] At least 50 percent of required plantings shall be located within the average streetyard width.			

6. Signage

Signage shall be in accordance with Table 3.8.7.F.6, Eastchester GCO Signage Standards, Section 5.7, Signage, and the following requirements. In case of conflict, the stricter standard shall apply.

(a) In addition to signage prohibited by Section 5.7.6, Prohibited Signs, the following signs shall be prohibited in the Eastchester GCO district:

(1) Changeable copy signs (message boards), except for fuel pricing and religious institution identification signs as allowed in subsection 3.8.7.F.6.b & d.3 below;

(2) Animated signs, including electronic changeable copy signs, except for time and temperature signs which do not exceed 15 square feet of copy area;

(b) Religious institution identification signs shall display only the institution name, service hours, and related events.

(c) In the business districts, illumination of all signage, except wall signage, shall be limited to cut-out letters and indirect lighting. Back lit wall signage shall be permitted however, the background of the sign face shall be opaque and light shall only come through the lettering of the sign.

(d) Freestanding signs shall meet the following requirements:

(1) Be monument style only;

(2) Display only the name, trademark, and a registered logo;

(3) Fuel pricing signs shall display only the name, trademark, registered logo, and the vehicular fuel product and prices.

TABLE 3.8.7.F.6: EASTCHESTER GCO SIGNAGE STANDARDS

Requirement	North Main St. to Johnson St.	Johnson St. north to Penny Rd.	Penny Rd north to Gallimore Dairy Rd.
Attached (wall)			
Number permitted	1/wall		
Maximum area (signs may be grouped on the same wall) [1]	7.5 percent of wall area not to exceed 100 sq. ft. [2]	7.5 percent of wall area not to exceed 100 sq. ft.	
Maximum height	top of wall		
Freestanding			
Number permitted	1/frontage		
Setback	Same as right-of-way setback		
Maximum area (square feet)	50 for single businesses; 90 for group developments less than 25,000 square feet in floor area; 135 for group developments of 25,000 square feet or more		
Maximum height (feet)	6 for lots with less than 200 feet of street frontage; for lots with 200 feet or more of street frontage, the height shall be permitted in the underlying district in accordance with Table 5.7.9.B, Requirements for a Freestanding Sign Requiring a Sign Permit, up to a maximum of 20 feet in height		

NOTES:
[1] For multiple franchised businesses, the number of signs per wall and the maximum sign area may be increased in accordance with Section 5.7.10.B.4, Multiple Franchised Businesses in a Single Building,
[2] Shopping centers of over 190,000 sq. ft. of floor area whose storefront is at least 300 feet from the facing right-of-way shall be allowed the following attached (wall) signage:
a) stores of over 150 feet of width shall be allowed 7.5 percent of the wall area, with no maximum limit;
b) stores of less than 150 feet of width shall be allowed 10 percent of the wall area, with no maximum limit;
c) no letter on a sign shall exceed 6 feet in height.

7. Building Standards

The following standards are applied to all multifamily and nonresidential buildings:

(a) Roof Mounted Equipment

(1) Flat roofs shall incorporate parapet walls with three-dimensional cornice treatments designed to screen the roof and roof-mounted equipment from view from the primary street fronting the building, to the maximum extent practicable. All parapet walls visible from a street shall be finished and be the same or similar in color and material to the building.

(2) For sloped roofs, roof-mounted equipment and other roof penetrations should be located and screened to have a minimal visual impact as seen from the street or existing residential uses.

(3) In cases where complete screening is not practicable, all roof-mounted equipment and other roof penetrations shall be camouflaged through the use of paint or architectural techniques to minimize its appearance.

(4) Green roofs, which use vegetation to improve stormwater quality and reduce runoff, are permitted as an alternative to the roof forms

described in this subsection.

(b) Service or Vehicular Bays

Service or vehicular bays and their doors shall not face Eastchester, to the maximum extent practicable. Public safety facilities are exempt from this requirement.

(c) Building Siding

Metal and vertical sided buildings, which include but are not limited to buildings sided with vinyl and Masonite, and which are visible from the Eastchester Drive right-of-way, are prohibited unless architectural building plans and elevations are submitted to the City Council for review and approval based on the following criteria:

(1) A minimum of 50 percent of each wall elevation mass shall be a non-metal/ vertical siding material; and horizontal runs shall have a vertical break in building materials.

(2) The color(s) of the metal/vertical siding shall be complementary with the color of non-metal/vertical siding materials used on the building.

(3) Metal/vertical siding shall be used in a manner which maintains the architectural unity and integrity of the entire building.

(4) In a multi-building development, metal/vertical sided buildings shall utilize a uniform architectural theme with other buildings on the site, and shall be designed to create a harmonious style through consideration of scale, proportion, detail, materials, color and site planning.

(5) Corrugated and/or sheet metal are prohibited.

(d) Statement of Design Guidelines

(1) General

Design guidelines for multi-tenant commercial developments and/or nonresidential group developments shall be required for the purpose of facilitating unified developments with compatible architecture, scale, proportion and building elements that provide visual unity and are harmonious with other buildings in the surrounding area. Prior to the development of any phase of a commercial multi-tenant and/or non-residential group development, design guidelines governing the appearance of all buildings within the property shall be submitted by the developer for the review and approval of the Planning and Development Director prior to the approval of any site plan, group development, or final subdivision plat. The guidelines shall address and include the following criteria:

(i) Common signage plan requirements and criteria, including locations, area, copy, illumination proposed, height, material, proposed color schemes, and provisions for shared use of signage.

(ii) Exterior building materials and colors, including examples of materials and colors to be consistent throughout the development.

(iii) Roof shape and materials, including examples of materials and colors to be consistent throughout the development.

(iv) Facade design, mass, and rhythm.

(v) Common landscaping scheme, including street yard, and

peripheral plantings, parking area plantings, and tree preservation.

(2) **Amendment**

(i) A statement of design guidelines may be amended by an applicant provided the proposed amendments are in keeping with the character, scale, materials, and configuration of the established development or approved statement.

(ii) In no instance shall an amendment be requested after 75 percent or more of the total development has been constructed.

8. Character of Entrances to Existing Residential Subdivisions

(a) Exterior modifications, alterations, additions, or construction of a new multi-family or nonresidential structure on land located at an entrance to a residential subdivision shall retain a residential character, nature and appearance, and be consistent with the following:

(1) A maximum of 2 stories in height.
(2) A roof line compatible with adjacent residences.
(3) Building materials compatible with adjacent residences.
(4) Parking areas that are located in a manner which minimizes the impact on adjacent residential dwellings.
(5) Window treatments that are compatible with adjacent residences.
(6) Landscaping around the foundation of principal buildings.
(7) Style, size, and location of exterior lighting.
(8) Location, size, color, materials, height, and illumination of signage.

(b) Design guidelines which, at a minimum, address the above criteria, shall be submitted by the developer for the review and approval of the Planning and Development Director prior to the approval of any preliminary plat or the issuance of any permit.

3.8.8. LOCAL HISTORIC OVERLAY (LHO)

A. Purpose

The purpose of the Local Historic Overlay (LHO) district is to maintain the historic integrity of certain areas within the city and to:

1. Protect, safeguard, and conserve the heritage of the city; and

2. Promote the sound and orderly preservation of historic areas within the city which embody important elements of the social, economic, political or architectural history of the city, region, state or nation, for the education, pleasure and enrichment of all citizens.

B. Establishment and Applicability

The following actions shall occur prior to the City's initial designation of a LHO district, or any amendment of Official Zoning Map boundaries affecting an existing LHO district.

1. Local Designation Report

The local HPC shall prepare and adopt a local designation report which shall:

(a) Describe the boundaries of the newly proposed or amended LHO district; and

(b) Describe the significance of the buildings, structures, features, sites, or

surroundings in terms of their historic, pre-historic, architectural or cultural importance, integrity of design, setting, workmanship, materials, feeling and/or association.

2. Local Designation Report Recommendations

(a) Local Historic Preservation Commission

The local HPC shall forward the local designation report and its recommendation to the North Carolina Department of Cultural Resources (NCDCR) for its review and comment.

(b) NCDCR

(1) Based on the local designation report, the NCDCR, acting through the State Historic Preservation Officer, or a designee, shall make an analysis of, and recommendation concerning the proposed LHO district, and shall submit its recommendation to the City Council.

(2) Failure of the NCDCR to submit its recommendation to the City Council within 30 calendar days after receipt of a written request for such from the City, shall relieve the City Council of its responsibility to await the recommendation.

(c) Planning and Zoning Commission

Prior to action by the City Council, the Planning and Zoning Commission shall review the recommendations of the HPC and the NCDCR, and forward its comments and recommendation to the City Council.

(d) Other Reviewers

The City Council may, prior to taking any action, refer the local designation report and proposed boundaries to other local preservation groups or other interested parties for comment and recommendation.

3. Action by City Council

(a) After receipt of the comments and recommendations of the HPC, NCDCR – if received in accordance with the procedures set forth in this section – and the P&Z, the City Council, at its discretion, may determine whether to proceed with the initiation of an application for a zoning map amendment for a LHO district, in accordance with Section 2.4.19, Zoning Map Amendment.

(b) The City Council shall decide a zoning map amendment application to classify land as a LHO district only after determining that the proposed district is of special significance in terms of its historic, pre-historic, architectural or cultural importance, and possesses integrity of design, setting, workmanship, materials, feeling and/or association.

4. Architectural and Historic Guidelines

(a) Purpose

Architectural and historic guidelines provide a framework from which recommendations may be offered about the appropriateness of exterior treatment in an LHO.

(b) Adoption

Following the adoption of an LHO by City Council and prior to the effective date of the LHO, the HPC shall adopt detailed architectural and historic guidelines applicable to proposals within a designated LHO. Review and

comment by City Council shall be required before the HPC adopts any such guidelines.

(c) Contents

(1) These guidelines shall take into account the historic, architectural, and visual elements of the district.

(2) The guidelines should give consideration to exterior form and appearance including, but not limited to:

- **(i)** Height;
- **(ii)** Setback, orientation, and lot coverage;
- **(iii)** Construction materials;
- **(iv)** Architectural detailing;
- **(v)** Roof shapes, forms, and materials;
- **(vi)** Fenestrations (arrangement of doors and windows);
- **(vii)** General form and proportions;
- **(viii)** Appurtenant fixtures and features such as lighting;
- **(ix)** Structural condition and soundness;
- **(x)** Use of local or regional architectural traditions; and
- **(xi)** The effect of trees and other landscape elements.

(d) Amendments

The guidelines may be amended in accordance with the procedures and standards established for their original approval

C. Certificate of Appropriateness Required

A certificate of appropriateness shall be required in accordance with Section 2.4.4,Certificate of Appropriateness, whether a building permit is required or not.

D. Dimensional Requirements and Exceptions

Buildings and structures within a LHO district shall comply with all requirements of the underlying zoning district, except as follows:

1. Buildings erected or altered in a LHO district may use the average setbacks of existing buildings on the same block face.

2. Variances shall be decided following a recommendation from the HPC and may be granted only if it is found that the request complies with the intent of the architectural and historic guidelines of the LHO District.

3. Where the HPC, in considering an application for a certificate of appropriateness, finds the number of off-street parking spaces and/or design standards for parking specified by this Ordinance would render the site incompatible with the historic district design guidelines and the historic character of the LHO District, it may provide a recommendation for an Administrative Adjustment in accordance with Section 2.5.2, Administrative Adjustment.

E. Boundaries of Designated LHO Districts

The exact boundaries of all LHO Districts are as shown on the Official Zoning Map. In general, they may be described as follows:

1. Johnson Street Historic District

Lots fronting on Johnson Street from East Parkway Avenue north to East Lexington Avenue;

2. Sherrod Park Historic District

Lots fronting on Woodrow Avenue from North Hamilton Street east to Forrest Street; and

3. West High Avenue Historic District

Lots fronting on the south side of West High Avenue west of Lindsay Street to its terminus, and lots fronting Oak Street north of West Green Drive.

3.8.9. MANUFACTURED HOUSING OVERLAY (MHO) DISTRICT

A. Purpose and Intent

The Manufactured Housing Overlay (MHO) district is established as a means of providing reasonable opportunities for the placement of manufactured dwellings in the City's zoning jurisdiction. More specifically, the district is intended to:

1. Provide alternative, affordable housing opportunities for low and moderate-income residents in residential areas by allowing for the use of manufactured dwellings.
2. Establish requirements designed to assure acceptable similarity in exterior appearance between manufactured dwellings and single-family dwellings constructed on adjacent or nearby lots.
3. Protect property values and preserve the character and integrity of the community or individual neighborhoods within the community.
4. Require new manufactured dwellings to meet the minimum requirements for manufactured dwellings in Section 4.3.2.B.4, Manufactured Dwelling.

B. Establishment

1. Manufactured Housing Overlay (MHO) districts shall be established in accordance with Section 160A-383.1 of the North Carolina General Statutes and Section 2.4.19, Zoning Map Amendment.
2. In requesting the establishment of an MHO district, an applicant shall present factual information to ensure, in the discretion of the City Council, that property values of surrounding lands are protected, that the character and integrity of the neighborhood are adequately safeguarded, and the proposed MHO district is consistent with these standards.
3. To assure acceptable similarity in exterior appearance between proposed manufactured dwellings and dwellings that are constructed on adjacent or nearby land, an applicant may, for illustrative purposes only, present examples of the types and design of such proposed dwellings.

C. Overlay District Standards

Land to be designated with a MHO district classification shall consist of:

1. 10 contiguous lots occupying at least 90,000 square feet in total area, excluding public street rights-of-way; or
2. Unsubdivided land occupying at least 120,000 square feet in total area, excluding public street rights-of-way.

D. Development Authorized

1. Land within an MHO district may accommodate the following types of uses:
   - **(a)** A single manufactured home on an individual lot configured in accordance with 4.3.2.B.4, Manufactured Dwelling;
   - **(b)** A principal use authorized in the underlying zoning district in accordance with Table 4.1.9, Principal Use Table;
   - **(c)** An accessory or temporary use associated with an allowed principal use.
2. Manufactured homes located on lots or sites outside of a MHO district shall be considered nonconforming in accordance with Section 8.2, Nonconforming Uses.

3.8.10. NEIGHBORHOOD CONSERVATION OVERLAY (NCO)

A. Purpose

The Neighborhood Conservation Overlay (NCO) District is intended to protect and preserve the unique design features and character of established neighborhoods throughout the City, and to promote new construction that is compatible with the existing neighborhood character. The NCO district is a flexible tool that may be applied to multiple neighborhoods, each of which will have its own unique architectural, natural, cultural, and historic attributes.

B. Procedure for Establishment of Individual Neighborhood Conservation Districts

1. Initiation of Plan

Prior to the establishment of an NCO district for a specific neighborhood, a plan shall be initiated by:

(a) City Council;
(b) P&Z; or
(c) By petition of 66 percent or more of the landowners in a neighborhood proposing an NCO.

2. Criteria for a Neighborhood Conservation Overlay Plan

Before commencement of a plan, it shall be verified that the area proposed for an NCO district complies with the following criteria:

(a) Contains a minimum of 1 block (2 opposing street frontages or sharing common property lines).
(b) At least 66 percent of the land area within the proposed NCO district, not including street and other right-of-way, was developed at least 25 years prior to the plan being initiated;
(c) There is existing or the potential for incompatible new development or redevelopment within the district;
(d) The area possesses one or more of the following distinctive features that create a cohesive identifiable setting, character or association:

(1) Scale, size, type of construction, or distinctive building materials;
(2) Lot layouts, setbacks, street layouts, alleys or sidewalks;
(3) Special natural or streetscape characteristics, such as creek beds, parks, gardens or street landscaping;
(4) Land use patterns, including mixed or unique uses or activities;
(5) Abuts or links designated local historic districts and/or landmarks; or
(6) Designation as a National Register District.

3. Neighborhood Conservation Overlay Plan Contents

The neighborhood plan:

(a) Should comply with the City's adopted policy guidance;
(b) Include a map of the proposed boundaries;
(c) Describe the distinctive features, characteristics and conditions that were identified in the criteria for establishing a neighborhood conservation plan, that make the area unique and could therefore become standards of the overlay district; and
(d) Development goals for the character of the neighborhood.

4. Neighborhood Conservation Overlay Plan Approval

After completion, the plan shall be forwarded to the P&Z for its review and recommendations following a public hearing. Upon completion of its review, the P&Z shall forward the plan along with its recommendations to the City Council for review and a public hearing. An NCO plan shall be approved by the City Council for a specific neighborhood before establishment of an NCO district for the neighborhood is initiated by City Council.

5. Establishment of Individual Neighborhood Conservation Districts

After the approval of an NCO plan, the City Council may initiate the establishment of an individual NCO district in accordance with this section and the following:

(a) Section 2.4.19, Zoning Map Amendment; and
(b) Section 2.4.14, Text Amendment.

C. District Development Standards

The text amendment for each area designated as an individual NCO district shall follow the policy guidance in the NCO plan and identify, with specificity, the standards to be applied to all new construction and expansion of existing structures.

1. General

The NCO shall include an NCO district name and a reference to the district boundaries on the Official Zoning Map.

2. Standards for All forms of Development

The standards chosen should be for the purpose of maintaining the general character and appearance of existing development in the district. Aspects of development that these standards may address, include, but are not be limited to the following (except as prohibited by state law).

(a) Dimensional standards such as lot area, lot width, and setbacks;
(b) Location of proposed buildings or additions;
(c) Building size (for principal and accessory structures), and orientation;
(d) Landscaping and screening;
(e) Paving requirements or limitations;
(f) Exterior lighting;
(g) Uses; and
(h) Views of or from specific locations.

3. Additional Standards for Multi-family and Nonresidential Buildings

In addition to the standards in (2) above, multi-family and nonresidential buildings in an NCO may also be subject to the following additional standards:

(a) Exterior building materials;
(b) Building roof line and pitch;
(c) Building foundation treatment; and
(d) Required features on a front facade.

D. Compliance for All NCO Districts

1. Compliance with Underlying Zoning District

The development standards of the specific NCO can supplement and can be more or less restrictive than the applicable standards found in the underlying zoning district.

2. Conflict

In the event that standards in a NCO district conflict with the standards in the underlying zoning district, the standards in the NCO shall control.

3. Compliance with Development Standards

Once an NCO district is established, no permit for any new construction or expansion of an existing structure may be issued until the Planning and Development Director determines that the proposal complies with all development standards established for the NCO district where the land is located.

3.8.11. RESERVED

3.8.12. WATERSHED OVERLAY (WSO) DISTRICT

A. Purpose

The purpose of a Watershed Overlay (WSO) district is to ensure the availability of public water supplies at a safe and acceptable level of water quality, to ensure protection of public water supplies for recreational and aesthetic purposes, to minimize sedimentation of streams, and to protect the public health, safety, and welfare of the residents of High Point. More specifically, these standards are intended to:

1. Ensure compliance with all applicable federal and state laws governing the protection of water supply watersheds and the provision of stormwater management to protect, maintain and enhance the public health, safety, environment and general welfare.
2. Protect those portions of designated water supply watersheds which lie closest to existing and proposed water supply reservoirs from activities which could degrade water quality in the reservoirs;
3. Minimize pollution entering municipal reservoirs to assure the public health and the public provision of a continued supply of safe drinking water thereby protecting the water quality of these water supply reservoirs and promoting public awareness; and
4. Encourage a low intensity of land development in the most sensitive portions of the water supply watersheds (Watershed Critical Areas) thereby reducing the risks to water quality posed by higher density residential and nonresidential uses.

B. Standards

See Section 6.2, Watershed Protection, for the WSO district standards.

CHAPTER 4: USES

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CHAPTER 4: USES

4.1. PRINCIPAL USE TABLE

4.1.1. USE TABLE STRUCTURE

A. General

Table 4.1.9, Principal Use Table, lists principal use types and indicates for each zoning district whether the principal use type is permitted by right, permitted by right only inside the Core City Area, permitted as a special use, or permitted only with an overlay district. Also, the principal use table references district use prohibitions and additional standards that are applicable to a specific use type.

B. Conditional Zoning Districts

The range of permitted uses in a conditional zoning district shall be the same as the range of permitted uses within the corresponding general zoning district unless the conditions associated with the approved conditional zoning district further limit them. In no instance shall the range of permitted uses in a conditional zoning district exceed the range of permitted uses in the corresponding general zoning district.

4.1.2. USES PERMITTED BY-RIGHT

A "P" in a cell of the principal use table indicates that the specific use type is permitted by right in the corresponding zoning district, subject to compliance with the additional standards referenced in the principal use table. A "P*" in a cell of the principal use table indicates that the specific use type is permitted by right in the corresponding zoning district only when located inside the Core City Area and subject to compliance with the additional standards referenced in the principal use table.

4.1.3. USES REQUIRING SPECIAL USE REVIEW

An "S" in a cell of the principal use table indicates that the specific use type is permitted in the corresponding zoning district only upon approval of a special use in accordance with Section 2.4.11, Special Use, and any additional standards referenced in the principal use table.

4.1.4. USES REQUIRING OVERLAY DISTRICT

An "O" in a cell of the principal use table indicates the specific use type is permitted in the corresponding zoning district only upon approval of an overlay district and any additional standards referenced in the principal use table.

4.1.5. PROHIBITED USES

A. A blank cell in the principal use table indicates that the specific use type is prohibited in the corresponding zoning district.

B. The following principal uses are prohibited throughout the City's zoning jurisdiction in all zoning districts:

1. Explosives manufacturing;
2. Leather and leather products manufacturing involving tanning; and
3. Slaughter or rendering of animals.

C. Section 6.2.10, Standards Applicable in the GWA, identifies uses prohibited within general watershed areas of the WSO.

D. Section 6.2.11, Standards Applicable in the WCA, identifies uses prohibited within watershed critical areas of the WSO.

4.1.6. DISTRICT USE PROHIBITION

Regardless of whether the principal use table lists a specific use type as a permitted use, the specific use type may be prohibited in accordance with the overlay district or sub-district provisions in Chapter 3: Zoning Districts. The principal use table references prohibitions for a specific use type in the column titled "District Use Prohibitions."

4.1.7. ADDITIONAL STANDARDS

A. When a specific use type is permitted in a zoning district, there may be additional standards that are applicable. Such additional standards are referenced in the principal use table column titled "Additional Standards." These standards shall apply to a specific use type regardless of the zoning district, unless otherwise specified.

B. In addition, use types are also subject to the district standards listed in the applicable zoning district in Chapter 3: Zoning Districts.

4.1.8. UNLISTED USES

For land uses not listed in Table 4.1.9, Principal Use Table, not listed as a part of a use category or use type, and not listed as a prohibited use in Section 4.1.5, Prohibited Uses, the Planning and Development Director shall determine which use category or use type to which the land use belongs in accordance with Section 2.5.4, Determination.

4.1.9. PRINCIPAL USE TABLE

TABLE 4.1.9: PRINCIPAL USE TABLE

P=Permitted P*=Permitted only inside Core City area S=Permitted with special use O=Overlay required
Permitted uses may be subject to additional zoning district standards in Chapter 3.

Use Category	Use Type	R-3	R-5	R-7	RM-5	RM-16	RM-26	TO	OI	LB	GB	RC	CB	EC	LI	HI	AGR	I	PNR	MS	MX	District Use Prohibition	Additional Standards
		Residential						Business									Special						
Agricultural Use Classification																							
Agriculture	Agriculture production (crops)	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	WSO (WCA)	4.3.1.A.1
	Agriculture production (livestock)																P					WSO (WCA)	
Residential Use Classification																							
Common elements recreation	Common Elements Recreation	P	P	P	P	P	P	P	P	P	P	P	P	P			P			P	P		4.3.2.A.1
Household Living	Duplex dwelling		P*	P	P	P	P	P	P	P												ARO Zone 1-2	4.3.2.B.1
	Family care home	P	P	P	P	P	P	P	P	P			P				P					ARO Zone 1-2	4.3.2.B.2
	Live/work dwelling					P	P	P	P	P	P	P	P							P	P	ARO Zone 1-2	4.3.2.B.3
	Manufactured dwelling	O	O	O	O												P					ARO Zone 1-3	4.3.2.B.4
	Multi-family dwelling				P	P	P	P	P	P	P	P	P	P	P*			P		P	P	ARO Zone 1-2	4.3.2.B.5
	Single-family attached dwelling		P	P	P	P	P	P	P	P	P	P	P	P				P		P	P	ARO Zone 1-2	4.3.2.B.6

TABLE 4.1.9: PRINCIPAL USE TABLE

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Use Category	Use Type	R-3	R-5	R-7	RM-5	RM-16	RM-26	TO	OI	LB	GB	RC	CB	EC	LI	HI	AGR	I	PNR	MS	MX	District Use Prohibition	Additional Standards
		Residential						Business									Special						
	Single-family detached dwelling	P	P	P	P	P	P	P	P	P							P					ARO Zone 1-2	
	Triplex/ quadplex		P	P	P	P	P	P	P	P	P	P	P	P				P		P	P	ARO Zone 1-2	4.3.2.B.7
Group Living	Dormitory, private						P		P									P				ARO Zone 1-2	4.3.2.C.1
	Fraternity or sorority house						P		P									P				ARO Zone 1-2	
	Rooming house					P	P	P	P													ARO Zone 1-2	
	Single room occupancy (SRO)					S	S		S													ARO Zone 1-2	4.3.2.C.2
	Social service facility, major					S	S		S		S							S				ARO Zone 1-2	4.3.2.C.3
	Social service facility, minor					S	P		P		P							P				ARO Zone 1-2	4.3.2.C.3
Life Care	Assisted living facility					P	P		P		P	P	P					P		P	P	ARO Zone 1-2	4.3.2.D.1
	Continuing care retirement community						P		P		P							P				ARO Zone 1-2	4.3.2.D.2
	Long-term care/skilled nursing facility						P		P		P							P				ARO Zone 1-2	
Institutional Use Classification																							
Civic	Assembly, major										P	P	P	P				P	P	P	P	ARO Zone 1	4.3.3.A.1
	Assembly, minor	S	S	S	S	S	P	P	P	P	P	P	P	P			P	P	P	P	P		4.3.3.A.1

TABLE 4.1.9: PRINCIPAL USE TABLE

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Permitted uses may be subject to additional zoning district standards in Chapter 3.

Use Category	Use Type	R-3	R-5	R-7	RM-5	RM-16	RM-26	TO	OI	LB	GB	RC	CB	EC	LI	HI	AGR	I	PNR	MS	MX	District Use Prohibition	Additional Standards
		Residential						Business									Special						
	Cemetery, columbarium, mausoleum	P	P	P	P	P	P	P	P		P	P	P	P	P	P	P	P					4.3.3.A.2
	Cultural facility, major										P	P	P	P				P		P	P	ARO Zone 1	
	Cultural facility, minor							P	P	P	P	P	P	P				P	P	P	P		
	Correctional facility															S	S	S				ARO Zone 1	
	Government facility							P	P	P	P	P	P	P	P	P	P	P	P	P	P		
	Public recreation facility	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P		4.3.3.A.3
	Public safety facility, major								P	P	P	P	P	P	P	P		P					
	Public safety facility, minor	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P		
Day Care	Day care center	S	S	S	S	S	S	P	P	P	P	P	P	P	P		P	P		P	P	ARO Zone 1	4.3.3.B.1
Education	College or university												P		P			P		P		ARO Zone 1-2	
	Other post-secondary educational facility										P	P	P	P	P			P		P		ARO Zone 1	4.3.3.C.1
	School, major	S	S	S	S	S	S										S	P				ARO Zone 1	4.3.3.C.2
	School, minor	S	S	S	S	S	S				P	P	P				S	P		P	P	ARO Zone 1	4.3.3.C.2
	Truck driving school														P	P						WSO (WCA)	
Health Care	Hospital																	P				ARO Zone 1-2	
	Medical care facility, major								P		P	P	P	P	P			P					
	Medical care facility, minor							P	P	P	P	P	P	P	P			P		P	P		
	Specialty hospital																	P				ARO Zone 1-2	

TABLE 4.1.9: PRINCIPAL USE TABLE

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Permitted uses may be subject to additional zoning district standards in Chapter 3.

Use Category	Use Type	R-3	R-5	R-7	RM-5	RM-16	RM-26	TO	OI	LB	GB	RC	CB	EC	LI	HI	AGR	I	PNR	MS	MX	District Use Prohibition	Additional Standards
		Residential						Business									Special						
Religious Institution	Religious institution	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P		P	P	ARO Zone 1-2	4.3.3.D.1
Transportation	Airport															S	S					WSO (WCA)	
	Park and ride facility						P	P	P	P	P	P	P	P	P	P	P	P					4.3.3.E.1
	Passenger terminal, surface transportation										P	P	P	P	P	P				P	P	WSO (WCA)	
	Taxi or limousine service facility										P		P		P	P						WSO (WCA)	
Utilities	Communication or broadcasting facilities								P		P	P	P	P	P	P							
	Solar array														P	P	P		P				4.3.3.F.1
	Utility facility, major														P	P						WSO (WCA)	4.3.3.F.2
	Utility facility, minor	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P		4.3.3.F.2
	Wireless telecommunication facility, major	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S		4.3.3.F.3
	Wireless telecommunication facility, minor	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P		4.3.3.F.3

TABLE 4.1.9: PRINCIPAL USE TABLE

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Permitted uses may be subject to additional zoning district standards in Chapter 3.

Use Category	Use Type	R-3	R-5	R-7	RM-5	RM-16	RM-26	TO	OI	LB	GB	RC	CB	EC	LI	HI	AGR	I	PNR	MS	MX	District Use Prohibition	Additional Standards
		Residential						Business									Special						
Commercial Use Classification																							
Adult Entertainment	Adult entertainment															P							4.3.4.A
Animal Care	Animal care, major														P	P	P						4.3.4.B.1
	Animal care, minor							P	P	P	P	P	P	P	P	P	P			P	P		
Eating Establishments	Bar or nightclub										P	P	P		P	P				P	P		4.3.4.C.1
	Restaurant, major										P	P								P		MS (B&C)	4.3.4.C.2
	Restaurant, minor						P	P	P	P	P	P	P	P	P	P				P	P		4.3.4.C.2 & 5.14.3
Offices	Office, major								P		P	P	P	P	P	P		P		P	P		
	Office, minor							P	P	P	P	P	P	P	P	P		P		P	P		

TABLE 4.1.9: PRINCIPAL USE TABLE

P=Permitted P*=Permitted only inside Core City area S=Permitted with special use O=Overlay required
Permitted uses may be subject to additional zoning district standards in Chapter 3.

Use Category	Use Type	R-3	R-5	R-7	RM-5	RM-16	RM-26	TO	OI	LB	GB	RC	CB	EC	LI	HI	AGR	I	PNR	MS	MX	District Use Prohibition	Additional Standards
		Residential						Business									Special						
Parking, Commercial	Parking, commercial								P		P	P	P	P	P	P		P		P	P		
Personal Services	Personal service, major									P	P	P	P		P*					P		MS (B)	4.3.4.D.1
	Personal service, minor						P	P	P	P	P	P	P	P	P					P	P		5.14.3
	Repair establishment									P	P	P	P	P	P	P				P	P		4.3.4.D.2
	Tattoo/body piercing										P												
Recreation and Leisure	Amusement and entertainment										P	P	P							P	P		
	Amusement parks										P	P										ARO Zone 1	4.3.4.E.1
	Sports and fitness centers								P	P	P	P	P	P	P								4.3.4.E.2
Retail Sales	Bulky item sales										P												4.3.4.F.1
	Convenience store with fuel sales									P	P	P			P	P				P		MS (B&C) WSO (WCA)	
	Flea market/antique mall, indoor										P	P	P		P					P		MS (B)	4.3.4.F.2
	Pawnshop										P	P	P		P					P		MS (B)	
	Retail sales, large										P	P	P										5.14.4

TABLE 4.1.9: PRINCIPAL USE TABLE

P=Permitted P*=Permitted only inside Core City area S=Permitted with special use O=Overlay required
Permitted uses may be subject to additional zoning district standards in Chapter 3.

Use Category	Use Type	R-3	R-5	R-7	RM-5	RM-16	RM-26	TO	OI	LB	GB	RC	CB	EC	LI	HI	AGR	I	PNR	MS	MX	District Use Prohibition	Additional Standards
		Residential						Business									Special						
	Retail sales, major									P	P	P	P		P *					P	P		4.3.4.F.3
	Retail sales, minor						P	P	P	P	P	P	P	P	P *					P	P		4.3.4.F.3 & 5.14.3
	Truck stop														S	P							4.3.4.F.4
Vehicle Establishments	Vehicle establishment, major										P				P	P				P		MS (B), WSO (WCA)	4.3.4.G.1
Vehicle Establishments	Vehicle establishment, minor										P	P			P	P				P		MS (B), WSO (WCA)	4.3.4.G.1
Visitor Accommodation	Bed & breakfast	S	S	S	S	P	P	P	P	P	P		P				P			P	P		4.3.4.H.1
Visitor Accommodation	Hotels or motels										P	P	P	P	P					P	P	ARO Zone 1	
Industrial Use Classification																							
Extractive Industry	Extractive industry															S						ARO Zone 1, WSO (WCA)	4.3.5.A.1

TABLE 4.1.9: PRINCIPAL USE TABLE

P=Permitted P*=Permitted only inside Core City area S=Permitted with special use O=Overlay required
Permitted uses may be subject to additional zoning district standards in Chapter 3.

Use Category	Use Type	R-3	R-5	R-7	RM-5	RM-16	RM-26	TO	OI	LB	GB	RC	CB	EC	LI	HI	AGR	I	PNR	MS	MX	District Use Prohibition	Additional Standards
		Residential						Business									Special						
Industrial Services	Industrial service, major														P	P						WSO (WCA)	
	Industrial service, minor													P	P	P						WSO (WCA)	
Manufacturing and Production	Asphalt plants															S						WSO (WCA)	4.3.5.B.1
	Manufacturing, major															P						WSO (WCA)	
	Manufacturing, minor													P	P	P						WSO (WCA)	
	Microbrewery, microdistillery, or microwinery										P		P		P	P	P			P			
	Motion picture production										P			P	P	P							
Warehousing and Freight Movement	Freight movement														P	P						WSO (WCA)	
	Self-storage, external access										P				P	P							4.3.5.C.1
	Self-storage, internal access										P		P		P	P							4.3.5.C.2
	Warehouse and distribution										P		P	P	P	P						WSO (WCA)	4.3.5.C.3

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P=Permitted P*=Permitted only inside Core City area S=Permitted with special use O=Overlay required
Permitted uses may be subject to additional zoning district standards in Chapter 3.

Use Category	Use Type	R-3	R-5	R-7	RM-5	RM-16	RM-26	TO	OI	LB	GB	RC	CB	EC	LI	HI	AGR	I	PNR	MS	MX	District Use Prohibition	Additional Standards
		Residential						Business									Special						
Waste Related Service	Hazardous waste disposal															S						ARO Zone 1, WSO (WCA & GWA)	
	Landfill, major															S	S					ARO Zone 1, WSO (WCA & GWA)	4.3.5.D.1
	Landfill, minor															S	S					WSO (WCA & GWA)	4.3.5.D.1
	Recycling center (major and minor)														P	P	S						4.3.5.D.2
	Salvage or junk yard															S						WSO (WCA)	4.3.5.D.3
	Transfer station															S						ARO Zone 1, WSO (WCA & GWA)	4.3.5.D.4
Wholesale Trade	Market Showroom										P		P		P								4.3.5.E.1
	Toxic chemicals or substances, pesticides or fertilizers															P						WSO (WCA)	4.3.5.E.2
	Wholesale, major													P	P	P							4.3.5.E.3
	Wholesale, minor										P			P	P	P							4.3.5.E.3

4.2. USE CLASSIFICATIONS, USE CATEGORIES, AND USE TYPES

4.2.1. PURPOSE

This section is intended to provide a systematic framework for identifying, describing, categorizing, consolidating, and distinguishing land uses to determine how a specific land use activity, or combination of activities, is to be considered when applying the principal use table and other provisions in this Ordinance.

4.2.2. ORGANIZATION OF USES

Section 4.2, Use Classifications, Use Categories, and Use Types, organizes principal uses by use classifications, use categories, and use types to provide a systematic basis for identifying, describing, categorizing, consolidating, and distinguishing land uses to determine whether a specific use is permitted in a particular zoning district.

A. Use Classifications

The use classifications identify broad classifications of land use and include agricultural uses, residential uses, institutional uses, commercial uses, and industrial uses. Use classifications are further broken down into a series of general "use categories" and specific "use types."

B. Use Categories

The use categories describe the major sub-groups of the respective use classifications and are based on common functional, product, or physical characteristics, such as the type and amount of activity, the type of customers or residents, how goods or services are sold or delivered, and site conditions. For example, the Residential Use Classification is divided into the Common Elements Recreation, Household Living, Group Living, and Life Care use categories. Use categories are further broken down into a series of individual "use types".

C. Use Types

The specific use types are included in the respective use category. They identify the specific principal uses that are considered to fall within characteristics identified in the use category. For example, family care homes, live/work dwellings, manufactured dwellings, multi-family dwellings, single-family attached dwellings, single-family detached dwellings, and duplex dwellings are use types in the Household Living Use Category.

D. Developments with Multiple Principal Uses

When all principal uses of a development fall within one use category, the entire development is assigned to that use category. A development that contains a coffee shop, bookstore, and bakery, for example, would be classified in the Retail Sales Use Category because all of the development's principal uses are in that use category. When the principal uses of a development fall within different use categories, then each principal use is classified in the applicable use category and each use is subject to applicable regulations for that use category. Developments with multiple principal uses, such as shopping centers, shall incorporate only those use types allowed in the applicable zoning district.

E. Table Organization

The characteristics, use types, and exceptions of each of the use categories in Table 4.1.9, Principal Use Table, are listed in the following tables. Table 4.2.2.E, Use Classification, below shows how the information is organized.

TABLE 4.2.2.E: USE CLASSIFICATION		
A. USE CATEGORY	1. CHARACTERISTICS:	
	Listing of use category characteristics	
	2. USE TYPES:	
	(a) Use type	Use type description
		1) Major/minor use type description
	3. EXCEPTIONS:	
	Listing of uses that are not included in the use category	

4.2.3. AGRICULTURAL USE CLASSIFICATION

Table 4.2.3, Agricultural Use Classification , sets out the use categories and use types included in the agricultural use classification in Table 4.1.9, Principal Use Table. Table 4.2.3 describes the characteristics of the agriculture use category and defines the use types included within the use category.

TABLE 4.2.3: AGRICULTURAL USE CLASSIFICATION		
A. AGRICULTURE	1. CHARACTERISTICS:	
	The Agriculture Use Category includes use types related to the production of field crops, fruits, vegetables, ornamental and flowering plants, and the breeding, or raising of livestock, poultry, swine, or other animals for food or other marketable products. The Agriculture Use Category also includes forestry activities related to the planting, management, protection, and harvesting of trees for timber or other forest products. Examples include animal confinement facilities (the raising of livestock, dairy cattle, swine, or poultry in confined areas), animal production and dairying other than in animal confinement facilities (including fish farms and hatcheries), crop production (including the raising of grains, vegetables, fruits, nuts, cotton, and tobacco), community gardens, forestry and logging, and greenhouse, nursery, and floriculture production.	
	2. USE TYPES:	
	(a) Agricultural production (crops)	Active and on-going agricultural activities, including agronomy, biotechnical agriculture (including education parks for biotechnical agriculture or a demonstration farm), community gardens, forestry, and similar uses.
	(b) Agricultural production (livestock)	Active and on-going agricultural activities related to the raising and breeding of livestock, including cows, horses, goats, pigs, fowl, and other forms of domesticated animals typically associated with farming uses.
	3. EXCEPTIONS:	
	a) The Agriculture Use Category does not include the processing of animal or plant products for wholesale or retail sale purposes, which is generally considered a manufacturing and production use. b) Retail nurseries are considered Retail Sales.	

4.2.4. RESIDENTIAL USE CLASSIFICATION

Table 4.2.4, Residential Use Classification, sets out the use categories and use types included in the residential use classification in Table 4.1.9, Principal Use Table. Table 4.2.4 describes the characteristics of the common elements recreation, household living, group living, and life care use categories and defines the use types included within each use category.

TABLE 4.2.4: RESIDENTIAL USE CLASSIFICATION

A. COMMON ELEMENTS RECREATION	**1. CHARACTERISTICS:**	
	Common Elements Recreation includes recreational facilities that are located in common elements provided in areas of common ownership under the control of an owners association.	
	2. USE TYPES:	
	(a) Common Elements Recreation	A recreational facility that is located in common elements provided in areas of common ownership under the control of an owners association.
B. HOUSEHOLD LIVING	**1. CHARACTERISTICS:**	
	Household Living includes use types that provide for the residential occupancy of a dwelling unit by a household. Tenancy is arranged on a month-to-month or longer basis. Accessory uses commonly associated with household living are recreational activities, raising of pets, hobbies, and parking of the occupants' vehicles.	
	2. USE TYPES:	
	(a) Duplex dwelling	A single structure comprised of 2 dwelling units that share common vertical walls or horizontal floors/ceilings. Both dwelling units are on the same lot.
	(b) Family care home	A home for 6 or fewer persons that provides room and board, personal care, and habilitation services in a family environment for the residents, who have a temporary or permanent physical, emotional, or mental disability (including, but not limited to, mental retardation, cerebral palsy, epilepsy, autism, hearing and sight impairments, emotional disturbances, and orthopedic impairments, but not including mentally ill persons who are dangerous to others as defined in North Carolina General Statutes Section 122C-3(11)b.) See North Carolina General Statutes Section 168-21.
	(c) Live/work dwelling	A structure or portion of a structure combining a dwelling unit with an integrated nonresidential work space typically used by 1 or more of the residents. The nonresidential work space is found on the building's ground floor.
	(d) Manufactured dwelling	A dwelling constructed after June 15, 1976 that is composed of one or more components, each of which was substantially assembled in a manufacturing plant and designed to be transported on its own chassis. It bears a valid seal indicating conformance with the construction standards promulgated by the US Department of Housing and Urban Development that were in effect at the time of its construction.

TABLE 4.2.4: RESIDENTIAL USE CLASSIFICATION		
	(e) Multi-family dwelling	A dwelling comprised of more than 4 dwelling units that share common vertical walls or horizontal floors/ceilings (or both) that are not on individual lots. Examples include apartments and condominiums.
	(f) Single-family attached dwelling	A dwelling unit that is physically attached to 1 or more dwelling units, each on its own lot. Individual lots may or may not be surrounded by a larger tract that incorporates shared parking, recreation features, or access. The larger tract may or may not be owned in common by the landowners of individual lots. Examples include townhouses, patio homes, and row houses.
	(g) Single-family detached dwelling	A dwelling containing 1 dwelling unit that is occupied by 1 family and that is not physically attached to any other principal structure on an individual lot. For regulatory purposes, this term does not include manufactured dwellings, recreational vehicles, or other forms of temporary or portable housing.
	(h) Triplex/quadplex	A type of residential structure that includes 3 or 4 individual dwelling units located on 1 lot or configured so that each unit is on its own individual lot.
C. GROUP LIVING	**1. CHARACTERISTICS:**	
	Group Living includes use types that provide for the residential occupancy of a building by a group. The occupancy of the building may be larger than found in Household Living. Tenancy is arranged on a monthly or longer basis. Generally, group living development has a common eating area for residents. The residents may receive care, training, or treatment. Accessory uses may include recreational facilities, dining facilities, and parking of vehicles for occupants and staff.	
	2. USE TYPES:	
	(a) Dormitory, private	A residential facility, not located on a campus, which is established directly or indirectly in association with a college, business college, trade school, or university for the purpose of housing students registered and attending the institution. Typically it includes bedrooms with shared bathrooms and other shared living spaces. A private dormitory may contain food preparation and eating facilities primarily for the use of its occupants.
	(b) Fraternity or sorority house	A building used as group living quarters for students of a college, university, or seminary, who are members of a fraternity or sorority that has been officially recognized by the college, university, or seminary but is not located on the campus with which it is associated. Accessory uses may include sleeping areas, cooking facilities, and areas for meeting and socializing.
	(c) Rooming house	A dwelling that provides rental accommodations to tenants in up to 5 individual rooms for periods of 1 week or longer. The dwelling is accessed by a shared entry with a common kitchen. Meals may be provided to the tenants.

TABLE 4.2.4: RESIDENTIAL USE CLASSIFICATION		
	(d) Single room occupancy (SRO)	A building that provides rental accommodations to tenants in more than 5 individual rooms for periods of 1 week or longer. The rooms may have cooking facilities and private bathrooms.
	(e) Social service facility	A residential facility with support and supervisory personnel that provides temporary room and board, housekeeping, personal care, or rehabilitation services for those needing emergency services, post-incarceration services, or drug or alcohol rehabilitation assistance (but not including those with mental illness who are dangerous to others). Examples include homeless shelters, orphanages, shelters for victims of domestic abuse, crisis centers, halfway houses, and drug and alcohol treatment facilities.
		1) Major – Social service facilities that provide assistance for 7 or more patrons.
		2) Minor - Social service facilities that provide assistance for 6 or fewer patrons.
	3. Exceptions:	
	(a) Extended stay hotels are considered Visitor Accommodations. (b) Family care homes are considered Household Living.	
D. Life Care	**1. Characteristics:**	
	The life care use category includes use types that provide services for elderly people, including a wide range of services for aging or disabled residents, including room and board, housekeeping, personal care, medical care, and end-of-life care. Such uses may include a spectrum of housing options from independent living to assisted living to dependent living for residents. Accessory uses may include common dining facilities, laundries, transportation, recreation, and on-site retail or personal services intended solely for residents, their guests, or employees.	
	2. Use Types:	
	(a) Assisted living facility	A residential facility with support and supervisory personnel for the elderly that provide rooms, meals, personal care, and supervision of self-administered medication. They may provide other services such as recreational and social activities, financial services, transportation, laundry, and other services appropriate for the residents and designed to provide a relatively independent lifestyle. Examples include congregate care and rest homes.
	(b) Continuing care retirement community (CCRC)	A CCRC is a retirement community configured as a single unified campus that includes independent living dwellings, assisted living facilities, and skilled nursing facilities that are owned and operated by a private company that provides a continuum of care to residents of the community. A CCRC may include on-site dining, medical care, and recreation and social facilities in addition to guest lodging and employee housing.
	(c) Long-term care/skilled nursing facility	An institution that is licensed or approved to provide health care under skilled medical supervision for 24 or more consecutive hours. Examples include restorative services, nursing homes, and hospice homes.

4.2.5. INSTITUTIONAL USE CLASSIFICATION

Table 4.2.5, Institutional Use Classification, sets out the use categories and use types included in the institutional use classification in Table 4.1.9, Principal Use Table. Table 4.2.5 describes the characteristics of the civic, day care, education, health care, religious institutions, transportation, and utilities use categories and defines the use types included within each use category.

TABLE 4.2.5: INSTITUTIONAL USE CLASSIFICATION

A. CIVIC	**1. CHARACTERISTICS:**	
	The Civic Use Category includes use types of a public, nonprofit, or charitable nature that provide a local service to people of the community in a variety of facilities. Uses include meeting areas for civic or fraternal club activities, as well as indoor facilities used primarily for business or professional conferences, seminars, and training programs. Generally, such uses are open to or provide services to members of the general public. This includes, but is not limited to, assembly facilities, public safety facilities, community and cultural facilities, and government facilities. Accessory uses may include parking, training facilities, kitchens/cafeterias, recreation areas, offices, meeting rooms, storage, food sales or consumption.	
	2. USE TYPES:	
	(a) Assembly	A facility for assembly, including buildings that primarily provide meeting areas for civic, fraternal, business or professional organizations for conferences, seminars, recreation, training programs, sports, or entertainment. Examples include private clubs or lodges, YMCA, YWCA, swim and tennis club, country club, boys and girls club, meeting facilities, auditoriums, banquet halls, dinner theaters, convention centers, amphitheaters, stadiums, coliseums, and conference centers.
		1) Major - An assembly use with more than 15,000 square feet of gross floor area.
		2) Minor – An assembly use with 15,000 square feet of gross floor area or less.
	(b) Cemetery, columbarium, mausoleum	Uses intended for the burial of the dead that are dedicated for cemetery purposes. They may include a mausoleum or columbarium (a structure or vault lined with recesses for cinerary urns).
	(c) Cultural facilities	A use that provides education, training, or resources of a public, nonprofit, or charitable nature. Examples include community centers, libraries, art galleries, and museums. Accessory uses may include offices, meeting rooms, food preparation, parking, health, and therapy areas.
		1) Major - A cultural facility with more than 15,000 square feet of gross floor area.
		2) Minor - A cultural facility with 15,000 square feet of gross floor area or less.
	(d) Correctional facility	Publicly or privately operated facilities housing persons awaiting trial or persons serving a sentence after being found guilty of a criminal offense. Accessory uses may include cafeterias, housing for facility staff, outdoor storage and maintenance areas, recreational areas, agricultural facilities, and facilities for the production of goods or materials produced for sale by the

TABLE 4.2.5: INSTITUTIONAL USE CLASSIFICATION

		inmates.
	(e) Governmental facility	A facility that provides for the general operations and functions of local, state, or federal governments. Examples include government operations or maintenance facilities, school administration offices, and government offices. Accessory uses may include offices, maintenance, storage (indoor and outdoor), fueling facilities, auditoriums, communications equipment, and parking areas.
	(f) Public recreation facility	A facility that provides recreation services to the general public. Examples include recreation centers, senior centers, community centers, parks and gardens, and golf courses.
	(g) Public safety facility	A facility that provides public safety services to the general public. Examples include fire stations, police stations, EMS stations, and governmental training facilities such as an outdoor shooting range or fire training facility. Accessory uses may include offices, teaching rooms, meeting areas, food preparation and consumption areas, sleeping quarters, communications equipment, storage, parking, and maintenance facilities.
		1) Major - A public safety facility with more than 15,000 square feet of gross floor area, or that includes maintenance facilities or outdoor facilities.
		2) Minor – A public safety facility with 15,000 square feet of gross floor area or less.
	3. EXCEPTIONS:	
	(a) Crematoriums are considered Personal Services. (b) Parking lots and structures owned and operated by the government are considered Commercial Parking. (c) Wastewater treatment plants, potable water treatment plants, utility substations, water towers and other similar facilities are considered Utilities.	
B. DAY CARE	**1. CHARACTERISTICS:**	
	The Day Care Use Category includes use types that provide care, protection, and supervision for children or adults on a regular basis away from their primary residence, and for less than 24 hours a day. Care can include education and development activities. Care can be provided during daytime or nighttime hours. Accessory uses include offices, food preparation, recreation areas, and parking.	
	2. USE TYPES:	
	(a) Day care center	A facility, other than an occupied dwelling, that provides for the care of more than 5 preschool age, or a combination of preschool and school age children under 13 years of age totaling 9 or more, or 9 or more adults, who do not reside in the facility, at least once per week for at least four hours, but less than 24 hours per day.
	3. EXCEPTIONS:	
	(a) Home day care is considered an accessory use. (b) Drop-in or short-term day care provided in connection with employment or at a shopping center, recreational facility, religious institution, hotel, or other principal uses are not considered in the Day Care Use Category.	

TABLE 4.2.5: INSTITUTIONAL USE CLASSIFICATION

C. EDUCATION	**1. CHARACTERISTICS:**	
	The Education Use Category includes use types that provide for all levels of education. Examples include elementary, secondary, post-secondary, technical, and specialized instructional schools.	
	2. USE TYPES:	
	(a) College or university	A public or private institution for post-secondary education offering courses in general or technical education, which operates within buildings on land owned or leased by the institution for administrative and faculty offices, classrooms, laboratories, chapels, auditoriums, lecture halls, libraries, student and faculty centers, athletic facilities, dormitories, fraternities and sororities, residential units, and other facilities which further the educational mission of the institution in a campus setting. In no event shall this definition prohibit a college or university from engaging in an activity historically conducted by the institution.
	(b) Other post-secondary educational facility	A post-secondary school other than a college or university that provides on-site training for business, commercial, and/or trade skills such as accounting, data processing, automobile repair, construction skills, and computer repair. This use type includes satellite classrooms for larger colleges and universities.
	(c) School	An educational institution that provides elementary or secondary education. Accessory uses may include offices, play areas, cafeterias, recreational and sport facilities, auditoriums, and before- or after-school day care.
		1) Major - Any high school or a middle school designed for 800 or more students.
		2) Minor - An elementary school or middle school designed for less than 800 students, or any combination thereof designed for less than 800 students.
	(d) Truck driving school	A specialized instructional school that provides on-site and on the-road training in the operation of heavy trucks, tractor trailers, and transport vehicles.
D. HEALTH CARE	**1. CHARACTERISTICS:**	
	The Health Care Use Category includes use types that provide medical or surgical care and treatment to patients as well as laboratory services Accessory uses may include offices, laboratories, laundry facilities, teaching facilities, meeting areas, cafeterias, parking, maintenance facilities, housing for staff or trainees, and limited accommodations for family members.	
	2. USE TYPES:	
	(a) Hospital	An inpatient facility specializing in giving clinical, temporary, and emergency services of a medical or surgical nature to human patients and injured persons, that is licensed by State law to provide facilities and services in surgery, obstetrics, or general medical practice. Such facilities may include outpatient medical or surgical care for the sick or injured, and related facilities such as laboratories, training facilities and central services facilities. Accessory uses may include staff offices, cafeterias, parking, and maintenance facilities.

TABLE 4.2.5: INSTITUTIONAL USE CLASSIFICATION

	(b) Medical care facility	An outpatient facility where patients are admitted for examination and treatment by 1 or more physicians, dentists, opticians, psychiatrists, or psychologists. Patients receive outpatient care only, which may be provided overnight (as in the case of sleep disorder centers). Accessory uses may include sleeping rooms for care workers and members of patient's families.
		1) Major - A medical care facility with more than 10,000 square feet of gross floor area.
		2) Minor - A medical care facility with 10,000 square feet of gross floor area or less.
	(c) Specialty hospital	A hospital with highly specialized personnel, equipment, procedures, or facilities for the treatment of unique conditions, patients, or specific ailments. Examples include psychiatric hospitals, hospitals for children, hospitals that specialize in cancer care, or hospitals that focus on treating particular conditions such as burns.
	3. EXCEPTIONS:	
	(a) A use type that involves provision of residential care for the elderly is classified as Life Care. (b) A use type that provides exclusive care and planned treatment or training for psychiatric, alcohol, or drug issues, where patients are residents and participants in a program are classified as Group Living.	
E. RELIGIOUS INSTITUTIONS	**1. CHARACTERISTICS:**	
	The Religious Institutions Use Category includes use types that provide meeting areas for religious activities. Accessory uses may include kitchens/cafeterias, recreation areas, offices, meeting rooms, and parking.	
	2. USE TYPES:	
	(a) Religious Institution	A place in which worship, ceremonies, rituals, and education are held, together with accessory uses (including locations used for education and recreation activities), operated and maintained under the direction of the religious group. Examples include churches, mosques, synagogues, and temples. Accessory uses may include parking, caretaker's housing, pastor's housing, day care, and group living facilities for persons associated with the religious organization, such as convents.
F. TRANSPORTATION	**1. CHARACTERISTICS:**	
	The Transportation Use Category includes use types that provide for the landing and takeoff of airplanes and helicopters, and passenger terminals for surface transportation. Accessory uses may include freight handling areas, concessions, offices, parking, maintenance, and fueling facilities.	
	2. USE TYPES:	
	(a) Airport	A facility that provides for the landing and take-off of aircraft, including helicopters, and all necessary facilities for the housing, maintenance, and repair of aircraft.
	(b) Park and ride facility	A facility that provides mass transportation from a parking lot.

TABLE 4.2.5: INSTITUTIONAL USE CLASSIFICATION

	(c) Passenger terminal, surface transportation	A facility where the principal use is the handling, receiving, transfer, and discharging of passengers of various modes of surface transportation. Examples include terminals for bus, trolley, railroad, shuttle van, or other similar vehicular services.
	(d) Taxi or limousine service facility	A facility that provides transportation service via a taxi, limousine, or shuttle, and includes storage and maintenance of vehicles.
	3. EXCEPTIONS:	
	Transit route facilities such as bus stops and bus shelters are exempt from this Ordinance.	
G. UTILITIES	**1. CHARACTERISTICS:**	
	The Utilities Use Category includes both major and minor utilities as well as wireless telecommunications facilities. Major utilities are infrastructure services that provide regional or community-wide service. Minor utilities are neighborhood or subdivision infrastructure services that need to be located in or near the neighborhood or subdivision where the service is provided. Communication or broadcasting facilities and wireless telecommunication facilities are also types of utilities. Services may be publicly or privately provided. Accessory uses may include offices, parking, monitoring, storage areas, or data transmission equipment.	
	2. USE TYPES:	
	(a) Communication or broadcasting facilities	A radio, television, or other digital signal broadcasting facility engaged in the distribution of audio and/or video content to a dispersed audience via any audio or visual mass communications medium.
	(b) Solar array	A group or series of photovoltaic (or solar) panels placed to convert solar radiation into usable direct current electricity and provide that electricity to a use on-site or to the larger electrical network.
	(c) Utility facility	All facilities and equipment related to the provision, distribution, collection, transmission, or disposal of water, stormwater, sanitary sewage, natural gas, electricity, cable television, telephones, and wired telecommunications.
		(1) Major – A utility providing regional or community-wide service that normally entails the construction of new buildings or structures. Examples include wastewater treatment plants, potable water treatment plants, electrical generation plants, utility equipment and storage yards, and wind and energy facilities.
		(2) Minor – A utility providing a localized service or network function that is small in scale and impact. Examples include natural gas border stations, utility substations, water towers, water and sewage pump stations, stormwater management facilities, and telephone exchanges.
	(d) Wireless telecommunication facility	A facility engaged in the transmission or reception of wireless communications signals consisting of digital or analog voice and data information. Wireless telecommunications facilities include free-standing towers, antenna, and ground-based equipment. Antenna may also be placed on buildings and other structures such as water towers, electrical transmission towers, church

TABLE 4.2.5: INSTITUTIONAL USE CLASSIFICATION			
		steeples, and other vertical projections. Accessory uses typically include equipment buildings and parking areas. Additional definitions related to wireless telecommunications facility uses are included in Section 10.4, Definitions.	
			1) Major - Any application for wireless facilities and/or wireless support structures other than those meeting the definition of a minor wireless telecommunications facility.
			2) Minor - Any application for a wireless facility and/or wireless support structure that: (a) Is a new wireless support structure that is 60 feet or less in height or collocated on an existing building in accordance with Section 4.3.3.F.3(e)(4), Collocation of Antennae on an Existing Building, located in any zoning district, or (b) Is a new wireless support structure that is 200 feet or less in height in any PC,I, LI, or HI zoning district, or (c) Is a concealed wireless facility that is 80 feet or less, in any residential zoning district, or (d) Is a concealed wireless facility that is 150 feet or less in height in any zoning district except residential, or (e) Is a monopole or replacement pole located on public property or within an electrical transmission line easement or right-of-way, in any zoning district, or (f) Is considered a substantial modification, as defined in this ordinance, of an existing wireless facility or support structure.
	3. EXCEPTIONS:		
	(a) Distribution poles, transmission poles, ground-based electrical/telephone/cable vaults, and transmission lines are exempt from this ordinance. (b) Landfills, recycling and salvage centers, and waste composting uses are considered Waste-Related Services.		

4.2.6. COMMERCIAL USE CLASSIFICATION

Table 4.2.6, Commercial Use Classification, sets out the Use Categories and use types included in the commercial use classification in 4.1.9, Principal Use Table. Table 4.2.6 describes the characteristics of the adult entertainment, animal care, eating establishments, offices, commercial parking, recreation and leisure, retail sales and services, vehicle establishments, and visitor accommodations use categories; and defines the use types included within each use category.

TABLE 4.2.6: COMMERCIAL USE CLASSIFICATION	
A. ADULT ENTERTAINMENT	**1. CHARACTERISTICS:**
	The Adult Entertainment Use Category includes use types that sell, distribute, or present material or feature performances or other activities that emphasize the depiction or display of specified sexual activities or specified anatomical areas as defined by the North Carolina General Statutes.
	2. USE TYPES:

TABLE 4.2.6: COMMERCIAL USE CLASSIFICATION		
	(a) Adult entertainment	An adult entertainment use is a commercial establishment involved in the provision of services, entertainment, or sales of goods at retail intended solely for consumption by persons over the age of 18. Adult entertainment means adult arcade, adult bookstore or adult video store, adult cabaret, adult motel, adult motion picture theater, adult theater, escort agency, nude model studio, sexual encounter center, or any combination of the foregoing. Additional definitions related to adult entertainment uses are included in Section 10.4, Definitions.
B. ANIMAL CARE	**1. CHARACTERISTICS:**	
	The Animal Care Use Category is characterized by use types related to the provision of medical services and treatment to animals, including veterinary services, animal hospitals, and the boarding of animals related to the provision of these services.	
	2. USE TYPES:	
	(a) Animal care	A facility for the provision of medical services and treatment to animals, including veterinary services, animal hospitals, and the boarding of animals related to the provision of these services. Examples include animal shelters, kennels, grooming facilities, animal hospitals, veterinary offices, and veterinary clinics.
		1) Major – Animal care uses that include outdoor kennels, runs, or exercise areas.
		2) Minor – Animal care uses that do not include outdoor kennels, runs, or exercise areas.
C. EATING ESTABLISHMENTS	**1. CHARACTERISTICS:**	
	The Eating Establishments Use Category includes use types that prepare and sell food and beverages for immediate or direct on- or off-premise consumption. Examples include restaurants (including brewpubs) with indoor and outdoor seating, bars or nightclubs, caterers, restaurants with drive-through service, specialty eating establishments (ice cream parlors, bakery shops, dessert shops, juice or coffee houses). Accessory uses may include bars or cocktail lounges associated with the establishment, decks and patios for outdoor seating, drive-through facilities, facilities for live entertainment or dancing, customer and employee parking areas, and valet parking facilities.	
	2. USE TYPES:	
	(a) Bar or nightclub	An establishment primarily devoted to the sale of alcoholic beverages for on-site consumption, where the sale of food is incidental. Activities may include dancing or other forms of entertainment (including live performances that are not considered adult entertainment uses) such as billiard tables, darts, and karaoke.
	(b) Restaurant	An establishment that prepares and sells food and beverages for immediate or direct on- or off-premise consumption.
		1) Major – A restaurant with a drive-through.
		2) Minor - A restaurant with no drive-through.
	3. EXCEPTIONS:	
	Banquet halls and dinner theatres are considered Civic.	
D. OFFICES	**1. CHARACTERISTICS:**	

TABLE 4.2.6: COMMERCIAL USE CLASSIFICATION

	The Office Use Category includes use types that provide for activities that are conducted in an office setting and generally focus on business, professional, or financial services. Examples include offices for conducting the affairs of a general business establishment, financial services or sales of real estate or other personal property, investment banking, stock brokerage, investment services, real estate sales, offices for lawyers, accountants, engineers, architects, planners, and similar professions. Accessory uses may include cafeterias, day care facilities, recreational or fitness facilities, parking, or other amenities primarily for the use of employees in the office.	
	2. Use Types:	
	(a) Office	A use where the affairs of a business professional, or financial service establishment is conducted.
		1) Major – An office with more than 10,000 square feet of gross floor area.
		2) Minor – An office with 10,000 square feet of gross floor area or less.
	3. Exceptions:	
	(a) An office that is part of and located with a principal use in another use category is considered accessory to the establishment's primary activity. A headquarter office that is located in conjunction with or adjacent and related to a principal use in another use category and on the same site is considered part of the other use category. (b) Contractors and others who perform services off-site are included in the Offices Use Category if equipment and materials are not stored outside and no fabrication, service, or similar work is carried on at the site; otherwise they are considered as Industrial Service. (c) Government offices are considered as Government Facilities. (d) Banks, saving and loans, or credit unions are considered as Personal Services. (e) Medical care facilities, including doctor and dental offices, are considered Health Care.	
E. Parking, Commercial	**1. Characteristics:**	
	The Commercial Parking Use Category includes use types that provide parking lots and structures that are not accessory to a specific principal use. A fee may or may not be charged for the right to park at the facility. A parking facility that provides both accessory parking for a specific principal use and regular fee parking for persons not connected to the principal use is also classified as Commercial Parking. Accessory uses may include small shelters for parking attendants.	
	2. Use Types:	
	(a) Parking, commercial	A parking lot or structure on a site or portion of a site dedicated to vehicular ingress and egress, off-street parking, parking aisles, internal travel ways, fire lanes, and other areas dedicated to vehicular use, but not necessarily including vehicular storage areas. This definition includes parking garages and deck parking.
	3. Exceptions:	
	(a) Parking facilities that are accessory to a principal use, even if the principal use leases the parking lot, are considered as an accessory use. (b) Park-and-ride facilities are considered Transportation. (c) Parking structures located on a lot with nonresidential, residential, or mixed use development are considered as an accessory use.	

TABLE 4.2.6: COMMERCIAL USE CLASSIFICATION

F. PERSONAL SERVICES	**1. CHARACTERISTICS:**	
	The Personal Service Use Category is characterized by use types related to the provision of services or product repair for consumers.	
	2. USE TYPES:	
	(a) Personal service establishment	An establishment meeting frequent or recurrent service needs of a personal nature, including the repair of small personal items such as shoes, watches, jewelry, and clothing. Examples include laundromats, massage therapy and day spas, laundry and dry-cleaning pick-up and drop-off establishments, banks, savings and loans, credit unions, photography studios, funeral homes and crematoriums, mailing or packaging services, photocopy services, screen printer, barber/beauty shops, and tanning and nail salons.
		(1) Major – A personal services establishment with more than 4,000 square feet of gross floor area.
		(2) Minor – A personal services establishment with 4,000 square feet of gross floor area or less.
	(b) Repair establishments	An establishment engaged in the provision of repair services of durable consumer and households goods, computers, yard equipment, lawn mowers, lamps, and small household appliances.
	(c) Tattoo/body piercing establishment	An establishment whose principal business activity is the inserting of permanent markings or coloration, or the producing of scars, upon or under human skin or the creation of an opening in the body of a person so as to create a permanent hole for the purpose of inserting jewelry or other decoration.
	3. EXCEPTIONS:	
	(a) Travel agencies are considered Offices. (b) Repair of heavy equipment is considered Industrial Services.	
G. RECREATION AND LEISURE	**1. CHARACTERISTICS:**	
	The Recreation and Leisure Use Category is characterized by use types that provide recreational, amusement, and entertainment opportunities that are commercial in nature.	
	2. USE TYPES:	
	(a) Amusement and entertainment	A commercial use that is typically indoors and that provides recreational, amusement, and entertainment opportunities. Examples include billiards, bingo, bowling, fortune tellers, sweepstakes, skating rinks, movie theaters, coin-operated games, and shooting ranges.
	(b) Amusement parks	A commercial facility that is typically outdoors and that provides entertainment, recreational, and amusement opportunities. Examples include water parks, miniature golf, and go-kart tracks.
	(c) Sports and fitness centers	A commercial facility that focuses on physical fitness, and sports training and instruction. Examples include dance and yoga studios, fitness centers, sports instructional schools, and martial arts instruction.

TABLE 4.2.6: COMMERCIAL USE CLASSIFICATION

H. RETAIL SALES	**1. CHARACTERISTICS:**	
	The Retail Sales Use Category includes use types involved in the sale, lease, or rent of new or used products primarily intended for the general public. Accessory uses may include offices, storage of goods, limited assembly, processing, or repackaging of goods for on-site sale, concessions, ATM machines, outdoor display/sales areas, and parking. Use types within this use category are categorized based on their intensity, scale, and function.	
	2. USE TYPES:	
	(a) Bulky item sales	An establishment engaged in the retail sale and display of large or bulky consumer goods for sale, including but not limited to truck camper tops, bed liners, prefabricated outdoor buildings, manufactured homes, modular homes, play equipment, portable storage containers, or hot tubs.
	(b) Convenience store with fuel sales	A small retail establishment selling items that include but are not limited to food products, household items, newspapers and magazines, candy and beverages, a limited amount of freshly prepared foods such as sandwiches and salad for on- or off-site consumption, and gasoline sales.
	(c) Flea market/antique mall, indoor	Where goods are offered for sale to the general public by individual sellers from open or rented sales areas. Accessory uses may include parking, concessions, restrooms, and indoor storage.
	(d) Pawnshop	An establishment engaged in loaning money upon deposit of personal property. Such uses also store personal property on site and sell retail goods.
	(e) Retail sales establishment	An establishment that sells goods directly to the consumer, where such goods are available for immediate purchase and removal by the purchaser. Examples include stores selling, leasing, or renting consumer, home, and business goods, whether new or used, including art and art supply stores, audio/video stores, bicycle sales, book stores, clothing stores, convenience stores, department stores, dry good sales, electronic equipment stores, fabric shops, furniture stores, florist shops, garden supply centers, gift shops, grocery stores, hardware stores, stores that sell household products, jewelry stores, office supply stores, pet and pet supply stores, and pharmacies. Accessory uses may include storage of products for sale, offices, concessions, seating areas, areas for testing of products prior to purchase, and provision of product-related service or repair.
		1) Large - A retail sales establishment with more than 50,000 square feet of gross floor area on the ground floor for a single tenant, or more than 150,000 square feet on the ground floor serving multiple tenants, including outparcels.
		2) Major - A retail sales establishment between more than 4,000 and 50,000 square feet of gross floor area.
		3) Minor - A retail sales establishment with 4,000 square feet of gross floor area or less.

TABLE 4.2.6: COMMERCIAL USE CLASSIFICATION		
	(f) Truck stop	An establishment typically engaged in fuel sales that serve commercial truck drivers. The use may provide food, maintenance services, overnight parking, showering rooms, laundry facilities, basic convenience retail items and other services related to the use.
	3. EXCEPTIONS:	
	(a) Laundry and dry-cleaning plants are considered Industrial Services. (b) Building trade contractors with on-site storage that sell primarily to contractors and do not have a retail orientation are considered Industrial Services. (c) Repair and service of automobiles, motorcycles, and light and medium trucks are considered as Vehicle Establishments. (d) Bars, nightclubs, and similar establishments, as well as bakeries are considered Eating Establishments. (e) An establishment that provides financial, professional or business services in an office setting are considered Office. (f) An establishment that involves the sale, distribution, or presentation of materials or activities emphasizing sexually explicit content are considered Adult Entertainment.	
I. VEHICLE ESTABLISHMENTS	**1. CHARACTERISTICS:**	
	The Vehicle Establishments Use Category includes use types involving the direct sale; rental; storage; and servicing of automobiles, trucks, boats, motorcycles, recreational vehicles, and other consumer motor vehicles intended to transport persons or goods over land or water or through the air, whether for recreation, commerce, or personal transport. Accessory uses may include offices, sales of parts, maintenance facilities, parking, outdoor display, and vehicle storage.	
	2. USE TYPES:	
	(a) Vehicle establishments	Uses involving the direct sales and service of motorized vehicles.
		1) Major - Establishments that are primarily engaged in vehicle sales, rental, storage, towing, and major repair such as transmission, engine repair and bodywork and repainting.
		2) Minor – Establishments that are primarily engaged in washing cars, tire sales, minor repair such as diagnostic work, lubricating, wheel alignment and inspections, but no vehicle sales or rental.
	3. EXCEPTIONS:	
	(a) Auto parts and supply sales are considered Retail Sales. (b) Refueling and maintenance facilities for vehicles belonging to a specific principal use (fleet vehicles) are considered accessory uses if located on the site of the principal use. (c) Storage of salvaged or junk vehicles or parts is considered a Waste-Related Service.	
J. VISITOR ACCOMMODATIONS	**1. CHARACTERISTICS:**	
	The Visitor Accommodations Use Category includes use types that provide lodging units or space for short-term stays for rent, lease, or interval occupancy. Accessory uses may include pools and other recreational facilities, limited storage, restaurants, bars, supporting commercial, meeting facilities, offices, and parking.	
	2. USE TYPES:	
	(a) Bed and breakfast	A private residence, typically a single-family detached structure

TABLE 4.2.6: COMMERCIAL USE CLASSIFICATION		
		engaged in the renting of 1 or more rooms on a daily basis to tourists, vacationers, or business people where the provision of meals is limited to guests only.
	(b) Hotel or motel	A building or group of buildings in which sleeping accommodations are offered to the public and intended for temporary occupancy on an overnight or short term basis. Accessory uses may include restaurants, bars, offices, and onsite recreational facilities. Some rooms may include in-room kitchen, dining, and laundry facilities

4.2.7. INDUSTRIAL USE CLASSIFICATION

Table 4.2.7, Industrial Use Classification, sets out the use categories and use types included in the industrial use classification in 4.1.9, Principal Use Table. Table 4.2.7 describes the characteristics of the extractive industry, industrial services, manufacturing and production, warehousing and freight movement, waste-related service, and wholesale trade, and defines the use types included within each use category.

TABLE 4.2.7: INDUSTRIAL USE CLASSIFICATION		
A. EXTRACTIVE INDUSTRY	**1. CHARACTERISTICS:**	
	The Extractive Industry Use Category includes use types involving the extraction, removal, or basic processing of minerals, liquids, gases, or other natural resources. Such uses also include quarrying, well operation, drilling, mining, or other procedures typically done at an extraction site. Accessory uses may include offices, limited wholesale sales, security or caretakers quarters, outdoor storage, and maintenance facilities. Examples include quarries, borrow pits, mining, and sand and gravel operations.	
	2. USE TYPES:	
	(a) Extractive industry	A use involving the extraction, removal, or basic processing of minerals, liquids, gases, or other natural resources.
B. INDUSTRIAL SERVICE	**1. CHARACTERISTICS:**	
	The Industrial Service Use Category includes use types involving the repair or servicing of industrial, business, or consumer machinery equipment, products, or byproducts. Firms that service consumer goods do so by mainly providing centralized services for separate retail outlets. Contractors and building maintenance services and similar uses perform services off-site. Few customers, especially the general public, come to the site. Examples include machine shops; tool repair; heavy equipment servicing and repair; and general industrial service uses. Accessory uses may include limited retail or wholesale sales, offices, parking, warehousing, and outdoor storage.	
	2. USE TYPES:	
	(a) Industrial service	Establishments engaged in the repair or servicing of agriculture, industrial, business, or consumer machinery, equipment, products, or by-products. Few customers, especially the general public, come to the site.
		1) Major – Uses that include, but are not limited to, heavy equipment sales, rental, or storage; heavy equipment

TABLE 4.2.7: INDUSTRIAL USE CLASSIFICATION

			servicing and repair; building, heating, plumbing, or electrical contractors; fuel oil or bottled gas distributors; septic tank services; and well drilling.
			2) Minor - Uses that include, but are not limited to tool repair, electric motor repair; repair of scientific or professional instruments; and laundry, dry-cleaning, and carpet cleaning plants, that typically are, or can be, contained within an enclosed building.
	3. Exceptions:		
	(a) Contractors and others who perform services off-site are considered Offices if equipment and materials are not stored outside and no fabrication, services, or similar work is carried on at the site. (b) Drop-off and pick-up dry cleaners are considered Personal Services.		
C. Manufacturing and Production	**1. Characteristics:**		
	The Manufacturing and Production Use Category includes use types involving the manufacturing, processing, fabrication, packaging, or assembly of goods. Products may be finished or semi-finished and are generally made for the wholesale market, for transfer to other plants, or to order for firms or consumers. This use category also includes custom industries (establishments primarily engaged in on-site production of goods by use of hand tools and small-scale equipment). 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 manufacturing site. Accessory uses may include retail or wholesale sales, offices, cafeterias, parking, employee recreation facilities, warehouses, storage yards, repair facilities, truck fleets, fueling facilities, security and caretaker's quarters.		
	2. Use Types:		
	(a) Asphalt plant	An industrial establishment engaged in the production of asphalt, macadam, or blacktop for use in the construction and repair in roadways and vehicular use areas. The use involves the stockpiling of sand, binder and filler, as well as a heater to mix the ingredients. Accessory uses may include the storage and maintenance of paving equipment as well as the stockpiling of used asphalt for re-use.	
	(b) Manufacturing	An establishment involved in the manufacturing, processing, fabrication, packaging, or assembly of raw materials, or partially finished goods.	
			(1) Major – Uses that tend to require large amounts of bulk or unrefined materials which are typically processed and stored outdoors on the site. These uses require a significant amount of energy for the processing of raw materials, and are likely to generate significant noise, vibration, dust, glare, heat, odor, smoke, truck traffic, in the immediate vicinity of the use. Examples include manufacturing and assembly of machinery; manufacturing of petroleum or petroleum-related products; rubber and plastics manufacturing; and adhesives, coatings, or paint manufacturing.
			(2) Minor - Uses that involve indoor processing or assembly of finished or partially finished goods and do not

TABLE 4.2.7: INDUSTRIAL USE CLASSIFICATION

		require large stockpiles of raw material. Processing and storage activities take place within enclosed buildings, which limit the creation of noise, vibration, dust, glare, heat, odor, and smoke. Minor manufacturing examples include production or repair of small electronic parts and equipment; sewing or assembly of textiles into consumer products; computer and electronics assembly; furniture assembly; and the assembly of pre-fabricated parts.
	(c) Microbrewery, microdistillery, or microwinery	An establishment engaged in the production and packaging of malt beverages, wine or spirits for distribution, retail, or wholesale both on and off-premise. A microbrewery is a facility that produces less than 15,000 barrels of beer per year and sells the majority of the beer it produces for off-site resale and consumption. A microwinery produces less than 100,000 gallons of wine per year. A microdistillery produces less than 15,000 gallons of alcoholic spirits per year. Accessory uses may include a taproom, seating areas, ancillary sales of related merchandise, event space, and warehouse space for stored product.
	(d) Motion picture production	An activity involving the design and production of a specific type of audiovisual work wherein the images, when displayed, give the impression of motion. Audiovisual works include movies, as well as slide shows, and video games.
	3. EXCEPTIONS:	
	Manufacturing and production of goods from salvage or composting material is classified as Waste-Related Services.	
D. WAREHOUSE AND FREIGHT MOVEMENT	**1. CHARACTERISTICS:**	
	The Warehouse and Freight Movement Use Category includes use types involving the storage or movement of goods for themselves or other firms or businesses. Goods are generally delivered to other firms or the final consumer, except for some will-call pickups. There is little on-site sales activity with the customer present. Examples include separate storage warehouses (used for storage by retail stores such as furniture and appliance stores); distribution warehouses; cold storage plants; and self-service storage. Accessory uses may include offices, truck fleet parking, outdoor storage, and maintenance areas.	
	2. USE TYPES:	
	(a) Freight movement	Uses involved in the short-term storage and movement of goods for individuals or businesses. Goods are generally delivered to other firms or the final consumer. Accessory uses may include offices, truck parking, outdoor storage, maintenance areas, and security facilities.
	(b) Self-storage, external access	A storage building or buildings that are divided into sections or compartments for the storage of business or personal items on a temporary or long-term basis only where all units have individual exterior access.
	(c) Self-storage, internal access	A storage building or buildings that are divided into sections or compartments for the storage of business or personal items on a temporary or long-term basis only where all units have common internal access.

TABLE 4.2.7: INDUSTRIAL USE CLASSIFICATION

	(d) Warehouse and distribution	A use engaged in the temporary or long-term storage and distribution of manufactured products, supplies, products for sale or resale, equipment, or personal goods. Accessory uses may include offices and service operations.
	3. EXCEPTIONS:	
	(a) Contractors and others who perform services off-site are considered Offices if equipment and materials are not stored outside and no fabrication, services, or similar work is carried on at the site. (b) Use types that involve the transfer or storage of solid or liquid wastes are considered Waste-Related Services.	
E. WASTE-RELATED SERVICE	**1. CHARACTERISTICS:**	
	The Waste-Related Service Use Category includes use types that receive solid or liquid wastes from others for disposal on the site or for transfer to another location, or uses that manufacture or produce goods or energy from the composting of organic material or processing of scrap or waste material. Examples include recycling centers, salvage and junk yards, transfer stations, major and minor landfills. Accessory uses may include offices, outdoor storage, recycling of materials, and repackaging and trans-shipment of by-products.	
	2. USE TYPES:	
	(a) Hazardous waste disposal	The systematic control of the collection, source separation, storage, transportation, processing, treatment, recovery, and disposal of hazardous wastes. Examples include halogenated and non-halogenated solvents, wastewater treatment sludge, plating bath solutions, metal heat treating solutions, pesticide derivatives, distillation residues and tars, incineration residues, chemicals from the wood preservation process, petroleum refinery by-products, leachate liquids, purification solids, slags, slurry, or any material listed on the EPA's F-, K-, P-, or U-lists of listed hazardous wastes.
	(b) Landfill	A site for solid waste disposal.
		1) Major - A solid waste or sanitary landfill designed to collect and store nonhazardous household waste.
		2) Minor - A construction and demolition debris landfill that also accepts vegetative debris, or Land Clearing and Inert Debris (LCID). These facilities could also include a recycling center as part of the operation. Accessory uses include stockpiled bricks and concrete available for use as inert fill material and mulch generated on site for resale.
	(c) Recycling center	A facility used for collection and processing of recyclable materials. Processing means the preparation of materials for efficient shipment, or to an end-user's specifications, by such means as baling, briquetting, compacting, flattening, grinding, crushing, sorting, shredding, and cleaning.
		1) Major – A recycling center that handles construction and demolition debris or LCID.
		2) Minor – A recycling center that handles household recyclables such as glass, plastic, metal, cardboard, and paper.
	(d) Salvage or	An establishment where junk, waste, discarded, salvaged, or

TABLE 4.2.7: INDUSTRIAL USE CLASSIFICATION		
	junkyard	similar materials such as old metals, wood, lumber, glass, paper, rags, cloth, bagging, cordage, barrels, containers, appliances, and the like, are brought, sold, exchanged, baled, packed, disassembled, stored, or handled. Examples include automobile wrecking or automobile wrecking yards; heavy equipment wrecking yards; and yards where salvaged structural steel materials are stored, handled, and sold.
	(e) Transfer station	A storage or collection facility where solid waste from collection vehicles is consolidated and temporarily stored for subsequent transport to a permanent disposal site
	3. EXCEPTIONS:	
	(a) Wastewater treatment plants and potable water treatment plants are considered Utilities. (b) Temporary LCID landfills are considered a temporary use.	
F. WHOLESALE TRADE	**1. CHARACTERISTICS:**	
	The Wholesale Trade Use Category includes use types involving the sale, lease, or rent of products primarily intended for industrial, institutional, trade or commercial businesses. The uses emphasize on-site sales or taking of orders and often include display areas. Businesses may or may not be open to the general public, but sales to the general public are limited. Products may be picked up on-site or delivered to the customer. Accessory uses may include offices, product repair, warehouses, minor fabrication services, outdoor storage, and repackaging of goods.	
	2. USE TYPES:	
	(a) Market showroom	A use associated with the furniture and home furnishings industry and primarily engaged in the display of wholesale furniture, home furnishings and accessories.
	(b) Toxic chemicals or substances, pesticides, or fertilizers	Establishments primarily engaged in selling toxic chemicals or substances, pesticides or fertilizers to retailers, professional business owners, or to other wholesalers.
	(c) Wholesale	Establishments primarily engaged in selling merchandise to retailers, professional business owners, or to other wholesalers.
		(1) Major – A wholesale use located in a building of more than 10,000 square feet of gross floor area, or that includes outdoor storage, and does not sell toxic chemicals or substances, pesticides, or fertilizers.
		(2) Minor - A wholesale use located in a building of 10,000 square feet of gross floor area or less that does not include outdoor storage and does not sell toxic chemicals or substances, pesticides, or fertilizers.
	3. EXCEPTIONS:	
	(a) Establishments that engage primarily in sales to the general public or on a membership basis are considered Retail Sales. (b) Establishments that are primarily storing goods with little on-site business activity are considered Warehousing and Freight Movement.	

4.3. USE STANDARDS

Use standards are the requirements applied to individual use types unless otherwise stated to the contrary. This section is intended to identify the use standards for all principal uses identified in Table 4.1.9, Principal Use Table that are subject to "additional requirements."

4.3.1. AGRICULTURE USES

A. Agriculture

1. Agricultural Production (crops)

Sale of produce grown on-site or on an adjacent lot that is part of the same agricultural operation is permitted provided they take place outside the right-of-way.

4.3.2. RESIDENTIAL USES

A. Common Elements Recreation

1. Common Elements Recreation

Outdoor courts, swimming pools, and athletic fields shall be located at least 50 feet from any lot line abutting a residential district.

B. Household Living

1. Duplex Dwelling

Duplex dwellings shall comply with the following standards:

(a) It shall face the street from which the dwelling derives its street address; and

(b) It shall be limited to a maximum of 1 driveway on a block face in the R-5 and R-7 districts. Circular driveways are excluded from this requirement.

2. Family Care Home

A family care home shall not be located within one-half mile (2,640 feet) of an existing family care home.

3. Live/Work Dwelling

A live/work dwelling shall comply with the following standards:

(a) The residential portion of the building shall occupy at least 50 percent of the gross floor area.

(b) The nonresidential portion of the building is limited to an office, personal service, retail sales, or restaurant, minor use type.

(c) Drive-through facilities are prohibited.

(d) Signage for the nonresidential portion of the building is allowed in accordance with the standards in Section 5.7, Signage. In the RM-16 and RM-26 districts wall signs shall be allowed in accordance with the TO district, except that the size shall be limited to a 25 square foot minimum and maximum of 5 percent of the wall area of the first floor facade. The sign height shall be limited to the top of the first floor facade. Freestanding signs are prohibited in RM-16 and RM-26.

4. Manufactured Dwelling

A manufactured dwelling shall comply with the following standards:

(a) It shall be located on a parcel of land in an MHO district;

(b) It shall be occupied only as a single family dwelling;

(c) It shall be served by public water and sewer;

(d) It shall be set up in accordance with the standards established by the North Carolina Department of Insurance and the most current version of the State of North Carolina Regulations for Manufactured/Mobile Homes;

(e) It shall maintain a minimum width of 16 feet;

(f) It shall be oriented with the longest axis parallel to the lot frontage, to the maximum extent practicable;

(g) Towing apparatus, wheels, axles, and transporting lights shall be removed;

(h) It shall include a continuous, permanent masonry foundation or masonry curtain wall of solid brick or brick veneer, unpierced except for required ventilation and access, installed under the perimeter;

(i) It shall include stairs, porches, entrance platforms, ramps, and other means of entrance and exit that are installed or constructed in accordance with the standards set by the North Carolina Building Code. They shall be attached firmly to the primary structure and anchored securely to the ground;

(j) It shall maintain exterior siding comparable in composition, appearance, and durability to the exterior siding commonly used in standard residential construction, which consists of one or more of the following:

(1) Vinyl or aluminum lap siding (whose reflectivity does not exceed that of flat white paint);

(2) Cedar or other wood siding;

(3) Stucco siding;

(4) Brick or stone siding.

(k) It shall maintain a roof pitch with a minimum vertical rise of 3 feet for each 12 feet of horizontal run;

(l) It shall include a roof finished with a Class C or better roofing material that is commonly used in standard residential construction; and

(m) It shall provide an eave projection of no less than 6 inches, which may include a gutter.

5. Multi-Family Dwelling

Multi-family development shall comply with the following standards:

(a) Building Placement

(1) A minimum 10 feet of separation shall be maintained between all buildings in the development.

(2) Buildings must be set back from private drives and parking lots a minimum of 10 feet as measured from back of curb or edge of pavement, if no curb is provided.

(b) Building Length

(1) The maximum length of a multi-family building shall be 250 linear feet, except in the CB and MX districts, where no maximum length is applied.

(2) No maximum building length shall be applied if the building is designed for occupancy by the elderly and it has central facilities for dining and recreation.

(3) In no instance shall the provision of a firewall between different building sections constitute 2 separate buildings for the purpose of

meeting the building length requirement.

(c) Open Space

The development shall comply with the open space standards of Section 5.12, Open Space.

(d) Recreation Facilities

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

(e) Pedestrian Connections

Pedestrian connections shall be:

(1) Provided between building entrances, parking lots, public sidewalks, and recreational facilities;

(2) At least 4 feet in width and constructed of a dustless all-weather surface; and

(3) Configured to connect to parks and greenways that abut the development, to the maximum extent practicable.

(f) Utilities Underground

All electric, communications, water, and sewer utility lines shall be installed underground.

(g) Adaptive Reuse in the Core City

In order to utilize the existing buildings in the Core City in accordance with the City's adopted policy guidance, multi-family uses are permitted in the LI district, subject to the following standards:

(1) The LI district must be located in the Core City area;

(2) The use must utilize an existing building or buildings;

(3) Building additions for these uses shall be limited to a maximum of 25 percent of the gross floor area of the existing building; and

(4) The site is only required to meet the standards of 4.3.2.B.5.e and f.

6. Single-Family Attached Dwelling

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

(a) Building Placement

(1) A minimum ten feet of separation must be maintained between all buildings in the development.

(2) Buildings must be set back from private drives and parking lots a minimum of ten feet as measured from back of curb or edge of pavement, if no curb is provided.

(b) Maximum Number of Units per Building

(1) In the R-5 and R-7 districts the maximum number of attached dwellings shall be 2 per building (twin home).

(2) In the RM-5 and TO districts, the maximum number of attached dwelling units shall be 6 per building.

(3) In the RM-16, OI, LB, EC, and I districts, the maximum number of attached dwelling units shall be 8 per building.

(4) In the RM-26, GB, and RC districts, the maximum number of attached dwelling units shall be 10 per building.

(c) Internal Street Setback

On a street constructed within a single-family attached development, the street setback may be reduced to a minimum of 15 feet in accordance with the following standards:

(1) For attached units abutting a street or private drive with a sidewalk, the individual driveways for the units must be a minimum length of 20 feet as measured from the sidewalk.

(2) For attached units abutting a street or private drive without a sidewalk, the individual driveways for the units must be a minimum length of 20 feet as measured from back of curb or edge of pavement for streets and drives without a curb.

(d) Open Space

The development shall be in conformance with the open space standards of Section5.12, Open Space.

(e) Recreation Facilities

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

(f) Utilities

All electric, communications, water and sewer utility lines shall be installed underground.

7. Triplex and Quadplex

Triplex and quadplex dwellings shall comply with the following standards:

(a) The dwelling shall face the street from which the dwelling derives its street address.

(b) If a parking lot is provided, it shall be located to the interior side or rear of the dwelling and not be located between the dwelling and the street.

(c) Where permitted in the R-5 and R-7 Districts, the dwelling shall be limited to a corner lot.

C. Group Living

1. Dormitory, Private

A private dormitory shall comply with the following standards:

(a) Be located on a lot or site located within a half-mile radius of the primary college or university it serves.

(b) Calculate density in accordance with Section 10.2.5, Density and Intensity, (2 bedrooms shall be equivalent to 1 dwelling unit).

2. Single Room Occupancy (SRO)

Single room occupancy uses shall comply with the following standards:

(a) There shall be a minimum of 70 square feet of gross floor area provided for each rooming unit.

(b) Each building used for a single room occupancy use shall include a common area in the form of recreation rooms, living rooms, lounges, dining rooms, or other gathering areas at a rate of 5 square feet per unit. In no instance shall a single room occupancy use include less than 250 square feet of common area.

(c) Bathrooms, laundries, hallways, lobby areas, vending areas, and kitchens shall not be counted as common area.

(d) On site management shall be provided on a 24-hour basis.

(e) Calculate density in accordance with Section 10.2.5, Density and Intensity: when calculating density for an SRO, a rooming unit of less than 150 square feet shall be equivalent to ½ a dwelling unit; and a rooming unit of 150 square feet or more shall be equivalent 1 dwelling unit.

3. Social Service Facility (Major and Minor)

A social service facility (major and minor) shall comply with the following standards:

(a) At least 50 square feet of gross floor area shall be provided for each person being housed or sheltered at the facility.

(b) The facility operator(s) shall provide continuous on-site supervision during the hours of operation through employee(s) and/or volunteer(s).

D. Life Care

1. Assisted Living Facility

A major life care facility shall comply with the following standards:

(a) If provided, shared food preparation, service, and major dining areas shall be centrally located.

(b) Common social and service facilities shall be provided at a minimum rate of 30 square feet per dwelling or rooming unit in addition to the minimum amount of required open space.

(c) All facilities and services shall be solely for the use of residents and their guests.

(d) Facilities for administrative services and limited medical services for the exclusive use of the residents may be located on the site.

(e) Density should be calculated in accordance with Section 10.2.5, Density and Intensity: 2 bedrooms shall be equivalent to 1 dwelling unit.

2. Continuing Care Retirement Community (CCRC)

A CCRC shall comply with the following standards:

(a) Retail, personal service, and institutional uses are intended to serve residents and their guests, and shall not be located within individual stand-alone buildings.

(b) The setback requirements of the zoning district are applied only to the development along the perimeter of the CCRC.

(c) Unless otherwise stated below, a CCRC shall comply with the development standards in Chapter 5: Development Standards.

(1) The landscaping requirements in Section 5.5, Landscaping Standards, shall apply to portions of a CCRC within 50 linear feet of the edge of the development.

(2) A CCRC shall comply with the applicable open space standards for residential development in Section 5.12, Open Space, except that the floor area associated with exercise and rehabilitation facilities shall be credited towards open space requirements.

(d) Density should be calculated in accordance with Section 10.2.5, Density and Intensity, (2 bedrooms shall be equivalent to 1 dwelling unit).

4.3.3. INSTITUTIONAL USES

A. Civic

1. Assembly (Major and Minor)

An assembly use (major and minor) shall comply with the following standards:

(a) Not front or gain access from a residential local street.

(b) Outdoor courts, swimming pools, and athletic fields shall be located at least 50 feet from any lot line abutting a residential district.

(c) Assembly uses in residential districts shall be on a lot of at least 2 acres.

(d) Assembly uses with permanent seating for 1,000 or more shall require a special use in accordance with Section 2.4.11, Special Use.

2. Cemetery, Columbarium, Mausoleum

Except for the expansion of an existing cemetery that is an accessory use to a religious institution, a cemetery shall comply with the following standards:

(a) Be located on a lot or site at least 3 acres in area;

(b) Provide space for on-site parking and maneuvering of funeral processions;

(c) Not front or gain access from a residential local street; and

(d) Ensure interments take place at least 50 feet from a lot line and comply with the requirements of State law.

3. Public Recreation Facility

Outdoor courts, swimming pools, and athletic fields shall be located at least 50 feet from any lot line abutting a residential district.

B. Day Care

1. Day Care Center

A day care center shall comply with the following standards:

(a) All State licensing requirements

(b) Not front or gain access from a residential local street

(c) Outdoor recreation areas shall:

(1) Be located behind the front building line of the principal building

(2) Be completely enclosed by a fence that is at least 4 feet in height; and

(3) Be safely segregated from parking, loading, or service areas

(d) Outdoor recreation areas adjacent to a residential district shall be screened with an opaque wall, fence, or other approved method to a height of 6 feet above grade.

(e) If located in a residential district, signage is limited to 1 monument sign with a maximum area of 24 square feet and a maximum height of 6 feet.

C. Education

1. Other Post-Secondary Educational Facility

Facilities within a post-secondary school which generate significant noise or fumes, such as auto body or engine repair, industrial/auto body painting, or manufacturing processes, and that are adjacent to a residential district shall be at least 100 feet from any lot line abutting the residential district.

2. School (Major and Minor)

A school (major and minor) shall not front or gain primary access from a residential local street

D. Religious Institutions

1. Religious Institution

A religious institution in a residential district on a lot of 3 acres in area or larger shall not front on or gain access from a residential local street.

E. Transportation

1. Park and Ride Facility

A park and ride facility shall not front on or gain access from a residential local street.

F. Utilities

1. Solar Array

A solar array use shall comply with the following standards:

(a) Be on a site of at least 1 acre in area;

(b) Signage shall be limited to ownership and contact information, and any other information required by government regulation. Commercial advertising is prohibited. Notwithstanding, nothing in this section shall prohibit signage that is legally approved for other uses on the same lot or site on which the solar array facility is located;

(c) Be enclosed with a fence of at least 6 feet in height; and

(d) Not create glare or shadows on adjacent lands.

2. Utility Facility (Major and Minor)

Utility facilities (major and minor) shall comply with the following standards:

(a) Setbacks

(1) Accessory structures shall comply with the required front yard setback for a principal structure, and the side and rear accessory structure setbacks.

(2) An electrical power facility, substation, or transmission station shall be set back at least 100 feet from all property lines.

(b) Height

A water tower may exceed the maximum height of the zoning district, if 1 foot of additional setback is provided from all property lines for every 2 feet the tower exceeds the maximum height limit.

(c) Landscaping

Required landscaping shall be planted between the building setback line and the lot line, except landscaping material shall not be required in areas where minimum safety clearances are required.

(d) Appearance

When located in a residential district, or adjacent to a residential district, all habitable principal and accessory buildings shall have a roof pitch with a minimum vertical rise of 3 and one-half feet for each 12 feet of horizontal run, and include materials compatible with buildings in the vicinity.

3. Wireless Telecommunication Facility (Major and Minor)

(a) Purpose

This section establishes general standards for the siting of wireless telecommunications facilities that will provide for the public health, safety, and welfare. The standards are intended to ensure that residents, businesses, and public safety operations in the city have reliable access to wireless telecommunications networks and state of the art mobile broadband communications services. More specifically, the provisions of this section are intended to:

(1) Ensure adequate protection of residential areas and uses from potential adverse impacts of wireless support structures and antennae, and to generally encourage the location of these facilities in areas where adverse impact on the community is minimal;

(2) Strongly encourage the joint use of new and existing wireless support structures so as to minimize the number of new towers throughout the city, and establish stealth towers as the primary option for single user wireless facilities;

(3) Enhance the ability of telecommunications services providers to provide services to the community quickly, effectively, and efficiently; and

(4) Encourage wireless support structures that are carefully engineered, sited, and screened to avoid potential damage to adjacent properties from tower failure, and to minimize adverse visual impact.

(b) Applicability

A new wireless telecommunications facility, whether considered a principal or accessory use, shall comply with the standards of this section, unless specifically exempted in accordance with subsection (c) below. All wireless facilities and support structures shall comply with or exceed current standards and regulations of the Federal Aviation Administration (FAA), the Federal Communications Commission (FCC) and any other agency of the State or federal government that regulates telecommunications facilities.

(c) Exemptions

The following shall be exempt from the standards of this section, but shall be required to comply with all other relevant standards in this Ordinance:

(1) Removal or replacement of transmission equipment on an existing wireless support structure or base station that does not result in a substantial modification.

(2) Ordinary maintenance of existing wireless facilities and support structures.

(3) Wireless facilities placed on utility poles or on electric transmission line towers with the permission of the utility owning the pole or tower.

(4) Temporary wireless communication facilities (or "COWs") in accordance with Section 4.5.4.J, Temporary Wireless Telecommunications Facility.

(5) Satellite dish antennae, receive-only television or radio antennae for noncommercial use, and antennae legally operated by FCC-licensed amateur radio operators in accordance with Section 4.4, Accessory Structures and Uses.

(d) Facilities Distinguished

(1) Minor Wireless Telecommunications Facility

The following uses are considered minor wireless telecommunications facilities that may only be established in accordance with the standards of this section and Section 2.5.14, Site Plan:

(i) A new wireless support structure of 60 feet in height or less in any general zoning district;

(ii) A concealed or stealth wireless facility of 80 feet in height or less in a residential district;

(iii) A concealed or stealth wireless facility of 150 feet in height or less in a business, special, or planned development district;

(iv) A new wireless support structure of 200 feet in height or less in a PC, I, LI, or HI district;

(v) A monopole or replacement pole located on public land or within a utility easement or right-of-way, in any district;

(vi) Collocation of equipment on an existing wireless telecommunications facility, support structure, or building in any district; or

(vii) A substantial modification of an existing wireless facility or support structure in any district.

(2) Major Wireless Telecommunications Facility

Uses that do not meet the criteria for a minor wireless communications facility in subsection (d)(1) above are considered major wireless telecommunications facilities that may only be established in accordance with the standards of this section and Section 2.4.11, Special Use.

(e) General Standards and Design Requirements

(1) Type of Support Structure Permitted

(i) Concealed or Stealth facilities and support structures shall be permitted in any zoning district.

(ii) Monopole support structures shall be permitted in all zoning districts EXCEPT: TO, LB, CB, MS, MX, PD-CC, PD-P, and any Gateway Corridor and Local Historic Overlay Districts.

(iii) Lattice or Guyed support structures shall be permitted ONLY in the EC, LI, HI, RU and PC zoning districts.

(2) Collocation

New wireless support structures shall be engineered and constructed to accommodate a minimum number of collocations based upon their height.

(i) Support structures 60 to 100 feet in height shall support at least 2 additional telecommunications providers.

(ii) Support structures greater than 100 feet and less than 150 feet in height shall support at least 3 additional telecommunications providers.

(iii) Support structures greater than 150 feet in height shall support at least 4 additional telecommunications providers.

(iv) An applicant proposing a new wireless support facility other than a concealed or stealth wireless facility shall demonstrate

that no suitable existing wireless support structure, building or other structure within the coverage area is available for the collocation of antennae.

(v) The Planning and Development Director, upon request of the applicant, may modify the requirement that new wireless support structures accommodate the collocation of other service providers if it is determined that collocation at the site is not essential to the public interest, or that the construction of a shorter support structure with fewer antennae will promote community compatibility.

(3) Collocation First Right of Refusal

(i) The owner of any new telecommunications support structure, except stealth structures, shall offer first right of refusal to the City for purposes of collocation, at least 30 days prior to entering into the first collocation agreement or lease.

(ii) The City shall respond in writing within 30 days of its receipt of the offer with either a letter of intent or a waiver of rights. If the City decides to locate facilities on the support structure to enhance public safety communications, the site shall be provided at no cost to the City.

(iii) If the City waives its right of first refusal, or fails to respond to the owner's notification with the 30 day period, or has not commenced use of the site as intended and has not made a good faith effort to do so within 180 days of communicating its intent to the owner, the collocation site shall be deemed abandoned by the City and the owner shall be under no further obligation to provide a collocation site to the City on that support structure.

(4) Collocation of Antennae on an Existing Building

An antenna may be attached to a nonresidential or multi-family residential building in accordance with the following standards:

(i) The antenna height, including any support structure, shall not extend more than 20 percent higher than the height of the building on which it is located.

(ii) The antenna and associated equipment shall comply with the applicable provisions of this section.

(iii) An antenna visible from an adjacent street shall be omni-directional, and screened or camouflaged to the extent practicable to minimize its appearance.

(iv) Equipment shall be located within the building or screened in some other fashion to prevent off-site views.

(f) Maximum Height

In residential districts, wireless support structures, including stealth support structures, shall not exceed 200 feet in height from the base of the structure to the top of the highest point, including appurtenances. Additional height may be requested as part of a special use, provided the applicant submits technical information or other justification to document the need for the

additional height and is in compliance with Section 10.2.6.B, Structure Height Restrictions.

(g) Setbacks

(1) Except for roof-mounted antenna, all wireless support structures, including those anchored or attached to existing buildings or other structures, shall be set back from all lot lines a distance greater than or equal to the minimum distance necessary to insure the support structure will remain on its site following collapse (its fall zone) as certified by a licensed professional engineer. In the absence of such certification, the required setback shall be equal to 80 percent of the height of the wireless support structure.

(2) Roof mounted antennae and stealth facilities located within other structures are exempt from these requirements.

(h) Lighting and Marking

Wireless telecommunications facilities or support structures shall not be lighted or marked unless required by the FCC or FAA. Strobe lights shall not be used for nighttime lighting unless specifically required by the FCC or FAA.

(i) Color

Other than concealed or stealth facilities, wireless support structures shall either maintain a galvanized steel finish or be painted a neutral, matte color designed to blend with its surroundings, unless otherwise required by the FCC or FAA.

(j) Signage

Signs located at a wireless telecommunications facility shall be limited to ownership and contact information, FCC antenna registration number (if required) and any other information required by government regulation. Commercial advertising is prohibited. Notwithstanding, nothing in this section shall prohibit signage that is legally approved for other uses on the same lot or site on which the wireless facility is located.

(k) Fencing

(1) Ground mounted accessory equipment and wireless support structures shall be secured and enclosed with a fence not less than 8 feet in height, placed between the equipment compound and any required landscaping.

(2) Fencing shall not be required for concealed or stealth wireless facilities, or for support structures.

(l) Landscaping

Landscaping shall be required around the perimeter of the site or equipment compound when ground equipment within the compound is visible from a public street. Landscaping shall be designed to screen such equipment from view in accordance with the ground-based mechanical equipment requirements in Section 5.6, Screening.

(m) Accessory Equipment

Accessory equipment, including any buildings, cabinets or shelters, shall be used only to house equipment and other supplies in direct support of the operation of the wireless facility or support structure. Any equipment not used in direct support of such operation shall not be stored on the site.

(n) Additional Standards for Concealed or Stealth Wireless Facilities

A concealed, or stealth, wireless telecommunications facility and support structure shall be designed and located to complement the surrounding landscape in accordance with the following standards:

(1) A stealth wireless facility and support structure shall take a form other than that of a typical wireless facility and support structure, including but not limited to; bell towers, clock towers, water towers, silos, chimneys, steeples, evergreen trees, or flag poles. (See Figure 4.3.3.F, Stealth Wireless Telecommunications Facilities).

FIGURE 4.3.3.F STEALTH WIRELESS TELECOMMUNICATIONS FACILITIES

(2) The equipment compound shall be designed, located, and camouflaged in a manner compatible with the support structure portion of the facility. Ground equipment shall be located within a structure or building, to the maximum extent practicable. Antennae, cables, and related appurtenances shall be enclosed, camouflaged, screened, or obscured so that they are not readily apparent to a casual off-site observer.

(3) Stealth wireless facilities are encouraged (but not required) to be designed to accommodate the collocation of other antennae whenever technically and economically feasible.

(o) Existing Wireless Facilities and Wireless Support

Structures

(1) General

(i) An existing wireless facility or support structure that was legally permitted on or before the effective date of this Ordinance shall be considered a lawful permitted use if it complies with all applicable provisions of this section, or a nonconforming use if it does not comply with all applicable provisions of this section.

(ii) An existing and otherwise lawful facility or support structure that was not permitted by special use that, as a result of this Ordinance, would now require special use approval shall not be considered nonconforming.

(2) Activities at Nonconforming Wireless Facilities or Support Structures

(i) Ordinary maintenance may be performed on a nonconforming wireless facility or support structure.

(ii) Collocation of wireless facilities on an existing nonconforming wireless support structure shall not be construed as an expansion, enlargement, or increase of a nonconforming structure and/or use and shall be reviewed and approved in accordance with the site plan process as stated in Section 2.5.14, provided that the collocation is NOT considered a substantial modification of the facility or support structure.

(iii) Collocation of wireless facilities on an existing nonconforming wireless support structure shall not be construed as an expansion, enlargement, or increase of a nonconformity and shall be reviewed and approved in accordance with Section 2.5.14, Site Plan.

4.3.4. COMMERCIAL USES

A. Adult Entertainment

1. Purpose

An adult entertainment establishment, as listed and defined in Article 26A of the North Carolina General Statutes, is recognized as having certain serious objectionable operational characteristics and a deleterious effect on adjacent areas, particularly when such establishments are concentrated. Special regulation of these uses is necessary to ensure their adverse effects do not contribute to degradation or decline of surrounding areas. The primary intent of the standards in this subsection is to prevent a concentration of these uses in any one area of the City's planning jurisdiction.

2. Separation Standards

(a) Other Adult Entertainment Establishments

An adult entertainment establishment shall not be located within 1,200 feet of any other adult entertainment establishment, measured as a straight line from lot line to lot line.

(b) Other Uses

An adult entertainment establishment shall not be located within 650 feet of a religious institution, school, day care, public park, land in a residential district, or an establishment with an on premise ABC license, measured as a straight line from lot line to lot line.

3. Maximum Area

The gross floor area of any adult entertainment establishment shall not exceed 3,000 square feet.

4. Prohibition of Sleeping Quarters

Except for an adult motel, an adult entertainment establishment shall not have sleeping quarters.

5. Restriction of Uses

(a) There shall not be more than 1 adult entertainment establishment in the same building, structure, or portion thereof.

(b) No other principal or accessory use may occupy the same building, structure, property, or portion thereof with an adult entertainment establishment.

B. Animal Care

1. Animal Care, Major

Outdoor areas used to house or exercise animals shall be enclosed by a fence at least 6 feet in height and located 50 feet from a lot line abutting a residential district.

C. Eating Establishments

1. Bar or Nightclub

A bar or nightclub shall comply with the following standards:

(a) Be separated from a religious institution or a school by at least 200 feet. The minimum separation is reduced to 100 feet in the MS district and there is no separation requirement in the MX district.

(b) Not orient the primary entrance toward an abutting lot in a residential district.

(c) Have a 6-foot high opaque fence or masonry wall along all lot lines abutting a residential district.

2. Restaurant (Major and Minor)

A restaurant (major and minor) shall have a 6-foot high opaque fence or masonry wall along all lot lines abutting a residential district.

D. Personal Services

1. Personal Services Establishment, Major

In order to utilize the existing buildings in the Core City in accordance with the City's adopted policy guidance, major personal services establishments are permitted in the LI district, subject to the following standards:

(a) The LI district must be located in the Core City area;

(b) The use must utilize an existing building or buildings; and

(c) Building additions for these uses shall be limited to a maximum of 25 percent of the gross floor area of the existing building.

2. Repair Establishments

Repair activities shall be conducted within an enclosed building.

E. Recreation and Leisure

1. Amusement Parks

Amusement equipment, machinery, mechanical devices, or go-kart tracks shall not be operated within 200 feet of a residential district.

2. Sports and Fitness Centers

A sports or fitness center shall comply with the following standards:

(a) In All Districts Except OI and LB

Outdoor courts, swimming pools, and athletic fields shall be located at least 50 feet from any lot line abutting a residential district.

(b) In the OI and LB Districts

(1) A sports or fitness center shall be a maximum of 10,000 square feet of gross floor area.

(2) Outdoor facilities are prohibited.

F. Retail Sales

1. Bulky Item Sales

The outdoor display of bulky goods shall comply with the following standards:

(a) Portable storage containers and dumpsters that are utilized for the purpose of display and any item that exceeds 10 feet in height shall not be placed within required setbacks, parking or landscape areas.

(b) Other bulky items that are less than or equal to 10 feet in height must be located at least 10 feet from any public street and shall not be placed within required parking or landscape areas.

2. Flea Market/Antique Mall, Indoor

All items for sale at an indoor flea market/antique mall must be located within an enclosed building.

3. Retail Sales Establishment

(a) Major

(1) In the MS District

In the MS district, a use primarily engaged in the sale of used merchandise shall:

(i) Not front on Main Street; and

(ii) For other sites, be less than 25,000 square feet of gross floor area and located in an existing building designed with a single storefront that is intended for a single occupant.

(2) In the LI District

In order to utilize the existing buildings in the Core City in accordance with the City's adopted policy guidance, major retail sales establishments are permitted in the LI district, subject to the following standards:

(i) The LI district must be located in the Core City area;

(ii) The use must utilize an existing building or buildings; and

(iii) Building additions for these uses shall be limited to a maximum of 25 percent of the gross floor area of the

existing building.

(b) Minor

In order to utilize the existing buildings in the Core City in accordance with the City's Adopted Policy Guidance, minor retail sales establishments are permitted in the LI district, subject to the following standards:

(1) The LI district must be located in the Core City area;
(2) The use must utilize an existing building or buildings; and
(3) Building additions for these uses shall be limited to a maximum of 25 percent of the gross floor area of the existing building.

4. Truck Stop

A truck stop shall comply with the following standards:

(a) Setbacks

All buildings, parking and service areas associated with the use shall be setback at least 50 feet from an abutting residential district.

(b) Location

Have frontage on or be located within a ½ mile of an Interstate or US Primary Highway exit.

G. Vehicle Establishments

1. Vehicle Establishments

(a) General

(1) The outdoor storage of tires shall be subject to the outdoor storage standards of the zoning district.
(2) Salvaging and storage of vehicle for parts is prohibited.
(3) Repair of all vehicles and the storage of all parts shall be within an enclosed building.
(4) In all districts except LI and HI, outdoor vehicle storage is limited to an area less than 25 percent of the lot. The storage area shall be located behind the front building line of the principal building and be screened with an opaque, wall, fence, or other approved method to a height of 6 feet above grade.
(5) In the LI and HI districts, outdoor vehicle storage may occupy up to 50 percent of the lot. The storage area shall be located behind the front building line of the principal building and be screened with an opaque wall, fence, or other approved means to a height of 6 feet above grade level.

(b) Major

(1) Vehicles for sale or rent shall not be:

(i) Located within the right-of-way,
(ii) Less than 10 feet from the edge of the pavement or the curb,
(iii) In a required planting area,
(iv) In a sight distance easement, or
(v) In an area required for off-street parking.

(2) All vehicles shall be located on an all-weather surface.

(c) Minor

Vehicle washing or detailing shall comply with the following standards:

(1) The washing operation shall take place within a building.
(2) Buildings shall be setback at least 75 feet from an abutting residential district.
(3) Specific areas shall be provided for the manual drying, waxing, polishing and vacuuming of vehicles when these services are provided. These areas shall not conflict with on-site circulation patterns.
(4) The use shall be screened with an opaque fence, wall, or other approved method to a height of 6 feet above grade level along all lot lines abutting a residential district.

H. Visitor Accommodations

1. Bed and Breakfast

A bed and breakfast shall comply with the following standards:

(a) Be owner-occupied or have a manager who resides on the premises;
(b) Have no more than 6 sleeping rooms;
(c) Have only 1 kitchen;
(d) Limit meals served on the premises to overnight guests only;
(e) If in a residential district, ensure signage complies with the identification sign requirements of Table 5.7.8, Requirements for a Sign not Requiring a Sign Permit.

4.3.5. INDUSTRIAL USES

A. Extractive Industry

1. Extractive Industry

An extractive industry use (including, mining, quarrying, or drilling) shall comply with the following standards:

(a) Setbacks

(1) The following features shall be located at least 50 feet from any lot line:

(i) The edges of a pit where an extraction operation is located;
(ii) Any equipment used in the processing of rock or gravel; and
(iii) Any asphalt plant or other industrial use operated in conjunction with an extraction use.

(2) In an instance where the extraction operation site is bounded by a railroad right-of-way, no setback is required between the railroad right-of-way and the extraction operation.

(b) Security Fencing

A security fence, a minimum of 6 feet in height, shall be provided around the perimeter of both an existing and abandoned extraction operation.

(c) Rehabilitation

(1) Within 1 year of the cessation of the use, all equipment and stock piles incidental to the operation shall be dismantled and removed by and at the expense of the landowner;
(2) Except in an instance where redevelopment for another permitted use is in progress on the site of an abandoned extractive industry use:

(i) Excavations shall be graded to reduce the surface to gently rolling topography in substantial conformity to the land area immediately surrounding the site; and planted with a cover of sod, trees, shrubs, legumes, or grasses, which will minimize erosion; and

(ii) The site shall be drained to prevent the accumulation of standing water, and channelization of the drainage shall be designed and controlled so as not to cause erosion or silting of neighboring properties or public ways, nor to appreciably increase the turbidity of any natural water course, or to occlude any existing drainage course.

(d) Operation

An operation involving blasting that is discernible beyond the exterior property line of the use shall only be conducted between the hours of 7:00 AM and 6:00 PM.

(e) Access

(1) Vehicular access shall be constructed with an all-weather surface and be maintained in a dust-free condition;

(2) Access shall be located no closer than 15 feet to any property line other than a railroad right-of-way line; and

(3) A plan shall be submitted showing truck routes to and from the site. Such routes shall be designed to minimize impacts on residential areas, schools, or other uses negatively affected by truck traffic.

B. Manufacturing and Production

1. Asphalt Plant

An asphalt plant shall comply with the following standards:

(a) Setbacks

An asphalt plant shall be located at least 50 feet from a property line.

(b) Security Fencing

A security fence, a minimum of 6 feet in height, shall be provided around the use.

(c) Rehabilitation

(1) Within 1 year of the cessation of the use, all equipment and stock piles incidental to the operation shall be dismantled and removed by and at the expense of the landowner;

(2) On the site of an abandoned asphalt plant the site shall be drained to prevent the accumulation of standing water, and channelization of the drainage shall be designed and controlled so as not to cause erosion or silting of neighboring properties or public ways, nor to appreciably increase the turbidity of any natural water course, or to occlude any existing drainage course, except in an instance where redevelopment for another permitted use is in progress.

(d) Access

(1) Vehicular access shall be constructed with an all-weather surface and be maintained in a dust-free condition.

(2) Access roads shall be located no closer than 15 feet from a property line.

(3) A plan shall be submitted showing truck routes to and from the site. Such routes shall be designed to minimize impacts on residential areas, schools, or other uses negatively affected by truck traffic.

C. Warehouse and Freight Movement

1. Self-storage, External Access

An external access self-storage establishment in the GB district shall comply with the following standards:

(a) Prohibited Storage

Outdoor storage and storage of hazardous, toxic, or explosive substances shall be prohibited.

(b) Use Area

(1) A self-storage use shall be located on a lot or site between 2 and 5 acres in area.

(2) No more than 50 percent of the total site may be occupied by buildings.

(c) Maximum Height

Self-storage buildings shall not exceed 20 feet or 1 story in height.

(d) Operation

No activity other than storage shall take place within a storage unit.

2. Self-Storage, Internal Access

An internal access self-storage establishment shall comply with the following standards:

(a) Visibility

No indoor storage material, racks, bins, shelving or other evidence of the warehouse or wholesale operation shall be visible from the public right-of-way. Glass doors and windows shall contain curtains, blinds or other suitable treatment to screen the interior of the building from view.

(b) Transparency Maintained

Windows shall not be boarded or paneled over from the outside or the inside.

(c) Outdoor Storage

Outdoor storage shall be prohibited.

3. Warehouse and Distribution

A warehouse in the GB district shall comply with the following standards:

(a) Size

The warehouse shall not exceed 10,000 square feet of gross floor area.

(b) Outdoor Storage

Outdoor storage shall be prohibited.

D. Waste-Related Service

1. Landfill

A landfill shall comply with the following standards:

(a) General

(1) Provide a Type A landscape yard around its perimeter (see Section 5.5.11, Perimeter Landscape Yards).

(2) Access shall be controlled through the use of a fence, wall, gate, or other suitable device to prevent unregulated dumping.

(3) Vehicular access shall be constructed with an all-weather surface and be maintained in a dust-free condition.

(b) Major

(1) Be located at least 500 feet from a residential district.

(2) An existing major landfill located within a WSO (GWA and WCA) may continue to operate or expand, but no new major landfill shall be permitted in the WSO (GWA and WCA).

(c) Minor

Be set back at least 50 from any property line and 300 feet from any existing residential district.

2. Recycling Center

A recycling center shall comply with the following standards:

(a) General

(1) Access shall be controlled through the use of a fence, wall, gate, or other suitable device to prevent unregulated dumping.

(2) Vehicular access shall be constructed with an all-weather surface and be maintained in a dust-free condition.

(b) Major

(1) Be located at least 300 feet from a residential district, except that an accessway or weighing station may be located 100 or more feet from a residential district.

(2) Materials may be stored outdoors provided they are located at least 200 feet from all property lines and are screened with an opaque wall, fence, or other approved means to a height of 8 feet above grade level.

(c) Minor

(1) Located at least 150 feet from a residential district and operated entirely within an enclosed building, except for loading facilities which may be located outdoors.

(2) Outdoor storage of recyclable materials is prohibited.

3. Salvage or Junk Yard

A salvage or junk yard shall comply with the following standards:

(a) Be located on a lot of at least 5 acres.

(b) Be located at least 300 feet from a residential district.

(c) Locate the storage area behind the front building line of the principal building and be screened with an opaque wall, fence, or other approved means to a height of 8 feet above grade level.

4. Transfer Station

A transfer station shall comply with the following standards:

(a) Access shall be controlled through the use of a fence, wall, gate, or other

suitable device to prevent unregulated dumping.

(b) Vehicular access shall be constructed with an all-weather surface and be maintained in a dust-free condition.

(c) Be located at least 150 feet from a residential district and operated entirely within an enclosed building, except for loading facilities which may be located outdoors.

(d) Outdoor storage of waste material is prohibited.

E. Wholesale Trade

1. Market Showroom

A market showroom use shall comply with the following standards:

(a) General

Exterior product display shall:

(1) Not take place within the right-of-way,

(2) Not exceed 2,500 square feet per lot,

(3) Consist of products from the same vendor or company that owns or leases space within the building, and

(4) Not be displayed earlier than 2 weeks prior to the official opening of the market, and be removed within 2 weeks of the official end of the market.

(b) In the CB District

(1) A market showroom shall be located:

(i) In a permanent building, or

(ii) In a combination of permanent buildings and a membrane structure located on the same lot, or

(iii) Entirely in 1 or more membrane structures on the same lot, only if a building permit for a permanent building has been issued.

(2) If a membrane structure is used as part of a market showroom, it shall:

(i) Be located on the same lot as a market showroom;

(ii) Be enclosed on all sides; and

(iii) Not be in place for more than 120 days in a calendar year.

(c) In the GB and LI Districts

A market showroom shall be:

(1) Located in a permanent building. The use of a membrane structure is prohibited.

(2) No more than 1,000 feet from the boundary of the CB district.

2. Toxic Chemicals or Substances, Pesticides, or Fertilizers

Toxic chemicals, pesticides, and fertilizers establishments shall comply with the following standards:

(a) Vehicular access shall be constructed with an all-weather surface and be maintained in a dust-free condition.

(b) Structures, buildings, and mechanical equipment used for the operation shall be at least 100 feet from a residential district.

(c) Security fencing, a minimum of 6 feet in height, shall be provided around all outdoor storage areas.

3. Wholesale (Major and Minor)

Vehicular access for wholesale establishments shall be constructed with an all-weather surface and be maintained in a dust-free condition.

4.4. ACCESSORY STRUCTURES AND USES

4.4.1. PURPOSE

This section authorizes the establishment of accessory uses and structures that are incidental and subordinate to principal uses. The purpose of this section is to allow a broad range of accessory uses and structures, provided they comply with the standards set forth in this section in order to reduce potentially adverse impacts on surrounding lands.

4.4.2. PROCEDURE FOR ESTABLISHMENT

Accessory uses or structures may be approved in conjunction with the approval of the principal use or subsequently following the establishment of the principal use. No accessory use or structure shall be approved, established, or constructed before the principal use is approved in accordance with this Ordinance.

4.4.3. GENERAL STANDARDS

A. Permitted Accessory Uses and Structures

Permitted accessory uses and structures include those listed in this section and those that the Planning & Development Director determines meet the following:

1. Are clearly incidental to an allowed principal use or structure;
2. Are subordinate to and serving an allowed principal use or structure;
3. Are subordinate in area, extent and purpose to the principal use or structure;
4. Contribute to the comfort, convenience or needs of occupants, business or industry associated with the principal use or structure.

B. Located on Same Lot as a Principal Use

All accessory uses and structures shall be located on the same lot as the principal use or structure and not located within any street right-of-way, except as allowed by this Ordinance for specific accessory uses and structures.

C. Compliance with Ordinance Requirements

Accessory uses and structures shall conform to the applicable requirements of this Ordinance, including this section, the district standards in Chapter 3: Zoning Districts, the development standards in Chapter 5: Development Standards, and the environmental standards in Chapter 6: Environmental Standards.

4.4.4. STANDARDS FOR ACCESSORY STRUCTURES

A. Dimensional Standards

Accessory structures, which include accessory buildings, shall meet the applicable zoning district dimensional standards and district standards, except as provided in this section and in Section 10.2.4.G, Setback Encroachments.

B. Easements

Accessory structures may not be located in an easement unless the easement or easement holder expressly states the allowance in writing.

C. Drive-up Accessory Structures

Drive-up accessory structures, such as automated teller machines, ice vending, coffee stands, and similar accessory structures that provide drive-up or walk-up service and which are located within a surface parking area shall meet the following standards:

1. The accessory structure shall not be placed in any required parking spaces.
2. The location shall be designed so that any access or stacking lanes do not extend into a primary drive aisle.
3. The surface parking area shall be configured and restriped to maintain access and circulation to the principal use(s).
4. Any roof-top mechanical equipment shall be screened from the adjacent streets.

D. Residential Accessory Structures

An accessory structure, including an accessory building, for a single-family or duplex dwelling shall meet the following:

1. Setbacks

(a) Rear and Side

Accessory structures must setback 5 feet from side and rear lots lines.

(b) Corner Side

For corner lots, accessory structures must meet the side street setback of the dimensional standards for the applicable zoning district.

(c) Through or Reverse Frontage Lots

For through or reverse frontage lots, all accessory structures shall be setback 10 feet from the rear lot line abutting the street.

(d) Alleys

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

(e) Utilities

Utility service, such as water, sewer and electricity, to the accessory structure shall be provided by branching service from the principal structure.

(f) Encroachments

See Section 10.2.4.G, Setback Encroachments, for allowable encroachments into setbacks for specific accessory structures.

2. Accessory Buildings

(a) Location

In addition to the setback requirements, accessory buildings shall be located behind the front building line of the principal structure, except on lots that are greater than 2 acres in area, for which 1 accessory building may be located in front of the principal structure provided it meets the street setback.

(b) Size

The maximum total area of all accessory buildings on the lot shall not exceed 50 percent of the gross floor area of the principal structure or 600 square feet, whichever is greater.

E. Local Historic Overlay District

Accessory structures located in a local historic overlay district may be subject to a Certificate of Appropriateness in accordance with Section 2.4.4, Certificate of Appropriateness.

4.4.5. STANDARDS FOR SPECIFIC ACCESSORY USES

In addition to the following specific standards, the listed accessory uses shall meet the requirements of Section 4.4.4, Standards for Accessory Structures, except as expressly stated in the specific accessory use requirements.

A. Accessory Dwelling Unit

An accessory dwelling unit (ADU) is permitted as accessory to a single-family detached dwelling if it complies with the following standards:

1. General

(a) No more than 1 ADU shall be located on a lot with a single-family detached dwelling.

(b) An ADU shall have a maximum of 2 bedrooms.

(c) An ADU and the principal dwelling shall have the same street address and mailbox.

(d) An ADU shall not be subdivided or otherwise separated in ownership from the principal dwelling unit.

(e) An ADU and the principal dwelling shall utilize the same driveway, unless the ADU is accessed from a right-of-way not used by the principal dwelling (e.g., a rear alley or separate street access on a corner or through lot).

(f) An ADU shall be served by water, sanitary sewer, gas and electrical utilities as part of the principal dwelling.

2. Design

An ADU shall maintain the architectural design, style, appearance and character of the principal dwelling by incorporating design elements such as similar materials, facade treatment, colors, window style, roof design, and roof pitch.

3. Location

(a) Principal Structure

(1) If an ADU is located within the principal structure, the ADU shall not exceed 30 percent of the gross floor area of the structure.

(2) Entrance doors or exterior stairways to the ADU facing streets shall be prohibited; separate access to the ADU shall be by means of a side or rear door in the principal structure.

(b) Accessory Structure

If an ADU is located in an accessory structure, it shall meet the residential accessory structure requirements in Section 4.4.4, Standards for Accessory Structures.

B. Caretaker Dwelling

One caretaker dwelling unit is permitted as accessory to a commercial, institutional or industrial use either within the principal building or in an accessory building on the lot.

C. Drive-Through

See Chapter 3: Zoning Districts, for the applicable drive-through standards by zoning district.

D. Exterior Lighting

See Section 5.10, Exterior Lighting, for the applicable standards.

E. Fences

See Section 5.11, Fences, for the applicable standards.

F. Helistop

A helistop is permitted as accessory to an institutional, commercial or industrial use if it complies with all applicable Federal Aviation Administration regulations.

G. Home Day Care

A home day care is permitted as accessory to a residential dwelling unit if it complies with the following standards:

1. Care is provided within a dwelling unit, for between 3 and 8 children less than 13 years of age, not more than 5 of which are preschool age, or up to 8 adults, who do not reside in the dwelling, for at least once per week for at least four hours, but less than 24 hours per day.
2. It complies with all applicable home occupation requirements, except the gross floor area requirement.
3. It is licensed by the State of North Carolina and complies with all applicable State requirements.

H. Home Occupation

A home occupation is permitted as accessory to a residential dwelling unit if it complies with the following standards:

1. The home occupation shall be located in the residential dwelling unit and shall not occupy more than 25 percent of the gross floor area of the dwelling unit.
2. The person operating the home occupation shall reside in the dwelling unit.
3. No more than 1 person shall work in the dwelling unit that is not a resident of the dwelling unit.
4. The home occupation shall not change the exterior appearance of the dwelling.
5. The home occupation shall not create traffic, parking congestion, noise, vibration, odor, glare, vibration, fumes, or electrical or communications interference beyond what normally occurs in the district where located.
6. No outdoor storage or display of products, materials, or equipment is permitted.
7. Activities and storage associated with a home occupation shall not take place in an accessory building, such as a detached garage.
8. No maintenance or repair of commercial equipment may be associated with a home occupation.
9. Only 1 commercial vehicle with 1 attached trailer associated with the home occupation may be parked or stored on the lot, but neither the truck nor the trailer shall exceed 24 feet in length.
10. Tutoring and instruction in music, dance, art, yoga, and other subjects shall be limited to no more than 5 students during any single class or instruction period.
11. There shall be no advertising on the property or other signs of the home occupation, which are visible from outside the dwelling, except for 1 sign that

complies with the standards in Section 5.7.8, Signs not Requiring a Sign Permit.

I. Livestock

The keeping of livestock is allowed as accessory to a single-family detached or duplex dwelling if it complies with the following standards:

1. In the AGR district, the accessory keeping of livestock is allowed, but is exempt from these standards.
2. The keeping of livestock shall require a lot of at least 5 acres in area.
3. Animals shall be maintained in a fenced area located at least 100 feet from all lot lines.
4. Fencing shall be at least 4 feet in height.
5. For large livestock such as horses, cows and other similar large-sized animals, no more than 1 animal over 6 months in age shall be maintained for every 20,000 square feet of fenced area.
6. For small livestock such as sheep, goats, and other similar-sized animals, no more than 1 animal over 6 months in age shall be maintained for every 10,000 square feet of fenced area.

J. Off-Street Parking and Loading

See Section 5.4, Off-Street Parking and Loading, for the applicable standards.

K. Outdoor Display

Outdoor display is allowed as accessory for retail sales and wholesale trade uses if it complies with the following standards:

1. The intent of these standards is to allow outdoor display, but not where the display of such goods is unsightly, impedes the flow of pedestrian or vehicular traffic, or creates an unsafe condition.
2. The outdoor display of non-bulky goods is not subject to the requirements in Section 4.4.4, Standards for Accessory Structures, but shall comply with the following standards:
   - **(a)** Be located adjacent to the storefront or building sides, except for farmers market, plant nursery, garden center or similar operations;
   - **(b)** Not located in drive aisles, loading zones, fire lanes, or required landscaping yards; and
   - **(c)** Maintain at least 5 feet of space along the side of the display free of obstruction to allow for pedestrian and handicap movement, such that handicapped pedestrians and others do not have to enter the drive aisle to walk around the display.
3. The outdoor display of bulky goods shall comply with the following standards:
   - **(a)** Portable storage containers, dumpsters and any bulky item for display that exceeds 10 feet in height shall meet the requirements in Section 4.4.4, Standards for Accessory Structures;
   - **(b)** Not located in drive aisles, loading zones, fire lanes, or required parking spaces or landscaping yards; and
   - **(c)** Other bulky items that are less than or equal to 10 feet in height are not subject to the requirements in Section 4.4.4, Standards for Accessory Structures, but shall be located at least 10 feet from any public street and shall not be placed within any easements, required parking spaces or landscape yards.

L. Portable Storage Containers

Portable storage containers are allowed as accessory to the principal use on the same lot, provided they comply with the following standards:

1. Residential Districts

Portable storage containers located within any residential district shall comply with the following standards:

(a) A portable storage container is not subject to the requirements in Section 4.4.4, Standards for Accessory Structures; however, it must be located on the lot and outside any street right-of-way.

(b) No more than 2 portable storage containers may be located on a lot with a single-family or duplex dwelling.

(c) The gross square footage of a portable storage container on a lot with a single-family or duplex dwelling shall not exceed 150 square feet.

(d) A portable storage container may remain on a lot up to 14 days in duration, except when the container is used in association with construction on the same site, which the container may remain for the duration of the construction project and shall be removed upon completion.

2. Business and Special Districts

Portable storage containers located within any business or special district shall comply with the following standards:

(a) Portable storage containers shall meet the requirements in Section 4.4.4, Standards for Accessory Structures.

(b) The number, size and duration of portable storage containers on a lot are not regulated.

(c) Portable storage containers shall not be placed between a principal structure and a public street, except in the AGR, LI and HI districts.

3. Planned Development Districts

Portable storage containers located within any planned district shall comply with the applicable residential, business or special district requirements of this section.

M. Renting of Rooms

The renting of rooms is allowed as accessory to a residential dwelling if it complies with the following standards:

1. An occupant of the dwelling may rent rooms in the dwelling to a maximum of 2 tenants.

2. The renting of rooms to more than 2 tenants constitutes a rooming house, which is subject to other standards contained in this Ordinance.

N. Satellite Dishes, Amateur Radio and Television Antenna Towers

Satellite dishes, amateur radio and television antenna towers are allowed as accessory to any use allowed by this Ordinance if they comply with the following standards:

1. The accessory structure and all supporting cables and anchors shall be contained on the lot.

2. The accessory structure is prohibited in easements but is not subject to the remaining requirements in Section 4.4.4, Standards for Accessory Structures.

3. The accessory structure shall not exceed 90 feet in height above grade.

4. In residential districts, the accessory structure must be located behind the front

building line of the principal structure, except for satellite dishes less than 40 inches in diameter which are exempt from this requirement.

5. Towers attached to a principal structure shall be located on the principal structure's side or rear elevation.

O. Small Wind Energy Conversion (WEC) System

A small WEC is permitted as accessory to any agriculture, commercial, institutional or industrial use allowed by this Ordinance if it complies with the following standards:

1. There shall be no more than 1 small WEC on a lot.
2. The maximum extended height of a small WEC shall be the maximum height allowed in the zoning district plus 70 feet.
3. The tower shall be set back from all lot lines a distance greater than or equal to the minimum distance necessary to insure the structure will remain on its site following collapse (its fall zone) as certified by a licensed professional engineer. In the absence of such certification, the required setback shall be equal to 80% of the height of the structure.
4. Sound produced by the WEC shall under normal operating conditions, as measured at the lot line, not exceed 55 decibels. The sound level may be exceeded during short term events that occur, that are beyond the landowner's control, such as utility outages and/or wind storms.
5. The blade tip or vane of any small WEC shall have a minimum ground clearance of 15 feet, as measured at the lowest point of the arc of the blades. No blade shall extend over parking areas, public right of ways, driveways, or sidewalks.
6. No illumination of the turbine or tower shall be allowed, unless required by the FAA.
7. The tower shall be designed to prevent unauthorized climbing.
8. A small WEC shall not include signage visible from a public street other than the manufacturer's or installer's identification, appropriate warning signs, or owner identification.
9. A small WEC intended to connect to the electric utility shall not be installed until evidence is submitted to the Planning and Development Director that the relevant electric utility is informed of the customer's intent to install an interconnected customer-owned generator.
10. On determining that a small WEC is inoperable for 180 days or more, the Planning and Development Director shall send the owner a notice and order requiring restoration of the system. Failure of the owner to restore the system to operating condition shall constitute a violation of this Ordinance.

P. Solid Waste Collection

See Section 5.6, Screening, for the applicable standards.

Q. Signage

See Section 5.7, Signage, for the applicable standards.

R. Swimming Pools, Spas and Hot Tubs

Swimming pools, spas, and hot tubs with a water depth of 24 inches or greater are permitted as accessory to any use allowed by this Ordinance if they are constructed in accordance with the State Building Code and comply with standards for accessory structures in Section 4.4.4, Standards for Accessory Structures, if applicable.

S. Vehicles

The parking, storage, and use of vehicles are allowed as accessory to any use allowed by this Ordinance if it complies with the following standards:

1. Disabled Motor Vehicles

The parking or storage of disabled motor vehicles shall comply with the following standards:

(a) Residential Uses

(1) One disabled vehicle is allowed on a lot with a single-family dwelling or duplex dwelling, provided the disabled vehicle is parked or stored behind the front building line of the principal structure.

(2) Additional disabled vehicles on a single-family or duplex lot and any disabled vehicle parked or stored on lot with any other residential use shall be located within a fully enclosed principal or accessory structure.

(b) All Other Uses

(1) A disabled motor vehicle may be parked or stored on a lot containing an agricultural, institutional, commercial, or industrial use, provided it is totally screened from view from any street or residential zoning district.

(2) The disabled vehicle shall be stored within a fully enclosed building or fully screened by a building, opaque wall, fence, or other approved means to a height of 6 feet above grade level.

2. Improved Parking Area

(a) Any vehicle located on a lot with a single-family or a duplex dwelling that is parked, stored, or otherwise located between the principal structure and the street shall be parked, stored, or otherwise located on an improved parking area.

(b) An improved parking area shall be a portion of the lot that is graveled or paved with an all-weather surface (such as asphalt, concrete, brick, stone or similar material) and provides access to the street.

3. Large Vehicles

The parking of vehicles in excess of 24 feet in length, or 14,000 pounds gross vehicle weight is prohibited in residential zoning districts, with the following exceptions:

(a) Temporary loading and unloading;
(b) Emergency and disaster service;
(c) Recreational vehicles, which includes travel trailers;
(d) Large vehicles on a religious institution or school property; and
(e) For use in the operation of a permitted principal use or nonconforming use that relies on a large vehicle for standard operation.

4. Recreational Vehicles

The use of recreational vehicles, which includes travel trailers, for living purposes is allowed only in recreational vehicle parks and as a permitted temporary use.

T. Wireless Telecommunication Facility

See Section 4.3.3.F.3, Wireless Telecommunication Facility (Major and Minor) for the applicable standards.

U. Yard Sales

Yard sales are allowed as accessory to a residential dwelling unit if they comply with the following standards:

1. Yard sales are limited to a maximum of 2 occurrences per dwelling unit per calendar year, and no more than 2 days per occurrence.
2. Items displayed and sold are limited to household items.
3. The location of signs advertising the yard sale is restricted to the lot or site where the yard sale is conducted.

4.5. TEMPORARY USES

4.5.1. PURPOSE

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

4.5.2. APPLICABILITY

The standards in this section apply to non-permanent uses that take place on a temporary basis whether on the same site or in different locations in the jurisdiction. The activities listed in this section require the issuance of a zoning compliance permit, except as exempted, in accordance with the standards in Section 2.5.15, Zoning Compliance Permit.

4.5.3. GENERAL STANDARDS FOR TEMPORARY USES

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

A. General Standards

1. Secure written permission from the landowner;
2. Obtain the appropriate permits and licenses from the City and other agencies;
3. Comply with the requirements for temporary signs in Section 5.7, Signage;
4. Meet public utility and City requirements for proper connection to water, sewer, electrical and other utility service connections, as applicable;
5. Not violate the applicable conditions of approval that apply to a site or use on the site;
6. Not result in a situation where the principal use, if present, fails to comply with the standards of this Ordinance;
7. Contain sufficient land area for the temporary use and for the parking and traffic movement associated with the temporary use, without impacting environmentally sensitive lands;
8. Not remain in place for more than 90 days if located within a special flood hazard area;
9. Provide adequate on-site restroom facilities; and
10. Cease all outdoor activities within 500 feet of a residential use by 10:00 pm.

B. General Conditions

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

1. Provision of temporary parking facilities, including vehicular access and egress;
2. Control of nuisance factors, such as but not limited to, the prevention of glare or direct illumination of adjacent properties, noise, vibrations, smoke, dust, dirt, odors, gases, and heat;
3. Regulation of placement, height and size, location of equipment and open spaces,

including buffer areas and other yards;

4. Provision of sanitary and medical facilities;
5. Provision of solid waste collection and disposal;
6. Provision of security and safety measures;
7. Use of an alternate location or date;
8. Modification or elimination of certain proposed activities;
9. Regulation of operating hours and days, including limitation of the duration to a shorter time period than requested or specified in this subsection; and
10. Submission of a financial guarantee to ensure that any temporary use will be removed from the lot or site within a reasonable time and the lot or site will be restored to its former condition.

4.5.4. STANDARDS FOR SPECIFIC TEMPORARY USES

A. Construction-Related Uses

A temporary construction-related use is permitted on a lot in a residential, business, special, or planned development district, subject to the following standards:

1. Temporary construction-related uses, including construction and business offices, storage buildings, equipment and outdoor storage lots, and employee parking areas, may occur on the same lot or site as the construction activity, or on a lot or site that is adjacent to the construction site.
2. The temporary use permit shall not be issued until a site plan is approved or a building permit is issued for a principal structure, except as allowed in Section 2.3.12, Effect of Development Approval.
3. A temporary construction-related use shall be removed within 30 days of issuance of a certificate of occupancy for the structure, or removed immediately if the building permit expires or is revoked.

B. Itinerant Merchant Sales

Itinerant merchant sales, not including mobile food vendors, are permitted on a lot in a business, special, or planned development district, subject to the following standards:

1. The sale of merchandise, products, or material must be a permitted principal use in the zoning district where the sales are temporarily located.
2. Itinerant merchant sales shall be located on a lot with a principal use and located outside of street rights-of way, required sight distance easements, required landscape areas, vehicular circulation areas, or areas where pedestrian access is needed to ensure safe movement through or across a site.
3. No signage is permitted other than signage that is affixed to the vehicle, trailer or stand.
4. All merchandise and related materials shall be removed from the site or properly stored each day following the sale.
5. The maximum period of operation of itinerant merchant sales shall be from 8:00 AM to 11:00 PM.
6. Permitted itinerant merchant sales shall be limited in duration to a maximum of 30 continuous days and there shall not be more than 3 itinerant merchant sales on a lot per calendar year.

C. Mobile Food Vendors

1. Exempt Vendors

Mobile food vendors are not subject to the requirements of Section 4.5, Temporary Uses, but are subject to the applicable provisions of the City Code of Ordinances if:

(a) They operate for 2 or fewer days within a 180-day period on a lot with an established principal use;

(b) They operate in the public right-of-way;

(c) They are considered part of a special event allowed in accordance with Section 4.5.4.E, Special Events; or

(d) They are a part of a private event where food is not sold to the general public.

2. Subject to this Ordinance

Mobile food vendors that are not exempted are permitted on a lot in a business, special, or planned development district, subject to the following standards:

(a) The sale of food must be a permitted principal use in the zoning district where the mobile food vendor is temporarily located.

(b) Mobile food vendors shall be located on a lot located outside of street rights-of-way, required landscape areas, vehicular circulation areas, or areas where pedestrian access is needed to ensure safe movement through or across a site.

(c) Mobile food vendors shall not obstruct visibility for motorists at any street intersection in accordance with the standards of Chapter 6 of the City Code, Visibility at Intersections.

(d) No signage is permitted other than signage that is affixed to the vehicle, trailer, cart, or stand.

(e) The vendor shall properly dispose all solid waste, grease and liquid waste and the vehicle, trailer, cart, or stand shall be removed from the site each day.

(f) The maximum period of operation of mobile food vendors shall be from 6:00 AM to 11:00 PM, or until the time the principal use on the lot closes, whichever is greater.

(g) Permitted mobile food vendors shall be limited in duration to a maximum of 12 months, except that the temporary use permit may be renewed.

D. Outdoor Seasonal Sales

Outdoor seasonal sales are permitted on a lot in a residential, business, special, or planned development district, subject to the following standards:

1. Seasonal sales shall be limited to seasonal agricultural products such as Christmas trees, pumpkins, and living plants.

2. Outdoor seasonal sales shall only be allowed on a lot in a residential, office or institutional zoning district when operated by and on the site of a religious institution or nonprofit organization.

3. The maximum hours of operation of an outdoor seasonal sales use shall be from 8:00 AM to 11:00 PM, except when located in a residential district, then the seasonal sales use shall cease by 10:00 PM.

4. Exterior lighting shall comply with the requirements in Section 5.10, Exterior Lighting.

5. One recreational vehicle is allowed as a temporary dwelling for security purposes in association with the seasonal sales use, provided it meets the general standards of Section 4.5.4.F, Temporary Dwelling, and is removed at the end of the sales.

6. Outdoor seasonal sales shall be limited in duration to a maximum of 90 days and there shall not be more than 3 seasonal sales on a lot per calendar year.

7. The on-site accessory sales of seasonal products by an agricultural use or retail sales use is not considered outdoor seasonal sales and is not subject to these standards.

E. Special Events

1. Exempt Events

A special event is not subject to the requirements in Section 4.5, Temporary Uses, if:

(a) The event lasts 2 or fewer days within a 180-day period on a lot with an established principal use; or

(b) The event is sponsored by the City, a county, or the State.

2. Subject to this Ordinance

A special event not exempted from the standards in this section is permitted on a lot in a business, special, or planned development district, subject to the following standards:

(a) A special event includes, but is not be limited to arts and crafts shows, cultural events, musical events, concerts and stage shows, celebrations, festivals, fairs, carnivals, circuses, or outdoor religious events.

(b) Circuses, carnivals and similar amusements may be subject to the applicable provisions of the City Code of Ordinances.

(c) Temporary dwelling(s) are allowed in association with the special event provided they meet the general standards of Section 4.5.4.F, Temporary Dwelling, and are removed at the end of the event.

(d) A special event shall be limited in duration to a maximum of 14 days, unless otherwise specifically authorized by the Planning and Development Director.

F. Temporary Dwelling

A temporary dwelling is permitted on a lot in a residential, business, special, or planned development district, subject to the following standards:

1. General Standards

(a) A temporary dwelling may be either a dwelling that meets all applicable NC State Building code requirements for a dwelling or a recreational vehicle.

(b) The temporary dwelling shall be located on a lot and meet the dimensional standards of the zoning district to the maximum extent practicable.

2. Temporary Emergency Dwelling

(a) Temporary emergency dwellings operated by a religious institution, governmental agency, or nonprofit organization may be located on a lot at least 1 acre in area to provide emergency shelter where fire, flood, or other natural disaster has displaced persons.

(b) The temporary dwellings shall be limited in duration to a maximum of 6 months, except that the temporary use permit may be renewed for good cause shown.

3. Temporary Construction Dwelling

(a) One temporary dwelling may be used to house occupants of the principal dwelling under construction or subject to repair or casualty damage.

(b) Temporary dwellings may be used on a construction site and occupied by persons having construction or security responsibilities over such

construction site.

(c) Temporary dwellings shall be located on the same lot as the structure under construction.

(d) The temporary use permit shall not be issued until a site plan is approved or a building permit is issued for a principal structure.

(e) A temporary dwelling shall be removed within 30 days of issuance of a certificate of occupancy for the structure, or removed immediately if the building permit expires or is revoked.

G. Temporary Health Care Structure

One temporary health care structure is permitted on a lot with a single-family detached dwelling, subject to the following standards:

1. Structure

A temporary health care structure is one that:

(a) Is transportable and primarily assembled at a location other than the site of installation;

(b) Is located on a lot with an existing single-family detached dwelling;

(c) Is limited to 1 occupant who is a mentally or physically impaired person related to the caregiver;

(d) Is used by a caregiver or legal guardian in providing care for 1 mentally or physically impaired person on property owned or occupied as the caregiver's or guardian's residence;

(e) Has no more than 300 square feet of gross floor area;

(f) Is connected with water, sewer and electricity by branching service from the single-family detached dwelling;

(g) Has the same street address and mailbox as the existing single-family detached dwelling;

(h) Uses the same driveway as the existing single-family dwelling, unless the structure is accessed from a right-of-way not used by the dwelling (e.g., a rear alley or separate street access on a corner or through lot);

(i) Meets the dimensional standards of the zoning district for a single-family detached dwelling; and

(j) Meets the applicable provisions in the NC State Building Code; however, is not located on a permanent foundation.

2. Need and Relationship

(a) The occupant of the structure must be a mentally or physically impaired person that is a resident of the State who requires assistance with 2 or more activities of daily living (bathing, dressing, personal hygiene, ambulation or locomotion, transferring, toileting, and eating) as certified in writing by a physician licensed to practice in this State.

(b) The caregiver must be an individual 18 years of age or older who provides care for the mentally or physically impaired person and is a first or second degree relative of the impaired person. A first or second degree relative is a spouse, lineal ascendant, lineal descendant, sibling, uncle, aunt, nephew or niece, including half, step, and in-law relationships.

3. Permit Conditions

(a) Once the applicant provides sufficient proof that the temporary health care structure meets all standards, then the temporary structure shall be permitted for a period of 12 months.

(b) The applicant may renew the zoning compliance permit for a 12-month period and continue to renew it provided the applicant provides evidence of continued need and compliance with these standards.

(c) The City may make permit renewal and periodic inspections of the temporary structure at reasonable times convenient to the applicant.

(d) No signage shall be permitted on the exterior of the temporary structure or on the lot that identifies or promotes the existence of the structure.

(e) The temporary structure shall not be subdivided or otherwise separated in ownership from the single-family detached dwelling.

(f) The temporary structure shall be removed within 60 days if the impaired occupant is no longer receiving or in need of assistance.

(g) The temporary use permit may be revoked or other enforcement actions taken if these standards are violated.

H. Temporary LCID Landfill

A temporary land clearing and inert debris landfill (LCID) is permitted on a lot in a residential, business, special, or planned development district, subject to the following standards:

1. A temporary LCID may not exceed 2 acres in area and shall meet all applicable State regulations for a LCID.

2. It shall be permitted for a period not to exceed 12 months, except that the temporary use permit may be renewed for good cause shown.

3. A LCID not meeting these standards constitutes a minor landfill, which is subject to other standards contained in this Ordinance.

I. Temporary Real Estate Office

A temporary real estate office is permitted on a lot in a residential, business, special, or planned development district, subject to the following standards:

1. The office is located on a lot that is part of the real estate development being sold or leased.

2. Signage complies with the standards of Section 5.7, Signage.

3. The office complies with the dimensional standards of the zoning district in which it is located.

4. The temporary office is converted into a dwelling or removed within 30 days after all units are sold or leased.

J. Temporary Wireless Telecommunications Facility

A temporary wireless telecommunications facility, also known as a COW, is permitted on a lot in a residential, business, special, or planned development district, subject to the following standards:

1. A temporary wireless telecommunications facility may be allowed on a lot after a disaster or other emergency for a period not to exceed 30 days, except that the temporary use permit may be renewed for good cause shown.

2. A temporary wireless telecommunications facility may be allowed on a lot to evaluate the technical feasibility of a site for a period not to exceed 14 days, except that the temporary use permit may be renewed for good cause shown.

3. A temporary wireless telecommunications facility may be allowed on a lot in association with an event where the anticipated demand cannot be handled by existing facilities for a period not to exceed 14 days.

4. A temporary wireless telecommunications facility may be allowed on a lot with an existing permanent wireless telecommunications facility where the permanent structure is undergoing reconstruction or maintenance and the temporary facility is needed to maintain sufficient levels of service. The temporary facility shall be removed after reconstruction or maintenance is complete and service restored on the permanent structure.

5. All temporary wireless telecommunications facilities, including all supporting cables and anchors, shall be contained on the lot.

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CHAPTER 5: DEVELOPMENT STANDARDS

5.1. PUBLIC INFRASTRUCTURE

5.1.1. WITHIN CORPORATE LIMITS

When development occurs within the corporate limits of the City, it shall be served by the City's public water and sewer systems, unless the Public Services Director determines that it is not required in accordance with the City Code.

5.1.2. WITHIN THE ETJ

When development occurs within the City's ETJ, the applicable County Health Department is authorized to approve private well and on-site wastewater treatment systems. Connections to the City's public water and sewer system is authorized only in accordance with established City Council policy.

5.2. ZONE LOT AND ACCESS STANDARDS

5.2.1. PRINCIPAL BUILDINGS ON A ZONE LOT

Every building must be located on a zone lot. No more than 1 principal building is permitted on a zone lot, except as follows:

A. Nonresidential Group Development

Two or more principal nonresidential buildings are permitted on a zone lot pursuant to a group development plan approved in accordance with Section 2.5.9, Group Development, and provided that vehicular access is maintained to each building for service and emergency vehicles.

B. Residential Group Development

Two or more principal buildings are permitted on a zone lot in a multi-family or single-family attached development pursuant to a group development plan approved in accordance with Section 2.5.9, Group Development, and provided that access is maintained to each building for service and emergency vehicles.

5.2.2. STREET ACCESS

A. General Standards

Except where an alternative configuration is allowed is accordance with Section 5.2.2.B, Alternative Configuration, all development shall comply with the following standards:

1. Every zone lot shall abut and have direct access to a publicly-maintained street.
2. No building or structure shall be constructed or placed on a zone lot that does not have direct access to a publicly-maintained street.
3. Direct access for a use to a publically maintained street through another zoning district is not allowed unless the other zoning district:
   - (a) Is classified as a business or special district; or
   - (b) Allows the use; or
   - (c) Provides the sole means of access for the use.

B. Alternative Configuration

As an alternative to compliance with the general standards in section (A) above, development may incorporate one of the following alternative street access standards:

1. Dead-End Streets

The terminus of a dead-end street does not provide the required access to a publically maintained street unless it is configured as a circular turnaround or other turnaround approved and constructed in conformance with Chapter 7: Subdivisions Standards.

2. Private Streets

Private streets may be used to meet the access requirements for single-family lots in a planned development district, single-family attached developments, and multiple lot developments, provided the district or development as a whole abuts and has direct access to a publicly-maintained street.

3. Single-Family Attached Development

(a) Individual lots shall have rights of access through a common area containing private streets or private drives that are at least of 24 feet in width and lead to a publicly-maintained street.

(b) Direct access to a publicly-maintained street from an individual lot containing a single-family attached dwelling shall require approval from the TRC.

4. Multiple Lot Development

Individual lots in a multiple lot development must have shared rights of access along private streets or private drives that are at least 24 feet in width and lead to a publicly-maintained street.

5. Single-Family Lot of Record

Lots of record established as of July 1, 1992 that do not abut a publicly-maintained street may establish access through a recorded access easement provided the lot is used for only 1 single-family detached dwelling.

6. Special Purpose Lot

Special purpose lots may establish access through an easement a minimum of 10 feet in width, in accordance with Section 7.1.6.B.6, Special Purpose Lots.

C. Access Through Easement

Lots of record existing on the effective date of this Ordinance without public street frontage may have access through a recorded access agreement that meets the following criteria:

1. The minimum easement width shall be 25 feet.

2. The minimum separation between the easement and any other platted access or right-of-way shall be 150 feet.

3. The location of the easement must be recorded on a plat.

4. The easement shall permit ingress, egress, and regress and necessary utilities to serve the lot.

D. Access Through Unimproved Right-of-Way

A single zone lot that has frontage on an existing unimproved public right-of-way, may obtain access through such right-of-way, provided that the following minimum criteria are met:

1. A site plan, signed and sealed by a professional surveyor, shall be submitted that

shows the lot has no other frontage on an improved public street;

2. The unimproved public right-of-way is at least 20 feet in width;
3. The access shall serve only 1 single-family detached dwelling and its uninhabited accessory structures;
4. The access shall serve only 1 zone lot. If the unimproved public right-of-way is the sole means of access to more than 1 zone lot in the same block, access pursuant to this subsection shall not be approved;
5. If the zone lot contains multiple parcels, they shall be combined into 1 parcel as a condition of approval;
6. The access shall be maintained by the lot owner; and
7. Utilities shall be located within the unimproved right-of-way and extended to the lot in accordance with City standards. The lot owner shall maintain water and sewer utility lines from the edge of the existing street right-of-way to the dwelling. Any proposed dwelling must be within 500 feet of an approved fire hydrant.

5.2.3. CROSS-ACCESS

A. Purpose and Intent

The intent of this section is to provide for cross-access between comparable commercial and industrial land uses that front thoroughfare streets so that vehicles leaving one lot may access the adjoining lot without having to re-enter the public street system. It is not the intent of this section to reduce the number of driveways beyond what is allowed in the City's Driveway Ordinance.

B. Applicability

The provisions of this section apply to commercial and industrial uses as defined in Section 4.2, Use Classifications, Use Categories, and Use Types, that front thoroughfare streets, unless exempted in accordance with Section 5.2.3.C, Exemptions.

1. New Buildings or Uses

Principal buildings constructed or open uses of land established after the effective date of this Ordinance.

2. Expansions

Individual or collective expansions of existing principal buildings, open uses of land, or off-street parking that exceed 50 percent.

C. Exemptions

Cross-access is not required when any of the following conditions are present:

1. Adjacent lots do not have common frontage along a thoroughfare;
2. Significant topographical differences in existing or proposed conditions are present;
3. Significant natural features exist in the only viable location for cross-access connections;
4. Vehicular safety factors including, but not limited to, unsafe turning movements or pedestrian conflicts;
5. Sufficient cross-access already exists;
6. Residential, institutional, or other incompatible land uses, as defined in Section 4.2, Use Classifications, Use Categories, and Use Types, are present on adjacent lots;
7. Bed and breakfast establishments;
8. Existing infrastructure obstructions; or
9. Other safety or security factors.

D. Easement Recordation

A cross-access easement must be recorded on the final plat for property involving a subdivision, or recorded by separate instrument when no plat is proposed.

E. No Obstruction of Access

All cross-accessways shall be built to the lot line, to the maximum extent practicable. An accessway shall not be obstructed unless approved by the Transportation Director.

F. Off-street Parking

Where a required cross-accessway eliminates required off-street parking spaces, replacement spaces shall not be required.

G. Perimeter Landscaping

Where a required cross-accessway eliminates a required landscape planting area, the landscaping requirements shall be reduced to accommodate the cross-accessway and replacement landscaping shall not be required.

H. Connection Required

Development on vacant land subject to these standards shall install cross-accessways to the shared property line. However, if the abutting landowner that does not already have a cross-accessway stub is unwilling to allow the cross-accessway to be built to the shared property line due to the impact of the grading equipment or other construction activity on their property, then the Transportation Director shall notify the unwilling property owner that they will be responsible for completing the cross-accessway when their property is developed.

5.3. RESERVED

5.4. OFF-STREET PARKING AND LOADING

5.4.1. PURPOSE AND INTENT

The purpose and intent of this section is to ensure the provision of safe off-street parking and loading facilities for development allowed by this Ordinance. The standards in this section are intended to avoid requiring an over-supply of parking that pose economic and environmental impacts while ensuring off-street parking is provided to mitigate impacts to streets and neighborhoods.

5.4.2. APPLICABILITY

The provisions of this section apply to the following, unless exempted in accordance with Section 5.4.3, Exemptions:

A. General

Whenever a building is constructed, enlarged or increased in capacity, or a principal use is established or enlarged, the development shall meet the requirements of this section, except as specifically exempted in this Ordinance.

B. Changes in Use

If the principal use changes, then the new principal use shall meet the requirements of this section, except that if the use change results in an increase of less than 5 percent in the required number of parking spaces, or less than 5 additional parking spaces, no additional parking spaces are required.

5.4.3. EXEMPTIONS

A. CB District

Development on land within the CB district shall comply with the requirements of this section, except that it is exempt from the minimum off-street parking requirements of Table 5.4.4.B, Minimum Off-Street Parking Standards.

B. Historic Properties

No off-street parking is required for:

1. Rehabilitation or reuse of a National Register site or locally designated landmark;
2. Rehabilitation or reuse of a contributing building within a National Register district or the LHO; and
3. Rehabilitation or reuse of a structure included in the City's inventory of historic architecture as determined by the HPC.

5.4.4. OFF-STREET PARKING REQUIREMENTS

A. Parking Plan Required

Every application for a site plan, group development plan, building permit, or zoning compliance permit, shall ensure that adequate off-street parking is provided for the uses or buildings contained in the application. Off-street parking must be provided to meet the parking demand without use of public streets, except as specifically allowed by this section.

B. Minimum Off-Street Parking Standards

The minimum number of off-street parking spaces required for development shall be in accordance with Table 5.4.4.B, Minimum Off-street Parking Standards.

TABLE 5.4.4.B: MINIMUM OFF-STREET PARKING STANDARDS

Use Classification	Use Category	Use Type	Requirement
Agricultural	Agriculture	All	No minimum spaces required
Residential	Common Elements Recreation	Common elements recreation	No minimum spaces required
	Household Living	SF detached; Family care home; Manufactured dwelling; Duplex dwelling; Live/work	2 spaces per dwelling unit; except in pocket neighborhoods (See Section 5.14.6,Pocket Neighborhood)
		Multi-family; SF attached, Triplex, Quadpex	1.5 spaces per dwelling unit; except 0.5 spaces per dwelling unit for elderly housing developments
	Group Living	Dormitory, private; Fraternity or sorority house; Rooming house; SRO; Social service facility	1 space per bedroom
	Life Care	Assisted living	0.3 spaces per room; minimum of 5 spaces provided
		CCRC	As required by this table for specific uses (e.g. household living, assisted living, long-term/skilled nursing facilities, etc.)
		Long-term care/skilled nursing	0.3 spaces per room
Institutional	Civic	Assembly & Cultural Facilities, major	1 space per 6 seats in auditoriums, theaters and similar places of assembly, and 1.5 spaces per 1000 sf GFA all other areas
		Assembly & Cultural Facilities, minor	1 space per 500 sf GFA; minimum of 5 spaces provided
		Cemetery	No minimum spaces required
		Correctional facility	1 space per 2 employees at peak shift
		Governmental facility; Public safety facility	As required for the most similar non-governmental use
		Public Recreation facility	No minimum spaces required
	Day Care	Day Care Center	1 space per 400 sf GFA

TABLE 5.4.4.B: MINIMUM OFF-STREET PARKING STANDARDS

Use Classification	Use Category	Use Type	Requirement
	Education	College or university	1 space per 4 students
		School, minor	1 space per classroom
		School, major	1.5 space per classroom
		Other post-secondary educational facility	1 space per 400 sf GFA
		Truck driving school	1 space per 400 sf GFA
	Health Care	Hospital; specialty hospital	1.5 space per bed
		Medical care facility, major	1 space per 500 sf GFA
		Medical care facility, minor	1 space per 800 sf GFA; minimum of 5 spaces provided
	Religious Institutions	All	1 space per 6 seats in main assembly room or for institutions without seating, 1 space per 50 sf of seating area in the main assembly room
	Transportation	Airport	No minimum spaces required
		Park and ride facility	No minimum spaces required
		Passenger terminal	No minimum spaces required
		Taxi or limousine service	1 space per 400 sf GFA of office area
	Utilities	Communication or broadcasting facilities	1 space per 2 employees at peak shift
		Solar array; Wireless telecommunication facility; Utility minor	No minimum spaces required
		Utility major	1 space per 2 employees at peak shift
Commercial	Adult Entertainment	Adult entertainment	1 space per 200 sf GFA
	Animal Care	Animal care	1 space per 400 sf GFA of office area
	Eating establishments	Bars or nightclub	1 space per 100 sf GFA
		Restaurant major & minor	1 space per 200 sf GFA
	Offices	Major and minor	1 space per 800 sf GFA; minimum of 4 spaces provided
	Commercial Parking	Commercial Parking	No minimum spaces required

TABLE 5.4.4.B: MINIMUM OFF-STREET PARKING STANDARDS

Use Classification	Use Category	Use Type	Requirement
	Personal Services	All	1 space per 500 sf GFA
	Recreation and Leisure	Amusement & entertainment	1 space per 6 seats in theaters and similar places of assembly, and 1 space per 400 sf GFA all other areas
		Amusement parks	1 space per 600 sf of outdoor area and 1 per space 400 sf GFA of indoor area
		Sports & fitness centers	1.5 spaces per 1000 sf GFA; minimum of 5 spaces provided
	Retail Sales	All	1 space per 400 sf GFA up to 400,000 sf and 1 space per 800 sf GFA for area over 400,000 sf; minimum of 5 spaces provided
	Vehicle Establishments	All	1 space per 400 sf GFA of sales and office area; minimum of 5 spaces provided
	Visitor Accommodations	Bed and Breakfast	1 space per guest room, plus 1 space for owner/operator
		Hotel or motel	1 space per guest room
Industrial	Extractive Industry	Extractive industry	1 space per 2 employees at peak shift
	Industrial Service	All	1 space per 400 sf GFA of sales and office area
	Manufacturing and Production	All except those listed below	1 space per 2 employees at peak shift
		Motion picture production	1 space per 2000 sf GFA
	Warehouse and Freight Movement	Freight movement; Warehouse and distribution	1 space per 2 employees at peak shift
		Self-storage, external and internal access	1 space per 400 sf GFA of office area
	Waste-Related Service	All	1 space per 2 employees at peak shift
	Wholesale trade	All except those listed below	1 space per 400 sf GFA of sales and office area; minimum of 5 spaces provided
		Market Showroom	1 space per 2000 sf GFA

C. Uses Not Listed

For uses that do not correspond to the use types listed in Table 5.4.4.B, Minimum Off-Street Parking Standards, the Planning and Development Director shall determine the minimum parking space requirement. In such instances, the application shall provide adequate information for review, which includes, but is not limited to the type of use(s), number of employees, the occupancy of the building, square feet of sales, service and office area, parking spaces proposed and hours of operation.

D. Other Vehicles Located Off-street

The following vehicles are not included in Table 5.4.4.B, Minimum Off-Street Parking Standards, and shall be parked or located outside required parking spaces and any public street right-of-way in accordance with this Ordinance:

1. Vehicles for sale or lease;
2. Vehicles being stored, serviced or repaired; or
3. Vehicles belonging to the use, such as company vehicles.

E. Multiple-Use Development

Development containing more than 1 principal use shall provide parking spaces in an amount equal to the total of all individual principal uses, except as allowed in Section 5.4.8, Parking Alternatives.

F. Driveways Used to Meet Requirements

Except for multi-family dwellings, driveways may be used to meet the minimum off-street parking space requirements for all use types in the Household Living use category, provided that sufficient space is available to meet the standards of this section.

G. On-Street Parking Credited

The use of on-street parking to meet the minimum off-street parking space requirements is permitted for nonresidential development in the Core City, subject to the following standards:

1. On-street parking exists within 500 linear feet of the primary entrance of the development;
2. The on-street parking spaces directly abut (not across the street) the lot containing the development and is served by a sidewalk;
3. There is not a negative impact to existing or planned traffic circulation patterns; and
4. The on-street spaces shall not be reserved for sole use by the development.

H. Administrative Adjustment

The Planning and Development Director is authorized to grant a type I administrative adjustment to the minimum required parking spaces in accordance with Section 2.5.2, Administrative Adjustment (Type I/Type II).

5.4.5. BICYCLE PARKING REQUIREMENTS

Bicycle parking, in accordance with this section, is required in the MX, MS, and RM-26 districts for residential developments with 30 or more dwelling units and nonresidential development with 10,000 or more square feet of gross floor area.

A. General Standards

1. Bicycle parking shall be provided at the rate of 1 bicycle space for every 30 residential dwelling units or every 5,000 square feet of nonresidential gross floor area. A minimum of at least 2 bicycle parking spaces shall be provided.
2. A bicycle rack or other device shall be provided to enable bicycles to be secured.
3. Bicycle parking shall be located where it does not interfere with pedestrian traffic and is protected from conflicts with vehicular traffic.
4. Bicycle parking should be accessible to the primary entrances of the development and in a visible, well-lit area.

B. Shared Bicycle Parking

Adjoining developments may share required bicycle parking spaces provided:

1. Each use provides or is served by an improved walkway from the bicycle parking spaces to the primary entrance.
2. The shared bicycle parking spaces and the improved walkway are depicted on a site plan or group development plan, whichever is appropriate.

5.4.6. OFF-STREET LOADING REQUIREMENTS

A. Loading Space Required

Every application for a site plan, group development plan, building permit, or zoning compliance permit for a nonresidential use shall ensure that adequate loading space is provided so that loading vehicles do not occupy required off-street parking spaces, block vehicular access, or prevent appropriate on-site maneuvering.

B. Minimum Off-Street Loading Space Requirements

A minimum number of loading spaces is not established; however, off-street loading space shall be provided and maintained in sufficient numbers to adequately handle the needs of a nonresidential use.

5.4.7. STANDARDS FOR OFF-STREET PARKING SPACES AND LOADING AREAS

Off-street parking, stacking, and loading spaces along with drive aisles and private drives are referred to a "vehicular use area". Vehicular use areas shall meet the standards of this section.

A. General

1. All required off-street parking, stacking, and loading spaces shall be located on the same zone lot as the principal use it serves, except as allowed in Section 5.4.8, Parking Alternatives.
2. All required off-street parking, stacking, and loading spaces shall not be used for any other purpose, including, but not limited to the storage or display of goods or the sale, lease, storage, or repair of vehicles.
3. Required off-street parking shall be maintained for the duration of the principal use and shall not be reduced unless the principal use ceases or changes.
4. Off-street loading spaces shall be not be located in any required parking space or protrude into any public street.

B. Easements

A vehicular use area shall not be located within an easement without approval of the easement holder.

C. Parking Space Access

All off-street parking spaces shall be accessed directly from drive aisles or private driveways and not directly from public streets.

D. Vehicle Backing

1. Vehicular use areas shall be designed so that a vehicle is not required to back onto a public street to enter or exit the vehicular use area, a parking space, or a stacking space.
2. Except in the CB district, off-street loading shall be designed so that no backing

into or from a public street is necessary.

E. Dimensional Standards for Parking Spaces and Aisles

Standards parking spaces and parking aisles shall comply with the minimum dimensional standards established in Table 5.4.7.E, Dimensional Standards for Parking Spaces and Aisles.

TABLE 5.4.7.E: DIMENSIONAL STANDARDS FOR PARKING SPACES AND AISLES

Parking Angle (Degrees)	Space Width (feet)	Space Depth (feet)	Minimum Aisle Width (feet)
Parallel (0°)	9	20	12
Angled (30°)	9	17.3	11
Angled (45°)	9	19.8	13
Angled (60°)	9	21	18
Perpendicular (90°)	9	18	24

F. Handicapped Accessibility

Development providing off-street parking spaces must ensure a portion of the off-street parking spaces are designated, located, and reserved for use by persons with physical disabilities in accordance with the standards of the State Building Code.

G. Dimensional Standards for Loading Spaces

Except for loading spaces used by semi-tractor trailers, off-street loading spaces shall be at least 12 feet wide and at least 25 feet long. Off-street loading spaces used by semi-tractor trailers shall be at least 60 feet long. Overhead clearance shall be at least 14 feet.

H. Pedestrian Connections

Pedestrian connections between the principal buildings on a development site and a public street(s) must be provided through improved walkways with a minimum unobstructed width of 4 feet. Parking spaces shall be designed to ensure vehicles do not encroach into the walkways.

I. Stacking Spaces

1. General

Uses with drive-through facilities and other auto-oriented uses where vehicles queue up to access a service shall provide adequate stacking spaces on-site for the uses or buildings in accordance with this section. Such uses include but are not limited to: restaurants with drive-through, convenience store with fuel sales, and other uses with service bays or drive-throughs.

2. Design

Stacking spaces are subject to the following design and layout standards:

(a) Size

Stacking spaces shall be a minimum of 9 feet wide and 16 feet long.

(b) Traffic Movements

Stacking spaces shall not impede vehicular traffic movements or movements into or out of parking spaces, whether on-site or off-site.

(c) Bicycle and Pedestrian Movement

Stacking spaces shall not impede onsite or offsite bicycle or pedestrian traffic movements, whether on-site or off-site.

(d) Separation

Stacking spaces shall be clearly delineated through such means as striping, landscaping, pavement design, or curbing.

J. Private Drives

1. A vehicular use area shall be connected to a public street in a manner that affords safe and convenient ingress and egress.
2. A one-way drive shall be at least 12 feet wide and a 2-way drive shall be at least 20 feet wide.
3. Off-street parking spaces shall not be directly accessible off a private drive, except as allowed for use types in the Household Living use category in Section 5.4.4.F, Driveways Used to Meet Requirements.
4. A private drive for vehicular use areas containing 200 or more parking spaces shall be unobstructed for at least 30 feet in length from the right-of-way line to a drive aisle or parking space to accommodate the ingress and egress of at least 2 vehicles without conflict with vehicles accessing parking spaces or drive aisles and creating an obstruction in the public street.
5. The design and location of private drives accessing public streets shall be subject to the City's Driveway Ordinance.

K. Surface Material

1. All required parking spaces, drives, and loading spaces in a vehicular use area shall be paved and maintained with concrete, asphalt, or similar material of sufficient thickness and consistency to support anticipated traffic volumes and weights, except as provided in this section.
2. The use of pervious or semi-pervious materials may be approved as an alternate means of paving provided it is demonstrated that the materials will function in a similar fashion as required materials.
3. Private drives accessing public streets shall be paved and maintained from the curb line or edge of pavement to a point at least 10 feet from the public street right-of-way for all vehicular use areas and at least 30 feet for all vehicular use areas with 200 or more parking spaces, whether the vehicular use area is paved or unpaved.
4. Except for required parking facilities for the disabled, required parking may be constructed with gravel or other approved comparable all-weather surface for:
   - **(a)** Parking used on an irregular basis for religious institutions, private minor assembly uses, and other similar nonprofits organizations;
   - **(b)** Parking for residential uses or a bed and breakfast establishment where 6 or fewer spaces are required;
   - **(c)** Parking for an office use converted from a single-family detached dwelling where 4 or fewer spaces are required; and
   - **(d)** Parking for industrial uses in the HI district, or manufacturing and production uses in the LI district.
5. Required parking facilities and associated access for the disabled shall be paved in accordance with the State Building Code.

L. Grading and Drainage

The vehicular use area shall be graded, properly drained, stabilized, and maintained to minimize dust and erosion.

M. Curb and Gutter

Where vehicular use areas are paved, curb and gutter or an equivalent drainage system shall be provided along the periphery of the area.

N. Markings

All spaces and lanes in vehicular use areas shall be clearly delineated with paint lines, curbs, or other treatment, whether the vehicular use area is paved or unpaved.

O. Curbs and Wheel Stops

All parking spaces provided shall have curbs or wheel stops located so that no part of the parked vehicle will extend onto a sidewalk, walkway, adjacent property or landscape area, whether the vehicular use area is paved or unpaved.

P. Exterior Lighting

Exterior lighting in vehicular use areas shall be designed to prevent glare or illumination exceeding maximum allowable levels on adjacent land and shall comply with the standards of Section 5.10, Exterior Lighting, as appropriate.

Q. Landscaping

Landscaping shall be provided in accordance with Section 5.5.10, Parking Lot Landscaping.

5.4.8. PARKING ALTERNATIVES

The Planning and Development Director is authorized to approve an alternative parking plan for development that proposes alternatives to providing the number of off-street parking spaces required by Table 5.4.4.B, Minimum Off-Street Parking Standards, in accordance with the standards of this sub-section. Nothing in this section shall limit the utilization of one or more of the following off-street parking alternatives by a single use.

A. Shared Parking

1. The required off-street parking for a use may be met off-site with the required off-street parking spaces of another use in accordance with the following standards:

(a) The shared parking is located within 1,000 feet as measured from the entrance of the use to the nearest shared parking space.

(b) An improved walkway is provided to the shared parking area from the use.

(c) If the shared parking is located across a thoroughfare, then an adequate and safe pedestrian street crossing, as determined by the Transportation Director, shall exist to safely manage pedestrian crossings. If pedestrian improvements are needed for safe crossings, then the improvements shall be installed prior to use of the shared parking.

(d) The uses served by the shared parking plan must have different peak parking demands, differences in hours or days of operation, or otherwise operate such that the uses have access to the required minimum parking spaces when in operation.

2. The Planning and Development Director may approve up to 100 percent of the minimum parking requirement of a use through a shared parking plan.

3. A written agreement allowing the shared use of parking shall be executed by the owners involved and filed with the Planning and Development Director prior to the use of shared parking facilities. The agreement must guarantee the long-term

availability of parking. Should the agreement cease, then the use shall be considered to contain nonconforming site conditions and future expansions of the use shall be prohibited unless the use is brought into compliance with the minimum parking requirements of this section.

B. Off-Site Parking

1. The required off-street parking for a use may be met off-site in accordance with the following standards:

(a) The off-site parking is located within 1,000 feet as measured from the entrance of the use to the nearest shared parking space.

(b) An improved walkway is provided to the off-site parking area from the use.

(c) If the off-site parking is located across a thoroughfare, then an adequate and safe pedestrian street crossing shall exist to safely manage pedestrian crossings. If pedestrian improvements are needed for safe crossings, then the improvements shall be installed prior to use of the off-site parking.

2. A written agreement allowing the off-site use of parking shall be executed by the owners involved and filed with the Planning and Development Director prior to the use of off-site parking facilities. The agreement shall guarantee the long-term availability of parking. Should the agreement cease, then the use shall be considered to contain nonconforming site conditions and future expansions of the use shall be prohibited unless the use is brought into compliance with the minimum parking requirements of this section.

C. Compact Spaces

Up to 20 percent of the required off-street parking spaces may be provided as compact car spaces in accordance with the following standards:

1. Each compact car space shall be at least 8 feet wide and 16 feet deep.

2. Compact car spaces shall be clearly marked or posted for compact cars only.

5.5. LANDSCAPING STANDARDS

5.5.1. PURPOSE AND INTENT

The purpose of this section is to establish minimum requirements for landscaping. These standards are intended to:

A. Advance the general purposes of this Ordinance;

B. Ensure and encourage the planting, maintenance, restoration, and survival of trees, shrubs, and other plants;

C. Promote the conservation of existing healthy trees and vegetation, and provide for the restoration of land denuded as a result of grading and construction;

D. Ensure visual screening of unsightly areas;

E. Establish appropriate planting yards and screening features to reduce the negative impacts of glare, noise, trash, odors, lack of privacy, and visual appearance that can occur when higher intensity land uses locate near lower intensity land uses;

F. Safeguard and enhance property values and aesthetic qualities, and protect public and private investment;

G. Encourage the use of low impact development techniques and sustainable development practices;

H. Protect and improve environmental functions and conditions by providing eco-system features such as shade, air purification and oxygen regeneration, filtering of stormwater runoff, and mitigation of noise, glare, and heat; and

I. Assure that the appearance of High Point positively contributes to its growth and economic prosperity.

5.5.2. APPLICABILITY

The provisions of this section shall apply to the following, unless exempted in accordance with Section 5.5.3, Exemptions:

A. New Buildings or Uses

Principal buildings constructed or open uses of land established after the effective date of this Ordinance.

B. Changes in Use

Changes in use of one or more in land use intensity (see Table 5.4.10.D, Land Use Intensity), in which case the landscaping requirements of this section apply to the entire zone lot.

C. Expansions

In the case of an expansion of an existing building, outdoor use area, or off-street parking lot, the following standards shall apply:

1. For individual or collective expansions of 50 percent or less, the standards in this section shall apply only to the expanded portion; or

2. For individual or collective expansions that exceed 50 percent, the standards in this section shall be applied to the entire zone lot.

5.5.3. EXEMPTIONS

The following development is exempted from the standards in this section:

A. Single-family detached dwellings;

B. Duplex dwellings;

C. Development in the CB and MX-W districts, except for parking areas;

D. Repaving or restriping of an existing parking area;

E. Where lot lines abut the following forms of development, no planting yard is required:

1. Railroad right-of-ways or easements;

2. Utility easements of 60 feet or more in width; and

3. Street right-of-way that has remained unopened for a period of at least 15 years.

F. Where outdoor seating is provided between a building and a street, no plant material is required in the corresponding portion of the streetyard.

G. No perimeter landscape yard shall be required when single-family detached and single-family attached dwelling units abut one another within the same development.

5.5.4. DISTRICT STANDARDS

Some zoning districts and overlay districts, such as the MS, MX, and the GCO districts, include additional district-specific landscaping standards (See Chapter 3: Zoning Districts).

5.5.5. GENERAL REQUIREMENTS

A. Conceptual Landscape Plan

1. A conceptual, or generalized landscape plan is required as part of a submittal for a land disturbance permit. The purpose of the conceptual plan is to ensure that landscape yard requirements can be met, required undisturbed areas and buffers can be maintained, and slopes in required landscape yards will meet the standards of Section 5.5.12, Landscape Yards on Slopes.

2. Nothing shall prohibit an applicant from filing a revised landscape plan that differs from a conceptual landscape plan.

B. Landscape Plan Required

1. A landscape plan depicting how required landscaping will be planted on a development site shall be included with an application for site plan, group development, or building permit, as appropriate, to ensure compliance with this section.

2. The landscape plan shall be approved prior to, or concurrent with, the approval of a site plan, group development plan, or the issuance of a building permit.

3. A landscape plan shall contain, as a minimum, the following:

(a) Location of required planting material;

(b) Identification of trees and plants, including their scientific names;

(c) Minimum and maximum dimensions of all planting yard areas (see Section 10.2, Rules of Measurement);

(d) Calculations determining the number of canopy trees, understory trees, and shrubs required (see Section 10.2, Rules of Measurement);

(e) Locations, species, and sizes of existing vegetation to be retained and counted towards minimum landscaping requirements; and

(f) Existing topography, or proposed topography where site grading is proposed to occur.

C. Stormwater Detention Pond Landscaping

If landscaping is proposed around or on the embankment of a stormwater detention pond, a landscape plan must be submitted for review to determine that the safety and functionality of the device will not be compromised by the addition of trees and/or shrubs.

D. Landscaping in Bio-retention Cells

Trees and shrubs used in bio-retention cells or rain gardens located in parking lots or within landscape yards may be counted toward tree or shrub requirements provided they meet the minimum specifications in Section 5.5.6, Plant Material Specifications.

E. Phased Development

Development that is planned in phases may submit a landscape plan for the entire development, or separate landscape plans for each phase, which shall be approved prior to approval of the final plat.

5.5.6. PLANT MATERIAL SPECIFICATIONS

A. Canopy Tree Size

1. Canopy trees shall have a minimum height at maturity of 40 feet and a minimum crown width of 30 feet.
2. All canopy trees shall have a minimum caliper size of 2 inches at planting.
3. Evergreen trees shall be a minimum of 6 feet in height at planting.

B. Understory Tree Size

1. Understory trees shall have a minimum height at maturity of 25 to 40 feet, except that trees to be placed below overhead utility lines may not exceed a mature height of 20 feet.
2. Drought tolerant understory trees must have a minimum caliper size of 1 inch at planting.
3. All other understory trees must have a minimum caliper size of 2 inches at planting.

C. Shrub Size and Type

1. Required shrubs in a Type A landscape yard or shrubs located parallel to the edge of parking lots, access drives, loading and unloading areas, and outdoor storage shall be evergreen.
2. Required shrubs in a Type B landscape yard shall be 50 percent or more evergreen.
3. Required shrubs in a Type C landscape yard shall be 25 percent or more evergreen.
4. Required shrubs in a streetyard or in a Type D landscape yard may be evergreen or deciduous.
5. All shrubs must be at least a 3-gallon size and have a minimum height or spread of 15 inches at the time of planting. Shrubs shall reach a minimum height of 36 inches and a spread of 30 inches within 3 years of planting.

D. Species

Plant species used in required landscape yards must be native species or species of a locally adapted nature. Other species may be approved by the Planning and Development Department Director. Refer to the *Development Guide* for listings of acceptable plant material, which includes drought tolerant species and species suitable for planting within 20 feet of overhead utilities.

E. Species Diversity

To curtail the spread of disease or insect infestation in a plant species, new plantings shall comply with the following standards:

1. When fewer than 20 trees are required on a site, at least 2 different species shall be utilized, in roughly equal proportions.
2. When more than 20 but fewer than 40 trees are required to be planted on site, at least 3 different species shall be utilized, in roughly equal proportions.
3. When 40 or more trees are required on a site, at least four different species shall be utilized, in roughly equal proportions.
4. A larger number of different species than specified may be utilized.
5. In no instance shall invasive species be utilized as landscaping materials to meet the requirements of this section.

F. Stabilization

Landscape yards shall be stabilized and maintained with ground cover, mulch, or other approved materials to prevent soil erosion and allow rainwater infiltration. Landscape yards with slopes of 15 percent or more shall be stabilized with vegetative cover to minimize erosion and mulch washout. Use of landscape fabric on slopes of 15 percent or more is discouraged.

G. Grouping of Plant Material

1. Except within a Type A planting yard, plant material may generally be grouped or clustered within the required landscape yards, however, the overall intent of the particular planting yard must be adequately addressed. Groupings or clusters shall be depicted on the landscape plan and be approved by the Planning and Development Director.
2. Perimeter landscaping materials adjacent to parking lots, access drives, loading and unloading areas, and outdoor storage may not be grouped.
3. Required plant material in a Type A planting yard may not be grouped, and shall be planted according to the required on-center spacing in Table 5.4.10.C, Perimeter Landscape Yard Types.

H. Berms

1. Berms may be used independently, or in conjunction with a wall or fencing, to meet the screening intent of the Type A Planting Yard.
2. Berms must be stabilized, have a slope not exceeding 3:1 (horizontal to vertical), have a crown width at least ½ the berm height, and may be no taller than 8 feet above the toe of the berm slope.
3. A berm may not damage the roots of existing healthy vegetation designated to be preserved.
4. A berm may not be designed or placed as to interfere with required sight distances.

I. Fences

1. Opaque fences, a minimum of 5 feet in height, constructed within required planting yards, may reduce the minimum and average planting yard width requirement in accordance with Table 5.4.10.C, Perimeter Landscape Yard Types.
2. If utilized, fences shall be located within the planting yard and all required shrubs shall be planted between the fence and the lot line. Required trees may be planted behind the fence.

J. Planters

1. Planters shall be constructed of masonry, stone, or pressure treated lumber stamped for ground contact. Other materials may be approved, based upon their durability, by the Planning and Development Director,
2. Planters shall have a minimum height of 30 inches and have an effective planting area of 7 feet (measured in any direction) if trees are to be planted and an effective planting area of 4 feet (measured in any direction) if no trees are to be included.
3. The minimum height of shrubs in the planter, except for ground cover, shall be 6 inches at the time of planting.
4. ADA-approved grates must be used atop all tree wells.

5.5.7. LIMITATIONS ON LANDSCAPING PLACEMENT

A. Easements

1. Required trees and shrubs planted within a utility or a water quality conservation easement must be approved by the easement holder (whether such easement pertains to above or below ground rights).
2. When trees or shrubs are planted in a utility easement or a water quality conservation easement, the landowner is responsible for replacement of any required vegetation if maintenance or other utility requirements result in its removal.
3. When trees or shrubs are planted in a water quality conservation easement, they shall not impact the easement design or impede the flow of water through the easement.
4. When required landscaping is permitted to be placed in an easement, the easement width may be counted toward the minimum landscape yard width. Additional area outside the easement shall be provided to meet minimum and average required landscape yard widths.
5. Where an easement and a required landscape yard coincide, and there is a prohibition on planting within a portion of the easement, and the remaining width is not sufficient to properly contain required plant material, then the landscape yard width shall be expanded in an amount necessary to include all required plant material.

B. Fire Protection System

Minimum clear separation distances required by the current adopted version of the North Carolina Fire Code shall be maintained for landscaping near a fire protection system.

C. Obstructions at Intersections

No trees or shrubs shall be planted or maintained in such a manner as to obstruct visibility for motorists at any street intersection in accordance with the standards of Chapter 6 of the City Code, Visibility at Intersections.

D. Plantings in the Right-of-Way

Required planting materials shall not be located within a public right-of-way unless approved in accordance with Section 5.5.13, Alternate Landscape Plan, and shall be subject to an encroachment agreement between the landowner and the City.

E. Permitted Encroachments

The following are permitted in required landscape yards as indicated, provided the landscaping requirements are met and there is no interference with visibility at intersections.

1. The following features may be located entirely within landscape yards required by this section:

- **(a)** Landscaping features such as, ornamental pools, planting boxes, sculpture, arbors, trellises, and birdbaths;
- **(b)** Pet shelters;
- **(c)** At-grade patios or decks;
- **(d)** Play equipment;
- **(e)** Outdoor furniture and fireplaces;
- **(f)** Ornamental entry columns, gates, fences, walls, and retaining walls;
- **(g)** Flagpoles of 30 feet in height or less;
- **(h)** Lamp and address posts;
- **(i)** HVAC equipment, well houses, and utility cabinets of 4 feet in height or less;
- **(j)** Mailboxes and incidental signage;

2. The following features may encroach up to $2^1/_2$ feet into a required landscape yard, but no closer than 3 feet from any lot line:

- **(a)** Cornices;
- **(b)** Steps;
- **(c)** Canopies;
- **(d)** Overhanging eaves and gutters;
- **(e)** Window sills, bay windows or similar architectural features;
- **(f)** Chimneys; and
- **(g)** Fire escapes, fire balconies, and fire towers.

3. Up to 15 percent of a required landscape yard may be occupied by walkways and steps that are not connected to any above-grade structure.

4. A stormwater facility with an approved alternate landscape plan.

5. Handicap ramps, but not porches or landings.

F. Multiple-Lot Development

1. A multiple-lot development, such as a shopping center, that is configured and developed as a single entity shall be treated as a single zone lot for the purposes of applying the parking lot, landscape yard, and streetyard standards.

2. Individual lots within a multiple-lot development shall be subject to the screening requirements in Section 5.6, Screening.

5.5.8. CREDIT FOR EXISTING VEGETATION

A. General Standards

Existing healthy, well-formed canopy and understory trees that are in or within 10 linear feet of a required landscape yard and that meet or exceed the standards of this section may be credited toward the applicable tree planting requirements of this section, in accordance with the following:

1. The landowner or developer has provided a plan showing the location and size of canopy and understory trees to be credited, and trees depicted on the plan have been marked or identified on the site.

2. The canopy and understory trees to be credited are protected before and during development by tree protection fencing in accordance with the *Development Guide*.
3. The location of the existing canopy and understory trees to be credited contribute to the screening or buffering functions of the landscaping.
4. Any canopy or understory trees for which credit has been received that die shall be replaced in a manner that ensures the landscaping meets the requirements of this section.

B. Amount

1. Existing trees meeting the standards in (A) above that are retained during and after development shall be credited towards the minimum landscape requirements at a rate of 1.25 times the tree's actual DBH.
2. Trees to be credited shall be verified prior to credit being provided.

C. Credit Determination

1. The amount of credit towards the number of required new trees is determined by dividing the total DBH of trees to be retained by the minimum caliper inch size of required plantings (see Section 5.5.6, Plant Material Specifications). Example: A development site that retains 3 8-inch DBH canopy trees will be credited for a total of 30 inches DBH of existing trees ((8x3) x 1.25 = 30 DBH), or 10 newly-planted canopy trees (30/3=10).
2. The Planning and Development Director shall verify and approve trees to be credited in accordance with this section.

D. Streetyard Requirements

Regardless of the number or size of preserved trees in required streetyards, there shall be at least 1 canopy tree for every 50 linear feet of required streetyard.

5.5.9. TIME FOR INSTALLATION OF REQUIRED LANDSCAPING

A. Timing

Required landscaping (including mulching and seeding) shall be installed in accordance with this section prior to the issuance of a certificate of occupancy unless a financial guarantee is established to ensure installation at a later date.

B. Financial Guarantee

A financial guarantee prepared in accordance with Section 7.2, Financial Guarantees, shall be in place whenever occupancy is desired and required landscaping has not been completed. The maximum length of time for a landscaping financial guarantee shall be 6 months, which may be extended one time for up to 90 days by the Planning and Development Director.

C. Multi-Phase Development

Multi-family, nonresidential, and mixed-use development that is planned and developed in phases shall be required to install landscaping that is associated with the active phase or phases only, unless an alternative arrangement is otherwise agreed to by the Planning and Development Director and the developer. An active phase of a development is the one that is subject to permitted and on-going development activity.

5.5.10. PARKING LOT LANDSCAPING

A. Applicability

1. Unless exempted, in accordance with Section 5.5.3, Exemptions or Section 5.5.10.D, Exemptions, the parking lot landscaping standards in this section shall apply to all new development with 5 or more parking spaces.
2. Expansions of existing parking lots shall provide additional parking lot landscaping in accordance with Section 5.5.2.C, Expansions.

B. General Rate

Parking lot landscaping shall include at least 1 canopy tree for every 12 parking spaces.

C. Placement of Canopy Trees

1. Required interior and perimeter parking lot canopy trees shall be placed such that no parking space is more than 80 feet from the trunk of a canopy tree for new or redeveloped nonresidential parking areas, and 50 feet for new or redeveloped residential parking areas.
2. In cases where an approved alternate landscape plan permits understory trees to be substituted for canopy trees, they shall be placed such that no parking space is more than 50 feet from the trunk of an understory tree for nonresidential parking areas, and 30 feet for residential parking areas.
3. Additional trees above the minimum number required may be used to meet this standard.

D. Exemptions

Off-street parking lots of 20 or fewer spaces located in the Core City and on the same zone lot as the principal use they serve are exempted from the standards of this section. Two or more parking lots on the same zone lot that are physically separated by buildings and are not physically connected by internal drives shall be considered independently for the purposes of determining exemption from these standards.

E. Interior Landscaping Standards

1. General Standards

(a) For the purposes of parking lot landscaping, the interior of a parking lot shall be all of the area within the outer boundary of the parking lot including interior and corner landscape islands intended to fulfill the interior parking lot landscaping requirements, but not including perimeter landscape yards (see Figure 5.5.10.E, Parking Lot Landscaping Area).

(b) These standards shall not apply to parking structures, or vehicle display areas.

(c) Required interior canopy trees shall be distributed throughout parking areas and may be located in landscape islands, landscape divider medians between rows of parking, or in driveway medians. Trees used to satisfy the general rate requirement in Section 5.5.10.B, General Rate, may not be counted toward any landscape yard requirement.

FIGURE 5.5.10.E, PARKING LOT LANDSCAPING AREA

2. Landscaping Islands and Strips

A parking aisle with more than 12 spaces in a single row shall provide and maintain landscaping islands or strips in accordance with the following standards.

(a) Islands for planting canopy trees shall have a minimum dimension of 9 feet and a minimum area of 162 square feet, including the curb.

(b) Landscape islands that do not contain canopy trees may contain understory trees and shall contain 3 or more shrubs. Landscape islands that do not contain canopy trees shall have minimum dimension of 5 feet, including the curb.

(c) Landscape strips between adjoining rows of parking spaces or serving as

driveway medians shall have a minimum dimension of 7 feet, including the curb, if canopy trees are included and 5 feet in all other cases, including the curb. Landscape strips that do not have canopy trees shall include shrubs planted no more than 10 feet on center.

3. Separation of Light Poles and Trees

In order to prevent the need to excessively trim trees within landscape areas and to maintain the effectiveness of parking area lighting, light poles shall be spaced at least 10 linear feet from a canopy tree trunk, to the maximum extent practicable.

4. Protection of Landscape Islands

Landscape islands shall be protected from vehicle damage by the installation of curbing, wheel stops or other comparable methods. The placement of plant material within landscape islands shall allow for a 2-foot vehicle overhang from the face of the curb or wheel stop.

5. Stormwater Management

A landscape island may be designed to function as a stormwater management device.

F. Parking Lot Perimeter Landscaping Required

Where a parking lot abuts a street or other development (other than another parking lot), landscaping shall be provided and maintained in accordance with the following:

1. Intent

Parking lot perimeter landscaping shall be designed to soften the view of the parking lot from an abutting street or development and to filter spillover light from vehicle headlights. Required plant material shall be planted in such a way as to best achieve this intent.

2. Location

(a) Required plant material shall be placed adjacent to the perimeter of the parking area.

(b) Depending upon the geometric relationship of the parking lot to the property lines or to topographic conditions, plant material may be placed away from the edge of the parking area, if necessary, to best achieve the intent of this subsection.

3. Planting Rate

(a) Parking lot perimeter landscaping shall be provided in an amount equivalent to a Type D landscape yard except that plant material shall be uniformly distributed along the parking lot perimeter.

(b) Parking lot perimeter landscaping shall be credited toward the perimeter landscape yard planting requirement along the portion of the lot line parallel to the to the parking lot perimeter landscaping.

4. Size of Plant Material

Evergreen shrubs used for parking lot perimeter landscaping shall be in accordance with Section 5.5.6.C, Shrub Size and Type.

5. Alternative Configuration

An opaque or semi-opaque (50 percent opaque or more) decorative fence may be provided in-lieu of the shrub requirement if the fence is 48 inches above grade level, located adjacent to the perimeter of the parking lot, and is made of brick, stone, wrought iron, decorative aluminum or steel, painted or stained wood, or

composite material. Upon review, the Planning and Development Director may require up to 50 percent of the required number of shrubs where a semi-opaque fence is proposed to ensure the parking lot is sufficiently screened. Chain link fencing, with or without slats, shall not be credited towards landscaping requirements, but may be incorporated between a perimeter landscape strip and the parking area.

6. Exemptions

Where parking lots are adjacent to one another, but on different lots, a perimeter landscape yard is not required along the common boundary of the parking lots. However, the requirements of Section 5.5.10, Parking Lot Landscaping, shall be met.

5.5.11. PERIMETER LANDSCAPE YARDS

A. Applicability

Landscape yards are required along the perimeter, extending inward from the lot line, of a zone lot or development site in accordance with Table 5.4.10.C, Perimeter Landscape Yard Types, and Table 5.4.10.D, Landscape Yard Type Application. They are intended to mitigate potential adverse impacts that may result when higher intensity land uses are located adjacent to lower intensity land uses.

B. General

1. The width of permitted driveways and permitted cross-access easements, measured at the lot line, shall be excluded from the calculation of required plant material.
2. A perimeter landscape yard may be located along shared access easements between parcels in nonresidential development.
3. A perimeter landscape yard in a multiple lot development that is configured and developed as a single entity, is only required around the outer perimeter of the development.
4. Stormwater management devices that incorporate vegetation (e.g., bio-retention cell, rain garden, constructed wetlands, etc.) may be placed within a perimeter landscape yard provided the screening function of the landscape yard is maintained. Any plant material meeting the minimum requirements for the landscape yard may be counted toward the requirements.

C. Types of Landscape Yards

Table 5.5.11.C, Perimeter Landscape Yard Types, establishes standards for the following different landscape yards:

1. Streetyard;
2. Type A Opaque Landscape Yard;
3. Type B Semi-Opaque Landscape Yard;
4. Type C Intermittent Landscape Yard; and
5. Type D Basic Landscape Yard.

The standards are based on whether the development is within or outside the Core City.

TABLE 5.5.11.C: PERIMETER LANDSCAPE YARD TYPES

Landscape Yard Type	Description/Minimum Requirements	
	Inside Core City	Outside Core City
Streetyard		
Intent: This landscape yard functions to distinguish the edge of the street right-of-way and adjacent private land and to provide continuity of vegetation along public streets.		
Average width (feet) [1]	8	10
Minimum width (feet) [2]	5	8
Maximum width (feet)	15	15
Canopy trees per 100 linear feet [3]	2	2
Shrubs per 100 linear feet	17	17
Type A Opaque Landscape yard		
Intent: This landscape yard functions as an opaque screen from the ground to a height of 8 feet. This type of buffer prevents visual and auditory contact between uses and creates a strong impression of total separation. Yard shown at maturity		
Average width (feet)	25	45
Minimum width (feet) [2]	20	35
Maximum width (feet)	30	70
Canopy trees per every 100 linear feet/on-center spacing (feet) [3]	2/50	4/25
Understory trees per every 100 linear feet/on-center spacing (feet)	5/20	10/10
Evergreen shrubs per every 100 linear feet/on-center spacing (feet)	10/10	33/3
5-foot opaque fence	Reduces average and minimum widths by 5 feet	Reduces average and minimum widths by 10 feet

TABLE 5.5.11.C: PERIMETER LANDSCAPE YARD TYPES

Landscape Yard Type	Description/Minimum Requirements	
	Inside Core City	Outside Core City
Type B Semi Opaque Landscape Yard		
Intent: This landscape yard functions as a partially opaque screen from the ground to a height of 6 feet. This type of buffer prevents visual contact between uses and creates a sense of spatial separation. Yard shown at maturity		
Average width (feet)	15	25
Minimum width (feet) [2]	12	20
Maximum width (feet)	25	45
Canopy trees per every 100 linear feet[3]	2	4
Understory trees per every 100 linear feet	4	6
Evergreen shrubs per every 100 linear feet	8	25
5-foot opaque fence	Reduces average width by 3 feet and minimum width by 2 feet	Reduces average and minimum widths by 5 feet
Type C: Intermittent Landscape Yard		
Intent: This landscape yard functions as an intermittent visual screen from the ground to a height of 5 feet. It is intended to partially block visibility between different uses but not totally obstruct visual contact from one use to another. Yard shown at maturity		
Average width (feet)	10	15
Minimum width (feet) [2]	8	10
Maximum width (feet)	20	35
Canopy trees per every 100 linear feet [3]	2	3
Understory trees per every 100 linear feet	3	4

TABLE 5.5.11.C: PERIMETER LANDSCAPE YARD TYPES

Landscape Yard Type	Description/Minimum Requirements	
	Inside Core City	Outside Core City
Evergreen shrubs per every 100 linear feet	6	20
5-foot opaque fence	Reduces average width by 2 feet	Reduces average and minimum widths by 5 feet
Type D: Basic Landscape Yard		
Intent: This landscape yard functions as a means to demarcate boundaries between different uses and provide only a slight visual obstruction between different uses. Yard shown at maturity		
Average width (feet)	5	8
Minimum width (feet) [2]	5	5
Maximum width (feet)	10	15
Canopy trees per every 100 linear feet [3]	None	
Understory trees per every 100 linear feet	2	2
Evergreen shrubs per every 100 linear feet	12	15
5-foot opaque fence	No additional reductions	

NOTES:
[1] Within the Core City, where a required streetyard cannot be accommodated due to the location of existing development or other site related issue, an adjustment may be approved in accordance with Section 2.5.2, Administrative Adjustment
[2] If the required principal building setback is less than the required landscape yard width, the principal building setback controls and the landscape yard width shall be reduced only along the length of the building wall that encroaches into the landscape yard. Regardless of reduction in streetyard width, the required planting material must be installed, though its location may be modified in accordance with Section 5.5.13, Alternate Landscape Plan.

D. Landscape Yard Type Application

1. To determine the type of landscape yard required, first identify the land use intensity of the proposed (new, changed, or expanded) use, then identify the land use intensity of each existing use on adjacent sites (see Table 5.5.11.E, Land Use Intensity). Then, using Table 5.5.11.D, Type of Landscape Yard Required, the intersection of the row associated with the proposed use and the column associated with the adjacent use shows the type of planting yard required.

2. The land use intensity is a number that corresponds to the intensity of

development.

3. A land use is considered to "exist" on an adjacent property when a building permit is issued.
4. If a zone lot contains uses with different land use intensities, the higher numbered land use intensity applies unless an Administrative Adjustment is approved in accordance with Section 5.5.13, Alternate Landscape Plan.
5. No landscape yard shall be required where a proposed use is adjacent to an existing agricultural use.

TABLE 5.5.11.D: LAND USE INTENSITY

Use Classification	Use Category	Use Type	Land Use Intensity Score
Agricultural	Agriculture	All	Crops: 1 Livestock: 3
Residential	Common Elements Recreation	Common elements recreation	1
	Household Living	SF detached; Family care home; Manufactured dwelling; Duplex dwelling; Live/work	1
		Multi-family; SF attached, Triplex; Quadplex	2
	Group Living	All, except SRO	2
		SRO	3
	Life Care	All	2
Institutional	Civic	Assembly & Cultural Facilities, major & minor	3
		Cemetery	1
		Correctional facility	4
		Governmental facility; Public safety facility	3
		Public Recreation facility	3
	Day Care	Day Care Center	3
	Education	All, except truck driving school	3
		Truck driving school	4
	Health Care	All	3
	Religious Institutions	All	3
	Transportation	Airport	5
		Park and ride facility	3
		Passenger terminal	4
		Taxi or limousine service	4
	Utilities	Communication or broadcasting facilities	3
		Solar array; Wireless telecommunication facility; Utility minor	3
		Utility major	4
Commercial	Adult Entertainment	Adult entertainment	4
	Animal Care	Major	4
		Minor	3
	Eating establishments	All	3
	Offices	All	3

TABLE 5.5.11.D: LAND USE INTENSITY

Use Classification	Use Category	Use Type	Land Use Intensity Score
	Commercial Parking	Commercial Parking	3
	Personal Services	All	3
	Recreation and Leisure	Amusement & entertainment	3
		Amusement parks	5
		Sports & fitness centers	3
	Retail Sales	All	3
	Vehicle Establishments	All	3
	Visitor Accommodations	Bed and Breakfast	1
		Hotel or motel	3
Industrial	Extractive Industry	Extractive industry	5
	Industrial Service	All	4
	Manufacturing and Production	All, except microbrewery, microdistillery, microwinery, or motion picture production	5
		Microbrewery, microdistillery, or microwinery	4
		Motion picture production	3
	Warehouse and Freight Movement	All	4
	Waste-Related Service	All	4
	Wholesale trade	All, except market showroom	4
		Market Showroom	3

TABLE 5.5.11.E: TYPE OF LANDSCAPE YARD REQUIRED

A= Type A buffer B = Type B buffer C = Type C buffer D = Type D buffer n/a = no buffer required

Land Use Intensity of Proposed Use	Land Use Intensity of Existing Adjacent Use					
	1	2	3	4	5	Vacant
1	n/a	n/a	n/a	n/a	n/a	n/a
2	C	n/a	C	B	B	D
3	B	B	n/a	C	B	D
4	A	A	C	n/a	C	D
5	A	A	B	C	n/a	n/a

E. Streetyard Standards

1. Streetyard landscaping shall be installed in accordance with Table 5.5.11.C, Perimeter Landscape Yard Types. Trees associated with streetyard landscaping shall not be located within 4 feet of the right-of-way line.
2. Off-street parking, storage, or display shall be prohibited within a streetyard.
3. No streetyard landscaping shall be required along an alley.

5.5.12. LANDSCAPE YARDS ON SLOPES

Slopes over 50 percent shall not be used to meet a landscape yard requirement. Slope areas of between 33 percent and 50 percent may be used to meet a landscape yard requirement in accordance with the following:

A. Existing Slope with Adequate Tree Cover

If the required number of trees for the applicable landscape yard exists on the slope, then the slope area is deemed to meet the landscape yard requirements, provided that no healthy trees or other vegetation are removed and no grading or clearing of the slope occurs.

B. Existing Slope without Adequate Tree Cover

If the slope area lacks the required number of trees for the applicable landscape yard, then additional trees and vegetation shall be provided to meet the landscape yard requirement. No existing healthy trees or vegetation may be removed and no grading or clearing of the slope may occur.

C. Newly-graded Slope

If the slope area is newly graded, the slope area shall be replanted to provide tree cover over the entire area. Plans for replanting shall include a minimum of one canopy tree per 400 square feet of surface area and may be made up of a mixture of deciduous hardwood and evergreen trees meeting the minimum standards of Section 5.5.6, Plant Material Specifications. Replanting plans are subject to the approval of the Planning and Development Director, and upon installation will be deemed to meet the tree requirement for the applicable landscape yard.

5.5.13. ALTERNATE LANDSCAPE PLAN

An alternate landscape plan may be approved by the Planning and Development Director, that allows modifications to the requirements of this section. Natural physical conditions (such as streams, wetland areas, and topography), lot configuration, utility easements, desire to retain existing vegetation, and impractical situations that would result from application of Section 5.5 Landscaping Standards, may justify approval of an alternate landscape plan.

A. Intent

Any alternate landscape plan approved shall meet the intent of the applicable planting yard(s) and the purpose and intent of the landscaping standards of this section.

B. Allowable Modifications

1. The following landscape standards may be modified by an alternate landscape plan.

- **(a)** The location of required plant materials;
- **(b)** The configuration of required plant materials; and
- **(c)** The number of required plant materials.

2. The alternative landscape plan shall include justification for the modifications requested, based upon but not limited to the following:

- **(a)** The presence or planned location of public utilities, infrastructure, or easements;
- **(b)** The location of existing healthy vegetation or other beneficial site features to be retained after development;
- **(c)** The size, shape, or topographic elevation of the site relative to the street(s) it abuts; and
- **(d)** The need to protect solar access or avoid permanently shaded areas on the

site.

5.5.14. ADDITIONAL PLANTING YARD FLEXIBILITY

A. Substitution

1. Canopy trees may be substituted for shrubs at the rate of 1 canopy tree for 8 shrubs, and understory trees may be substituted for shrubs at the rate of 1 understory tree for 5 shrubs if approved by the Planning and Development Director.
2. Understory trees may be substituted for canopy trees at the rate of 2 understory trees for each canopy tree when a conflict exists due to overhead utility lines.

B. Existing Lots of Record

1. On lots of record that existed prior to March 1, 1992 that are less than 55,000 square feet in area, no development is required to landscape more than 15 percent of the lot. Priority shall be placed on meeting streetyard requirements first, then on other perimeter landscape yards.
2. Where a required landscape yard is reduced in width by 10 feet or more than the minimum requirement, and the differential in land use intensity is 2 or more categories, a 5-foot opaque fence may be required by the Planning and Development Director.

C. Plantings in Shaded Areas

Where a building is located less than 10 feet from a lot line, and the landscape yard would be heavily shaded by buildings on either side of the lot line, required trees and shrubs may be planted outside the shaded area to improve their chances of survival.

5.5.15. LANDSCAPE YARD MAINTENANCE

A. General

The landowner is responsible for maintaining all required plant materials and landscape yards in good health and appearance. Any dead, unhealthy, severely damaged, or missing plants (whether preserved or installed) must be replaced with new plant material equal in quantity and quality. Replacement plant material shall be installed within 180 days of the date of owner notification. The obligation for continuous maintenance is binding on any subsequent owners of the land, or any other parties having a controlling interest in the property.

B. Protection of Plant Material

The landowner or developer shall take actions to protect trees and landscaping from unnecessary damage during all facility and site maintenance operations. When landscape yards are adjacent to parking lots or drives, plants shall be protected from damage by vehicles, lubricants, or fuels.

C. Maintain Shape and Function

All required trees (whether canopy or understory) shall be maintained in their characteristic natural shape, be allowed to reach their mature size, and shall not be severely pruned, sheared, topped, or shaped as shrubs. Trees (including, but not limited to crepe myrtles) that have been so altered, such that they no longer serve their intended function as trees within the landscaping yard, shall be considered as damaged vegetation and shall be replaced in accordance with this section.

D. Trimming and Pruning

Trimming and pruning of trees shall be conducted in compliance with ANSI standards and the *Development Guide*. Shrubs shall be maintained in a way that does not obstruct sight distances at public street intersections, obstruct traffic signs or devices, or interfere with the use of sidewalks or pedestrian trails.

5.5.16. REMOVAL OR RELOCATION OF TREES AND SHRUBS

A. Authorized Removal

1. Once installed and inspected, required landscape material shall not be removed or relocated without approval of a revised landscape plan.
2. If approved, all plant material removed shall be replaced at a ratio of one-to-one.

B. Hazardous Trees

If any required tree is determined to be in a hazardous condition such that it is an immediate danger to the public safety, or it is an immediate threat to or has caused disruption of public services, the Planning and Development Director may authorize the removal of the tree without prior alternate landscape plan approval. Following removal, the Planning and Development Director shall determine if tree replacement is necessary in accordance with section (A)(2) above.

C. Unauthorized Removal

1. Except in accordance with Section 5.5.16.B, Hazardous Trees, if any required plant material is removed without approval of an alternate landscape plan, it shall be considered a violation of this Ordinance in accordance with Chapter 9: Enforcement.
2. In addition to the applicable remedies in Chapter 9: Enforcement, unauthorized removal of trees and shrubs shall result in the requirement for landscape material replacement in accordance Table 5.5.16, Replacement of Landscape Material Following Unauthorized Removal. All replacement landscaping shall be placed in the same yard area from which it was removed, unless it is approved in accordance with Section 5.5.13, Alternate Landscape Plan.

TABLE 5.5.16, REPLACEMENT OF LANDSCAPING MATERIAL FOLLOWING UNAUTHORIZED REMOVAL

Type of Required Landscaping Material Removed [1]	Replacement Ratio [Amount Replaced: Amount Removed]
Canopy trees less than or equal to 8 inches DBH	2:1
Canopy trees between 8 inches and 23.9 inches DBH	3:1
Canopy trees of 24 inches or more DBH	4:1
Understory trees less than or equal to 8 inches DBH	2:1
Understory trees between 8 inches and 14.9 inches DBH	3:1
Understory trees of 15 inches DBH or more	4:1
Shrubs	2:1
NOTES: [1] If the size of removed trees cannot be accurately determined, all removed trees shall be replaced in a 3:1 ratio.	

D. Replacement of Dead or Diseased Material

The replacement of dead or diseased trees and shrubs in a 1:1 ratio in the same location is considered normal landscape yard maintenance and shall not require approval of an alternate landscape plan.

5.6. SCREENING

5.6.1. PURPOSE AND INTENT

These screening standards are intended to reduce the impact of necessary site structures and equipment upon adjacent property and enhance the aesthetics of the public streetscape.

5.6.2. APPLICABILITY

The provisions of this section apply to solid waste collection facilities, loading docks and loading bays, and ground-based mechanical equipment for the following, unless exempted in accordance with Section 5.6.3, Exemptions:

A. New Buildings or Uses

Principal buildings constructed or open uses of land established after the effective date of this Ordinance.

B. Changes in Use

Changes in use of one or more in land use intensity (see Table 5.5.11.D, Land Use Intensity).

C. Expansions

Expansions of principal buildings that exceed 1,000 square feet of gross floor area (GFA) or the total of additions or expansions of principal buildings, open uses of land or off-street parking that individually or collectively exceed 3,000 square feet.

5.6.3. EXEMPTIONS

The following shall be exempt from the standards in this section:

A. Heavy Industrial (HI) District

Solid waste collection, loading facilities, and ground-based mechanical equipment in the HI district are exempted from the requirements of this section, unless the structure or equipment is within 100 feet of a lot with an existing residential use.

B. Loading Docks

1. Loading docks and loading bays in the CB district are exempted from the requirements of this section.
2. Loading docks and loading bays in the LI district that face an industrial street are exempted from the requirements of this section.

C. Areas Hidden from Off-Site View

Screening is not required where site or topographic features effectively prevent off-site views of equipment and structures to be screened, as determined by the Planning and Development Director.

D. Single-family Attached and Multi-family

Single-family-attached and multi-family developments are exempt from the screening requirements for ground-based mechanical equipment.

5.6.4. GENERAL STANDARDS

A. Screening from Streets and Residential Uses

Applicable structures and equipment shall be screened from view from any street, and from any adjacent residential use, as seen from any point on the lot line at a height of 6 feet.

B. Area and Height May Vary

The area and height of required screening depend upon the location of the structure or equipment relative to any adjacent residential lot and the view from the street, as determined by the Planning and Development Director.

5.6.5. SPECIFIC STANDARDS FOR SOLID WASTE FACILITIES

In addition to the general standards, solid waste collection facilities:

A. Behind Rear Line of Principal Building

Should be located behind the rear building line of the principal building; and

B. Enclosed

Shall be enclosed when located within 50 feet of a lot containing a residential use.

5.6.6. SCREENING METHODS

Solid waste collection, loading facilities, and ground-based mechanical equipment may be screened by any of the following methods, in single use or in combination:

A. Vegetation

Evergreen vegetation meeting the requirements of Section 5.5.6, Plant Material Specifications, so as to achieve the minimum screening height within 3 years of planting;

B. Berms

Berms meeting the requirements of Section 5.5.6, Plant Material Specifications;

C. Fencing

Opaque fence constructed of treated wood, rot-resistant wood (such as cypress or redwood), plastic, or vinyl;

D. Walls

1. Masonry wall constructed of brick, textured concrete masonry units, or stuccoed block; or
2. Walls of a principal or accessory structure.

5.6.7. PROHIBITED SCREENING MATERIALS

Chain-link fencing with woven slats of opaque materials is not an allowable method for screening compliance.

5.7. SIGNAGE

5.7.1. PURPOSE AND INTENT

The purpose of this section is to support and complement the various commercial and nonresidential uses through regulations concerning the placement, number, location, size, appearance, illumination, and animation of signs. The erection of signs is controlled and regulated in order to promote the health, safety, welfare, convenience, and enjoyment of travel on streets. The provisions of this section are more specifically intended to:

A. Promote the reasonable, orderly, and effective display of signs, displays, and devices;

B. Protect the public welfare as well as land values by preserving the aesthetic qualities of the city's environment;

C. Preserve the city's environment from excessive and obtrusive signs;

D. Promote the safety of persons and land by providing that signs do not create traffic hazards or hazards due to collapse, fire, collision, decay, or abandonment;

E. Promote the efficient transfer of general public and commercial identification or information, and maintain a viable business community throughout the year by improving the legibility and effectiveness of signs; and

F. Enhance the image, appearance, and economic vitality of the city.

5.7.2. APPLICABILITY

A sign may only be erected, affixed, placed, painted, or otherwise established in the City in accordance with the standards in this section.

5.7.3. VARIANCES

The sign height and location standards in this section may only be varied in accordance with standards and requirements of Section 2.4.15, Variance. The standards in this section pertaining to sign number, size, illumination, or minimum spacing may not be varied.

5.7.4. GENERAL STANDARDS

A. Area

Sign face area and height shall be measured in accordance with the standards in Section 10.2.10, Signage.

B. Removal of Signs

A sign for which a sign permit has lapsed or has been revoked, or for which the time allowed for the continuance of a nonconforming sign has expired, shall be removed.

C. Multiple-Lot Development

Signage within a multi-lot development shall be subject to the following standards:

1. A multiple-lot development shall be considered as a single lot for the purposes of sign review and permitting;

2. Signage in a multiple-lot development shall be configured in accordance with Section 5.7.13, Common Signage Plan;

3. Signage associated with a multiple-lot development shall be permitted in accordance with the regulations governing outparcels and lease lots in the RC

district; and

4. A development entrance or development identification sign shall be permitted in accordance with the zoning district where it is located.

D. Signs in Right-of-Way

A sign installed or placed on public land or rights-of-way, except in compliance with this section or under an encroachment agreement with NCDOT or the City, shall be forfeited to the public and be subject to confiscation.

E. Obstructions at Street Intersections

No sign shall be erected or maintained in a manner that obstructs visibility for motorists at any street intersection in accordance with the standards in Chapter 6: Visibility at Intersections, of the City Code of Ordinances.

F. Obsolete Sign

A sign which advertises a business no longer conducted on the premises shall be removed within 90 days of cessation of such business.

G. Unsafe Sign

A sign which is unsafe or insecure, or is a menace to the public shall be removed after due notice is given by the Planning and Development Director.

H. Deteriorated or Abandoned Sign

A sign which is abandoned or which is not properly maintained, including cleaning and painting of painted surfaces and replacement of damaged parts, shall be removed after due notice is given by the Planning and Development Director.

I. Sign Installed Without a Permit

A sign which is installed in violation of the State Building Code or in violation of this Ordinance shall be removed after due notice is given by the Planning and Development Director.

J. Nonconforming Signs

Nonconforming signage shall be subject to the requirements in Section 8.5, Nonconforming Signs.

K. Nonconforming Uses

New signage for a nonconforming use shall be permitted provided the signage complies with the standards in this section.

5.7.5. DESIGN, CONSTRUCTION, AND MAINTENANCE

A sign shall be designed, constructed, and maintained in accordance with the following standards:

A. Other Codes

A sign shall comply with applicable provisions of the State Building Code and the electrical code.

B. Permanence

Except for banners, flags, temporary signs, and window signs conforming with the requirements of this section, all signs 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.

C. Maintenance

A sign shall be maintained in good structural condition, in compliance with the building and electrical codes, and in conformance with this section.

D. Obstruction

A sign shall not be erected so as to obstruct a fire escape, required exit, window, door opening, or wall opening intended as a means of ingress or egress.

E. Ventilation Interference

A sign shall not be erected so as to interfere with an opening required for ventilation.

F. Above Ground Clearance

A sign shall be located in such a way that it maintains horizontal and vertical clearance from all electrical power lines and communication lines in accordance with the applicable provisions of the National Electrical Safety Code (NESC).

G. Ground Clearance

A sign and its supporting structure shall maintain clearance from surface and underground utilities, conduits or easements for water, sewage, gas, electricity or communication equipment. In addition, the placement of a sign and its supporting structure shall not interfere with natural or artificial drainageways.

H. Interference to Warning or Instructional Sign

A sign shall not be erected so as to interfere with any existing warning or instructional sign.

I. Minimum Wind Loads

A sign, except a sign attached flat against the wall of a building, shall be constructed to withstand minimum wind loads as specified by the State Building Code.

5.7.6. PROHIBITED SIGNS

Unless otherwise allowed under this section or this Ordinance, the following signs are prohibited:

A. A windblown device such as a pennant, banner, streamer, spinner, balloon, gas filled figure, and other similar device, except as temporary identification for market showrooms and as advertising for a temporary event or special promotion.

B. An animated sign, except video wall signs that use changing light to depict action or create special effects.

C. A video wall sign, except in the CB district.

D. An electronic changeable copy sign, except in the CB, GB, MS, LB, and RC districts.

E. A portable sign legible from the public right-of-way, except with a certificate of zoning compliance, or as permitted in Table 5.7.8, Requirements for Signs not Requiring a Permit, for A-frame signs and temporary off-site signs.

F. A sign which projects over a public right-of-way, except that a wall sign may project not more than 18 inches over a public right-of-way in zoning districts which permit structures to be built at the lot line adjoining the street.

G. A sign on a vehicle that is parked in a location which is visible to the public, for a period of time which indicates that the principal use of the vehicle is for advertising rather than transport.

H. A sign which is affixed to a tree, rock, or other natural feature.

I. A sign of any type which imitates a traffic control device.

J. A sign which extends vertically above the highest portion of the roof of any structure.

K. A sign on a roadside appurtenance, including but not limited to a roadside bench, bus stop shelter, planter, utility pole, or refuse container.

L. A series of 2 or more signs placed in a line parallel to a public or private street, or a series of 2 or more parallel signs carrying a single commercial message.

5.7.7. EXEMPT SIGNS

The following signs are exempt from the requirements of this section except that a lighted sign requires an electrical permit:

A. A governmental sign.

B. A work of art with no commercial message.

C. Lights and decorations with no commercial message that are temporarily displayed on traditionally accepted civic, patriotic or religious holidays.

D. A hand carried sign.

E. A sign located on 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.

F. A sign located on or affixed to an athletic field scoreboard that is not oriented toward the playing field, unless the sign:

1. Is an off-site sign or outdoor advertising sign;

2. Is larger than, or protrudes from the scoreboard;

3. Is a projecting sign; or

4. Is illuminated.

G. A sign affixed to a vehicle or trailer used in the normal transport of goods or persons where the sign is incidental and accessory to the primary use of the vehicle or trailer.

H. A sign affixed to the window of a vehicle displaying information on the terms of sale for the vehicle.

I. A sign not legible from a public or private street.

J. Flags of the United States, North Carolina, local governmental jurisdictions, foreign nations having diplomatic relations with the United States, and any other flags adopted or sanctioned by the local governing body, except they are subject to the laws found in the U.S.C, Title 4, Chapter 1, Title 18, Chapter 33 and Title 36, Chapter 10.

K. A window sign painted on or attached to a window.

5.7.8. SIGNS NOT REQUIRING A SIGN PERMIT

Signs not requiring a sign permit are allowed only in accordance with the following general and specific standards.

A. General Standards for Signs Not Requiring a Permit

1. Except where otherwise specified, all signs shall be restricted to an on-site location.

2. Signs that include lighting or are illuminated shall be subject to an approved building permit for electrical service.

B. Specific Standards for Signs Not Requiring a Permit

In addition to the standards in Section 5.7.8.A, General Standards for Signs Not Requiring a Permit, signs not requiring a sign permit shall be subject to the following specific standards.

1. Table of Requirements

Signs subject to the standards in this section shall comply with the applicable provisions in Table 5.7.8.B, Requirements for a Signs Not Requiring a Sign Permit.

TABLE 5.7.8.B: REQUIREMENTS FOR A SIGN NOT REQUIRING A SIGN PERMIT

Sign Type	Number Permitted	Area (sq. ft.)	Setback (feet)	Maximum Height (feet)	Illumination
Warning signs in residential districts	n/a	4	n/a	8	Direct
Warning signs in nonresidential districts	n/a	6	n/a	8	Direct
Historical, memorial markers in all districts	1/lot	4	R/W	6	Indirect
Flags, emblems, insignia of corporate, political, professional, fraternal, civic, or educational organization in all districts	1/frontage	60	R/W	6	Indirect
Temporary religious, philosophical, or educational signs in all districts		6	R/W	6	Not allowed
Temporary real estate, yard sale and construction signs in AGR and R Districts		6	R/W	6	
Temporary real estate and construction signs in RM districts, nonresidential districts, and major subdivisions in R districts		100	R/W	12	
Temporary political signs in all districts	6	6	R/W	6	
Identification signs: name and address plates, home occupations, and building markers	1/building	2/unit	R/W	6	
A-Frame in CB district and MS district (sub-district B)	1/building entrance	6	R/W	3	
Vending machine, gas pump, ice machine, or similar device signs	n/a	n/a	R/W	n/a	

2. Additional Specific Standards

In addition to the standards in Table 5.7.8.B, Requirements for a Signs Not Requiring a Sign Permit, signs subject to the standards in this section shall also comply with the following:

(a) A warning sign shall not contain a commercial message, but it may contain a business logo or name.

(b) A temporary real estate or construction sign must be removed within 7 days of the end of the completion of construction, sale, or lease of land.

(c) A temporary yard sale sign shall be posted for no longer than 3 days per sale.

(d) A temporary political sign shall be located on private land with the landowner's permission, and be removed within 7 days after the election.

(e) Temporary religious, philosophical, educational, real estate, yard sale, construction, a and political off-site signs shall comply with the following standards:

(1) Be located outside the street right-of-way, or at least 6 feet from the

back of curb or edge of pavement where no curb exists;

(2) Not be placed in public street medians or traffic islands;

(3) Not interfere with or obstruct pedestrian or vehicular traffic, or obstruct safe sight distances at intersections;

(4) Not be placed on private land without the consent of the landowner or occupant; and

(5) Be posted only within the hours from noon on a Friday to noon on the following Monday.

(f) An A-frame sign in the CB district, MX district, and sub-district B of the MS district, if:

(1) It is displayed only during operational hours of the use and is removed each day at the close of business;

(2) There is 1 sign per building entrance that fronts on the primary street, and only 1 sign per nonresidential use;

(3) Windblown devices, including but not limited to balloons and streamers, are not attached or otherwise made part of the sign;

(4) It does not interfere with safe sight distances for motorists on the adjacent roadways, does not interfere with or obstruct pedestrian or vehicular traffic, and allows a minimum of 5 feet of clear passage on the sidewalk between the street and the sign;

(5) It is not be anchored to the sidewalk or affixed to a pole, vending box, or other structure or appurtenance; and

(6) It may be placed on the public sidewalk portion of the public street right-of-way directly in front of the use.

(g) A vending machine, gas pump, ice machine, or similar device sign shall be:

(1) Painted or adhered to the device; and

(2) Indicate only the contents of the machine, the name or logo of the supplier, the price, or operating instructions.

5.7.9. FREESTANDING SIGNS REQUIRING A SIGN PERMIT

A freestanding sign requiring approval of a sign permit in accordance with Section 2.5.13, Sign Permit, shall comply with the following general and specific standards:

A. General Standards for Freestanding Signs Requiring a Permit

1. Location Standards

(a) It shall be allowed only as an accessory to an existing principal use.

(b) Except where otherwise specified, all signs shall be restricted to an on-site location.

(c) If greater than 6 feet in height, it shall not be located within 100 feet of a residential district.

(d) Where 2 or more establishments at the same location receive approval of directional signs, the signs shall share the same support structure.

2. Illumination Standards

(a) Residential Districts

(1) Indirect illumination of a freestanding sign is allowed in all residential districts.

(2) Direct illumination of a freestanding sign in a residential district requires a special use and is subject to the following standards:

(i) It must be for a permitted nonresidential use;

(ii) The nonresidential use and sign must front on a thoroughfare; and

(iii) Illumination of the sign must be needed for identification of the nonresidential use due to the use's non-daylight activities.

(b) Nonresidential Districts

(1) Indirect illumination of a freestanding sign is allowed in all nonresidential districts.

(2) Direct illumination of a freestanding sign is allowed in the AGR, LB, GB, RC, CB, MS, MX, LI, and HI districts.

(3) In the TO, OI, and EC districts, direct illumination of a freestanding sign is allowed if it is limited to cut-out letter and shielded silhouette lighting.

(4) Direct illumination of a freestanding sign in the I and PNR district requires a special use. Illumination of the sign must be needed for identification of the use due to the use's non-daylight activities.

B. Specific Standards for Freestanding Signs Requiring a Permit

In addition to the standards in Section 5.7.9.A, General Standards for Freestanding Signs Requiring a Permit, freestanding signs requiring a permit shall be subject to the following specific standards:

1. Table of Requirements

Signs subject to the standards in this section shall comply with the applicable provisions in Table 5.7.9.B, Requirements for a Freestanding Sign Requiring a Sign Permit.

TABLE 5.7.9.B: REQUIREMENTS FOR A FREESTANDING SIGN REQUIRING A SIGN PERMIT

Zoning District or Sign Type		Maximum Number per Lot Frontage	Area (sq ft)		Setback From ROW (feet)	Max Height (feet)	Area Computation (square feet per each linear foot of lot frontage)
			Max	Min [1]			
Sign Standards by Zoning District							
AGR district (nonresidential uses only)		1	50	n/a	n/a	10	n/a
All R and RM districts and PNR districts (nonresidential uses only)		1	50	n/a	n/a	6	n/a
I and TO districts		1	100	12	n/a	6	0.25
OI, LB, and EC districts		1	100	25	n/a	15	0.25
MS District	A & D sub-districts	1	150	50	n/a	15	1.0
	B & C sub-districts	1	75	50	n/a	6 in B 8 in C	1.0
MX district		1	40	n/a	n/a	6	n/a
LI and HI districts		1	200 [2]	75	n/a	30 [3]	1.0
GB District	outparcel & lease lot	1/parcel	50	n/a	n/a	6	NA
	all other lots	1	200 [2]	75	n/a	30 [3]	1.0
CB district		1	100	50	n/a	6	1.0

TABLE 5.7.9.B: REQUIREMENTS FOR A FREESTANDING SIGN REQUIRING A SIGN PERMIT

Zoning District or Sign Type		Maximum Number per Lot Frontage	Area (sq ft)		Setback From ROW (feet)	Max Height (feet)	Area Computation (square feet per each linear foot of lot frontage)
			Max	Min [1]			
RC District	outparcel & lease lot	1/parcel	50	n/a	n/a	6	n/a
	all other lots	1/lot	100	50	n/a	6	0.5
	development identification sign	1/street frontage	300	200	10	30 [3]	n/a
	playbill sign	1/theater complex	200	n/a	10	30	n/a
Sign Standards by Sign Type							
Banners for special events (all districts)		1/500 ft frontage	25	n/a	n/a	20	n/a
Development entrance signs (all districts)		1 pair/ entrance	50/ entrance	n/a	n/a	6	n/a
Identification signs (all districts)		1/building entrance	20	n/a	15	10	n/a
Instructional signs (all districts)		n/a	6	n/a	n/a	8	n/a
Off-premise directional signs in the GB, LI, HI districts		1 total	8	n/a	n/a	6	n/a
Portable signs for special events (all districts)		1/lot	32	n/a	n/a	6	n/a
Special promotion signs (all districts)		n/a	n/a	n/a	n/a	n/a	n/a

NOTES:
[1] "Minimum" sign area refers to the minimum sign size allowed by right, regardless of the size which would be allowed by computation
[2] The maximum area may be increased by 75 feet if the sign is within 400 feet of an interstate highway ROW
[3] Maximum sign height may be increased to 50 feet if the sign is within 400 feet of an interstate highway ROW provided there are no government sponsored logo signs installed

2. Specific Standards By District

(a) CB District

(1) Maximum height may be increased to 15 feet if the sign is a monument sign;

(2) A maximum of 3 signs per lot shall be permitted;

(3) The area and height of 1 freestanding sign may be increased provided that:

(i) No wall sign shall be permitted or erected on the same side of the building. This is deemed to include all sections of the building wall parallel with or within 45 degrees of parallel with the lot line or street ROW;

(ii) The sign face is placed parallel to the building, and is located such that it does not impair vehicular sight distance from driveways or along public streets;

(iii) The area of the freestanding sign does not exceed 50 percent or 150 square feet, whichever is smaller, of the area of wall signage that would be permitted on the side of the building where the freestanding sign is to be located. The wall signage calculation shall include all sections of the building wall parallel with or within 45 degrees of parallel with the property line or street right-of-way line; and

(iv) The height of the freestanding sign does not exceed 40 feet or the height of the building (or average height where variations in height occur), whichever is less.

(b) GB District

Under no circumstance shall there be more than 1 freestanding sign per principal building.

(c) MS and MX Districts

Freestanding signs must be monument type signs only.

3. Specific Standards By Sign Type

(a) Development Entrance Sign (All Districts)

(1) May be erected in the public right-of-way with an encroachment agreement.

(2) Only permitted in subdivisions, developments of over 15,000 square feet of gross floor area, multi-family developments of more than 8 units in a single building, or developments with more than 40,000 square feet in open air uses of land.

(3) The entrance sign may identify only the name of the development, management or developer, and/or address or location of development.

(b) Development Identification Sign in the RC District

(1) Sign may identify only the name of the shopping center and the tenants. Maximum sign height may be increased by 5 feet and maximum area may be increased by 50 square feet if a permitted freestanding playbill sign is combined with the development identification sign.

(2) Up to 1 additional freestanding sign may be allowed provided:

(i) The lot frontage exceeds 1,000 linear feet;

(ii) The maximum area for either sign does not exceed 200 sf; and

(iii) The additional sign is more than 250 feet from any other freestanding sign on the same lot or any freestanding sign on an adjoining lot.

(3) Sign area shall be allowed as follows:

(i) Up to 200 sf for centers with 2 to 15 tenants; and

(ii) Up to 300 sf for centers with 16 or more tenants.

(c) Identification Sign (All Districts)

(1) Includes only directory signs (listing occupants of buildings and their address) in developments with multiple occupants, individual tenant signs, and building name/address signs for buildings with multiple occupants. An individual tenant identification sign may only be erected if there is no wall mounted identification sign present.

(2) A directory sign or single tenant identification sign shall, at its closest point, be located within 6 feet of the entrance it is intended to identify.

(d) Instructional Sign (All Districts)

Colleges, universities, hospitals, coliseums, and convention centers may have signs exceeding the maximum allowable area subject to approval of a special use that determines that a larger sign is a public necessity in accordance with Section 2.4.11, Special Use.

(e) Off-Site Directional Sign in the GB, LI, and HI Districts

(1) The number of off-site directional signs allowed shall be determined through review of a special use in accordance with Section 2.4.11, Special Use, and be based on the need for the signs(s) and the difficultly of access to the establishment. The special use shall expire after 2 years unless a different expiration period is approved by City Council. The special use may be re-approved for a subsequent period(s) of time by the City Council upon request.

(2) Off-site directional signs require the permission and written agreement of the landowner where located.

(f) Special Promotion Sign (All Districts)

Sign shall be limited in duration to a maximum of 30 continuous days and not more than 3 occurrences in a calendar year.

(g) Electronic Changeable Copy Sign Requiring a Permit

(1) General Standards

(i) Districts Allowed

Electronic changeable copy signs shall be permitted only in the CB, GB, MS, LB, and RC districts.

(ii) Permit

A sign permit shall be required for all new electronic changeable copy signs, and conversions from static signs to electronic changeable copy signs.

(iii) Location and Type

Electronic changeable copy signs shall be located on-site, as a portion of, and on the same support structure with a legal conforming accessory freestanding sign. Such signs shall not be added to a sign that is nonconforming, nor shall any part of an existing nonconforming sign be converted to an electronic changeable copy sign.

(iv) Size

The area of an electronic changeable copy sign shall not exceed 33 percent of the permitted area of a freestanding sign, and shall be counted toward the maximum allowable signage.

(v) Height

The height maximums shown in Table 5.7.9.B, Requirements for a Freestanding Sign Requiring a Sign Permit, for accessory freestanding signs in the CB, GB, MS, LB, and RC districts shall apply to electronic changeable copy signs.

(vi) Number

Only 1 electronic changeable copy sign may be permitted per lot.

(vii) Brightness

(A) Maximum brightness levels for electronic changeable copy signs shall not exceed 5,000 nits during daylight hours and shall not exceed 500 nits between dusk and dawn, as measured from the sign face.

(B) Prior to the issuance of a sign permit, the applicant shall provide a written certification from the sign manufacturer that the light intensity has been factory pre-set not to exceed 5,000 nits.

(C) All electronic changeable copy signs shall have a light sensing device that will adjust the brightness in real-time as ambient light conditions change, so that the sign does not exceed the maximum brightness levels allowed by this section.

(2) Personalized Messages

The display of personalized "smart" messages that are triggered or initiated by license plate recognition, facial recognition or by reading or analyzing electronic signals from traffic or an individual vehicle, is prohibited unless used in a public emergency or public service capacity.

(3) Malfunctions

Any electronic changeable copy sign which malfunctions, fails, or ceases to operate in its usual or normal programmed manner, causing therein motion, flashing, movement or an inability to read the text of the message clearly shall be turned off, or shall display a blank screen until repairs can be made.

(4) Additional Standards in the CB District

The following standards shall apply in addition to the standards in Section 5.7.9.B.3(g)(1), General Standards, above:

(i) Location and Type

Electronic changeable copy signs in the CB District may be located on a wall or marquee.

(ii) Size

The area of an electronic changeable copy sign may not exceed 25 percent of the permitted signage area per wall, or 50 percent of the permitted signage area for a marquee.

(iii) Height

The height maximum in Table 5.7.10.B, Requirements for an Attached Sign Requiring a Sign Permit, for wall and marquee signs shall apply to electronic changeable copy signs.

(5) Additional Standards in the GB District

The following standards shall apply in addition to the standards in Section 5.7.9.B.3(g)(1), General Standards, above:

(i) Display

The message displayed shall be static, and complete within itself, with no continuation of content to the next image or message. It shall be no more than four lines of characters or symbols and/or 10 words, to allow passing motorists to read the entire copy with minimal distraction. Changes to the message displayed must be as instantaneous as is technologically feasible, with no flashing, zooming, scrolling, fading in or out, twinkling/sparkling, or other operating mode that imitates movement.

(ii) Rate of Change

The rate of change for each individual message shall not be faster than 8 seconds.

(iii) Color

The use of color is not limited, however, the entire text of an individual message shall be the same color, and shall not vary in intensity during its display frame.

5.7.10. ATTACHED SIGN REQUIRING A SIGN PERMIT

An attached sign requiring approval of a sign permit in accordance with Section 2.5.13, Sign Permit, shall comply with the following general and specific standards of this subsection:

A. General Standards for Attached Signs Requiring a Permit

1. Maximum Number of Attached Signs

(a) Single-tenant Buildings

(1) Except in the CB district, up to 1 attached sign in a single-tenant building is permitted per each building wall that faces a street or parking area. In no instance shall the total number of attached signs on a building exceed four.

(2) There are no limits on the total number of attached signs in the CB district.

(b) Multi-tenant Buildings

(1) Each Tenant Has Own Entrance

(i) In a multi-tenant building, each tenant may have 1 sign, the area of which is based on its proportionate share of the building wall facing a street or parking area.

(ii) The total area of all signage shall not exceed the total allowed for the building wall.

(iii) A common signage plan shall be prepared in accordance with

Section 5.7.13, Common Signage Plan.

(2) Tenant-Shared Entrances

Single- or multi-storied buildings with a shared entrance shall comply with the following standards:

(i) A maximum of four wall signs shall be permitted.

(ii) The signs may be grouped on a wall(s) oriented to a street or parking area.

(iii) When signs are grouped, the maximum area of each sign shall be computed using the formula in Table 5.6.10.A, Grouped Sign Area Computation:

TABLE 5.7.10.A: GROUPED SIGN AREA COMPUTATION

Number of Grouped Signs on a Wall	Maximum Area Available for Each Sign (square feet)
2	1.5 x (max. sign area for building wall) / 2
3	2.0 x (max. sign area for building wall) / 3
4	2.5 x (max. sign area for building wall) / 4

(iv) Where signs are grouped, a common signage plan shall be prepared in accordance with Section 5.7.13, Common Signage Plan.

2. Illumination Standards

(a) Illuminated attached signs are prohibited in residential districts.

(b) In nonresidential districts all signs may be directly or indirectly illuminated.

(c) In the TO, OI, I, PNR and EC districts, illumination is limited to cut-out letter and shielded silhouette lighting.

(d) Wall signs that face an abutting single-family or duplex use shall be indirectly illuminated only.

B. Specific Standards for Attached Signs Requiring a Sign Permit

In addition to the standards in Section 5.7.10.A, General Standards for Attached Signs Requiring a Permit, all freestanding signs requiring a permit shall be subject to the following specific standards.

1. Table of Requirements

Signs subject to the standards in this section shall comply with the applicable provisions in Table 5.7.10.B, Requirements for an Attached Sign Requiring a Sign Permit.

TABLE 5.7.10.B: REQUIREMENTS FOR AN ATTACHED SIGN REQUIRING A SIGN PERMIT

Sign Type	Number	Area (sq ft)		Height (feet)	Computation
		Max	Min [1]		
Wall Signs					

TABLE 5.7.10.B: REQUIREMENTS FOR AN ATTACHED SIGN REQUIRING A SIGN PERMIT

Sign Type	Number	Area (sq ft)		Height (feet)	Computation
		Max	Min [1]		
TO, I & PNR districts	See 5.7.10.A.1, Maximum Number of Attached Signs	n/a	25	top of wall	5% of wall area [2]
OI, LB, & EC districts			25		7.5% of wall area [2]
GB, RC, CB, MS, LI, & HI districts			50		10% of wall area [2]
Awning, canopy, and marquee signs					
All nonresidential districts	1/face	n/a	n/a	top of canopy	10% of the canopy, awning, or marquee face
Suspended signs					
All nonresidential districts	1/entrance	6	n/a	[2]	n/a
Banners					
Special events (all districts)	1/500 ft of frontage	25	n/a	Top of wall	n/a
Temporary identification signs for market showrooms (all nonresidential districts)	n/a	n/a	n/a	top of wall	50% of wall area
Special Promotion Signs					
All districts	n/a	n/a	n/a	top of wall	n/a
Identification Signs					
All nonresidential districts	1 when average wall height > 35 feet	75	> 6 feet	top of wall	1% of wall area

NOTES:
[1] "Minimum" sign area refers to the minimum area allowed by right, regardless of the size which would be allowed by computation
[2] Based on the first 30 feet in height of the wall on which the sign is attached. Buildings over 30 feet in height may have additional sign area based on 5 percent of the wall area above 30 feet in height, provided the sign is located at or near the top of the building

2. Awning, Canopy, and Marquee Signs (All Nonresidential Districts)

(a) Signs shall be located at least 9 feet above pedestrian ways and 15 feet above vehicular drives.

(b) The sign face shall include the entire area of the canopy, awning, or marquee structure.

(c) The total area of all attached signs, whether attached to a wall, canopy, awning, or marquee shall not exceed the total allowed for the building wall.

(d) All or any portion of this sign allocation may be affixed to the wall, awning, canopy or marquee, provided that no part of the sign projects above the top of the structure served by the signage.

3. Identification Signs (All Nonresidential Districts)

The area of identification signs shall be subtracted from the allowable square footage of wall signs for the wall upon which it is placed.

4. Multiple Franchised Businesses in a Single Building

(a) A business which is the sole occupant (as owner or tenant) of a building and which owns or operates multiple franchised businesses at that building shall be allowed 1 overall business name sign and 1 sign for each franchise, which may be located on the same wall.

(b) The maximum area of business name and franchise signs located on the same wall shall be in accordance with the following:

(1) Maximum square footage as determined by this Ordinance (as a percent of wall area), plus:

(i) Up to 15 percent where 2 franchises exist; or
(ii) Up to 30 percent where 3 franchises exist; or
(iii) Up to 40 percent where 4 or more franchises exist, provided that these increased maximum permitted areas are applicable to only 1 wall of a building.

(c) Other signage may be permitted on this wall but the total area of all signage shall not exceed the applicable maximum under this provision.

(d) Multiple signs may be permitted on other walls of the same building provided that the maximum area of such wall signage, as provided under this Ordinance without regard to this provision, is not exceeded.

(e) In all cases where more than 1 sign is allowed on the same wall, no single franchise sign shall exceed:

(1) 60 square feet in area where 2 or 3 franchises exist;
(2) 50 square feet where four franchises exist; or
(3) 40 square feet where more than four franchises exist.
(4) This provision shall not apply to a multiple tenant commercial building.

5. Special Promotion Signs

Sign shall be limited in duration to a maximum of 30 continuous days and not more than 3 occurrences in a calendar year.

6. Temporary Banners Serving Market Showrooms (All Nonresidential Districts)

Banners shall be limited in duration to a maximum of 30 continuous days and not more than 2 occurrences in a calendar year.

7. Video Wall Signs

(a) Where Allowed

Video wall signs shall be permitted only for Market showrooms in the CB district.

(b) Location

It is intended that video wall signs be pedestrian oriented. A video wall sign shall be located flat against a building wall that is parallel to a street, or that

faces the interior of a lot. No part of a video wall sign shall be closer than 25 feet from intersecting street right-of-ways.

(c) Projection and Height

A video wall sign cabinet shall not project from the wall more than 18 inches, and its height shall not be more than 15 feet above ground level. Screens shall not be angled and shall be parallel to the wall.

(d) Size

The area of a video wall sign shall be counted toward the maximum allowable wall signage, and shall not exceed 25 percent of the maximum allowable wall signage or 60 square feet, whichever is less.

(e) Number

No more than 1 video wall sign shall be permitted per zone lot.

(f) Brightness

(1) Maximum brightness levels for video wall signs shall not exceed 5,000 nits during daylight hours and shall not exceed 1,000 nits between dusk and dawn, as measured from the sign face.

(2) Prior to the issuance of a sign permit, the applicant shall provide a written certification from the sign manufacturer that the light intensity has been factory pre-set not to exceed 5,000 nits.

(3) All video wall signs shall have a light sensing device that will adjust the brightness in real-time as ambient light conditions change, so that the sign does not exceed the maximum brightness levels allowed by this section.

5.7.11. OUTDOOR ADVERTISING SIGN REQUIRING A SIGN PERMIT

A. Districts Allowed

An outdoor advertising sign shall only be allowed in the HI district.

B. Location

An outdoor advertising sign shall be located off-site.

C. Size

The sign area of an outdoor advertising sign, including any extension(s), shall not exceed 450 square feet.

D. Height

An outdoor advertising sign shall not exceed 30 feet in height. The height may be increased to 50 feet if the sign is within 400 feet of an interstate highway ROW.

E. Spacing Requirements

1. Between Signs

(a) Except within the U.S. Highway 311 Bypass corridor, an outdoor advertising sign shall not be erected, affixed, or otherwise installed within a 500-foot radius of another outdoor advertising sign.

(b) Within 1,500 feet of the U.S. Highway 311 Bypass corridor ROW, an outdoor advertising sign shall not be within a 2,000-foot radius of another outdoor advertising sign.

2. Adjoining a Residential District or Religious Institution

(a) An outdoor advertising sign shall not be erected, affixed, or otherwise installed closer than 300 feet to a residential district or a lot containing a religious institution.

(b) If a residential zoning district boundary runs along the near edge of a street right-of-way, the width of the right-of-way shall be subtracted from the setback requirement.

F. Relationship to Freestanding Sign

1. Lot with 1 Street Frontage

An outdoor advertising sign shall not be erected, affixed, or otherwise installed on a lot with 1 street frontage that contains more than 1 freestanding sign.

2. Lot with 2 or More Street Frontages

An outdoor advertising sign shall not be erected, affixed, or otherwise installed on a lot with 2 street frontages that contains more than 2 freestanding signs.

G. Setbacks

The support post(s) of an outdoor advertising sign shall comply with the minimum setbacks of the zoning district in which it is located. In addition, a sign or portion of an outdoor advertising sign shall not project closer than 15 feet to a street right-of-way or closer than 5 feet to another lot line, measured horizontally.

H. Back-to-Back Mounting

An outdoor advertising sign structure may be mounted back-to-back when it shares a common support. The total sign area of any such outdoor advertising structure shall be considered to be 1 sign.

5.7.12. SIGN FOR HISTORIC STRUCTURES OR PROPERTIES

Properties, buildings or other structures that have received Local Historic Landmark status from the Guilford County Historic Preservation Commission (GCHPC) or have an individual listing on the National Register of Historic Places, may be permitted to reconstruct, restore, replicate or replace historic sign structures that otherwise are not permitted by this Ordinance, in accordance with the following.

A. Qualification

The grounds (in the case of a freestanding sign) and/or the exterior of the structure must be an historic element cited by the National Register designation, or by the Local Historic Landmark designation. Such designation may be for a portion of said grounds or structure.

B. Valid Designation

The Local Historic Landmark or National Register designation must be currently valid. There must be no outstanding violations of process, or any proposed changes to the property or structures that would jeopardize the designation.

C. Guilford County Historic Preservation Commission Certificate of Appropriateness Required

If the property is designated as a Local Historic Landmark, the property owner must first obtain a Certificate of Appropriateness (COA) from the GCHPC authorizing, in general, the reconstruction, restoration, replication or replacement of the historic sign, including the type of sign, materials, design and illumination. The GCHPC may make recommendations as to the size and placement of the sign. Any recommended modifications to the requirements of this Ordinance shall be approved by the High Point Historic Preservation Commission (HPHPC).

D. High Point Historic Preservation Commission Review and Approval Required

If the property is individually listed on the National Register of Historic Places, and/or located in a Local Historic District and is not designated as a Local Historic Landmark, the HPHPC shall review and decide an application to reconstruct, restore, replicate or replace an historic sign. Such application shall include the following:

1. Evidence of the existence (past or present) of the sign, and its location on the structure or property.
2. Evidence that the sign was associated with the original or other early use of the structure or property, or that such sign itself has historic significance.
3. If being replicated or replaced, evidence showing how the new sign will imitate the former sign. Consideration shall be given to size, design or shape, coloration, lettering style, graphic art style, illumination, and type (i.e. overhanging, roof mounted, wall, freestanding, etc.). At least 5 of the above elements must be found to be comparable to the former sign. Size will be considered comparable if the new sign has the same or smaller area.
4. Evidence that the sign will not pose a hazard to pedestrian or vehicular movements, and that the erection of such sign will meet applicable building and electrical codes.

E. Conditions of Approval and Modifications

Once the sign has been either issued a COA by the GCHPC, or an approval by the HPHPC, the HPHPC shall rule on the erection of the sign in accordance with the following:

1. Modifications may be made to height, setback and area of the sign, if it can be shown that the original sign exceeded the requirements of this Ordinance. Modifications shall not exceed the extent of nonconformity of the original sign.
2. Consideration may be given to locate a sign other than where the original sign was placed, including on non-designated portions of a Landmark or National Register structure. The sign must be erected or attached to the Landmark or National Register structure, or to an historically relevant structure on the same property. No sign may be located where it poses an unnecessary or unreasonable threat to public safety.
3. A sign type not permitted may be approved, but only one such sign shall be allowed, unless it is stipulated that approval is made in place of an otherwise permitted wall or freestanding sign.
4. No modifications to the number of signs, spacing or illumination provisions of this Ordinance may be approved.

5.7.13. COMMON SIGNAGE PLAN

A. In General

1. Common signage plans shall be required for developments with more than 1 business, building, or lot.
2. Common signage plan requirements are set out in the *Development Guide*.

B. Other Provisions

1. A common signage plan shall be a part of the application for a site plan, group development plan, PD master plan and may be processed simultaneously with such plan.
2. A common signage plan shall be approved prior to the issuance of a building

permit(s).

3. The Planning and Development Director may approve minor changes to a common signage plan provided such changes comply with all requirements of this section.
4. A common signage plan may be amended by filing a new plan which complies with all requirements of this section and the application requirements in the *Development Guide*.
5. After approval of a common signage plan, no signs shall be erected, affixed, placed, painted or otherwise established except in conformance with the approved plan. The plan may be enforced in the same way as any other provision of this section.

C. Conflict

In case of any conflict between the provisions of such a plan and any other provision of this section, this section shall control.

5.7.14. ENCROACHMENT AGREEMENT FOR ENTRANCE SIGN

A development entrance sign shall be allowed to encroach into a public right-of-way provided an encroachment agreement between the sign owner and the City in a form determined appropriate by the City Attorney, is accepted. The encroachment agreement shall, at a minimum, provide that:

A. Not Compensated for Loss

The sign owner shall not be compensated by the City for any loss of or damage to the sign from any cause;

B. Removal for Interference

The sign owner shall remove the sign at the sign owner's expense if the City determines at any time that the sign interferes with the public use of the right-of-way;

C. Maintenance Required

The sign owner shall maintain the sign; and

D. Insurance Required

If the sign projects or is suspended over the public right-of-way, the sign owner agrees to provide insurance or satisfactory indemnification to the City against liability for injury to persons or property from the sign.

5.8. RESERVED

5.9. SIDEWALKS

5.9.1. PURPOSE AND INTENT

The purpose of these standards is to ensure greater pedestrian safety and ease of access for pedestrians in the City in accordance with the City's adopted policy guidance. More specifically the intent of these standards is to:

A. Establish Locations

Establish the locations where new sidewalks are required to be installed as part of development;

B. Promote Walking

Promote expanded opportunities for recreational walking and running;

C. Meet Daily Needs

Help ensure City residents can meet their daily needs without use of an automobile;

D. Allow Access

Allow easier access to shopping and commercial areas;

E. Clarify Timing

Clarify the timing of sidewalk installation; and

F. Fee In-Lieu

Establish provisions for the payment of a fee in-lieu of sidewalk installation when sidewalk installation would conflict with other infrastructure improvements.

5.9.2. APPLICABILITY

The provisions of this section apply to the following, unless exempted in accordance with Section 5.9.3, Exemptions:

A. General

Sidewalks must be installed along streets that are within or abut a subdivision (including group development) or development subject to a site plan.

B. Expansions

Individual or collective expansions of existing principal buildings, open uses of land, or off-street parking that exceed 50 percent.

5.9.3. EXEMPTIONS

Sidewalks shall not be required in the following instances:

A. Areas Where Sidewalks Do Not Exist

Along local and sub-collector residential streets where the TRC finds the following conditions exist:

1. The proposed development is within an area consisting predominantly of existing

single-family detached residential development, where no sidewalks are present; and

2. The character and size of the proposed development will not result in substantial additional pedestrian facility needs; and
3. There are no new pedestrian facilities planned that would provide a pedestrian connection to the proposed development.

B. Industrial Areas

As determined by the Transportation Director, sidewalks are not required along new and existing local and collector streets within industrial areas where all of the following conditions exist:

1. The proposed development is within an area consisting mostly of industrial uses where the majority of developed parcels do not have sidewalks;
2. The character, size, and density of the developments are such that pedestrian demand is expected to be limited; and
3. No transit service or greenway route exists or is planned in that location.

C. Cul-De-Sac and Dead End Streets

Along cul-de-sac streets and permanent dead-end streets, of 800 feet or less in length, except where they contain cluster (mail) mailbox units.

D. Controlled Access Roads

Along streets that are designated North Carolina Department of Transportation controlled access facilities.

5.9.4. STANDARDS

A. General

Sidewalks required by this Ordinance shall be constructed along the full length of street(s) that have frontage within or that abut the development.

B. Thoroughfare Streets

Sidewalks shall be installed along both sides of thoroughfare streets.

C. Collector and Sub-Collector Streets

1. Sidewalks shall be installed on 1 side of collector and sub-collector streets.
2. The TRC may determine, during review of a development application, that a collector or sub-collector street requires sidewalks along both sides of the street if one or more of the following conditions exists:
   - **(a)** The current or projected average daily traffic volume is greater than 8,000 vehicles per day.
   - **(b)** The posted speed limit is greater than 35 miles per hour.
   - **(c)** The street is identified as a pedestrian route on a City sidewalk plan.
   - **(d)** Other pedestrian safety, access, or circulation needs are identified.

D. Local Streets

Sidewalks shall be installed along 1 side of local streets, unless other pedestrian safety, access, or circulation needs are identified.

E. Side Determination

Where sidewalks are required to be installed on only 1 side of a street, the TRC shall determine which side of the street is most appropriate.

F. Cluster Mailbox Units

Sidewalk access must be provided to all areas that contain cluster mailbox units.

G. Configuration

The configuration of the sidewalk is subject to the approval of TRC.

5.9.5. ADDITIONAL ZONING DISTRICT STANDARDS

In addition to the standards in this section, development subject to these standards shall also address all applicable sidewalk standards in Chapter 3: Zoning Districts.

5.9.6. TIMING OF INSTALLATION

The site plan, subdivision preliminary plat, or group development plan shall address the phasing and timing criteria for the installation of required sidewalks, including a maximum timeframe for completion.

5.9.7. FEE IN-LIEU OF REQUIRED SIDEWALK INSTALLATION

A. Conflict Anticipated

Where the installation of a sidewalk is required, and the Transportation Director determines that installation at the time of development would conflict with a city, state, or federal roadway project or other utility project, the applicant shall be required to submit a fee in-lieu of sidewalks in accordance with the following:

1. Fees shall be in an amount equal to the entire estimated cost of completing the installation, based on current contract unit prices, as approved by the Engineer Services Director.
2. All fees collected by the City pursuant to this section shall be deposited in the City's sidewalk revolving fund and used only for construction of sidewalks on the site, or in the street right-of-way abutting the site, for which the fee is collected.
3. Use of submitted funds to construct sidewalks shall be coordinated with the appropriate phase of the conflicting roadway project.

B. Conflict Eliminated

In the event that the conflict necessitating the fee in-lieu is eliminated, one of the following shall occur:

1. If the scheduled project is configured with a different alignment, the in-lieu fee shall be refunded to the applicant.
2. If the scheduled project is a widening of an existing roadway, in-lieu fees for sidewalks shall be used by the City to construct the sidewalk after the widening.

5.10. EXTERIOR LIGHTING

5.10.1. PURPOSE AND INTENT

The purpose of this section is to regulate exterior lighting to ensure the safety of motorists and pedestrians and to minimize adverse effects on adjacent land uses due to excessive light intensity or due to light trespass and glare.

5.10.2. APPLICABILITY

The provisions of this section shall apply to all development, unless exempted in accordance with Section 5.10.3, Exemptions.

A. General

Review for compliance with the standards of this section shall occur as part of the review of an application for a site plan or group development plan, as appropriate.

B. Expansions

In the case of an expansion of an existing building, outdoor use area, or off-street parking lot, the following standards shall apply:

1. For individual or collective expansions of 50 percent or less, the standards in this section shall apply only to the expanded portion; or
2. For individual or collective expansions that exceed 50 percent, the standards in this section shall be applied to the entire zone lot.

5.10.3. EXEMPTIONS

The following are exempted from the standards of this section:

A. Special events, special promotion signage, and holiday displays;
B. FAA-required lighting on buildings, towers or other structures;
C. Security lighting controlled and activated by motion sensor devices for a duration of 15 minutes or less;
D. Outdoor light fixtures producing light directly by the combustion of fossil fuels, such as kerosene lanterns or gas lamps;
E. Public street lighting;
F. Lighting of official government flags;
G. Temporary lighting necessary for construction or emergencies, used by construction workers or emergency personnel; and
H. Single-family detached, attached, triplex, quadplex, and duplex dwellings, except that these forms of development shall be subject to Section 5.10.4, Prohibited Lighting.

5.10.4. PROHIBITED LIGHTING

The following forms of exterior lighting shall be prohibited:

A. Traffic Control Signal

1. Lighting that imitates an official highway or traffic control light or sign;
2. Lighting in the direct line of sight with any traffic control light or sign;

B. Flashing or Revolving

Flashing, revolving, or intermittent exterior lighting visible from any lot line or public street, except for permitted freestanding or wall signs in accordance with Section 5.7, Signage; and

C. High Intensity Lighting

High intensity light beams, such as searchlights, laser, or strobe lights, except when used by federal, state, or local authorities, or for special events.

5.10.5. LIGHTING PLAN

A. Elements to Include

Site plans, group development plans, and building permit applications, as appropriate, must indicate the following:

1. Fixture type;
2. Pole height; and
3. Fixture shielding.

B. Certification

Certification must be provided by the person preparing any plans that the proposed development complies with the exterior lighting standards of this section.

5.10.6. GENERAL STANDARDS FOR ON-SITE EXTERIOR LIGHTING

A. Maximum Illumination Value at Lot Line

Exterior lighting shall be designed and located such that the maximum illumination measured in footcandles at ground level at any lot line shall not exceed the standards in Table 5.10.6, Maximum Illumination Levels.

TABLE 5.10.6: MAXIMUM ILLUMINATION LEVELS

Abutting Use [1]	Maximum Illumination Value at Lot Line (footcandles)
Residential use or vacant land zoned for residential development	1.0
Institutional use	1.5
Commercial use or vacant land zoned for uses other than residential[2]	2.5
Vehicular use area	2.5
NOTES: [1] See Table 4.1.9, Principal Use Table [2] Includes mixed-use development	

B. Maximum Height

Except for outdoor public recreation, outdoor assembly, and similar uses, the height of exterior lighting, whether mounted on poles, walls, or by other means, shall be no greater than 35 feet above grade at the base of the fixture.

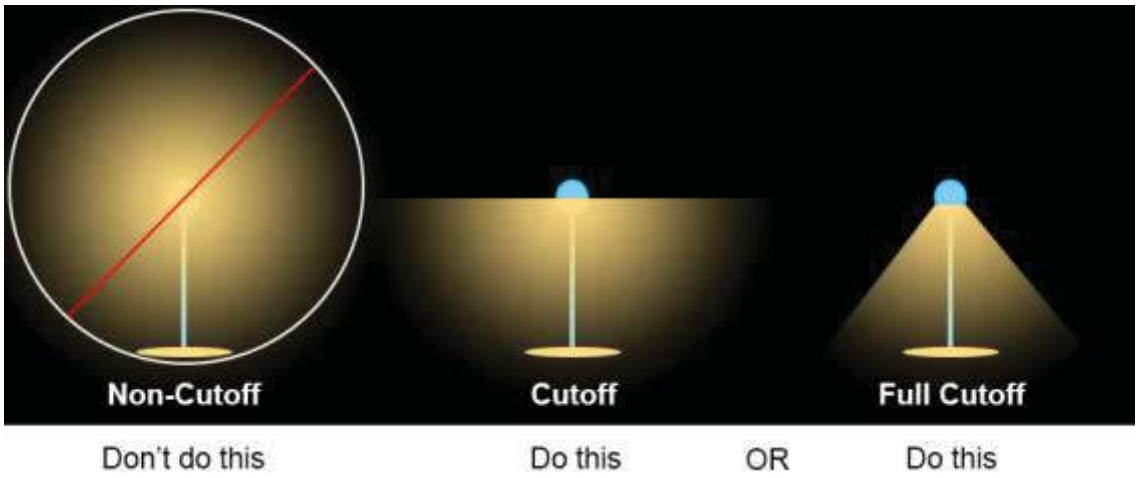
C. Light Trespass

1. All outdoor light fixtures that produce more than 4,050 lumens shall be cut-off fixtures that are located, angled, or shielded to focus light on the intended subject or area and prevent light trespass onto adjacent properties or skyward as depicted in Figure 5.8.5.C, Cut-Off Light Fixtures. The lumen output of a lighting fixture is specified by the manufacturer.

2. Exterior lighting devices that produce 4,050 lumens (and need not be cut-off, angled, or shielded) include, but are not limited, to:

(a) 200 watt standard incandescent;
(b) 150 watt tungsten-halogen (quartz);
(c) 50 watt high pressure sodium;
(d) 50 watt cool white fluorescent; and
(e) 30 watt low pressure sodium.

FIGURE 5.8.5.C, CUT-OFF LIGHT FIXTURES



3. Wall packs shall be cut-off and floodlights shall be shielded (e.g., true cut-off type bulb or light source not visible from off-site) to direct light downward and eliminate light pollution above the facade of a structure.

5.10.7. DESIGN STANDARDS FOR SPECIFIC USES AND SITE FEATURES

A. Awnings

Awnings used for building accents over doors, windows, etc., shall not be internally illuminated (e.g.., from underneath or behind the awning) unless the awning material does not allow light to transmit through it.

B. Canopy Lighting

Lighting under a canopy shall be designed to not create glare off-site. This may be accomplished by one or both of the following:

1. Recessed fixture incorporating a lens cover that is either recessed or flush with the bottom of the ceiling of the canopy that provides a full cut-off or fully-shielded light distribution.

2. Surface mounted fixture incorporating a flat glass that provides a full cutoff or fully-shielded light distribution.
3. Light intensity under canopies shall not exceed 30 footcandles.

C. Outdoor Public Recreation, Outdoor Assembly and Similar Uses

All outdoor public recreation, outdoor assembly, and similar lighting fixtures shall be equipped with louvers, shields, or similar devices, and aimed so that light is contained within the primary playing area or performance area and minimizes adverse impacts on traffic safety and residentially-zoned land.

5.10.8. MEASUREMENT

Measurement of glare or light trespass shall be accomplished in accordance with the standards in Section 10.2.11, Exterior Lighting.

5.10.9. ALTERNATE LIGHTING PLAN

An alternate lighting plan may be approved by the Planning and Development Director where unreasonable or impractical situations would result from the application of the lighting requirements. Such situations may result from physical constraints, from other constraints, or when federal, state or local law prevents compliance with this Ordinance. Alternate plans or fixtures must provide equal or better performance to meet the purpose and intent of this Ordinance. However, the alternate plan shall meet the requirements of Section 5.10.6.A, Maximum Illumination Value at Lot Line.

5.11. FENCES

5.11.1. PURPOSE AND INTENT

The purpose and intent of this section is to regulate the location, height, and appearance of fences to protect adjacent properties from the indiscriminate placement of fences, ensure the safety, security, and privacy of land, and ensure that fences are subject to timely maintenance, as needed.

5.11.2. APPLICABILITY

The provisions of this section shall apply to all construction or replacement of fences, unless exempted in accordance with Section 5.11.3, Exemptions. A fence may only be erected in accordance with Section 2.5.15, Zoning Compliance Permit.

5.11.3. EXEMPTIONS

The following are exempted from the standards in this section:

A. Temporary fences for construction sites, including but not limited to: fencing necessary for soil erosion and sedimentation control and tree protection.

B. The fence height limitations in this section shall not apply to fences built in conjunction with the following:

1. Electric or gas substations;
2. Municipal solid waste disposal facilities;
3. Water or sewage treatment plants or facilities;
4. Municipal water storage facilities;
5. Public correctional and mental institutions;
6. Military facilities; or
7. Hazardous or radioactive waste storage or disposal facilities.

5.11.4. LOCATIONAL REQUIREMENTS

A. General

1. Fences shall be located outside of the public right-of-way.
2. Fences may be located within any required yard or setback.

B. In Utility Easements

Fences located within utility easements shall receive written authorization from the easement holder. The City shall not be responsible for damage to, or the repair or replacement of, fences that must be removed to access such easements.

C. Blocking Natural Drainage Flow

A fence shall not be installed so it blocks or diverts a natural drainage flow onto or off of any other land, unless it is subject to an approved stormwater management plan.

D. Obstructions at Intersections

No fence shall be erected or maintained in a manner that obstructs visibility for motorists at any street intersection in accordance with the standards of Chapter 6 of the City Code, Visibility at Intersections.

E. Within the Local Historic Overlay (LHO)

A fence constructed within an LHO district shall comply with the requirements in Section 2.4.4, Certificate of Appropriateness, and all applicable LHO district standards.

5.11.5. HEIGHT STANDARDS

A. Measurement

Maximum fence height shall be determined in accordance with Section 10.2.12, Fences.

B. Residential Uses

The maximum fence height for residential uses is as shown in Table 5.11.5, Fence Height for Residential Uses.

TABLE 5.11.5: FENCE HEIGHT FOR RESIDENTIAL USES

Location on a Lot	Maximum Height (feet)
Within 15 feet of a thoroughfare or collector street right-of-way	6
Within 15 feet of a local street right-of-way except on corner and double frontage lots	4
On corner lots within 15 feet of any street right-of-way adjacent to the side yard where rear lot lines abut one another [1]	6
On double frontage lots within 15 feet of any street right-of-way along the rear yard as long as the principal structures on both sides of the double frontage lot face the same direction as the double frontage lot principal structure	6
All other locations	8
NOTES: [1] A 6-foot fence shall not encroach into the front yard setback area.	

C. Nonresidential and Mixed Uses

No fence shall exceed a maximum height of 8 feet unless:

1. The fence is at least 15 feet from a lot line; or
2. The fence complies with the minimum setback requirements applied to the principal structure.

D. Athletic Fields

Athletic fields, tennis courts, playgrounds, or similar recreational areas abutting a street may include a non-opaque fence with a maximum height of 15 feet, provided the fence is not located within a required landscape area.

E. Colleges or Universities

College or universities may erect fences with a maximum height of 8 feet in residential districts provided:

1. The land is contiguous to and within 350 feet of a campus area of at least 10 acres in area;
2. The land is owned by the college or university, at which time the fence may be placed on any part of the lot;
3. If the land is not owned by the college or university, a fence easement must be

obtained from the landowner. The fence may not be located between the right-of-way and the front of an existing dwelling.

5.11.6. MATERIALS

A. General

The following fencing materials are permitted for fences:

1. Masonry or stone;
2. Ornamental iron, steel, or aluminum;
3. Wood;
4. Composite materials designed to appear as wood, metal, or masonry; or
5. Chain-link, except where prohibited by this Ordinance.

B. Restricted Materials

1. Barbed wire, razor wire, concertina wire, and similar materials may only be used in the following instances:
   - (a) Fences for correctional institutions may use barbed, razor, and concertina wire.
   - (b) Fences enclosing livestock may use barbed wire.
   - (c) Fences for other nonresidential uses may use barbed wire, razor wire, and concertina wire provided all of the following are met:
     - (1) The wire portion of the fence shall be at least six feet above the grade; and
     - (2) The wire shall be included in the overall height determination of the fence.
2. Fences that carry an electrical current are allowed for the purposes of enclosing livestock (nothing shall prohibit below-ground electrical fences intended for the keeping of pets).

C. Prohibited Materials

Fences made of debris, junk, rolled plastic, sheet metal, untreated or unpainted plywood, or waste materials, unless the materials have been 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).

5.11.7. FINISHED SIDE

When a fence is primarily parallel to and within 15 feet of a public street, it shall be configured so that the finished side of the fence faces the street right-of-way other than when required by the State Building Code. For the purposes of this section, the finished side does not include any supporting members or bracing.

5.11.8. MAINTENANCE

Fences shall be maintained in a safe manner plumb (vertical) to the ground. Fences not maintained in a safe manner through neglect, lack of repair, manner of construction, method of placement, or otherwise shall be repaired, replaced, or demolished.

5.12. OPEN SPACE

5.12.1. PURPOSE AND INTENT

The purpose of this section is to:

A. Establish Standards

Establish the standards under which development shall set aside a portion of the development area as open space;

B. Distinguish Characteristics

Distinguish between the characteristics, requirements, and appropriate locations for open space; and

C. Establish Ownership Standards

Establish minimum ownership and maintenance standards related to open space.

5.12.2. APPLICABILITY

The provisions of this section apply to the following developments, unless exempted in accordance with Section 5.12.3, Exemptions:

A. Outside Core City

1. Single-family detached residential subdivisions in the R-7 district greater than 5 acres in area;
2. Single-family attached residential developments greater than 5 acres in area;
3. Multi-family developments; and
4. Development in a PD-P district.

B. Inside Core City

1. Single-family attached residential developments with 30 or more dwelling units;
2. Multi-family developments with 30 or more dwelling units; and
3. Development in a PD-CC district.

5.12.3. EXEMPTIONS

Open space requirements are exempted for development in the CB, MS, and MX districts.

5.12.4. MINIMUM OPEN SPACE AMOUNT

A. General

Table 5.12.4, Minimum Open Space Amount, sets out the minimum open space requirements for development subject to the standards in this section.

TABLE 5.12.4: MINIMUM OPEN SPACE AMOUNT

Type of Development	Minimum Open Space Requirement
Single-family detached residential subdivisions of more than 5 acres in area in the R-7 district	850 sf/dwelling unit

TABLE 5.12.4: MINIMUM OPEN SPACE AMOUNT		
TYPE OF DEVELOPMENT		**MINIMUM OPEN SPACE REQUIREMENT**
Single-family attached residential development of more than 5 acres		435 sf/unit
Multi-family development	Less than 3 acres in area	250 sf/unit
	3 or more acres in area	435 sf/unit
Development in a PD-P district	Residential area with less than 5 units per acre	20% of area
	Residential area units with 5 to 16 units an acre	15% of area
	Residential area with 16 or more units an acre	10% of area
	Nonresidential development	10% of gross floor area
Development in a PD-CC district		5% of development area

B. Administrative Adjustment

The Planning and Development Director is authorized to grant a type I administrative adjustment to the minimum required amount of open space in accordance with Section 2.5.2, Administrative Adjustment (Type I/Type II).

5.12.5. OPEN SPACE STANDARDS

A. Features Counted as Open Space

The following features within a development shall be credited towards the open space requirements:

1. Environmentally-sensitive lands including water features (drainageways, lakes, streams, etc.), wetlands, floodplains, and protected stream buffers, provided no more than 50 percent of a development's total open space may be located in environmentally-sensitive lands;
2. Landscaping areas, including areas containing required landscaping and tree protection areas credited toward landscaping requirements;
3. Pedestrian amenities.
4. Stormwater management lands, including retention and detention ponds, and bio-retention devices that are designed and improved with pedestrian amenities;
5. Farm and forestry lands within the boundary of the development;
6. Park lands, trails, and greenways, both public and private;
7. Active recreation areas;
8. Passive recreation areas; and
9. Urban features, including plazas, fountains, courtyards, roof gardens, pedestrian areas, indoor atriums open to public, and public sidewalks at least 6 feet in width with pedestrian amenities.

B. Not Counted as Open Space

The following areas shall not be counted as open space set-asides:

1. Private yards;
2. Street right-of-way or private street common area;

3. Vehicular use areas, including parking spaces, drive aisles, and private drives;
4. Land covered by buildings not designated for active recreational use; and
5. Outdoor storage areas.

C. Design

Except for environmentally-sensitive lands, landscaping, farmland, forestry lands, and urban features, credited open space shall meet the following design standards:

1. Access

Open space shall be accessible by residents and users of the development by means of a street, private drive, or an all-weather walkway within a common area or easement a minimum of 20 feet in width.

2. Configuration

(a) Open space shall be at least 24 feet in width and 1,000 square feet in area.
(b) Urban features credited towards the requirements in this section shall maintain a minimum width of 24 feet and a minimum area of at least 600 square feet.

D. Multi-family Development

Multi-family developments with 30 or more dwelling units shall provide an active recreational area as a part of the total credited open space, unless a type I administrative adjustment is approved by the Planning and Development Director.

E. Multi-Phase Developments

Open space shall be provided for each phase of a phased development in a cumulative amount sufficient to satisfy the open space requirements for the subject phase of development and all preceding phases of development.

F. Incentives for Active Recreational Features

Land associated with a path, trail, greenway, or other allowable active recreational feature located within an environmentally-sensitive area may be counted towards the requirements in Table 5.10.3, Minimum Open Space Amount, above and beyond the maximum amount specified in Section 5.12.5.A, Features Counted as Open Space

G. Ownership and Maintenance

Open space areas shall be owned and maintained in accordance with Section 7.3, Homeowners' or Property Owners' Association.

5.13. RESERVED

5.14. DEVELOPMENT TYPES

5.14.1. GENERAL

A. Purpose and Intent

The standards in this section are intended to establish additional design and development standards for certain types of development that pose unique characteristics of use, configuration, or both. More specifically, these standards are intended to:

1. Recognize that some forms of development are unique and require additional standards not typically applied to other forms of development;
2. Promote a strong sense of place and pedestrian-friendly development through visual design interest and human-scale site design;
3. Accommodate greater housing choice and options within infill and redevelopment contexts in the Core City area;
4. Address the impacts and compatibility of large-scale retail developments; and
5. Establish requirements for appropriate retail development in street intersection contexts.

B. Development Types Distinguished

The following development types are hereby established:

1. Conservation subdivision;
2. Corner retail
3. Large retail
4. Multiple lot development; and
5. Pocket neighborhoods.

C. Applicability

When an applicant indicates, or the Planning and Development Director finds that a proposed development is consistent with one or more of the development types in this section, the standards in this section shall be applied.

D. Time of Review

Review of proposed development to ensure compliance with the standards of this section shall occur during review of a site plan, group development plan, preliminary plat, or building permit, as appropriate.

E. Compliance with This Ordinance

Development types listed in this section shall comply with the appropriate standards in this section as well as all other applicable standards in this Ordinance.

F. Conflict

In the event of a conflict between the applicable standards in this section and other standards in this Ordinance, the standards in this section shall control.

5.14.2. CONSERVATION SUBDIVISION

A. Purpose and Intent

The purpose and intent of this section is to provide landowners in the AGR and R-3 districts a development option that provides additional development flexibility to build on smaller lots when additional open space set-asides are provided, and the development is designed and located in a way that protects the agricultural activities or natural and historic features on the site. This is done in order to:

1. Conserve Open Land

Conserve open land, including those areas containing productive agricultural soils, unique and sensitive natural features such as floodplains, wetlands, river and stream corridors, areas with mature hardwood trees, and watersheds;

2. Retain and Protect Natural Resources

Retain and protect existing environmental, natural, and cultural resources;

3. Link Open Spaces

Create a linked network of open lands;

4. Promote Rural Character

Promote existing rural character within the AGR and R-3 districts; and

5. Provide Reasonable Use of Land

Provide reasonable economic use of the land.

B. Applicability

This conservation subdivision option shall be used for single-family detached subdivisions of 4 or more lots in the AGR and R-3 districts.

C. Procedure

Development utilizing the conservation subdivision option shall be approved as a preliminary plat in accordance with the procedures and standards in Section 2.5.11, Preliminary Plat, after approval of a conservation and development plan in accordance with this section.

1. Conservation and Development Plan

Prior to review of an application for preliminary plat for a conservation subdivision, an applicant shall have a conservation and development plan for the land reviewed and approved, or approved with conditions by the Planning and Development Director in accordance with this section and the standards of Section 5.14.2.D, Conservation Subdivision Standards, and Section 5.14.2.E, Delineation of Conservation Areas and Development Areas.

2. Conservation and Development Plan Requirements

(a) Step 1—Site Analysis Map

The applicant shall prepare a site analysis map that provides information about existing site conditions and context, and that comprehensively analyzes existing conditions both on the land proposed for the development site and on land within 500 feet of the site, and submit the site analysis map to the Planning and Development Director. It is the intent of this section that the information required to be presented in the site analysis map be produced primarily from existing sources, maps, and data.

(b) Step 2—Site Inspection

After receipt of the site analysis map, the Planning and Development Director shall schedule a site inspection of the land with the applicant. The applicant or the applicant's representative shall attend the site inspection with a Planning and Development Department staff member. The purpose of this site visit is to:

(1) Familiarize the staff with the existing site conditions and natural and historic features of the site;

(2) Identify potential site development issues; and

(3) Provide an opportunity to discuss site development concepts, including the general layout of conservation areas and potential locations for proposed structures, utilities, streets, and other development features. Comments made by the staff during the site inspection shall be interpreted as being only suggestive. No official decision on the conservation and development plan shall be made during the site inspection.

(c) Step 3—Conservation and Development Areas Map

Based on the site analysis map and the information obtained during the site inspection, the applicant shall prepare a conservation and development areas map that depicts proposed primary conservation areas, secondary conservation areas, and development areas, in accordance with Section 5.14.2.E, Delineation of Conservation Areas and Development Areas.

(d) Step 4—Conservation and Development Plan

Based on the site analysis map, the information obtained during the site inspection, and the conservation and development areas map, the applicant shall prepare and submit to the Planning and Development Director a conservation and development plan. The conservation and development plan shall include the following:

(1) A site analysis map;

(2) A conservation and development areas map; and

(3) A preliminary site improvements plan, showing proposed site development, including utilities, streets, other development features, buffers (if applicable), and lot lines located in the proposed development area(s).

3. Review of Conservation and Development Plan

The Planning and Development Director shall review the conservation and development plan in accordance with the procedures and requirements of Section 5.14.2.D, Conservation Subdivision Standards, and Section 5.14.2.E, Delineation of Conservation Areas and Development Areas.

4. Review and Approval of Conservation Subdivision

Following review and approval or approval with conditions of the conservation and development plan by the Planning and Development Director, the application for a preliminary plat of the conservation subdivision shall be submitted and reviewed in accordance with Section 2.5.11, Preliminary Plat.

D. Conservation Subdivision Standards

A conservation subdivision shall comply with the following standards:

1. Location

Conservation subdivisions shall be limited to the AGR and R-3 districts.

2. Minimum Project Size

Conservations subdivisions shall be at least 10 acres in area.

3. Required Conservation Area

The amount of the conservation area may vary in the AGR or R-3 districts in accordance with the dimensional standards in Section 3.5.2, Agricultural/Rural (AGR), and Section 3.3.2, Residential Single Family – 3 (R-3) as appropriate, but in no instance shall the conservation area occupy less than 50 percent of the total acreage of the conservation subdivision site.

4. Maximum Residential Density

A conservation subdivision shall be limited to the maximum density for a conservation subdivision in the district in which it is located.

5. Dimensional Requirements

Lots within a conservation subdivision are not required to meet the minimum dimensional requirements for the zoning district where located, but the conservation subdivision, as a whole, shall comply with the requirements in this section.

6. Setbacks

Lots in a conservation subdivision shall not be subject to minimum yard setback standards, except as required from streets, wetlands/surface waters, or other protected natural areas.

7. Maximum Lot Coverage

Conservation subdivisions shall ensure that development on a lot does not exceed a maximum lot coverage of 60 percent.

8. Low Impact Design

Conservation subdivisions shall incorporate low impact design features, in accordance with Section 6.2.7, Low Impact Design, where practicable.

E. Delineation of Conservation Areas and Development Areas

The conservation area and development area on the conservation and development areas map shall comply with the following standards:

1. Primary Conservation Areas

(a) Features to be Preserved

The following features shall be located and delineated on the conservation and development areas map, and shall be preserved in the following priority order as primary conservation areas:

(1) Wetlands and wetland buffers;
(2) Protected critical watershed areas;
(3) Rivers and streams;
(4) Riparian buffers;
(5) Habitat utilized by endangered or threatened species; and
(6) Steep slopes (slopes greater than 25 percent).

(b) Amount to be Preserved

All areas occupied by features comprising a primary conservation area shall be set aside and reserved for conservation purposes in accordance with the following standards:

(1) Primary Conservation Area is Less than Minimum Required

In cases where the geographic area occupied by all features comprising the primary conservation area is less than the minimum required conservation area, then all lands comprising the primary conservation area shall be set aside.

(2) Primary Conservation Area Exceeds the Minimum Required

(i) In the event the geographic area of all features identified and prioritized as the primary conservation area results in a primary conservation area exceeding the conservation area requirement (for example, conservation of the first type of prioritized features constitute 47 percent of a site, and the next prioritized feature consists of 5 percent and the minimum required conservation area is 50 percent of the site area, the applicant may identify which portions of the features exceeding the 50 percent conservation area requirement will be designated for conversion to development area). To the maximum extent practicable, priority for retention shall be given to the highest quality portion of the features to be conserved.

(ii) Development on lands made available for conversion to development area shall be in accordance with the standards in this Ordinance.

(c) Allowable Uses

Uses located within a primary conservation area shall be limited to:

(1) Unpaved pedestrian trails, walkways, and boardwalks;
(2) Above ground and below ground public utilities and associated easements, provided no feasible alternative exists;
(3) Street or driveway crossings, provided such crossings do not violate this Ordinance, or other State or Federal laws; and
(4) Stormwater management systems, where no practicable alternative exists.

2. Secondary Conservation Areas

(a) Features to be Preserved

In addition to primary conservation areas, the conservation and development areas map shall also identify secondary conservation areas, which shall be preserved in the following priority order:

(1) Historic, archeological, and cultural resources;
(2) Prime agricultural lands, including existing pastures (whether in use or otherwise);
(3) Existing and mature woodland forests, natural fields, and meadows (especially those greater than 5 acres);
(4) Scenic corridors and views; and
(5) Areas that could serve to extend existing greenways, trails, parks, or

recreation areas.

(b) Amount to be Preserved

All areas occupied by features comprising a secondary conservation area shall be set aside and reserved as a part of the conservation area in accordance with the following standards:

(1) Primary Conservation Area Occupies More than that Required

In the event that the geographic area set aside as the primary conservation area is more of the required conservation area, no additional lands occupied by secondary conservation features shall be required to be included in the conservation area.

(2) Primary Conservation Area Occupies Less than that Required

In the event the geographic area set aside as the primary conservation area is less than the required conservation area, then lands containing secondary conservation features shall also be set aside as part of the conservation area in priority order.

(c) Allowable Uses

Uses located within a secondary conservation area shall be limited to:

(1) All uses allowed in a primary conservation area;
(2) Uses allowed in the Agricultural Use classification in Table 4.1.9, Principal Use Table;
(3) Individual or community water supply and septic systems;
(4) Stormwater management systems;
(5) Required drainage or other utility easements;
(6) Mitigation of development activities, including restoration of disturbed or degraded areas to enhance habitat and scenic value.

3. Ownership

(a) Landowner or Association

A conservation area shall be owned jointly or in common by the owners of the development or through a recognized homeowners or property owners association, which shall be established in accordance with Section 7.3, Homeowners' or Property Owners' Association.

(b) Nonprofit Organization

The landowners may decide to convey a conservation area to a nonprofit organization such as a land trust or land conservancy for management and maintenance if the City is provided adequate assurance the area will be properly managed and maintained.

(c) Dedicated to City or Other Public Agency

In some cases, certain lands designated as conservation areas, such as greenways, may be dedicated to the City, a nonprofit organization, or other public agency during the development review process, at the landowner's discretion. If offered by the landowner, the City Council shall determine whether that land is appropriate for dedication to the City or other public agency.

4. Development Areas

After identifying the primary and secondary conservation areas, the development area shall be identified. It is the area within which development may occur, and shall include the area within the site where:

(a) Any clearing or grading activities will take place;
(b) Ingress and egress will be located;
(c) Individual or community wells and septic systems may be located (if not located within the secondary conservation area);
(d) Streets, utilities, and other similar structures will be located; and
(e) All allowable uses may be located.

5.14.3. CORNER RETAIL

A. Purpose and Intent

The corner retail development type is proposed to establish standards to facilitate the placement of small-scale, low-intensity, neighborhood serving retail sales, eating establishments, and personal services uses on corner lots within and adjacent to higher density residential and transitional areas.

B. Applicability

The corner retail development option is applicable to minor restaurants, minor personal service establishments, and minor retail sales use types in the RM-26 and TO districts, provided the proposed development complies with the standards of this section.

C. Standards

1. Corner Lot Required

A corner retail use may only be established on a lot that abuts 2 or more streets, not including alleys.

2. Maximum Building Size

The building housing the corner retail use shall have a maximum gross square footage of 5,000 square feet on the ground floor.

3. Maximum Building Height

The corner retail use shall be limited to a maximum of 50 feet in height.

4. Maximum Street Setbacks

(a) The corner retail use shall be configured so that structure is located within 5 feet of the street right-of-way abutting the front lot line.
(b) Street setbacks may be increased up to a maximum of 25 feet when the area between a building facade and the adjacent street is used for outdoor seating or outdoor dining.

5. Site Configuration Requirements

(a) Off-Street Parking

In cases where off-street parking areas directly abut a single-family detached dwelling, an opaque fence or wall with a minimum height of 6 feet shall be located between the parking area and the adjacent dwelling.

(b) Bicycle Parking

The corner retail use shall provide a minimum of 2 dedicated bicycle spaces configured in accordance with the requirements in Section 5.4.5, Bicycle Parking Requirements.

(c) Outdoor Storage and Display

(1) Outdoor storage is prohibited.

(2) Outdoor display of goods for sale is permitted in accordance with Section 4.4.5.K, Outdoor Display, except that products displayed must be removed from the outdoor display area at the close of business.

(d) Outdoor Seating Areas

Outdoor seating areas are encouraged to be located between a building facade and an abutting street. They shall not be located along lot lines that are adjacent to a single-family detached dwelling.

(e) Signage

Signs shall comply with the signage standards in Section 5.7, Signage. Free-standing shall also comply with the following:

(1) Free-standing signs may only be used if the street setback is more than 5 feet;

(2) The sign shall be a monument type sign;

(3) The sign shall be limited to a maximum area of 75 square feet; and

(4) The sign shall be limited to a maximum height of 6 feet.

6. Building Configuration Requirements

(a) Drive-Throughs

Drive-throughs are prohibited.

(b) Transparency

(1) Front building facades facing a street shall maintain non-reflective, transparent windows on at least 50 percent of the facade area between 2 and 8 feet above average grade.

(2) Upper stories on front and side facades facing a street shall maintain non-reflective, transparent windows on at least 20 percent of the upper story facade area.

(c) Awnings or Overhangs

The corner retail use shall incorporate awnings, overhangs, or other forms of suitable weather protection for pedestrians along the front facade of the building.

5.14.4. LARGE RETAIL

A. Applicability

These standards shall apply outside the Core City to all new commercial uses in the Commercial Use classification in Table 4.1.9, Principal Use Table that are:

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

B. Development Standards

Development subject to the requirements of this section shall comply with the following standards.

1. General

(a) Facades that face a street, parking lots on the interior of the site, or other areas that are interior to the site shall have articulation along at least 60 percent of the ground floor facade, in accordance with Section 5.14.4.B.3(a), Facade Articulation. This requirement includes the facade of the building that functions as the rear, yet faces a street (see Figure 5.14.4, Facade Facing a Street).

FIGURE 5.14.4, FACADE FACING A STREET

(b) The building facade containing the primary entrance shall be considered the primary facade.

(c) Minimum street setbacks may be reduced to 10 feet if the development meets all required and recommended standards of this section.

2. Site Standards

(a) Compliance with Multiple Lot Development Standards

Large retail development configured as a multiple building development shall comply with the standards in Section 5.14.5, Multiple Lot Development, in addition to the standards for a large retail development type.

(b) Building Location and Orientation

(1) Street Corner Location

Buildings placed at a street corner should be designed to address both street frontages in an "L" configuration.

(2) Multi-building Development

(i) Buildings should be located and configured so as to enclose parking areas.

(ii) Buildings should include a consistent level of architectural styling and facade articulation on facades facing streets, internal drives, parking lots, or pedestrian amenities.

(c) Pedestrian Areas

A portion of the spaces between or along the frontages of the buildings should include pedestrian areas such as small plazas, patios, or central

gathering spaces with pedestrian amenities. The pedestrian amenities include but are not limited to: seating, outdoor play areas, bicycle racks, kiosks, water features, public art, freestanding structures such as a clock tower, or similar amenities.

(d) Loading Docks and Loading Bays

Loading docks and loading bays shall:

(1) Be located towards the rear of buildings, or located internally within multi-building developments;

(2) Not face or be adjacent to streets, to the maximum extent practicable; and

(3) Meet the minimum requirements of Section 5.6, Screening.

(e) Accessory Buildings

Accessory buildings shall comply with the standards in Section 4.4, Accessory Structures and Uses, and use the same materials and architectural styling as the principal building they serve.

3. Building Standards

(a) Facade Articulation

Walls requiring articulation must use 2 or more of the following features:

(1) Recessed or display windows;

(2) Offset surfaces, niches, insets, projections, or bas relief with a minimum depth of four inches;

(3) Window indentations that incorporate different building material, texture, or color;

(4) Awnings, canopies, arcades, or overhangs with a minimum projection of 4 feet from the building wall along with an awning or overhang;

(5) Use of columns, pilasters, piers, architectural boxing, or other technique to break the facade into different volumes;

(6) Textured materials;

(7) Roofline changes, coupled with correspondingly aligned wall offset or facade material changes, changes in the roof planes, or changes in the height of a parapet wall; or

(8) Changes in wall plane (such as projections or recesses) with an offset or depth of at least 1 foot and a width of at least 10 feet, located a minimum of every 30 feet.

(b) Facade Materials

(1) Where 2 or more materials are proposed to be combined on a facade, the heavier and more massive elements should be located below the lighter elements (e.g., brick shall be located below stucco). Heavier materials can also be placed as a detail on the corner of a building or along cornices or windows.

(2) Primary facade materials shall not change at outside corners, and shall continue around the corner to a logical point of conclusion such as a window or change in facade plane.

(3) The following materials shall be prohibited:

(i) Corrugated metal siding; and

(ii) Exposed smooth-finished concrete block;

(c) Windows

When provided, windows shall meet the following:

(1) A ground-level window shall be visually permeable between a height of 3 feet and 8 feet above the walkway grade.

(2) Reflective or tinted glass that obstructs views into the building shall not be used to meet the facade articulation requirements.

(d) Primary Entrances

The primary entrance shall be clearly defined and incorporate the following features:

(1) For All Development

(i) Overhangs, awnings, canopies, or other projections of at least 8 feet, from the building wall;

(ii) Windows within or beside entry doors that allow entrants to see into the building.

(2) For Single Tenant Building

Distinctive roof forms, towers, gables, roof ridges, peaks, or other features that differ in height by 3 feet or more from the balance of the roof;

(e) Roof Form

(1) Flat roofs shall incorporate parapet walls with 3-dimensional cornice treatments designed to screen the roof and roof-mounted equipment from view from the primary street fronting the building, to the maximum extent practicable. All parapet walls visible from a street shall be finished and be the same or similar in color and material to the building.

(2) For sloped roofs, roof-mounted equipment and other roof penetrations should be located and screened to have a minimal visual impact as seen from the street or existing residential uses.

(3) In cases where complete screening is not practicable, all roof-mounted equipment and other roof penetrations shall be camouflaged through the use of paint or architectural techniques to minimize its appearance.

(4) Within developments with multiple buildings, building heights shall be varied to avoid the appearance of an elongated building mass. This can be achieved by stair-stepping building heights or by varying roof forms.

(5) Green roofs, which use vegetation to improve stormwater quality and reduce runoff, are permitted as an alternative to the roof forms described in this subsection.

5.14.5. MULTIPLE LOT DEVELOPMENT

The purpose of this section is to allow a unified designed and functioning development with multiple lots, pursuant to a preliminary plat approved in accordance with Section 2.5.11, Preliminary Plat, and a final plat in accordance with Section 2.5.7, Final Plat, provided the development complies with the standards of this section.

A. Applicability

To qualify as a multiple lot development, the development must:

1. Contain 2 or more nonresidential uses designed to function as a unified development; and

2. Contain all of the following:

(a) Common private streets or drives;
(b) Common off-street parking;
(c) A common signage plan; and
(d) A common landscape plan.

B. Common Features

1. An approved multiple lot development shall be treated as a single zone lot for the purposes of providing required off-street parking, required landscape yards, required street access, compliance with zoning district dimensional standards, and compliance with signage standards.

2. Compliance with the off-street parking and street access requirements are met by considering the development as a whole and not on an individual lot basis.

3. Compliance with the landscaping standards are met if the required perimeter landscape yards are provided along the multiple lot development perimeter and all parking lot landscaping requirements are met.

C. Establishment

The establishment of a multiple lot development occurs through the approval of a preliminary plat and a final plat.

1. The preliminary plat shall illustrate that the development will have common private streets or drives and common parking.

2. Prior to the approval of a final plat, the proposed development must have approved common signage and common landscape plans.

3. The final plat must be recorded displaying a prominent note identifying it as a multiple lot development and explaining that the property must be developed with common private streets or drives and off-street parking and be subject to a common signage plan and common landscaping plan. The note shall further state that should the property cease to conform to the definition of a multiple lot development, the property will then be in violation of this Ordinance and shall be retrofitted with conventional parking and landscaping, even if doing so requires the removal of previously installed improvements.

5.14.6. POCKET NEIGHBORHOOD

A. Purpose and Intent

The pocket neighborhood development type is proposed to establish standards to facilitate the voluntary development of a group of smaller single-family detached dwellings built in close proximity to one another around a small green or open space with off-street parking areas to the rear or in common areas. This approach is well-suited to small, vacant, infill sites in established neighborhoods.

B. Applicability

The pocket neighborhood development option is applicable only within the Core City area.

C. Site Configuration

1. Development size

It shall be located on a parcel of land at least one-third ($^1/_3$) of an acre and no greater than 4 acres in area.

2. Allowable Uses

It shall be allowed only the following uses: detached single-family dwellings and commonly associated accessory uses. Accessory uses may include common open

space, a common building for the purposes of storage or recreation, outdoor recreational features, and garages.

3. Number of Dwellings

It shall include at least 4 dwellings but no more than 12 dwellings. In no instance shall the gross density of the development exceed a 10 percent increase in the density of the underlying base zoning district.

4. Common Open Space

(a) It shall include common open space that comprises at least 40 percent of the total site and includes improved pedestrian walkways that provide pedestrian access to each dwelling, shared parking areas, common buildings, and the public sidewalk network. The common open space shall include a central green, lawn, or garden area fronting the dwellings, a shared, centrally-located off-street parking area, and a perimeter buffer area that incorporates landscaping materials, existing vegetation, or other features to buffer the pocket neighborhood from adjacent development.

(b) The central green or lawn area shall include at least 375 square feet of area for each dwelling in the 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 exceed 1,500 square feet or serve as a permanent dwelling unit.

5. Lot Frontage

(a) At least 60 percent of the individual building lots shall front the common open space area, not a street or alley.

(b) Up to 40 percent of the lots may front a street. Homes on street-facing lots shall include a front porch and shall not include an attached garage.

6. Surface Parking

(a) Pocket neighborhoods are exempt from the parking standards in Table 5.3.3.B, Table of Minimum Off-Street Parking Standards.

(b) The pocket neighborhood shall include a shared parking area that accommodates resident and guest parking.

(c) Surface parking areas shall include at least 1 parking space for each dwelling unit plus 1 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 or by parking spaces along alleys.

(e) In no instance shall parking areas be more than 300 linear feet from the dwelling it serves.

7. Detached Shared Garages

If provided, detached garages serving more than 1 dwelling shall be accessed via a private drive or alley. A garage shall not exceed 5 car bays or include individual garage doors wider than 12 feet each.

8. Storage Space

Each individual dwelling shall have 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.

9. Perimeter Landscape Yard

A pocket neighborhood shall incorporate a Type B perimeter landscape yard along all lot lines shared with existing single-family detached dwellings.

10. Private Drives

Vehicular entryways into pocket neighborhoods and accessways serving off-street parking areas and individual dwelling lots shall be configured as private drives.

D. Individual Lot Configuration

Table 5.14.6, Pocket Neighborhood Lots, sets out the dimensional requirements for individual lots.

TABLE 5.14.6: POCKET NEIGHBORHOOD LOTS

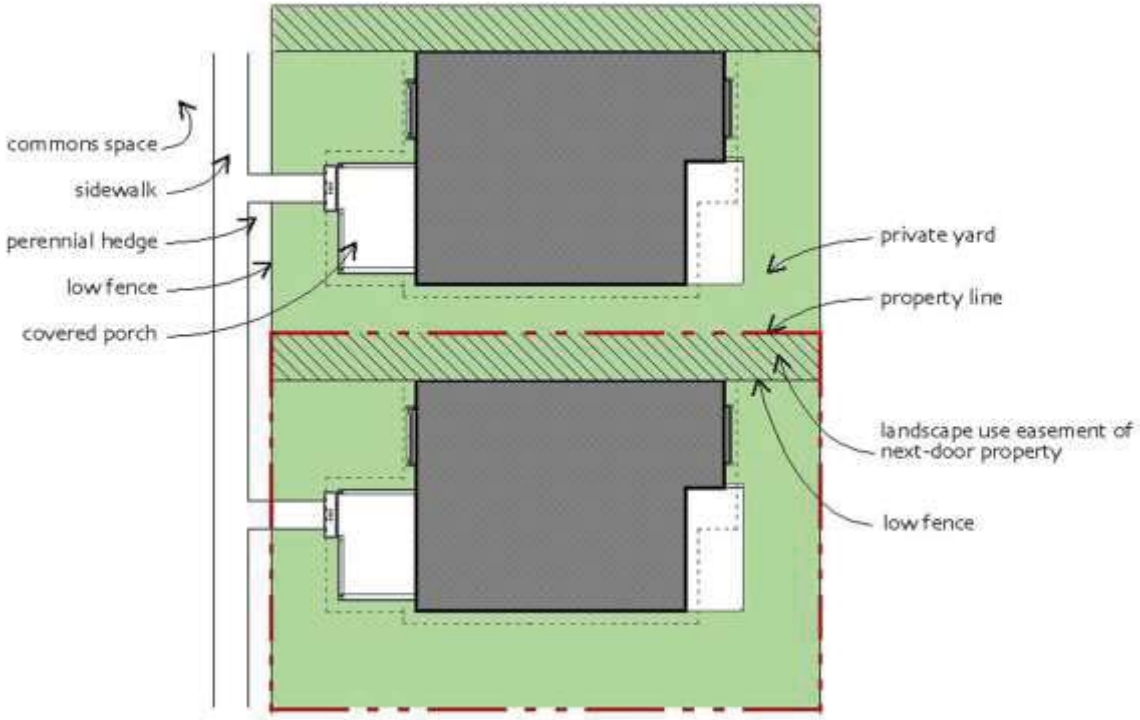
FEATURE	REQUIREMENT
Minimum lot size (sq ft)	None
Maximum lot coverage (%)	75
Minimum lot width (ft)	20
Minimum front setback (ft)	10 from open space; zoning district requirement from street [1]
Minimum side setback (ft)	3 one side; 15 other side [1]
Minimum rear setback (ft)	None [2]

NOTES:
[1] Porch steps, ramps, fences, and walkways may encroach into the front setback in accordance with Section 10.2, Rules of Measurement, but no other structures shall be permitted to encroach into the required setback.
[2] When an individual lot includes a driveway, the minimum rear setback shall be 20 feet.

1. Use Easement

Any lot abutting another lot used for residential purposes in a pocket neighborhood shall be subject to a use easement on one side that extends from the lot line to the exterior wall of the dwelling (see Figure 5.14.6.D.1, Use Easement). The purpose for the use easement is to ensure each dwelling has a private outdoor space.

FIGURE 5.14.6.D.1, USE EASEMENT



2. Dwelling Unit Configuration

(a) Maximum Height

A dwelling unit shall not exceed 1½ stories, or 24 feet, above grade.

(b) Dwelling Size

(1) A dwelling unit shall be at least 600 square feet in floor area, but not more than 2,000 square feet in floor area.

(2) At least 2 dwellings in a pocket neighborhood shall maintain a total square footage that differs by at least 200 square feet in floor area from the average square footage of all other dwellings. Nothing shall prohibit a configuration where all dwellings are different sizes.

(c) Fences

(1) Pocket neighborhoods are exempted from the standards in Section 5.11, Fences.

(2) Fences within front yards or side yards forward of the front facade plane shall not exceed 3 feet in height. Fences in rear yards or side yards behind the front facade plane shall not exceed 6 feet in height.

(3) In no instance shall a fence be placed within a use or access easement.

(d) Homeowner's Association

A pocket neighborhood shall include a homeowner(s) or property owner(s) association that maintains control of common areas and takes responsibility for maintenance of common features in the neighborhood. Association

documents shall be submitted to and reviewed by the City prior to approval of the development.

Open side of house with windows facing the private yard

Closed side of the house – skylights bring light into the interior without peering at the neighbor

5.15. SUSTAINABILITY INCENTIVES

5.15.1. PURPOSE AND INTENT

The purpose of this section is to promote sustainable development practices as a means of protecting and conserving natural resources and ensuring a high quality of life for residents. More specifically, they are intended to provide incentives for new development to incorporate measures that conserve energy, conserves water, and promotes a healthy landscape.

5.15.2. APPLICABILITY

The incentives included in this section are available to all new development in the City.

5.15.3. PROCEDURE

A. Written Request

Development seeking to use incentives shall include a written request with the development application that demonstrates how compliance with these standards will be achieved.

B. Incentive Amount

Development may include a sufficient number of sustainable development practices to take advantage of more than one type of incentive, but in no instance shall the amount of an incentive be increased or decreased (as appropriate) beyond the maximum listed in this section.

C. Time of Review

Review for compliance with this section, and granting of requests in accordance with this section shall occur during review of a site plan, group development plan, preliminary plat, PD master plan, use permit, or building permit, as appropriate. The decision-making body responsible for review of the development application shall also be responsible for the review of sustainable development incentive request.

D. Earning Incentives

The incentive shall be based on the number of sustainable development practices provided, in accordance with Table 5.15.3, Sustainable Development Incentives, and Section 5.15.4, Sustainable Development Features. To earn a particular incentive, development must provide the minimum number of associated sustainable development features from schedule A and schedule B in Table 5.15.3. An applicant may select the kinds of sustainable development features provided to comply with Table 5.15.3.

E. Provide Features from Both Schedules

The ability to take advantage of a sustainable development incentive requires new development to include sustainability features from both schedule A and schedule B in Table 5.15.3. The applicant may choose which features to include as long as the minimum number of features from each of the schedules is provided. Generally, items in schedule A are typically more expensive than items in Schedule B, though this will depend upon the proposed development, site conditions, type of uses proposed, and many other features.

TABLE 5.15.3: SUSTAINABLE DEVELOPMENT INCENTIVES

Type of Incentive	Minimum Number of Sustainable Development Features to be Provided	
	From Schedule A	From Schedule B
A density bonus of up to 2 additional dwelling units per acre beyond the maximum allowed in the base zoning district in the Core City or 1 additional dwelling unit per acre outside the Core City	3	4
An increase in the maximum allowable height by up to 2 stories or 20 feet beyond the maximum allowed in the zoning district in the Core City	2	3
An increase in the maximum allowable height by up to 1 story or 10 feet beyond the maximum allowed in the zoning district outside the Core City	2	3
A reduction from the minimum parking space requirements by 10 percent	2	2
An increase in the maximum allowable sign area or maximum height for wall or freestanding signs by 10 percent	1	3

5.15.4. MENU OF SUSTAINABLE DEVELOPMENT FEATURES

One or more of the sustainable development features in Table 5.12.4, Sustainable Development Features, may be offered by an applicant for proposed development in accordance with Table 5.15.4, Sustainable Development Incentives.

TABLE 5.15.4: SUSTAINABLE DEVELOPMENT FEATURES

Schedule	Type of Feature	Documentation of Compliance
Energy Conservation		
A	Use of solar photovoltaic panels, geothermal, or small wind energy facilities to provide up to 50 percent of the development's energy needs	Indication on site plan and proof from the local energy provider
AA [1]	Use of solar photovoltaic panels, geothermal, or small wind energy facilities to provide up to 75 percent of the development's energy needs	
AAA [2]	Use of solar photovoltaic panels, geothermal, or small wind energy facilities to provide up to 100 percent of the development's energy needs	
A	Use of only solar or tankless water heating systems throughout the structure	Inclusion on construction drawings
A	Use of a white roof or roofing materials with minimum reflectivity rating of 60 percent or more	Provision of materials sample and product specification (statement not required for white roofs)
BB [1]	Use of central air conditioners that are Energy Star qualified	Provision of product specification
B	Provision of skylights in an amount necessary to ensure natural lighting is provided to at least 15 percent of the habitable rooms in the structure	Indication on site plans

TABLE 5.15.4: SUSTAINABLE DEVELOPMENT FEATURES

Schedule	Type of Feature	Documentation of Compliance
B	Roof eaves or overhangs of 3 feet or more on southern or western elevations	
B	Structure design that can accommodate the installation and operation of solar photovoltaic panels or solar thermal heating devices (including appropriate wiring and water transport systems)	Inclusion on construction drawings
B	Inclusion of shade features (e.g., awnings, louvers, shutters, etc.) to shade all windows and doors on the southern building facade	Indication on site plans
B	Configuration of new buildings with 1 axis at least 1.5 times longer than the other, and the long axis oriented in an east-west configuration for solar access	
B	30 percent of the building lots on a plat are oriented for unobstructed solar access	
LEED Certification		
AAA [2]	Construction of the principal structure to meet or exceed LEED Platinum certification standards	Provision of Green Building Certification Institute's verification of project compliance (may be provided within 1 year following occupancy)
AA [1]	Construction of the principal structure to meet or exceed LEED Gold certification standards	
BBB [2]	Construction of the principal structure to meet or exceed LEED Silver certification standards	
BB [1]	Construction of the principal structure to meet or exceed LEED Bronze certification standards	
Water Conservation and Quality Protection		
AAA [2]	Configuration of the principal structure's roof so that at least 75 percent of the roof is a "green" roof intended to capture and hold rain water	Indication on site plan
AA [1]	Configuration of the principal structure's roof so that at least 50 percent of the roof is a "green" roof intended to capture and hold rain water	
A	Inclusion of rain water capture and re-use devices such as cisterns, rain filters, and underground storage basins with a minimum storage capacity of 500 gallons	Inclusion on construction drawings
A	Provision of rain gardens or other appropriate stormwater infiltration system(s) of at least 500 square feet in area	Indication on site plan
A	Provision of open space set-asides at a rate 200 percent or more beyond the minimum required	
B	Provision of rain gardens or other appropriate stormwater infiltration BMP systems of at least 100 square feet in area	
B	Removal of all lawn or turf in favor of living ground cover or mulch	
B	Use of xeriscape landscaping techniques without irrigation	
B	Provision of 150-foot undisturbed buffers adjacent to/surrounding all wetlands or surface waters	
B	Use of permeable surfacing on 50 percent or more of the vehicular use area	
Building Configuration		
A	Construction of principle structure in accordance with Barrier Free Design Standards (ANSI A1171.1)	Inclusion on construction drawings

TABLE 5.15.4: SUSTAINABLE DEVELOPMENT FEATURES

Schedule	Type of Feature	Documentation of Compliance
A	Up to 50 percent of the residential units are constructed in accordance with universal design principles	
AA [1]	All residential units are constructed in accordance with universal design principles	
A	Construction of the principal structure to a design wind speed standard of 150 mph	Signed attestation from a qualified NC licensed engineer
A	Inclusion of underground parking or parking structures sufficient to accommodate 51 percent or more of the off-street parking requirements	Indication on site plan
B	Provision of on-site transit facilities (e.g., designated park-and-ride parking spaces, bus shelters, or similar features)	
B	Inclusion of showering and dressing facilities in nonresidential developments for employees using alternative forms of transportation	Inclusion on construction drawings
B	Provision of at least 1 enclosed recycling station per building suitable for storage and collection of recyclable generated on-site	Indication on site plan
B	Provision of an indoor atrium with plantings and seating areas that is open to the general public	
Site Configuration		
A	Providing double the amount of required open space	Indication on site plan
A	Dedicating the land necessary to provide a greenway link across the development	
AA [1]	Dedicating land and constructing a greenway across the development	
B	Providing space and facilities for a community garden	
B	Providing a public gathering area with a plaza, fountain, and shaded outdoor seating	

NOTES:
[1] Credited as provision of 2 schedule features
[2] Credited as provision of 3 schedule features

5.15.5. FAILURE TO INSTALL OR MAINTAIN SUSTAINABLE DEVELOPMENT PRACTICES

The failure to install or maintain approved sustainable development features is a violation of this Ordinance, shall render the subject development nonconforming, and may result in revocation of the development permit or approvals.

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CHAPTER 6: ENVIRONMENTAL STANDARDS

6.1. PUBLIC TREE PROTECTION

6.1.1. APPLICABILITY

A. General

The requirements of this section shall apply only to City-owned or controlled land (land leased by the City, or land the City controls through public rights-of-way and easements for public purposes such as streets, the construction and maintenance of public utilities, the provision of pedestrian access across private land, the development and maintenance of greenways and open space, or the protection of water quality).

B. Rights of City

The City and the Urban Forestry Committee (UFC), as an agent of the City, is authorized to plant, prune, maintain and remove any tree, plant, or shrub on City-owned or controlled land if it is determined necessary to ensure the public health and safety, to preserve and enhance the symmetry and beauty of public land, or to protect public improvements and utilities.

6.1.2. TREE MAINTENANCE AND PROTECTION

A. Removal or Damage to Tree Without Prior Authorization

1. General

It is a violation of this Ordinance for a person to take any of the following actions to a tree on City-owned or controlled land without prior authorization from the UFC:

(a) Remove, prune, or plant a tree;

(b) Attach a rope, wire, nail, or sign to a tree;

(c) Apply a liquid or solid substance to a tree that is harmful and could damage or destroy the tree; or

(d) Deposit, place, store or maintain a stone, brick, sand, concrete or other impervious materials which may impede the free passage of water, air, or fertilizer to the roots of a tree.

2. Tree Topping

(a) It is a violation of this Ordinance for any person or City department (including a utility), to top a tree on City-owned or controlled land without a Public Tree Certificate in accordance with Section 2.5.12, Public Tree Certificate. For the purposes of this section, topping is defined as the severe pruning of tree limbs larger than 3 inches in diameter within the tree's crown to such a degree it removes the normal canopy of or disfigures the tree.

(b) The topping of trees shall be approved only in cases where the tree is severely damaged by storm or other natural cause or where the UFC determines other pruning practices impractical (such as the pruning of trees directly under overhead utility lines).

B. Removal of Damaged or Infested Trees

The UFC may cause to be removed a tree or part of a tree that is in an unsafe condition, significantly damaged due to severe weather or other natural conditions, or is infested with disease, injurious fungus, insects, or other pests.

C. Protection During Construction

A tree on City-owned or controlled land shall be protected during any construction or excavation consistent with the City's *Guidelines and Standard Practices for Trees*.

6.1.3. TREE PLANTING, PRUNING AND REMOVAL

A. Public Tree Certificate Required

Unless exempted in accordance with subsection (B) below, a person or City department seeking to plant, prune, or remove trees on City owned or controlled land shall receive approval of a public tree certificate in accordance with Section 2.5.12, Public Tree Certificate. In reviewing the application the UFC shall ensure that the intended activities meet the expectations of the urban forestry program and are consistent with the City's adopted *Guidelines and Standard Practices for Trees*.

B. Exemptions

The following development is exempt from the requirement to receive a public tree certificate, as long as the tree pruning and removal is consistent with the City's *Guidelines and Standard Practices for Trees*.

1. Public and private utilities (water, sewer, electrical, gas, telecommunications, cable, etc.) in public rights-of-way, on land owned or controlled by the City, or in dedicated utility easements.
2. City departments that prune trees to maintain traffic visibility, pedestrian activity, and other similar public safety matters.
3. Trimming or removal when a tree represents an immediate safety hazard to structures, people, or automobiles traveling along a road.
4. Removal of nuisance or diseased trees likely to spread disease or pests to neighboring trees
5. Emergency tree removal resulting from severe weather, fire, or other emergency conditions where removal of such tree(s) is necessary to protect the health and safety of the public, restore order, or remove obstructions blocking access to streets or land.
6. Exemptions specified in the City's *Guidelines and Standard Practices for Trees*, and exemptions that are deemed by the UFC to be necessary and practical for ensuring the public health, safety, and general welfare.

6.1.4. GUIDELINES AND STANDARDS FOR TREE PLANTING, PRUNING AND REMOVAL

To implement the requirements of this section, the UFC shall develop, adopt and maintain guidelines and specifications for tree plantings, and standards and practices for tree conservation and maintenance. The guidelines and standards shall, at a minimum, include provisions concerning certificates, plantings, spacing, care, maintenance, and removal. All tree planting, pruning and removal on City-owned or controlled land shall be consistent with the City's standards.

6.2. WATERSHED PROTECTION

6.2.1. PURPOSE AND INTENT

These watershed protection standards are established in accordance with the requirements in the North Carolina General Statutes Sections 143-214.5 through 143-214.7 related to water supply watershed protection. They are intended to regulate residential density and impervious surface cover in water supply watershed drainage areas to control non-point source water pollution and protect drinking water quality.

6.2.2. APPLICABILITY

A. Authority

The City Council is authorized to adopt these provisions in accordance with North Carolina General Statutes Sections 143-214.5, 143-214.6 and 143-214.7, Section 160-A-314, the rules promulgated by the North Carolina Environmental Management Commission, and all other relevant laws of the State of North Carolina.

B. Location

1. The standards in this section apply to all land within the City of High Point's zoning jurisdiction, including both water supply watersheds and non-water supply watersheds.
2. National Pollutant Discharge Elimination System (NPDES) Phase II stormwater regulations also apply jurisdiction-wide and are overlaid by districts that regulate development in water supply watersheds, including the separate General Watershed Areas (GWA) and Watershed Critical Areas (WCA) of Oak Hollow Lake, City Lake, Oakdale Reservoir, Randleman Lake, and the Uwharrie (Lake Reese) and Lake Thom-A-Lex watersheds.

C. Activities Covered

1. Except for the activities in Section 6.2.3, Exemptions, the standards in this section apply to all land disturbance, paving, gravel placement, and construction of buildings or other structures in the City's planning jurisdiction.
2. All activities subject to these provisions shall comply with the procedural, design, and construction requirements of this section.

6.2.3. EXEMPTIONS

A. General

The following activities are exempt from the requirements of this section; however, this exemption shall not be construed to permit uses prohibited in the underlying zoning district, or uses prohibited by this section.

1. Development on a lot of record less than 20,000 square feet in area existing on July 1, 1993 in all watersheds except in the Randleman Lake Watershed.
2. Development on a lot of record less than 20,000 square feet in area existing on January 1, 2000 in the Randleman Lake Watershed.
3. Development on a lot of record less than 40,000 square feet in area existing on January 1, 2000 in the Downtown Area, which is shown on the High Point Watershed Map.

4. Development of 1 single-family dwelling and its accessory structure(s) on:
   (a) A lot located outside (WCA) Tier 1 within the Oak Hollow Lake, City Lake, and Oakdale Reservoir Watersheds; or
   (b) A lot located outside (WCA) Tiers 1 and 2 within the Randleman Lake Watershed.
5. Development of a duplex dwelling and its accessory structure(s) on a lot in the Oak Hollow Lake, City Lake, and Oakdale Reservoir Watersheds provided a sedimentation and erosion control plan is not required and it is located outside (WCA) Tiers 1 and 2.
6. Development on a lot in a non-water supply watershed that disturbs less than an acre.
7. Replacement of an existing built-upon area on a lot developed with a like or lesser amount of new built-upon area at the same location, or at a different location on the same lot if the TRC determines that equal or improved water quality will result.
8. Development existing on July 1, 1993 in all water supply watersheds except Randleman Lake Watershed where the effective date is January 1, 2000.
9. Development existing in all non-water supply watersheds, as of July 1, 2007.

B. Exemption to the Plan Submission Requirements of This Section

The development of a small accessory building, structure, or small amount of other built-upon area on a lot is exempt from the plan submission requirements of this section, provided:

1. The development is nonresidential or multi-family;
2. The total built-upon area is no greater than 600 square feet;
3. Less than 1 acre of land is disturbed;
4. The built-upon area or land disturbance is not within a required surface water buffer;
5. The exemption is not proposed on a lot subject to a watershed development plan on file with the Planning and Development Department; and
6. The exemption is applied to a lot no more than once after July 1, 1993, in all watersheds except Randleman Lake Watershed, or after January 1, 2000 in the Randleman Lake Watershed.

C. Compliance with Previously Approved Plans

Any restrictions upon building location, drainageways, pavement, or other built-upon area, percentage of impervious surface area, location of built-upon area, or any other matter appearing on any previously approved watershed development plan covering the subject land shall be complied with unless and until replaced by an approved revised watershed development plan meeting the requirements of this section.

D. Activities Regulated by Other Governmental Agencies

1. Agriculture

The Guilford Soil and Water Conservation District is the designated agency responsible for implementing the provisions of this section pertaining to agriculture.

2. Silviculture

The City of High Point is the designated management agency responsible for implementing the provisions of this section pertaining to silviculture activities.

3. Transportation

The NCDOT shall comply with the practices outlined in its document entitled "*Best Management Practices for the Protection of Surface Waters,*" which is incorporated herein by reference.

4. Hazardous Materials

(a) The City of High Point Fire Marshall and the Guilford County Local Emergency Planning Committee are the designated management agencies responsible for implementing the provisions of this section pertaining to hazardous materials.

(b) An inventory of all hazardous materials used and stored in the watershed shall be maintained.

(c) A spill/failure containment plan and appropriate safeguards against contamination are required.

(d) Waste minimization and appropriate recycling of materials is encouraged.

(e) Land in the WSO where oil or other hazardous substances are stored shall comply with the following requirements:

(1) The Superfund Amendments and Reauthorization Act (SARA) Section 302 Extremely Hazardous Substances (42 USC 11000 et seq.); and

(2) Section 311 of the Clean Water Act (CWA), as amended (33 USC 1251 et seq.).

6.2.4. HOW TO USE THIS SECTION

The following general steps should be followed to determine the applicability of the watershed protection requirements to a specific parcel of land:

A. Identify the location of the land on the Watershed Map;

B. Determine if the land, development, or activity is exempted (see Section 6.2.3, Exemptions);

C. Identify fragile areas or development limitations (i.e., surface waters, steep slopes, etc.) on the land;

D. Classify the development as high or low density as established in Table 6.2.6.C, Minimum Surface Water Buffer Width Requirements;

E. Based on the development density or built-upon area, determine the method of stormwater control required and surface water buffers; and

F. Comply with the requirements of the *High Point Stormwater Best Management Practices Design Manual*.

6.2.5. INCORPORATION OF WATERSHED MAP

A. Incorporation of Watershed Map

1. This subsection incorporates by reference the High Point Watershed Map, dated July 1, 1993, and any amendments, showing the WSO, Downtown Area, the Randleman Lake Credit Area, the Richland Creek Sub-basin and the Business 85/Riverdale Sub-basin within the City's existing and future jurisdiction (planning jurisdiction) of the following water supply watersheds:

(a) Oak Hollow Lake, City Lake, Randleman Lake, and Oakdale Reservoir (Jamestown), which are classified as WS-IV Critical Water Supply Watersheds by the North Carolina Environmental Management Commission (EMC);

(b) Uwharrie (Lake Reese) and Lake-Thom-A-Lex, which are classified as WS-III

Water Supply Watersheds by the EMC.

2. The remaining part of the jurisdiction is the non-water supply watershed that is subject to the National Pollutant Discharge Elimination System Phase II requirements, which apply jurisdiction-wide.

B. Incorporation of the WSO District on the Official Zoning Map

The boundaries of the WSO are adopted on the Official Zoning Map and incorporated herein by reference.

6.2.6. PROTECTION OF FRAGILE AREAS

A. Land Disturbance Minimization

1. Sedimentation and Erosion Control

A sedimentation and erosion control plan shall be required in accordance with Section 6.3 of this Ordinance.

2. Development on the Best Soils and Terrain

Development on the best soils and terrain of a site is encouraged. Hydric soils and those soils that are highly erodible should be avoided.

3. Low Impact Design

Low Impact Design in accordance with Section 6.2.7, Low Impact Design, is encouraged.

4. Conservation Subdivision Development

The location of development on soils and terrain most suited to protecting water quality is greatly encouraged by conservation subdivision (see Section 5.14.2, Conservation Subdivision).

5. Density Shifting

The location of development on soils and terrain most suited to protecting the water quality of water supply reservoirs is encouraged (see Section 6.2.11.G, Density Shifting).

B. Floodplain Protection

Development in special flood hazard areas shall comply with the requirements of Section 6.4, Flood Damage Prevention.

C. Surface Water Buffers

1. Applicability

(a) This subsection applies to all development and activities with the exception of activities conducted under the authority of North Carolina, the United States, multiple jurisdictions or local units of government, and forest harvesting and agricultural activities.

(b) The NC Division of Water Resources shall administer the requirements of Rule 15A NCAC 02B .0250 and .0295 (Randleman Lake Water Supply Watershed: Protection and Maintenance of Existing Riparian Buffers and Mitigation Program Requirements for Protection and Maintenance of Riparian Buffers, respectively) for these jurisdictions and activities.

2. Perennial and Intermittent Surface Water Buffers Required

(a) A surface water buffer shall be maintained with a minimum width as specified in Table 6.2.3.C, Minimum Surface Water Buffer Width Requirements, measured landward from the normal water level for lakes and ponds and from the top of the bank of each side for perennial and intermittent streams.

(b) Wetlands adjacent to surface waters or within 50 feet of surface waters shall be considered as part of the surface water buffer but are regulated pursuant to 15A NCAC 02H .0506.

(c) These surface waters are indicated on any of the following maps or if there is site-specific evidence that indicates the presence of waters not shown on any of these maps:

(1) The most recent version of either the United States Geological Survey 1:24,000 scale (7.5 minute quadrangle) topographic maps; or

(2) The hard copy Soil Survey maps developed by the USDA Natural Resource Conservation Service; or

(3) A map approved by the Geographic Information Coordinating Council and by the NC Environmental Management Commission.

(d) Where the specific origination point of a perennial or an intermittent stream is in question, parties subject to this section shall request the Engineering Services Director to make a determination in accordance with Rule 15A NCAC 2B 0250(4)(b).

6.2.6.C: MINIMUM SURFACE WATER BUFFER WIDTH REQUIREMENTS

Water Classification	Minimum Buffer Width				
	Low Density Development [1]		High Density Development [2]		
	Zone 1 (feet)	Zone 2 (feet)	Zone 1 (feet)	Zone 2 (feet)	Zone 3 (feet)
Perennial Surface Waters (Streams, Lakes and Ponds)	50		100		
	30	20 [3]	30	20 [3]	50
Intermittent Surface Waters (Streams, Lakes and Ponds)	50		50		
	30	20 [3]	30	20 [3]	n/a

NOTES:
[1] Low Density Development is development that is equal to or less than 2 dwelling units per acre or 24 percent built-upon area in all watersheds except Randleman Lake. Low Density Development in the Randleman Lake watershed is development that is equal to or less than 1 dwelling unit per acre or 12 percent built-upon area
[2] High Density Development is development that is greater than 2 dwelling units per acre or 24 percent built-upon area in all watersheds except Randleman Lake. High density development in the Randleman Lake watershed is development that is greater than 1 dwelling unit per acre or 12 percent built-upon area
[3] Additional buffer requirements apply where surface waters abut moderate to steep slopes in accordance with Section 6.2.6.D, Slope and Buffer Protection

3. Exemption Based on On-site Determination

(a) When a landowner or other affected party believes that the maps have inaccurately depicted surface waters, the landowner or affected party may submit a stream determination request to the Engineering Services Director.

(b) Upon request, the Engineering Services Director shall make an on-site determination.

(c) The Engineering Services Director may also accept the results of site assessments made by other qualified parties.

(d) Any disputes over on-site determinations shall be referred to the Director of the N.C. Division of Water Resources (DWR), in writing.

(e) A determination by the Director of the DWR as to the accuracy or application of the maps is subject to review as provided in Articles 3 and 4 of N.C.G.S. 150B. Surface waters that appear on the maps shall not be subject to these buffer requirements if a site evaluation reveals any of the following cases:

(1) Ditches and manmade conveyances, to include manmade stormwater conveyances, other than modified natural streams, unless the ditch or manmade conveyance delivers untreated stormwater runoff from an adjacent source directly to an intermittent or perennial stream;

(2) Areas mapped as intermittent streams, perennial streams, lakes, ponds or estuaries on the most recent versions of the United States Geological Survey 1:24,000 scale (7.5 minute quadrangle) topographic maps, hard-copy soil survey maps, or other EMC approved stream maps where no perennial water body, intermittent water body, lake, pond or estuary actually exists on the ground;

(3) Ephemeral streams; or

(4) Ponds and lakes created for animal watering, irrigation or other agricultural uses that are not part of a natural drainage way that is classified in accordance with 15A NCAC 02B .0100. Ponds are part of the natural drainage way when they are hydrologically connected (i.e., the pond is fed by an intermittent or perennial stream) or when they have a direct discharge point to an intermittent or perennial stream.

4. Exemptions for Existing Development and Activities

Existing development that was present within a surface water buffer on the effective date the surface water buffer requirements were established is allowed to continue and is exempt from the requirements of Section 6.2.6.C, Surface Water Buffers, to the extent specified below:

(a) The exemption of existing development and uses includes but is not limited to existing agriculture, buildings, facilities, ground mounted equipment, utility lines, on-site sanitary sewage systems, maintained lawns and uses any of which involve either specific, periodic management of vegetation or displacement of vegetation by structures or regular activity.

(b) Only the portion of the buffer that contains the footprint of the existing development is exempt.

(c) Activities necessary to maintain existing development are allowed provided the site remains similarly vegetated, no impervious surface is added within Zone 1 or 2 of the surface water buffer where it did not previously exist, and diffuse flow is maintained.

(d) Grading and revegetating of Zone 2 is allowed for existing development upon review and approval of the TRC provided the health of the vegetation in Zone 1 is not compromised, the ground is stabilized, and the existing diffuse flow is maintained.

(e) In addition, projects or development specified in 15A NCAC 02B .250 (6)(b) may be determined to be exempted in accordance with the requirements of that section.

(f) The exemption to the buffer requirements shall cease when the existing development or use changes to another permissible or non-exempt use. Any new development or use shall be subject to the surface water requirements.

5. New Development and Activities

N.C. Administrative Code Section 15A NCAC 02B .0250(9) lists potential new development and activities within the buffer and categorizes them as exempt, allowable, or allowable with mitigation. All development and activities not categorized as exempt, allowable or allowable with mitigation are considered prohibited and may not proceed within the surface water buffer or outside the buffer if the development or activity would impact the buffer, unless a variance is granted in accordance with Section 2.4.18, Watershed Variance. Watershed development plan approval, as provided for in Section 6.2.6.C.9, Watershed Plan Approval, is required for all new development and activity that is not prohibited. Such an approved plan shall constitute written authorization for uses that are allowable or allowable with mitigation and a statement to that effect shall be included on the approved plan. The requirements for each category are as follows:

(a) Exempt Development

Development and activities designated as exempt are permissible without authorization by the TRC provided that they adhere to the limitations of the activity as defined in NC Administrative Code Section 15A NCAC 02B .0250(9) . In addition, exempt development and activities shall be designed, constructed, and maintained to minimize soil disturbance and to provide the maximum water quality protection practicable, including construction, monitoring and maintenance activities.

(b) Allowable Development

Development and activities designated as allowable may proceed provided that there are no practical alternatives to the requested development or activity in accordance with Section 6.2.6.C.10, Determination of No Practical Alternatives. This includes construction, monitoring, and maintenance activities.

(c) Development Allowable with Mitigation

Development and activities designated as allowable with mitigation may proceed provided that there are no practical alternatives to the requested development or activity in accordance with Section 6.2.6.C.10, Determination of No Practical Alternatives, and an appropriate mitigation strategy is approved in accordance with Section 6.2.6.C.11, Mitigation.

6. Surface Water Buffer Zones

(a) Location

Required surface water buffers consist of 2 or 3 zones depending on the density of development and stream classification, as shown in Table 6.2.6.C, Minimum Surface Water Buffer Width Requirements.

(1) Zone 1

Zone 1 shall be the first 30 feet landward from the top of the stream bank normal water level of other water bodies on all sides of the surface water measured horizontally on a line perpendicular to a vertical line marking the top of the bank.

(2) Zone 2

Zone 2 shall begin at the outer edge of Zone 1 and extend landward a minimum of 20 feet as measured horizontally on a line perpendicular to the surface water. The combined width of Zones 1 and 2 shall be 50 feet on all sides of the surface water.

(3) Zone 3

Zone 3 shall begin at the outer edge of Zone 2 and extend landward 50 feet as measured horizontally on a line perpendicular to the surface water.

(4) Additional Buffers

(i) Refer to Section 6.2.6.D, Slope and Buffer Protection, for additional surface water buffers to protect steep slopes bordering streams.

(ii) Such additional buffers would be added to Zone 2.

(b) Standards

Zones 1 and 2 shall be undisturbed except as allowed in this section. Zone 3 can be disturbed but must remain vegetated in accordance with these standards.

(1) Development in Zones 1 and 2

(i) New development or land disturbing activities shall not be allowed in Zones 1 or 2 of the surface water buffer, except as allowed in NC Administrative Code Section 15A NCAC 02B .0250(9).

(ii) Activities that cross the stream shall be constructed as close to 90 degrees relative to the stream as practicable.

(iii) Allowed activities shall minimize built-upon surface area, divert runoff away from surface waters and protect water quality to the maximum extent practical through the use of Best Management Practices.

(iv) Grading and revegetating for activities in Zone 2 is allowed providing that the health of the vegetation in Zone 1 is not compromised.

(2) Diffuse Flow Requirements in Zones 1 and 2

The following diffuse flow requirements must be met:

(i) Diffuse flow must be maintained to the maximum extent practical through dispersing concentrated flow and re-establishment of vegetation to maintain the effectiveness of the surface water buffer.

(ii) Concentrated runoff from the new ditches or manmade conveyances must be dispersed into diffuse flow before the runoff enters Zone 2 of the surface water buffer. Existing ditches and manmade conveyances are exempt from this requirement; however, care shall be taken to minimize

pollutant loading through these existing ditches and manmade conveyances from fertilizer application or erosion.

(iii) Periodic corrective action to restore diffuse flow shall be taken by the landowner if necessary to impede the formation of erosion gullies that allow concentrated flow to bypass treatment in the surface water buffer.

(iv) Diffuse flow of runoff shall be maintained in the riparian buffer by dispersing concentrated flow and reestablishing vegetation in new ditches.

(v) Concentrated runoff from new ditches or manmade conveyances shall be converted to diffuse flow at non-erosive velocities before the runoff enters Zone 2 of the riparian buffer.

(vi) Periodic corrective action to restore diffuse flow in new ditches or manmade conveyances shall be taken if necessary to impede the formation of erosion gullies; and

(vii) No new stormwater conveyances are allowed through the buffers except for those specified in NC Administrative Code Section 15A NCAC 02B .0250(9), addressing stormwater management ponds, drainage ditches, roadside ditches and stormwater conveyances.

(3) Zone 3

(i) Zone 3 is required for all high density development.

(ii) Zone 3 may be disturbed, but it must remain vegetated.

(iii) New development shall not be allowed in Zone 3 of the surface water buffer, except those developments and activities allowed in Zones 1 and 2 where the TRC makes a no practical alternatives determination.

(iv) Allowed activities shall minimize built-upon surface area, divert runoff away from surface waters and protect water quality to the maximum extent practical through the use of best management practices.

7. Channelization

Channelization of perennial or intermittent streams may be authorized by DWR or the Army Corps of Engineers. However, TRC may authorize access or crossings only in accordance with this Ordinance.

8. New Lots in the Surface Water Buffer

To the extent practical, no new single-family or duplex residential lots shall be created which are entirely or partly contained within the surface water buffer.

9. Watershed Plan Approval

The TRC shall approve a watershed development plan only if the plan proposes to avoid impacts to surface water buffers defined in Section 6.2.6.C, Surface Water Buffers, or where the plan proposes to impact such buffers, it demonstrates that the applicant has done the following, as applicable:

(a) Determined the activity is exempt from requirements of this section;

(b) Received a determination of no practical alternatives for activities in Zone 3 on the approved watershed development plan from the TRC pursuant to Section 6.2.6.C.10, Determination of No Practical Alternatives;

(c) Received approval of a mitigation plan pursuant to Section 6.2.6.C.11,

Mitigation, of this Ordinance; or

(d) Received a variance pursuant to Section 2.4.18, Watershed Variance.

10. Determination of No Practical Alternatives

(a) Applicants undertaking development or activities designated as allowable or allowable with mitigation shall submit a watershed development plan with a request for a no practical alternatives determination to the TRC. The applicant shall certify that the project meets all the following criteria for a determination of no practical alternatives:

(1) The basic project purpose cannot be practically accomplished in a manner that would better minimize disturbance, preserve aquatic life and habitat and protect water quality;

(2) The use cannot practically be reduced in a size or density, reconfigured or redesigned to better minimize disturbance, preserve aquatic life and habitat and protect water quality; and

(3) Best management practices shall be used if necessary to minimize disturbance, preserve aquatic life and habitat and protect water quality.

(b) The applicant shall submit a watershed development plan containing at least the following information on a form supplied by the Planning and Development Department in support of their assertion of no practical alternatives determination:

(1) An explanation of why this plan for the development or activity cannot be practically accomplished, reduced or reconfigured to better minimize disturbance to the riparian buffer, preserve aquatic life and habitat and protect water quality; and

(2) Plans for any best management practices proposed to be used to control the impacts associated with the development or activity.

(c) Within 60 days of a submission that addresses subsection (b) above, the TRC shall review the entire project and make a finding of fact as to whether the criteria in subsection (a) of this section have been met. A determination of no practical alternatives shall result in issuance of a certification of the approved watershed development plan. Failure to act within 60 days shall be construed as a finding of no practical alternatives and a certification on the watershed development plan shall be issued to the applicant unless one of the following occurs:

(1) The applicant agrees, in writing, to a longer period;

(2) The TRC determines that the applicant has failed to furnish requested information necessary to make a decision;

(3) The final decision is to be made pursuant to a public hearing; or

(4) The applicant refuses access to its records or premises for the purpose of gathering information necessary for the TRC to make a decision.

(d) The TRC may attach conditions to the determination of no practical alternatives that support the purpose, spirit and intent of this Ordinance.

11. Mitigation

Mitigation in accordance with the requirements of 15A NCAC 02B .0295 shall apply to persons who wish to impact a surface water buffer when one of the following applies:

(a) A person has received authorization pursuant to Section 6.2.6.C.10,

Determination of No Practical Alternatives, of this section for a proposed development or activity that is designed as allowable with mitigation; or

(b) A person has received a variance pursuant to Section 2.4.18, Watershed Variance, of this Ordinance and is required to perform mitigation as a condition of a variance approval.

12. Surface Water Buffer Variances

Variances pertain to prohibited uses or activities in the surface water buffer. There are 2 types of variances from the surface water buffer requirements of this section. They are:

(a) A major variance, which is a variance that pertains to activities that impact any portion of Zone 1.

(b) A minor variance, which is a variance that pertains to activities that impact any portion of Zone 2 of a surface water buffer.

13. Appeals

An appeal of determinations of no practical alternatives by the TRC shall comply with Section 2.4.18, Watershed Variance. An appeal pursuant to the requirements of Section 6.2.6.C, Surface Water Buffers, which applies to activities conducted under the authority of the State, the United States, multiple jurisdictions or local units of government, forest harvesting and agricultural activities, shall be referred to the Director of the NCDWR for review, as provided for in North Carolina General Statutes Chapter 150B Articles 3 and 4.

D. Slope and Buffer Protection

1. Purpose

The purpose of this provision is to limit the loss of soil, reduce soil erosion, minimize excess stormwater runoff, lessen the degradation of surface waters, and protect the buffers so established to protect surface waters. To this end, an addition to the surface water buffer requirements of Section 6.2.6.C, Surface Water Buffers, shall be required when intermittent and perennial surface waters abut moderate to steep slopes.

2. Application

(a) Such addition to the surface water buffer requirements shall only apply where that portion of the surface water is adjacent to moderate to steep slope areas.

(b) For slopes with a value of 15 percent or less, no additional buffering is required.

(c) For slopes of greater than 15 percent up to 25 percent, an additional 15-foot wide undisturbed buffer shall be required.

(d) For slopes greater than 25 percent, an additional 30 feet of undisturbed buffer shall be required.

(e) These calculations shall be made from each side of the surface water bank.

(f) Such additional buffer required by this section shall extend Zone 2 of the surface water buffer.

(g) In the case where Zone 3 is required, the extension of the Zone 2 surface water buffer may be offset by an identical decrease in width in Zone 3.

3. Determination

(a) The determination of whether such moderate to steep slope areas exist adjacent to a surface water shall be made by making 100 foot long

perpendicular measurements at intervals, not greater than 50 feet in length, or at intervals as otherwise determined by the TRC, along the entire length of the surface water as measured from the top of bank.

(b) These measurements shall be based on the most recent topographic survey of land that utilizes the smallest contour interval.

(c) Applicants should consult the *Development Guide* for specific calculations, instructions, and illustrations.

E. Additional Protection in Watershed Critical Areas

Due to the proximity of watershed critical areas to water supply reservoirs, fragile areas including steep slopes near perennial and intermittent streams, wetlands and drainage areas merit additional protection as prescribed in Section 3.8.12, Watershed Overlay (WSO) District.

6.2.7. LOW IMPACT DESIGN

A. Goals

The primary goals of low impact design are to lower the impact of development on receiving waters, to encourage environmentally sensitive development, to help build communities based on environmental stewardship, and to reduce construction and maintenance costs of the stormwater infrastructure. The use of low impact design shall address these goals through the objectives found in subsection (B) below.

B. Objectives

1. Preserve Fragile Areas and Open Space

Preserve fragile areas through the following:

(a) Avoiding riparian areas, wetlands, steep slopes, high infiltration and hydric soils;

(b) Maximizing open space and common area through cluster development where appropriate; and

(c) Maintaining open space in a natural condition by reforestation where clearing has occurred.

2. Minimize Land Disturbance and Built-Upon Area

Design development to provide the following:

(a) Efficient layout to reduce overall length of streets;

(b) Shared parking and drives where possible to further reduce built-upon area; and

(c) Use of multiple best management practices such as bio-retention cells and infiltration areas to minimize impact.

(d) Step floor elevations to fit terrain and avoid slab-on-grade construction to minimize land disturbance.

3. Protect Water Resources

Use site design techniques to replicate pre-existing hydrologic site conditions by placing water quality control devices close to the source. Techniques may include the following:

(a) Designing driveways and parking areas with vegetated swales and/or sheet flow into infiltration areas; and

(b) Using grass swales instead of curb and gutter to increase water filtration.

C. Process

The low impact design process is established in the City of High Point *Stormwater Best Management Practices Design Manual*.

6.2.8. GENERAL STANDARDS AND RESTRICTIONS

A. Density and Intensity

1. Low Density Development Calculation

(a) For low density development, density is measured in dwelling units per acre for single-family and duplex residential developments.

(b) For recreational facilities, such as golf courses and tennis and swim clubs lying within a residential development, impacts shall be determined by measuring the built-upon area on the lot or common area and dividing by 3,000 square feet to obtain a dwelling unit equivalency number.

(c) Upon approval of a modification by the TRC, low density developments may utilize either the density standard, built-upon area standard, or combination thereof pursuant to Table 6.2.8.A.1, Minimum Stormwater Controls Required in the General Watershed Area and in Non-water Supply Watersheds.

(d) For all other residential and nonresidential development, the built-upon area measure shall apply.

2. High Density Development Calculation

For all high density development the built-upon area measure shall apply.

3. Density and Built-Upon Area Calculations

(a) For the purpose of calculating density, acres shall be gross acres.

(b) As an alternative, single-family or duplex residential developments dividing 4 or fewer lots and not constructing streets may use 20,000 square-foot lots where the maximum density is 2 dwelling units per acre and 40,000 square-foot lots where the maximum density is 1 dwelling unit per acre.

(c) If single-family or duplex dwellings are intermingled within a development with other uses, then the built-upon area measurement shall apply.

(d) When sections of the same development are devoted to single-family or duplex residential development and other sections are devoted to other uses, then the developer may apply the appropriate measurement to the different sections or may use the built-upon area measurement for the entire development.

(e) Single-family or duplex residential development using the built-upon area measurement shall assume 3,000 square feet of built-upon area per lot.

(f) The built-upon area maximum shall apply to the entire development, including streets, buildings, drives, and other impervious surfaces.

(g) The maximum built-upon area allowed shall be allocated throughout the development.

(h) In single-family and duplex residential developments, the allocation to each lot shall be uniform.

(i) In all other developments, the allocation may vary among lots.

(j) In all cases, the recorded plat shall clearly state each lot's allocation and restrictive covenants shall record these allocations.

TABLE 6.2.8.A.1: MINIMUM STORMWATER CONTROLS REQUIRED IN THE GENERAL WATERSHED AREA AND IN NON-WATER SUPPLY WATERSHEDS

Watershed	Density/Built-Upon Area [1]		Minimum Stormwater Control Required
	Residential	Multifamily and Nonresidential	
All watersheds EXCEPT Randleman Lake	≤ 1 du/2 acre	≤ 6% built-upon area	None
	≤ 2 du/acre [2]	≤ 24% built-upon area[2]	Alternate measures [3]
	> 2 du/acre	> 24% built-upon area	Engineered stormwater controls [4]
Randleman Lake	≤ 1 du/2 acre	≤ 6% built-upon area	None
	≤ 1 du/acre	≤ 12% built-upon area	Alternate measures [3]
	> 1 du/acre	> 12% built-upon area	Engineered stormwater controls [4]

NOTES:
[1] Single-family and duplex development utilizing the low density option shall use the density standards except as approved by modification pursuant to Section 6.2.8.A.1, Low Density Development Calculation. Single-family and duplex development exceeding the density limits shall use the built-upon area standards. Multi-family residential and nonresidential development shall use the built-upon area standards.
[2] May be increased to 3 dwelling units per gross acre or 36 percent built-upon area for developments without a curb and gutter street system.
[3] Alternate measures shall be in accordance with Section 6.2.8.B.2, Alternate Measures. Low Density Development is development that is equal to or less than 2 dwelling units per acre or 24 percent built-upon area (bua) in all watersheds except Randleman Lake. Low Density Development in the Randleman Lake watershed is development that is equal to or less than 1 dwelling unit per acre or 12 percent built-upon area.
[4] Engineered Stormwater Control in accordance with high density development is development that is greater than 2 dwelling units per acre or 24 percent bua in all watersheds except Randleman Lake. High Density Development in the Randleman Lake watershed is development that is greater than 1 dwelling unit per acre or 12 percent bua.

TABLE 6.2.8.A.2:MINIMUM STORMWATER CONTROLS REQUIRED IN THE WATERSHED CRITICAL AREA

Watershed	Density/Built-Upon Area		Minimum Stormwater Control Required
	Residential	Multifamily and Nonresidential	
ALL water supply watersheds EXCEPT Randleman Lake	≤ 1 du/2 acre	≤ 6% built-upon area	None
	≤ 2 du/acre	≤ 24% built-upon area	Alternate measures [1]
	n/a	> 24% built-upon area	Engineered stormwater controls [2]
Randleman Lake	≤ 1 du/2 acre	≤ 6% built-upon area	None
	> 1 du/2 acre [3]	> 6% built-upon area [3]	Engineered stormwater controls [2]

TABLE 6.2.8.A.2: MINIMUM STORMWATER CONTROLS REQUIRED IN THE WATERSHED CRITICAL AREA

Watershed	Density/Built-Upon Area		Minimum Stormwater Control Required
	Residential	Multifamily and Nonresidential	

NOTES:
[1] Alternate measures in accordance with Section 6.2.8.B.2, Alternate Measures.
[2] Engineered stormwater controls in accordance with Section 6.2.8.B.3, Engineered Stormwater Controls for High Density Development.
[3] In Tier 4, residential development > 1du/2 acres and < 1du/acre may use alternate measures in accordance with Section 6.2.8.B.2, Alternate Measures, in lieu of engineered stormwater controls. Multifamily and nonresidential development > 6 percent and < 12 percent built-upon area may do the same.

B. Methods of Stormwater Control

1. Vegetated Conveyances for Low Density Development

Stormwater runoff shall be transported from the development by vegetated conveyances to the maximum extent practical, as determined by the TRC.

2. Alternate Measures

As required by Table 6.2.8.A.1 and Table 6.2.8.A.2., the following stormwater management facilities are considered alternate measures that may be allowed provided that they meet the standards of the City of High Point *Stormwater Best Management Practices Design Manual*:

(a) Extended dry pond;
(b) Infiltration trench;
(c) Natural infiltration area;
(d) Participation in a public or private regional runoff control program, in compliance with Section 6.2.8.C, Participation in a Regional Stormwater Control Program;
(e) Low impact design; and
(f) Any best management practices approved by the Engineering Services Director that complies with the performance standards of control of the first ½ inch of rainfall.

3. Engineered Stormwater Controls for High Density Development

In accordance with Table 6.2.8.A.1 and Table 6.2.8.A.2, stormwater management facilities, such as wet detention ponds, meeting the performance standards of control of the first 1 inch of rainfall and removal of 85 percent of total suspended solids (TSS) shall be used to control stormwater runoff in compliance with the City of High Point *Stormwater Best Management Practices Design Manual*. In-lieu of an on-site engineered stormwater control, developments may participate in a regional stormwater control program in compliance with the requirements of Section 6.2.8.C, Participation in a Regional Stormwater Control Program.

C. Participation in a Regional Stormwater Control Program

1. Public Regional Stormwater Control Program

(a) Where Permitted

(1) Where a regional stormwater control program has been established by one or more local governments, or by an authority operating on behalf of one or more local governments, a development may participate in the program in-lieu of any certification of stormwater control required by this section, provided that:

(i) The development is within an area covered by a public regional stormwater control program;

(ii) Stormwater from the development drains to an existing or funded public regional engineered stormwater control structure which is proposed to be built and is part of the program;

(iii) Participation is in the form of contribution of funds, contribution of land, contribution of engineered stormwater control structure construction work, or a combination of these, the total value of which shall be in accordance with a fee schedule adopted by the City or in accordance with an intergovernmental agreement; and

(iv) The TRC finds that the watershed development plan is in compliance with all other applicable requirements of this Ordinance.

(2) Developments participating in a public regional stormwater control program are encouraged to maintain pre-development hydrology at the project site.

(b) Use of Contributions

Each contribution from a development participating in a public regional engineered stormwater control structure program shall be used for acquisition, engineering, construction and/or maintenance of 1 or more such structures in the same watershed in which development lies. The use of contributions for these purposes does not preclude the use or imposition of other revenue sources for these purposes.

2. Private Regional Stormwater Control Program

(a) Where Permitted

(1) Participation in a private regional engineered stormwater control program is permitted where a private off-site stormwater control program has been established by one or more property owners and approved by the TRC. A development may participate in the program in-lieu of any certification of runoff control required by this section, provided that:

(i) The development is within an area covered by an off-site engineered stormwater control structure;

(ii) Runoff from the development drains to an existing engineered stormwater control structure;

(iii) The parties agree to share the cost of any required maintenance and/or construction;

(iv) The agreement runs with the property;

(v) The agreement is recorded with the appropriate county Register of Deeds in accordance with Section 6.2.8.D.3, Recordation of Improvements;

(vi) The Engineering Services Director finds that the watershed

development plan is in compliance with all other applicable requirements of this Ordinance.

(2) Developments participating in a private regional stormwater control program are encouraged to maintain pre-development hydrology at the project site.

D. Improvements

1. Design of Improvements

(a) The design of all stormwater management facilities shall be performed by a North Carolina registered professional engineer, approved by the TRC, and meet or exceed the standards of the City of High *Point Stormwater Best Management Practices Design Manual*.

(b) The TRC shall require that a stormwater management facility be positioned on a site such that water quality protection is improved.

2. Construction of Improvements

(a) The construction of all stormwater management facilities as shown on an approved watershed development plan shall be completed and have received final approval prior to any plat recordation, or said improvements shall be guaranteed by a surety in accordance with Section 7.2, Financial Guarantees.

(b) The construction of all stormwater management facilities as shown on an approved watershed development plan shall be completed and have received final approval prior to the issuance of a certificate of occupancy.

(c) If a building permit is not required for a site, then any required stormwater management facility shall be completed prior to installation of any built-upon area on the site.

3. Recordation of Improvements

All stormwater management facilities and associated access/maintenance easement(s) shall be recorded on a plat, and a mechanism to ensure their maintenance shall be established and recorded concurrent with or prior to plat recordation.

4. Engineer's Certificate of Completion Required

An engineer's Certification of Completion for stormwater management facilities as set out in the City's *Development Guide* shall be submitted prior to issuance of any building certificate of occupancy.

5. Operation and Maintenance Agreement

(a) Maintenance responsibility for stormwater management facilities and their access shall be vested with a responsible party by means of a legally binding and enforceable operation and maintenance agreement that is executed as a condition of plan approval, as provided for in Section 6.2.8.D.3, Recordation of Improvements.

(b) The agreement must be approved by the Planning and Development Director and shall be binding on all subsequent owners of the site, portions of the site, and lots or parcels served by the stormwater management facilities.

(c) In the case of participation in a regional runoff control program in accordance with Section 6.2.8, General Standards and Restrictions, a binding contract or agreement shall be required for participation.

(d) The operation and maintenance agreement shall be referenced on the final

plat and shall be recorded with the appropriate county Register of Deeds upon final plat approval.

(e) If no subdivision plat is recorded for the site, then the operation and maintenance agreement shall be recorded with the appropriate county Register of Deeds so as to appear in the chain of title of all subsequent purchasers under generally accepted searching principles.

(f) The operation and maintenance agreement shall require the owner or owners' association to maintain, repair and, if necessary, reconstruct the stormwater management facilities, and shall state the terms, conditions, and schedule of maintenance for such.

(g) The owner of each stormwater management facility installed pursuant to this Ordinance shall maintain and operate it so as to preserve and continue its function in controlling water quality and quantity in accordance with the function for which it was designed.

(h) The operation and maintenance agreement shall refer the property owner or owners' association to the City of High Point for specific maintenance requirements of stormwater management facilities. In addition, it shall grant to the City a right of entry in the event that the Public Services Director has reason to believe it has become necessary to inspect, monitor, maintain, repair, or reconstruct the stormwater management facilities. In no case shall the right of entry, of itself, confer an obligation on the City to assume responsibility for maintenance of the stormwater management facilities.

(i) The Public Services Director shall have the responsibility to inspect the engineered stormwater control structures annually, as required by NC Environmental Management Commission, to record the results on forms approved or supplied by the NCDWR, to inspect any other stormwater management facilities as deemed necessary, and to notify the responsible property owner or owners' association when maintenance or repairs are required.

(j) All required repairs and maintenance shall be performed within 90 days after such notice. In case of failure by the responsible party to perform the required maintenance or repairs within the stated period, the City may perform such maintenance or repairs and recover all costs attendant thereto from the landowner or owners' association.

(k) For all stormwater management facilities required pursuant to this Ordinance that are owned by a private property owner or an owners' association, the required operation and maintenance agreement shall include all of the following provisions:

(1) Acknowledgment that the owner or owners' association shall continuously operate and maintain the stormwater management facilities.

(2) Establishment of an escrow account, which can be spent solely for sediment removal, structural, biological, or vegetative replacement, major repair, or reconstruction of the stormwater management facilities. If stormwater management facilities are not performing adequately or as intended or are not properly maintained, the City, in its sole discretion, may remedy the situation, and in such instances the City shall be fully reimbursed from the escrow account.

(3) Escrowed funds may be spent by the landowner or owners' association for sediment removal, structural, biological or vegetative replacement, major repair, and reconstruction of the stormwater

management facilities.

(4) Granting to the City a right of entry to inspect, monitor, maintain, repair, and reconstruct stormwater management facilities.

(5) Allowing the City to recover from the landowner or owners' association and its members any and all costs the City expends to maintain or repair the stormwater management facilities or to correct any operational deficiencies.

(6) Failure to pay the City all of its expended costs, after 45 days written notice, shall constitute a breach of the agreement.

(7) In case of a deficiency, the City shall thereafter be entitled to bring an action against the owner or owners' association and its members to pay, or foreclose upon the lien hereby authorized by the agreement against the property, or both. Interest, collection costs, and attorney fees shall be added to the recovery.

(8) A statement that this agreement shall not obligate the City to maintain or repair any stormwater management facility, and the City shall not be liable to any person for the condition or operation of stormwater management facilities.

(9) A statement that this agreement shall not in any way diminish, limit, or restrict the right of the City to enforce any of its ordinances as authorized by law.

(10) A provision indemnifying and holding harmless the City for any costs and injuries arising from or related to the stormwater management facilities, unless the City has agreed in writing to assume the maintenance responsibility and has accepted dedication of any and all rights necessary to carry out that maintenance.

6. Inspection Program

(a) Inspections and inspection programs by the City may be conducted or established on any reasonable basis, including but not limited to routine inspections; random inspections; inspections based upon complaints or other notice of possible violations; and joint inspections with other agencies inspecting under environmental or safety laws.

(b) Inspections may include, but are not limited to:

(1) Reviewing maintenance and repair records;

(2) Sampling discharges, surface water, groundwater, and material or water in stormwater management facilities; and

(3) Evaluating the condition of stormwater management facilities.

(c) If the owner or occupant of any land refuses to permit such inspection, the Public Services Director shall proceed to obtain an administrative search warrant pursuant to North Carolina General Statutes Section 15-27.2, as amended.

(d) No person shall obstruct, hamper or interfere with the Public Services Director while carrying out their official duties.

E. Watershed Development Plan

1. Plan Required

A watershed development plan prepared by a North Carolina registered professional engineer in accordance with the requirements of this section shall be submitted to the Planning and Development Director for all development.

2. Construction Plans a Part of Watershed Development

Plan

The construction plans for required runoff control structure(s) shall be approved as part of the watershed development plan, and prior to issuance of any building or land disturbance permit on a site. For subdivisions, construction plans shall be submitted in accordance with Section 2.5.11, Preliminary Plat.

3. Master Watershed Development Plan

(a) Where authorized by the TRC, a master watershed development plan may be approved for certain large-scale nonresidential and multi-family developments, in-lieu of a watershed development plan with the required construction plans.

(b) Where authorized, the master watershed development plan shall be approved by the TRC prior to the recordation of any plat, or issuance of any grading or building permits for the total site.

(c) Prior to the approval of any site plans or group development plans, grading permit, or building permit for any development site included on a given master watershed development plan, a site-specific watershed development plan shall be approved subject to the requirements of this section.

4. Plan Approval

The TRC shall approve any watershed development plan that is in conformance with the requirements of this section.

5. Approved Plan a Prerequisite

A watershed development plan shall be approved prior to the recordation of any plat, or issuance of any grading permit or building permit for the site. The Planning and Development and the Engineering Services Director are not authorized to issue any permits for development on any land unless a watershed development plan is approved, if one is required.

6. Engineered Stormwater Controls and Alternate Measures

When a permanent engineered stormwater control structure or alternate measure, including participation in a regional stormwater control program, is required for a development to comply with the requirements of this section, a North Carolina registered professional engineer shall prepare the plan with the Engineer's Certification of Runoff Control as set out in the City's *Development Guide* affixed, signed, sealed, and dated.

6.2.9. GENERAL WATERSHED AREA AND WATERSHED CRITICAL AREA ESTABLISHED

The standards in this section shall apply to lands within an individual WSO district in addition to the standards in Section 6.2.8, General Standards and Restrictions.

A. District Components

Each WSO district is divided into 2 sub districts: the General Watershed Area (GWA), and the Watershed Critical Area (WCA).

1. General Watershed Area (GWA)

The General Watershed Area (GWA) component includes all land draining into a designated water supply reservoir within the City's jurisdiction, but outside the

Watershed Critical Area Overlay component. For the purposes of this section, the following constitute the designated water supply reservoirs:

(a) Oak Hollow Lake;
(b) City Lake;
(c) Oakdale Reservoir (Jamestown);
(d) Randleman Lake;
(e) Uwharrie (Lake Reese); and
(f) Lake Thom-A-Lex.

2. Watershed Critical Area (WCA)

(a) Location

(1) The Watershed Critical Area (WCA) component covers the portion of the WSO subarea adjacent to a designated water supply intake or reservoir where risk associated with pollution is greater than from the remaining portions of the watershed.

(2) The WCA component boundary extends either a minimum of 2,750 feet outward from the normal pool elevation of the reservoir in which the intake is located or to the ridgeline of designated water supply reservoir basins, whichever is closer to the normal pool elevation.

(3) In the case of major streams feeding the water supply reservoir (i.e., East and West Forks of the Deep River and Hiatt Branch), the WCA subarea boundary extends to the nearest identifiable major feature which crosses the stream, and which is at least 2,750 feet upstream of the reservoir measured horizontally, except for the West Fork of the Deep River upstream from Oak Hollow Lake, where the major identifiable feature shall be defined as Sandy Ridge Road. The identifiable major feature may be a street, railroad, easement, or other means of travel, which can be used by emergency personnel to respond to spills.

(b) Tiers

Each WCA is comprised of 4 separate tiers, which are designated as follows:

(1) Tier 1

Tier 1 consists of those lands within 200 feet measured horizontally from the pool elevation of the designated reservoir, which is 803 feet above mean sea level for Oak Hollow Lake, 756 feet above mean sea level for City Lake, 716 feet above mean sea level for Oakdale Reservoir, and 682 feet above mean sea level for Randleman Lake.

(2) Tier 2

Tier 2 consists of those lands lying within an area bounded by Tier 1 and a line parallel to and 750 feet in distance from the normal pool elevation.

(3) Tier 3

Tier 3 consists of those lands lying within an area bounded by Tier 2 and a line parallel to and 2,750 feet, measured horizontally from the normal pool elevation, or to the boundary of the WCA, whichever comes first, for all WCAs except the Randleman Lake WCA. Randleman Lake's WCA consists of those lands lying within an area bounded by Tier 2 and a line parallel to and 3,000 feet

measured horizontally from the normal pool elevation, or to the boundary of the WCA, whichever comes first, except that Tier 3 along Richland Creek consists of those lands lying within an area bounded by Tier 2 and a line parallel to and 2,640 feet (1/2 mile) measured horizontally from the normal pool elevation or to the boundary of the WCA, whichever comes first.

(4) Tier 4

Tier 4 consists of those lands lying in the area between the boundary of Tier 3 and the WCA boundary.

B. District Boundaries

The district boundaries for each WSO are shown on the City of High Point Watershed Map, which is incorporated herein by reference. WSO boundaries shall be determined in accordance with Section 3.1.5, Official Zoning Map, and Section 2.5.4, Determination.

6.2.10. STANDARDS APPLICABLE IN THE GWA

A. Prohibited Uses

The following uses and activities are prohibited in a GWA:

1. All hazardous or toxic substance generators or handlers as defined in this Ordinance; and
2. Establishment of a new public or private major landfill or expansion of an existing private major landfill.

B. Built-Upon Area Limitations

1. Limits in Oak Hollow Lake, City Lake, and Oakdale Reservoir Watersheds

Oak Hollow Lake, City Lake, and Oakdale Reservoir are classified as WS IV CW water supply watersheds, and development in the GWA shall not exceed 70 percent built-upon area.

2. Limits in Randleman Lake Watershed

Randleman Lake is classified as a WS IV CW water supply watershed, and development in the Randleman Lake GWA shall not exceed 50 percent built-upon area, except as provided below:

(a) In the Randleman Lake Downtown Area, as shown on the City of High Point Watershed Map, development shall not exceed 90 percent built-upon area.

(b) In the Randleman Lake Credit Area, which is in the Deep River 1 sub-basin as shown on the City of High Point Watershed Map, nonresidential development shall not exceed 70 percent on parcels totaling a maximum of 2,357 acres.

(c) Allocation shall be made on a first come, first served basis. An allocation shall be assigned when a building permit for the site is issued, site plan is approved, or the preliminary subdivision plat for a development is approved. Expiration of a building permit, site plan approval, or preliminary plat approval shall terminate the allocation identified in this subsection.

3. Limits in the Uwharrie (Lake Reese) and Lake Thom-A-Lex Watersheds

Uwharrie (Lake Reece) and Lake Thom-A-Lex are classified as WS III water supply watersheds, and development in the GWA shall not exceed 50 percent built-upon area, except as otherwise as provided below:

(a) 10 percent of the City's portion of the Uwharrie (Lake Reese) Watershed and the Lake Thom-A-Lex Watershed may be developed with new nonresidential development at up to 70 percent built-upon area.

(b) Allocation shall be made on a first come, first served basis. An allocation shall be assigned when a building permit for the site is issued, site plan is approved, or the preliminary subdivision plat for a development is approved. Expiration of a building permit, site plan approval, or preliminary plat approval shall terminate the allocation identified in this Subsection.

6.2.11. STANDARDS APPLICABLE IN THE WCA

A. Prohibited Uses

In addition to the limitations in Table 4.1.9, Principal Use Table, the following uses are prohibited in a WCA:

1. Any use that employs, sells, or relates to petroleum, petroleum-based products, or equipment that uses petroleum;

2. Any use that involves or relates to chemicals, fertilizer, pesticides, explosives, or phosphorous;

3. Any use that involves or relates to the manufacture of paper, rubber, concrete, metals, or textiles;

4. Any use that relates to the collection, processing, or storage of refuse or waste products;

5. Any use that relates to or involves livestock or animal-related products or services; and

6. Any use that involves or relates to commercial, physical, or biological research.

B. Containment Structures

Storage tanks for fuels and chemicals and associated pumping and piping allowed in the WCA shall have a spill containment system approved by the Planning and Development Director and the Fire Marshall and shall comply with the following:

1. Containment systems shall be of sufficient volume to contain 100 percent of all the tank(s) contents stored in the area and shall have a leak detection system.

2. Tanks and containment structures shall not be placed closer than 1,000 feet to the normal pool elevation of the applicable reservoir.

3. Except when abutting an LI or HI zoning district, a containment system shall be a minimum of 50 feet from the lot line.

4. Provisions shall be made to remove stormwater without removal of the product except for mistable materials.

5. Contaminated water may not be discharged to the sewer system without a permit or to a water body or to a water-course.

C. Underground Storage Tanks

Except for the replacement of existing tanks, underground storage tanks for fuels and chemicals are prohibited in the WCA.

D. Point Source Discharges

1. No new wastewater treatment plants of any kind or expansion of any existing

private wastewater facilities shall be permitted in the WCA.

2. Industrial pre-treatment facilities that prepare wastewater for discharge into a public sewer system shall be permitted in the WCA.

E. Slopes Greater than 15 Percent and Wetlands

1. Slopes greater than 15 percent lying adjacent to natural drainageways, intermittent streams, perennial streams, and wetlands shall remain in a natural and undisturbed condition except for road crossings, utilities, erosion control devices, and runoff control devices.

2. Dedication of these areas to the City as drainageway and open space may be required when authorized by Section 7.1.6.G, Drainage, or any other provision in this Ordinance.

3. Where dedication is not required, a water quality conservation easement shall be recorded over wetlands and slopes greater than 15 percent.

4. Where a water quality conservation easement serves to bring 2 or more lots into compliance with WCA requirements, the TRC may require that the wetlands and slopes covered by such easements be held as common area by an owners' association.

5. The natural ground cover and natural tree canopy within a water quality conservation easement shall be preserved except when removal is authorized by the Public Services Department as part of the following:

(a) Construction or maintenance of a public utility by the City or a designee;

(b) Construction or maintenance of soil erosion and sedimentation control structures by the developer of the land, in accordance with Section 2.5.10, Land Disturbance Permit. After these structures are no longer needed, they shall be removed and the water quality conservation easement restored to a natural state;

(c) Normal maintenance by mechanical means for the removal of dead, diseased, deformed, poisonous, or noxious vegetation and pests harmful to health; and

(d) Mowing of utility areas.

6. Nothing in this subsection shall supersede the surface water buffer requirements of Section 6.2.6.C, Surface Water Buffers.

F. Drainage

1. Drainage within the WCA shall be provided by means of open channels, unless it is determined by the TRC that better water quality protection is provided by alternative means.

2. Drainageways shall have protected channels or remain in a natural, undisturbed state, except for road crossings, utilities, erosion control devices, runoff control devices, and desirable artificial stream bank stabilization.

3. No new development shall be allowed in a drainageway except that water dependent structures and public projects such as greenways may be allowed where no practicable alternative exists. Where these activities are allowed, they shall minimize built-upon surface area and maximize the utilization of Best Management Practices (BMP's).

4. Perennial and intermittent streams, lakes and ponds shall be protected as specified in Section 6.2.6.C, Surface Water Buffers.

G. Density Shifting

1. The location of development on soils and terrain most suited to protecting the

water quality of water supply reservoirs is encouraged in the WCA by density shifting. The overall density of a development utilizing density shifting shall meet the applicable WCA density and stormwater control requirements, except as modified by this sub-section. Built-upon areas within such developments shall be designed and sited to minimize stormwater runoff impact to the receiving waters, and the remainder of the tract should remain in an undisturbed or natural state.

2. Density shifting is utilized in developments having lot sizes in accordance with the minimum area permitted by the underlying zoning district or in approved conservation subdivisions. Through density shifting, developments may increase the maximum permitted residential densities otherwise established in this Ordinance if the development rights attached to acreage located within a tier are transferred within the same tract to an adjacent tier located farther from the water supply reservoir. Such transfer shall permit an additional number of dwelling units in the receiving tier. This addition is calculated by adding the density or dwelling units transferred from the adjacent tier to the density or dwelling units permitted in the receiving tier. The dwelling units permitted by acreage transfer from an adjacent tier shall be in addition to the number of dwelling units otherwise permitted in the receiving tier, but in no case shall the density allowed by the underlying zoning district be exceeded.

H. Public Sanitary Sewer Required

Except for development in the Randleman Lake WCA constructed under the low density option, all new development in a WCA shall be served by public sanitary sewer.

6.2.12. INDIVIDUAL WATER SUPPLY WATERSHEDS

A. Oak Hollow Lake

1. GWA Built-Upon Area Limits

Development in Oak Hollow Lake GWA shall not exceed 70 percent built-upon area.

2. WCA Density and Built-Upon Area Limits

Density and built-upon area in the Oak Hollow Lake WCA shall be as follows:

(a) Tier 1: None, except for public water dependent structures.
(b) Tier 2: 1 dwelling unit per acre.
(c) Tier 3: 2 dwelling units per acre or 35 percent built-upon area.
(d) Tier 4: 2 dwelling units per acre or 50 percent built-upon area.

B. City Lake

1. GWA Built-Upon Area Limits

Development in City Lake GWA shall not exceed 70 percent built-upon area.

2. WCA Density and Built-Upon Area Limits

Density and built-upon area in the City Lake WCA shall be as follows:

(a) Tier 1: None, except for public water dependent structures.
(b) Tier 2: 1 dwelling unit per acre.
(c) Tier 3: 2 dwelling units per acre or 35 percent built-upon area.
(d) Tier 4: 2 dwelling units per acre or 50 percent built-upon area.

C. Oakdale Reservoir

1. GWA Built-Upon Area Limits

Development in Oakdale Reservoir GWA shall not exceed 70 percent built-upon area.

2. WCA Density and Built-Upon Area Limits

Density and Built-Upon Area in Oakdale Reservoir WCA shall be as follows:

(a) Tier 1: None, except for public water dependent structures.
(b) Tier 2: 1 dwelling unit per acre.
(c) Tier 3: 2 dwelling units per acre or 35 percent built-upon area.
(d) Tier 4: Oakdale Reservoir does not have a Tier 4.

D. Randleman Lake

1. GWA Built-Upon Area Limits

Development in the Randleman Lake GWA shall not exceed 50 percent built-upon area, except as otherwise provided below:

(a) In the Randleman Lake Downtown Area, as shown on the High Point Watershed Map, development shall not exceed 90 percent built-upon area.
(b) In the Randleman Lake Credit Area, as shown on the High Point Watershed Map, nonresidential development shall not exceed 70 percent on parcels totaling a maximum of 2,357 acres.
(c) Allocation shall be made on a first come, first served basis. An allocation shall be assigned when a building permit for the site is issued, site plan is approved, or the preliminary subdivision plat for a development is approved. Expiration of a building permit, site plan approval, or preliminary plat approval shall terminate the allocation.

2. WCA Density and Built-Upon Area Limits

Density and built-upon area in the Randleman Lake WCA shall be as follows:

(a) Tier 1: None, except for public water dependent structures.
(b) Tier 2: 1 dwelling unit per 5 acres or 2.5 percent built-upon area.
(c) Tier 3: 1 dwelling unit per 3 acres or 4 percent built-upon area, except that up to 30 percent built-upon area shall be permitted in accordance with Section 6.2.12.D.3, WCA High Density Option.
(d) Tier 4: 1 dwelling unit per acre or 12 percent built-upon area, except that up to 40 percent built-upon area shall be permitted in accordance with Section 6.2.12.D.3, WCA High Density Option.

3. WCA High Density Option

Built-upon area in the Randleman Lake WCA may be increased in the following sub-basins using the high density option, provided:

(a) In Tier 3 of the Richland Creek sub-basin, a total of 255 acres may be developed with nonresidential development under the high density option at 30 percent built-upon area.
(b) In the Business 85/Riverdale Road sub-basin, a total of 482 acres may be developed with nonresidential development under the high density option at 30 percent built-upon area in Tier 3 and 40 percent built-upon area in Tier 4. However, of that total 482 acres in the Business 85/Riverdale Road sub-basin, only a maximum of 284 acres shall be developed in Tier 3.
(c) Allocation shall be made on a first come, first served basis. An allocation shall be assigned when a building permit for the site is issued, site plan is approved, or the preliminary subdivision plat for a development is approved. Expiration of a building permit, site plan approval, or preliminary plat

approval shall terminate the allocation.

E. Uwharrie (Lake Reece)

Development in a WS-III GWA shall not exceed 50 percent built-upon area, except as otherwise provided below:

1. 10 percent of the City's portion of the Uwharrie (Lake Reese) Watershed, as delineated on July 1, 1993, may be developed with new nonresidential development at up to 70 percent built-upon area.

2. Allocation shall be made on a first come, first served basis. An allocation shall be assigned when a building permit for the site is issued, site plan is approved, or the preliminary subdivision plat for a development is approved. Expiration of a building permit, site plan approval, or preliminary plat approval shall terminate the allocation.

F. Lake Thom-A-Lex

Development in a WS-III GWA shall not exceed 50 percent built-upon area, except as otherwise provided below:

1. 10 percent of the City's portion of the Lake Thom-A-Lex Watershed, may be developed with new nonresidential development at up to 70 percent built-upon area.

2. Allocation shall be made on a first come, first served basis. An allocation shall be assigned when a building permit for the site is issued, site plan is approved, or the preliminary subdivision plat for a development is approved. Expiration of a building permit, site plan approval, or preliminary plat approval shall terminate the allocation.

6.2.13. WATERSHED MODIFICATIONS

A. General

1. The TRC is authorized to modify this section and accept an alternate means of accomplishing the purposes of this Ordinance for those watershed requirements that are more stringent than the State minimum watershed requirements.

2. Where such watershed requirements are State minimum requirements, then a departure from those requirements shall only be considered in accordance with Section 2.4.18, Watershed Variance.

B. Grounds for Modification

In considering a watershed modification, the TRC shall determine that the modification request meets one or more of the following findings:

1. Equal or Better Performance

(a) A finding by the TRC that equal or better performance in furtherance of the purposes of this Ordinance will result from the alternate standards portrayed on the plan constitutes grounds for approval of a modification. The evaluation of performance shall be made with regard to overall performance in furtherance of the purposes of this Ordinance.

(b) If an alternate standard as portrayed on the plan reduces performance with regard to one or more Ordinance purposes but produces a concomitant and counterbalancing superiority of performance with regard to one or more other purposes, a modification may be approved.

2. Physical Constraints

A finding by the TRC that the size, topography, or existing development of the property or of adjoining areas prevents conformance with a standard constitutes grounds for approval of a modification.

3. Other Constraints

A finding by the TRC that a federal, state or local law or regulation prevents conformance with a standard constitutes grounds for approval of a modification.

4. Conditions

(a) In approving a modification, the TRC may prescribe such reasonable and appropriate conditions and safeguards as will assure that the use of the land will:

(1) Be compatible with surrounding lands;
(2) Not alter the essential character of the neighborhood; and
(3) Support the purposes of this Ordinance.

(b) Violations of conditions and safeguards that are part of the terms of modification approval shall be deemed a violation of this Ordinance.

(c) An approved modification is part of an approved watershed plan and shall have the same duration as the plan approval.

6.2.14. WATERSHED ACCOUNTING

A. Randleman Lake GWA Built-Upon Area Limits

The Planning and Development Director shall keep records on the City's use of the provision allowing land in the Randleman Lake GWA to be developed with a maximum of 70 percent built-upon area. Records for the watershed shall include the total area of the GWA, total acres eligible to be developed under this provision, total acres approved for development under this provision, and individual records for each project with the following information: location, number of developed acres, type of land use and stormwater management plan.

B. Randleman Lake WCA Built-Upon Area Limits

1. The Planning and Development Director shall keep records on the City's use of the provision allowing land in the Richland Creek sub-basin and the Business 85 Riverdale Road sub-basin of the Randleman Lake WCA to be developed with a maximum of 30 percent built-upon area in Tier 3 and 40 percent built-upon area in Tier 4. High density nonresidential development shall be limited in the WCA to these 2 sub-basins of the Randleman Lake Watershed, as shown on the High Point Watershed Map.

2. Records for the watershed shall include the total area of the WCA, total area of Tiers 3 and 4 of the WCA within the 2 sub-basins, total acres eligible to be developed in Tiers 3 and 4 under this provision, total acres approved for development under this provision, and individual records for each project with the following information: location, number of developed acres, type of land use and stormwater management plan.

C. 10/70 Provision

1. The Planning and Development Director shall keep records on the City's use of the provision allowing a maximum of 10 percent of the GWA of the Uwharrie (Lake Reese) Watershed and the Lake Thom-A-Lex Watershed to be developed with a maximum of 70 percent built-upon area. Records for the watershed shall include the total area of the watershed's GWA, total acres eligible to be developed under

this provision, total acres approved for development under this provision, and individual records for each project with the following information: location, number of developed acres, type of land use and stormwater management plan.

2. Development under this provision requires engineered stormwater controls.

D. Record Keeping

The Planning and Development Director shall keep a record of all watershed variances, stream determinations and determinations of no practical alternatives. This record shall be submitted for each calendar year to the North Carolina Division of Water Resources on or before January 1 of the following year and shall provide a description of each project receiving a variance, stream determination or determination of no practical alternatives and the reasons for granting them.

6.3. SOIL EROSION AND SEDIMENTATION

6.3.1. APPLICABILITY

A. General

1. Unless exempted by this section, no person shall initiate any land-disturbing activity without a soil erosion and sedimentation control plan and a land disturbance permit in accordance with Section 2.5.10, Land Disturbance Permit, if the land-disturbing activity:

(a) Exceeds 1 acre (lands under one ownership or diverse lands being developed as a unit shall be aggregated);

(b) Is located on highly erodible soils with a "k" factor greater than 0.36;

(c) Includes a water quality pond or retention structure in a watershed, or drains into a water quality pond or retention structure in any part of a watershed;

(d) Is located in a Tier 1 or Tier 2 portion of a WCA;

(e) Is located in an existing uncovered area requiring extensive soil erosion control measures in accordance with Subsection 6.3.13, Existing Uncovered Areas; or

(f) Requires extensive erosion control measures.

B. Protection of Property

A person conducting land-disturbing activity shall take all reasonable measures to protect all public and private property from damage caused by such activity.

6.3.2. EXEMPTIONS

The following activities are exempted from the requirements of Section 2.5.10, Land Disturbance Permit, and the standards in this section:

A. A land-disturbing activity which is essential to protect human life during an emergency;

B. A land-disturbing activity undertaken in areas that do not comply with Section 6.3.1.A.1(b)-(f) above;

C. The stockpiling of raw or processed sand, stone, or gravel in material processing plants and storage yards, provided sediment control measures are utilized to protect against off-site damage;

D. A land-disturbing activity undertaken on agricultural land for the raising of plants or animals useful to man, including but not limited to:

1. Forage and sod crops, grain and feed crops, tobacco, cotton and peanuts;

2. Dairy animals and dairy products;

3. Poultry and poultry products;

4. Livestock, including beef cattle, sheep, swine, horses, ponies, mules or goats, including the breeding and grazing of any or all such animals;

5. Bees and aviary products; and

6. Fur animals.

E. A land-disturbing activity undertaken on forest land for the production and harvesting of timber and timber products, which are conducted in accordance with *Forest Practice Guidelines Related to Water Quality (Best Management Practices)* as adopted by the North Carolina Department of Environment and Natural Resources (DENR). The landowner shall provide the Office of Erosion Control a copy of the Reforestation/Regeneration Plan and the Forest Stewardship Program Plan for review of the Erosion and Sedimentation Control Plan. A Forest Stewardship Plan submitted under the guise of any reason other than that of a true Forest Stewardship Plan (subdivision or commercial development) shall be void. The plan shall be treated as a subdivision or commercial development and shall be governed under the approximate standard within this Ordinance. If land-disturbing activity undertaken on forestland for the production and harvesting of timber and timber products is not conducted in accordance with *Forest Practice Guidelines Related to Water Quality*, the provisions of this Ordinance shall apply to such activity and any related land-disturbing activity on the tract;

F. A land-disturbing activity undertaken by persons as defined in North Carolina General Statutes Section 113A-52(8) who are otherwise regulated by the provisions of The Mining Act of 1971, North Carolina General Statutes Section 74-46 through 74-68; and

G. A land-disturbing activity undertaken on lands over which the State has exclusive regulatory jurisdiction as provided in North Carolina General Statutes Section 113A-56(a).

6.3.3. SOIL EROSION AND SEDIMENTATION CONTROL PLAN

Land-disturbing activities subject to the standards in this section shall require prior approval of a soil erosion and sediment control plan prepared in accordance with the following standards.

A. Preparation of Plan

1. The soil erosion and sedimentation control plan shall be prepared by, and shall bear the seal and signature of a licensed professional engineer, registered landscape architect, certified professional in erosion and sedimentation control (CPESC), or a registered surveyor to the extent permitted by North Carolina law, at a scale not less than 1 inch equals 100 feet.

2. The plan shall be filed with the Planning and Development Director, and the applicable Soil and Water Conservation District, 30 days prior to the commencement of the proposed activity.

3. Plans submitted for sites less than 1 acre do not require a seal and signature of a licensed professional engineer, registered landscape architect, certified professional in erosion and sedimentation control (CPESC), or registered surveyor.

B. Submission of Plan

1. A person conducting land-disturbing activity that proposes to disturb or uncover 1 or more acres shall submit an erosion control plan with the Engineering Services Director, at least 30 days prior to beginning such activity and shall keep another copy of the plan on file at the job site.

2. If the Engineering Services Director, either upon review of such plan or on inspection of the job site, determines that a significant risk of accelerated erosion or off-site sedimentation exists, the Engineering Services Director shall require a revised plan.

3. Pending the preparation of the revised plan, work shall cease or shall continue under conditions outlined by the appropriate authority.

C. Financial Responsibility Statement

1. Soil erosion and sedimentation control plans shall be disapproved unless

accompanied by an authorized statement of financial responsibility and ownership.

2. This statement shall be signed by the person financially responsible for the land-disturbing activity or his attorney in fact.
3. The statement shall include the mailing and street addresses of the principal place of business of the person financially responsible and landowner, or their registered agents.
4. If the person financially responsible is not a resident of North Carolina, a North Carolina agent must be designated in the statement for the purpose of receiving notice of compliance or non-compliance with the plan, the North Carolina Environmental Policy Act, this Ordinance, or rules or orders adopted or issued pursuant to this Ordinance.

D. Plan Requirements

The plan required by this section shall contain architectural and engineering drawings, maps, assumptions, calculations, and narrative statements as needed to adequately describe the proposed development of the land and the measures proposed to ensure compliance with the requirements of this section. Plan content may vary to meet the needs of specific site requirements. Detailed guidelines for plan preparation can be found in the *Development Guide*.

E. North Carolina Division of Water Resources Approval Required

The landowner or developer shall forward to the Director of the North Carolina Division of Water Resources, a plan for any land-disturbing activity that involves the utilization of ditches for the purpose of de-watering or lowering the water table of a tract. Written documentation of this plan submittal shall be provided to the Engineering Services Director prior to approval of an erosion and sedimentation control plan.

F. Conservation District Review

Within 20 days of receipt of any plan, the applicable Soil and Water Conservation District shall review it and submit its comments and recommendations to the Engineering Services Director. Failure of the Soil and Water Conservation District to submit its comments and recommendations within 20 days shall not delay final action on the plan.

G. Engineering Services Director Review

1. The Engineering Services Director shall review each complete plan submitted within 30 days of the date it is determined complete and notify the person submitting the plan that it is approved, approved with conditions, approved with performance reservations, or disapproved.
2. Failure to approve or disapprove a soil erosion and sedimentation control plan within 30 days of the date it is determined to be complete shall result in its being approved.
3. If the plan is disapproved, the reasons for the denial shall be stated in writing.
4. The Engineering Services Director shall approve or deny a revised soil erosion and sedimentation control plan within 15 days of receipt, or it shall be deemed approved.
5. If, following commencement of a land-disturbing activity pursuant to an approved plan, the Engineering Services Director determines that the plan is inadequate to meet the requirements of this Ordinance, the Engineering Services Director may require revisions as necessary for compliance.
6. A plan submitted for a land-disturbing activity for which an environmental document is required by the North Carolina Environmental Policy Act (North

Carolina General Statutes Section 113A-1, et seq.) shall be deemed incomplete until a complete environmental document is available for review. The Engineering Services Director shall promptly notify the person submitting the plan that the 30 day time limit for review of the plan pursuant to this section shall not begin until a complete environmental document is available for review.

H. Grounds for Plan Denial

A soil erosion and sedimentation control plan shall be disapproved if:

1. It fails to adequately meet the basic control objectives or detail provisions of this Ordinance;

2. Implementation of the plan would result in a violation of rules adopted by the Environmental Management Commission to protect riparian buffers along surface waters; or

3. If its content is inadequate.

I. Other Denials

1. A soil erosion and sedimentation control plan shall be disapproved if there is a finding that an applicant, a parent, subsidiary, or other affiliate of the applicant:

(a) Is conducting or has conducted land-disturbing activity without an approved plan, or has received notice of violation of a plan previously approved by the North Carolina Sedimentation Control Commission or the Engineering Services Director and has not complied with the notice within the time specified in the notice;

(b) Has failed to pay a civil penalty assessed pursuant to the Environmental Policy Act or this Ordinance which is due and for which no appeal is pending;

(c) Has been convicted of a misdemeanor pursuant to North Carolina General Statutes Section 113A-64(b) or any criminal provision of this Ordinance; or

(d) Has failed to substantially comply with State rules adopted pursuant to the Act or regulations of this Ordinance.

2. For purposes of this subsection, an applicant's record may be considered for only the 2 years prior to the application date.

J. Application Amendments

An amendment to a soil erosion and sedimentation control plan may be submitted in written and/or graphic form and shall be reviewed in the same manner as the original application. Until such time as the amendment is approved, the land-disturbing activity shall not proceed except in accordance with the plan as originally approved.

K. Work Conducted from Approved Plan

A person engaged in land-disturbing activity who fails to file a plan in accordance with this Ordinance, or who conducts a land-disturbing activity except in accordance with provisions of an approved plan shall be deemed in violation of this Ordinance.

L. Plan Approval Required for Permit

If land-disturbing activity is subject to the requirements of this section, a building permit shall not be issued unless a soil erosion and sedimentation control plan is submitted to the Engineering Services Director, a land disturbance permit issued in accordance with Section 2.5.10, Land Disturbance Permit (if required), and initial soil erosion and sedimentation control devices are installed and are functioning properly.

M. Work Completed Before Final Subdivision Approval

A final plat approval or certificate of occupancy shall not be issued unless work at the site is completed in accordance with a valid land disturbance permit, or financial guarantee is approved and accepted as required by this Ordinance.

N. Financial Guarantee

The applicant for a land-disturbing permit to grade more than 1 acre may be required to file with the Engineering Services Director a financial guarantee to cover all costs of protection of the site according to requirements of this Ordinance. The guarantee shall remain in force until the work is completed in accordance with the land disturbance permit and the work is approved by the Engineering Services Director. Upon violation of this Ordinance, the financial guarantee shall be used to establish protective cover on the site, to control the velocity of runoff, and/or prevent off-site sedimentation. Any funds in excess of the cost of providing protective measures shall be refunded to the appropriate person.

6.3.4. BASIC CONTROL OBJECTIVES

A soil erosion and sedimentation control plan may be disapproved pursuant to Section 6.3.3.H, Grounds for Plan Denial, if the plan fails to address the following control objectives:

A. Identify Critical Areas

On-site areas which are subject to severe erosion, and off-site areas which are especially vulnerable to damage from erosion and/or sedimentation, are to be identified and receive special attention;

B. Limit Time of Exposure

All land-disturbing activity is to be planned and conducted to limit exposure to the shortest feasible time;

C. Limit Exposed Areas

All land-disturbing activity is to be planned and conducted to minimize the size of the area to be exposed at any one time;

D. Control Surface Water

Surface water runoff originating upgrade of exposed areas should be controlled to reduce erosion and sediment loss during the period of exposure;

E. Control Sedimentation

All land-disturbing activity is to be planned and conducted so as to prevent off-site sedimentation damage; and

F. Manage Stormwater Runoff

When the increase in the velocity of stormwater runoff resulting from a land-disturbing activity is sufficient to cause accelerated erosion of the receiving watercourse, plans are to include measures to control the velocity at the point of discharge so as to minimize accelerated erosion of the site and increased sedimentation of the stream.

6.3.5. MANDATORY STANDARDS FOR LAND-DISTURBING ACTIVITY

Land-disturbing activity shall comply with the following requirements:

A. Undisturbed Buffer Zone Required

1. Land-disturbing activity shall not be permitted in proximity to a lake or natural watercourse unless an undisturbed buffer zone 25 feet wide is provided, or a buffer

zone is provided along the margin of the watercourse of sufficient width to confine visible siltation within the 25 percent of the buffer zone nearer the land-disturbing activity, provided that these standards shall not apply to a land-disturbing activity in connection with the construction of facilities to be located on, over, or under a lake or natural watercourse.

2. Unless otherwise provided, the width of a buffer-zone is measured from the edge of the water to the nearest edge of the disturbed area, with the 25 percent of the strip nearer the land-disturbing activity containing natural or artificial means of confining visible siltation.

3. Waters that have been classified as trout waters by the North Carolina Environmental Management Commission shall have an undisturbed buffer zone 25 feet wide, or of sufficient width to confine visible siltation within the 25 percent of the buffer zone nearest the land-disturbing activity, whichever is greater. Provided, however, that the Engineering services Director may approve plans which include land-disturbing activity along trout waters when the duration of the disturbance is temporary and the extent of the disturbance is minimal.

4. The 25 foot minimum width factor for an undisturbed buffer zone adjacent to designated trout waters shall be measured horizontally from the top of the bank.

5. Where a temporary and minimal disturbance is permitted, land-disturbing activities in the buffer zone adjacent to designated trout waters shall be limited to a maximum of 10 percent of the total length of the buffer zone within the tract so that there is not more than 100 linear feet of disturbance in each 1000 linear feet of buffer zone. Larger areas may be disturbed with the written approval of DENR.

6. Land-disturbing activity shall not be undertaken within a buffer zone adjacent to designated trout waters that will cause adverse temperature fluctuations in these waters, as established in 15 NCAC 2B.0211 "*Fresh Surface Water Classification and Standards*".

B. Fill Material

Unless a permit from the Public Services Director to operate a landfill is on file for the official site, acceptable fill material shall be free of organic or other degradable materials, masonry, concrete and brick in sizes exceeding 12 inches, and any materials which would cause the site to be regulated as a landfill by the State of North Carolina.

C. Graded Slopes and Fills

1. The angle for graded slopes and fills shall be no greater than a 2-to-1 slope (horizontal to vertical) if they are to be stabilized with vegetative cover.

2. Slopes or fills steeper than 2-to-1 must be protected by structures.

3. In any event, slopes left exposed will, within 7 days of completion of any phase of grading, be planted or otherwise provided with temporary or permanent ground cover, devices, or structures sufficient to restrain erosion.

D. Ground Cover

Whenever land-disturbing activity is undertaken on a tract, the person conducting the land-disturbing activity shall install such sedimentation and erosion control devices and practices as are sufficient to retain the sediment generated by the land-disturbing activity within the boundaries of the tract during construction upon and development of said tract, and shall plant or otherwise provide a permanent ground cover sufficient to restrain erosion after completion of construction or development. Except as provided in Section 6.3.6.B, High Quality Water Zones, of this Ordinance, provisions for a ground cover sufficient to restrain erosion must be accomplished within 14 days.

6.3.6. DESIGN AND PERFORMANCE STANDARDS

A. Design for 10-Year Storm

Except as provided in Section 6.3.6.B, High Quality Water Zones, erosion and sedimentation control measures, structures, and devices shall be so planned, designed, and constructed to provide protection from the calculated maximum peak rate of runoff from the 10-year storm. Runoff rates shall be calculated using the procedures in the USDA, Soil Conservation Service's "*National Engineering Field Manual for Conservation Practices*," or other acceptable calculation procedures.

B. High Quality Water Zones

In high quality water (HQW) zones, the following design standards shall apply:

1. Uncovered areas in HQW zones shall be limited at any time to a maximum total area within the boundaries of the tract of 20 acres. Only the portion of the land-disturbing activity within a HQW zone shall be governed by this section. Larger areas may be uncovered within the boundaries of the tract with the written approval of DENR.

2. Soil erosion and sedimentation control measures, structures, and devices within HQW zones shall be planned, designed, and constructed to provide protection from the runoff of the 25-year storm which produces the maximum peak rate of runoff as calculated according to procedures in the United States Department of Agriculture Soil Conservation Service's "*National Engineering Field Manual for Conservation Practices*" or according to procedures adopted by any other agency of this State or the United States or any generally recognized organization or association.

3. Sediment basins within HQW zones shall be designed and constructed so the basin will have a settling efficiency of at least 70 percent for the 40 micron (0.04 mm) size soil particle transported into the basin by the runoff of that 2-year storm which produces the maximum peak rate of runoff as calculated according to procedures in the United States Department of Agriculture Soil Conservation Service's "*National Engineering Field Manual for Conservation Practices*" or according to procedures adopted by any other agency of this State or the United States or any generally recognized organization or association.

4. Newly constructed open channels in HQW zones shall be designed and constructed with side slopes no steeper than 2 horizontal to 1 vertical if a vegetative cover is used for stabilization unless soil conditions permit a steeper slope or where the slopes are stabilized by using mechanical devices, structural devices, or other acceptable ditch liners. In any event, the angle for side slopes shall be sufficient to restrain accelerated erosion.

5. Ground cover sufficient to restrain erosion must be provided for any portion of a land-disturbing activity in a HQW zone within 7 days of completion of any phase of grading.

C. Sedimentation Basins

Except as provided for in Section 6.3.6.B, High Quality Water Zones, above, all sedimentation basins shall be designed and constructed to have a settling efficiency of at least 70 percent for the 40 micron (0.04 mm) size soil particle.

6.3.7. STORMWATER OUTLET PROTECTION

A. Intent

Stream banks and channels downstream from any land-disturbing activity shall be protected from increased degradation by accelerated erosion caused by increased velocity of runoff from the land-disturbing activity.

B. Performance Standard

1. Land-disturbing activity shall be conducted so that the post-construction velocity of the 10-year storm runoff in the receiving natural watercourse to the discharge point does not exceed the greater of:

(a) The velocity established in Table 6.3.7, Maximum Permissible Velocity for Stormwater Discharges; or

(b) The velocity of the 10-year storm runoff in the receiving natural watercourse prior to development.

2. If condition B.1 above cannot be met, the receiving watercourse (and discharge point) shall be designed and constructed to withstand the expected velocity anywhere the velocity exceeds the "prior to development" velocity by 10 percent.

TABLE 6.3.7: MAXIMUM PERMISSIBLE VELOCITY FOR STORMWATER DISCHARGES [1]

Material	Maximum Permissible Velocities	
	Feet per second	Meters per Second
Fine sand (noncolloidal)	2.5	0.8
Sandy loam (noncolloidal)	2.5	0.8
Silt loam (noncolloidal)	3.0	0.9
Ordinary firm loam	3.5	1.1
Fine gravel	5.0	1.5
Stiff clay (very colloidal)	5.0	1.5
Graded, loam to cobbles (noncolloidal)	5.0	1.5
Graded, silt to cobbles	5.5	1.7
Alluvial silts (noncolloidal)	3.5	1.1
Alluvial silts (colloidal)	5.0	1.5
Coarse gravel (noncolloidal)	6.0	1.8
Cobbles and shingles	5.5	1.7
Shales and hard pans	6.0	1.8

NOTES:
[1] These standards are adapted from recommendations by Special Committee on Irrigation Research, American Society of Civil Engineers, 1926, for channels with straight alignment. For sinuous channels, multiply allowable velocity by 0.95 for slightly sinuous, by 0.9 for moderately sinuous channels, and by 0.8 for highly sinuous channels

C. Acceptable Management Measures

1. General

Measures applied alone or in combination to satisfy the intent of this section are acceptable if there are no objectionable secondary consequences. The N.C. Sedimentation Commission and the City recognize that the management of stormwater runoff to minimize or control downstream channel and bank erosion is a developing technology. Innovative techniques and ideas will be considered and may be used when shown to have the potential to produce successful results.

2. Stormwater Runoff Management Alternatives

Some alternatives are to:

(a) Avoid increases to surface runoff volume and velocity by including measures to promote infiltration to compensate for increased runoff from areas rendered impervious;

(b) Avoid increases in stormwater discharge velocities by using detention devices, vegetated or roughened swales, and waterways in-lieu of closed drains and high velocity paved sections;

(c) Provide energy dissipaters at outlets of storm drainage facilities to reduce flow velocities to the point of discharge. These may range from simple rip-rapped sections to complex structures;

(d) Protect watercourses subject to accelerated erosion by improving cross sections and/or providing erosion-resistant lining; or

(e) Upgrade or replace the receiving device structure, or watercourse such that it will receive and conduct the flow to a point where it is no longer subject to degradation from the increased rate of flow or increased velocity.

D. Exceptions

This rule shall not apply where it can be demonstrated that stormwater discharge velocities will not create an erosion problem in the receiving watercourse.

6.3.8. BORROW AND WASTE AREAS

When the person conducting the land-disturbing activity is also the person conducting the borrow or waste disposal activity, areas from which borrow is obtained and which are not regulated by the provisions of the Mining Act of 1971, and waste areas for surplus materials other than landfills regulated by the Public Service Department, shall be considered as part of the land-disturbing activity where the borrow material is being used or from which the waste material originated. When the person conducting land-disturbing activity is not the person obtaining the borrow and/or disposing of the waste, these areas shall be considered a separate land-disturbing activity.

6.3.9. ACCESS AND HAUL ROADS

Temporary access and haul roads, other than existing public roads, constructed or used in connection with any land-disturbing activity shall be considered a part of such activity.

6.3.10. OPERATIONS IN LAKES OR NATURAL WATERCOURSES

A. Land-disturbing activity in connection with construction in, on, over, or under a lake or natural watercourse shall be planned and conducted in such a manner as to minimize the extent and duration of disturbance of the stream channel.

B. The relocation of a stream, where relocation is an essential part of the proposed activity, shall be planned and executed so as to minimize changes in the stream flow characteristics, except when justification for significant alteration to flow characteristic is provided.

C. The U.S. Army Corps of Engineers shall be notified by the developer of any planned operation in lakes or natural watercourses for possible issuance of Section 404 or other permits.

6.3.11. RESPONSIBILITY FOR MAINTENANCE

During the development of a site, the person conducting the land-disturbing activity shall install and maintain all temporary and permanent soil erosion and sedimentation control measures as required by the approved plan, by any provision of this Ordinance, the Act, or by any order adopted pursuant to this Ordinance or the North Carolina Sedimentation Pollution Control Act of 1973 (see Section 113A-50 of the North Carolina General Statutes). After site development, the landowner or person in possession or control of the land shall install and/or maintain all necessary permanent soil erosion and sedimentation control measures, except those measures installed within a road or street right-of way or easement accepted for maintenance by a governmental agency.

6.3.12. ADDITIONAL MEASURES

Whenever the Engineering Services Director determines that significant sedimentation is occurring as a result of land-disturbing activity, despite application and maintenance of protective practices, the person conducting the land-distributing activity will be required to and shall take additional protective action.

6.3.13. EXISTING UNCOVERED AREAS

A. Applicability

All uncovered areas existing on the effective date of this Ordinance which are the result of land-disturbing activity, which exceed 1 acre, which are subject to continued accelerated erosion, and which are causing off-site damage from sedimentation, shall be provided with a ground cover or other protective measures, structures, or devices sufficient to restrain accelerated erosion and control off-site sedimentation.

B. Notice of Violation

The Engineering Services Director will serve upon the landowner or other person in possession or control of the land, a written notice of violation by registered or certified mail, return receipt requested, or other means reasonably calculated to give actual notice. The notice will set forth the measures needed to comply and will state the time within which such measures must be completed. In determining the measures required and the time allowed for compliance, the Engineering Services Director shall take into consideration the economic feasibility, technology, and quantity of work required and shall set reasonably attainable time limits for compliance.

C. Requiring Erosion Control Plan

The Engineering Services Director reserves the right to require preparation and approval of a soil erosion and sedimentation control plan in any instance where extensive control measures are required.

D. Exemption

This rule shall not require ground cover on cleared land forming the future basin of a planned reservoir.

6.3.14. RESTORATION AFTER NON-COMPLIANCE

The Engineering Services Director may require a person who engaged in a land-disturbing activity and failed to retain sediment generated by the activity, as required by North Carolina General Statutes Section 113A-57 (3), to restore the waters and land affected by the failure to minimize the detrimental effects of the resulting pollution by sedimentation. This authority is in addition to any other civil or criminal penalty or injunctive relief authorized under this Ordinance.

6.4. FLOOD DAMAGE PREVENTION

6.4.1. GENERAL

A. Applicability

This section shall apply to development in all special flood hazard areas within the corporate limits and ETJ of the City of High Point.

B. Basis for Establishing Special Flood Hazard Areas

The special flood hazard areas are those identified under the Cooperating Technical State (CTS) agreement between the State of North Carolina and FEMA in its Flood Insurance Study (FIS) and its accompanying Flood Insurance Rate Maps (FIRM), for Guilford County dated March 16, 2009, Davidson County, dated March 16, 2009, Forsyth County, dated January 2, 2009, and Randolph County, dated January 8, 2008, along with its accompanying Flood Insurance Rate Map Panels (6789, 6798, 6799K, 6880, 6881, 6882K, 6890K, 6891K, 6892K, 6893K, 6894K, 7708, 7709K, 7719K, 7729K, 7739, 7800, 7801, 7802, 7803, 7804, 7805, 7810, 7811, 7812, 7813, 7814, 7815, 7820, 7821, 7822, 7823, 7824, and 7830), which are incorporated herein by reference.

C. Establishment of Floodplain Development Permit

A floodplain development permit is required prior to commencement of development within special flood hazard areas determined in accordance with the provisions of this section and Section 2.5.8, Floodplain Development Permit.

D. Warning and Disclaimer of Liability

The degree of flood protection required by this section is considered reasonable for regulatory purposes and is based on scientific and engineering consideration. Larger floods can and will occur. Actual flood heights may be increased by man-made or natural causes. This section does not imply that land outside the Special Flood Hazard Areas or uses permitted within such areas will be free from flooding or flood damage. This section shall not create liability on the part of the City or any officer or employee of the City for any flood damages that result from reliance on this Ordinance or any administrative decision lawfully made hereunder.

6.4.2. APPLICATION, PERMIT, AND CERTIFICATION REQUIREMENTS

A. Application Requirements

An application for a floodplain development permit shall be prepared in accordance with the requirements in the *Development Guide*, the certification requirements in Section 6.4.2.B below, and submitted in accordance with the requirements of Section 2.5.8, Floodplain Development Permit.

B. Certification Requirements

Development subject to this section shall comply with the following requirements:

1. Elevation Certificates

(a) Before the Start of Construction

(1) An elevation certificate (FEMA Form 81-31) is required prior to the actual start of any new construction.

(2) Certification of the elevation of the reference level, in relation to mean sea level shall be submitted.

(3) The Engineering Services Director shall review the certificate data submitted. Deficiencies shall be corrected by the applicant.

(4) Failure to submit the certification or failure to make required corrections shall be cause to deny a floodplain development permit.

(b) After Reference Level Established

(1) An elevation certificate (FEMA Form 81-31) is required after the reference level is established.

(2) Within 7 calendar days of establishment of the reference level elevation, the applicant shall submit a certification of the elevation of the reference level, in relation to mean sea level.

(3) Any work done within the 7 day calendar period and prior to submission of the certification shall be at the applicant's risk.

(4) The Engineering Services Director shall review the certificate data submitted. Deficiencies detected by such review shall be corrected by the applicant immediately and prior to further work being permitted to proceed.

(5) Failure to submit the certification or failure to make required corrections shall be cause to issue a stop-work order for the project.

(c) Final As-Built Elevation Certificate

(1) A final as-built elevation certificate (FEMA Form 81-31) is required after construction is completed and prior to issuance of a certificate of occupancy.

(2) The permit holder shall submit a certification of final as-built construction of the elevation of the reference level and all attendant utilities to the Engineering Services Director.

(3) The Engineering Services Director shall review the certificate data submitted. Deficiencies detected shall be corrected by the permit holder immediately and prior to issuance of a certificate of occupancy.

(4) In some instances, another certification may be required to certify corrected as-built construction.

(5) Failure to submit the certification or failure to make required corrections shall be cause to withhold the issuance of a certificate of occupancy.

2. Floodproofing Certificate

(a) If non-residential floodproofing is used to meet the regulatory flood protection elevation requirements, a floodproofing certificate (FEMA Form 81-65), with supporting data, an operational plan, and an inspection and maintenance plan are required prior to the actual start of any new construction.

(b) The applicant shall submit to the Engineering Services Director a certification of the floodproofed design elevation of the reference level and all attendant utilities, in relation to mean sea level.

(c) Floodproofing certification shall be prepared by or under the direct supervision of a professional engineer or architect and certified by same.

(d) The Engineering Services Director shall review the certificate data, the operational plan, and the inspection and maintenance plan. Deficiencies detected by the review shall be corrected by the applicant prior to floodplain development permit approval.

(e) Failure to submit the certification or failure to make required corrections

shall be cause to deny a floodplain development permit.

(f) Failure to construct in accordance with the certified design shall be cause to withhold the issuance of a certificate of occupancy.

3. Manufactured Dwelling

If a manufactured dwelling is placed within Zone A, AO, AE, or A1-30 and the elevation of the chassis is more than 36 inches in height above grade, an engineered foundation certification is required in accordance with the provisions of Section 6.4.3.B, Specific Standards.

4. Watercourse Alteration

All the following items shall be submitted by a permit holder to the Engineering Services Director prior to issuance of a floodplain development permit if a watercourse is to be altered or relocated:

(a) A description of the extent of watercourse alteration or relocation;

(b) A professional engineer's certified report on the effects of the proposed project on the flood-carrying capacity of the watercourse and the effects to properties located both upstream and downstream; and

(c) A map showing the location of the proposed watercourse alteration or relocation.

5. Certification Exemptions

The following structures, if located within Zone A, AO, AE or A1-30, are exempt from the elevation/floodproofing certification requirements specified in this subsection:

(a) Recreational vehicles meeting requirements of Section 6.4.3.B.5, Recreational Vehicles;

(b) Temporary nonresidential structures meeting requirements of Section 6.4.3.B.6, Temporary Non-Residential Structures; and

(c) Accessory Structures less than 150 square feet meeting requirements of Section 6.4.3.B.7, Accessory Structures.

6.4.3. PROVISIONS FOR FLOOD HAZARD REDUCTION

A. General Standards

Compliance with the following standards shall be required within a special flood hazard area:

1. New construction and substantial improvements in special flood hazard areas shall:

(a) Be designed (or modified) and adequately anchored to prevent flotation, collapse, and lateral movement of the structure;

(b) Be constructed with materials and utility equipment resistant to flood damage;

(c) Be constructed by methods and practices that minimize flood damages;

(d) Be designed so that electrical, heating, ventilation, plumbing, air conditioning equipment, and other service facilities are configured to prevent water from entering or accumulating within the components during conditions of flooding to the regulatory flood protection elevation. These include, but are not limited to:

(1) HVAC equipment;

(2) Water softener units;

(3) Bath/kitchen fixtures;

(4) Ductwork;
(5) Electric/gas meter panels/boxes;
(6) Utility/cable boxes;
(7) Hot water heaters; and
(8) Electric outlets/switches;

(e) Be designed so that new and replacement water supply systems minimize or eliminate infiltration of floodwaters into the system;

(f) Be designed so that new and replacement sanitary sewage systems minimize or eliminate infiltration of floodwaters into the systems and discharges from the systems into floodwaters;

(g) Be located and constructed to avoid impairment of on-site waste disposal systems or contamination from them during flooding;

2. Any alteration, repair, reconstruction, or improvements to a structure, which is in compliance with the provisions of this section, shall comply with the requirements of "new construction" as established in this section;

3. Nothing in this section shall prevent the repair, reconstruction, or replacement of a building or structure existing on the effective date of this Ordinance and located totally or partially within the floodway, non-encroachment area, or stream setback, provided there is no additional encroachment below the regulatory flood protection elevation in the floodway, non-encroachment area, or stream setback, and provided that such repair, reconstruction, or replacement meets all of the other requirements of this section;

4. New solid waste disposal facilities and sites, hazardous waste management facilities, salvage yards, and chemical storage facilities shall not be permitted in the special flood hazard area;

5. A structure or tank for chemical or fuel storage incidental to an allowed use or to the operation of a water treatment plant or wastewater treatment facility may be located in a special flood hazard area only if the structure or tank is either elevated or floodproofed to at least the regulatory flood protection elevation and certified in accordance with the provisions of Section 6.4.2.B, Certification Requirements;

6. Subdivision and other development applications shall:

(a) Be consistent with the need to minimize flood damage;

(b) Require public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize flood damage;

(c) Require adequate drainage provided to reduce exposure to flood hazards; and

(d) Receive all necessary permits from those governmental agencies for which approval is required by federal or state law, including Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1334.

7. When a structure is partially located in a special flood hazard area, the entire structure shall meet the requirements for new construction and substantial improvement.

8. When a structure is located in multiple flood hazard zones or in a flood hazard risk zone with multiple base flood elevations, the provisions for the more restrictive flood hazard risk zone and the highest base flood elevation shall apply.

B. Specific Standards

In addition to the standards in Section 6.4.3.A, General Standards, development in all special flood hazard areas where base flood elevation (BFE) data has been provided, as set forth in Section 6.4.1.B, Basis for Establishing Special Flood Hazard Areas, or Section

6.4.3.C, Standards for Floodplains without Established Base Flood Elevations, shall be subject to the following:

1. Non-Residential Construction

(a) New construction and substantial improvement of a nonresidential structure shall have the reference level, including basement, elevated no lower than the regulatory flood protection elevation, as established in this section.

(b) A structures located in A, AE, AO, and A1-30 Zones may be floodproofed in-lieu of elevation, provided all areas of the structure, together with attendant utility and sanitary facilities, below the regulatory flood protection elevation are made watertight with walls substantially impermeable to the passage of water, using structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effect of buoyancy.

(c) For AO Zones, the floodproofing elevation shall be in accordance with Section 6.4.4.F, Standards for Areas of Shallow Flooding (Zone AO). A registered professional engineer or architect shall certify that the standards of this subsection are satisfied. Such certification shall be provided to the Engineering Services Director as set forth in Section 6.4.2.B, Certification Requirements, along with the operational and maintenance plans.

2. Manufactured Dwellings

(a) New and replacement manufactured dwellings shall be elevated so that the reference level of the manufactured home is no lower than the regulatory flood protection elevation, as established in this section.

(b) Manufactured homes shall be securely anchored to an adequately anchored foundation to resist flotation, collapse, and lateral movement, either by a certified engineered foundation system, or in accordance with the most current edition of the State of North Carolina Regulations for Manufactured Homes adopted by the Commissioner of Insurance pursuant to NCGS 143-143.15.

(c) When the elevation would be met by an elevation of the chassis 36 inches or less above the grade at the site, the chassis shall be supported by reinforced piers or engineered foundation. When the elevation of the chassis is above 36 inches in height, an engineering certification is required.

(d) All enclosures or skirting below the lowest floor shall meet the requirement of Section 6.4.3.B.3,Elevated Buildings.

(e) An evacuation plan shall be developed for evacuation of residents of all new, substantially improved or substantially damaged manufactured home parks or subdivisions located within flood prone areas. This plan shall be filed with and approved by the Engineering Service Director and the local Emergency Management Coordinator.

3. Elevated Buildings

Fully enclosed areas associated with new construction and substantially improved structures that are below the lowest floor shall comply with the following:

(a) Not be designed or used for human habitation, but only be used for parking of vehicles, building access, or limited storage of maintenance equipment used in connection with the premises. Access to the enclosed area shall be the minimum necessary to allow for parking of vehicles (garage door) or limited storage of maintenance equipment (standard exterior door), or entry to the living area (stairway or elevator). The interior portion of such enclosed area shall not be finished or partitioned into separate rooms, except to enclose storage areas.

(b) Be constructed entirely of flood resistant materials at least to the regulatory flood protection elevation.

(c) Include, in Zones A, AO, AE, and A1-30, flood openings to automatically equalize hydrostatic flood forces on walls by allowing for the entry and exit of floodwaters. To meet this requirement, the openings shall be certified by a professional engineer or architect or meet or exceed the following minimum design criteria:

(1) A minimum of 2 flood openings on different sides of each enclosed area subject to flooding;

(2) The total net area of all flood openings shall be at least 1 square inch for each square foot of enclosed area subject to flooding;

(3) If a building has more than 1 enclosed area, each enclosed area shall have flood openings to allow floodwaters to automatically enter and exit;

(4) The bottom of all required flood openings shall be no higher than 1 foot above the adjacent grade;

(5) Flood openings may be equipped with screens, louvers, or other coverings or devices, provided they permit the automatic flow of floodwaters in both directions; and

(6) Enclosures made of flexible skirting are not considered enclosures for regulatory purposes, and, therefore, do not require flood openings. Masonry or wood underpinning, regardless of structural status, is considered an enclosure and requires flood openings as outlined above.

4. Additions/Improvements

(a) Not a Substantial Improvement

(1) In cases where an addition or improvement to a pre-FIRM structure does not constitute a substantial improvement, the addition or improvement shall be designed to minimize flood damages and shall not render the pre-FIRM structure any more nonconforming with respect to the standards in this section.

(2) In cases where an addition and/or improvement to a post-FIRM structure does not constitute a substantial improvement to the existing structure, then only the additions or improvements shall comply with the standards for new construction.

(3) Additions to post-FIRM structures with no modifications to the existing structure other than a standard door in a common wall shall require only the addition to comply with the standards for new construction.

(b) Substantial Improvements

In cases where an addition or improvement to a pre- or post-FIRM structure (whether in combination with interior modifications or not) do constitute a substantial improvement, both the existing structure and the addition and/or improvements shall comply with the standards for new construction.

5. Recreational Vehicles

Recreational vehicles shall either:

(a) Be on site for fewer than 180 consecutive days and be fully licensed and ready for highway use (a recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick

disconnect type utilities, and has no permanently attached additions); or

(b) Meet all the requirements for new construction.

6. Temporary Non-Residential Structures

Temporary nonresidential structures shall not remain within the special flood hazard area for a time period exceeding 3 months. This time period may be renewed up to a maximum of 1 year.

7. Accessory Structures

(a) An accessory structure shall comply with the following:

(1) Not be used for human habitation (including working, sleeping, living, cooking or restroom areas);

(2) Not be temperature-controlled;

(3) Be designed to have low flood damage potential;

(4) Be constructed and placed on the building site so as to offer the minimum resistance to the flow of floodwaters;

(5) Be firmly anchored; and

(6) Incorporate flood openings to facilitate automatic equalization of hydrostatic flood forces below regulatory flood protection elevation, if necessary.

(b) An accessory structure with a footprint less than 150 square feet that satisfies the criteria outlined above does not require an elevation or floodproofing certificate.

(c) Elevation or floodproofing certifications are required for all other accessory structures in accordance with Section 6.4.2.B, Certification Requirements.

C. Standards for Floodplains without Established Base Flood Elevations

In addition to the standards in Section 6.4.3.A, General Standards, and Section 6.4.3.B, Specific Standards, development within the special flood hazard areas designated as Approximate Zone A and established in Section 6.4.1.B, Basis for Establishing Special Flood Hazard Areas, where no BFE is provided by FEMA, shall be subject to the following:

1. No encroachments, including fill, new construction, substantial improvements or new development shall be allowed within a distance of 20 feet each side from top of bank or 5 times the width of the stream, whichever is greater, unless certification with supporting technical data by a registered professional engineer is provided demonstrating that such encroachments will not result in any increase in flood levels during the occurrence of the base flood discharge; and

2. The BFE used in determining the regulatory flood protection elevation shall be determined based on the following criteria:

(a) When BFE data is available from other sources, all new construction and substantial improvements within such areas shall also comply with all applicable provisions of this section and the Ordinance and shall be elevated or floodproofed.

(b) All subdivision, manufactured home park, and other development proposals shall provide BFE data if development is greater than 5 acres or has more than 50 lots/manufactured home sites. The BFE data shall be adopted by reference in accordance with Section 6.4.1.B, Basis for Establishing Special Flood Hazard Areas, and utilized in implementing this section.

(c) When BFE data is not available from a Federal, State, or other source as outlined above, the reference level shall be elevated to or above the regulatory flood protection elevation.

D. Standards for Riverine Floodplains with BFE, but Without Established Floodways or Non-Encroachment Areas

In addition to the standards in Section 6.4.3.A, General Standards, and Section 6.4.3.B, Specific Standards, development along rivers and streams where BFE data is provided by FEMA or is available from another source but neither floodway nor non-encroachment areas are identified for a special flood hazard area on the FIRM or in the FIS report, shall be subject to the following:

1. Until a regulatory floodway or non-encroachment area is designated, no encroachments, including fill, new construction, substantial improvements, or other development, shall be permitted unless certification with supporting technical data by a registered professional engineer is provided demonstrating that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than 1 foot at any point within the community.

E. Floodways and Non-Encroachment Areas

In addition to the standards in Section 6.4.3.A, General Standards, and Section 6.4.3.B, Specific Standards, development proposed in floodways or non-encroachment areas established by Section 6.4.1.B, Basis for Establishing Special Flood Hazard Areas, shall be subject to the following:

1. No encroachments, including fill, new construction, substantial improvements and other developments shall be permitted unless:

(a) It is demonstrated that the proposed encroachment would not result in any increase in the flood levels during the occurrence of the base flood, based on hydrologic and hydraulic analyses performed in accordance with standard engineering practice and presented to the Engineering Services Director prior to issuance of floodplain development permit; or

(b) A conditional letter of map revision (CLOMR) is approved by FEMA.

(c) A letter of map revision (LOMR) must also be obtained upon completion of the proposed encroachment.

2. If (E.1) above is satisfied, development shall comply with all applicable flood hazard reduction provisions of this section.

3. No manufactured dwellings shall be permitted, except replacement manufactured dwellings in an existing manufactured dwelling park or subdivision, provided the following provisions are met:

(a) The anchoring and the elevation standards of Section 6.4.3.B.2, Manufactured Dwellings; and

(b) The no encroachment standard of (1) above.

F. Standards for Areas of Shallow Flooding (Zone AO)

In addition to the standards in Section 6.4.3.A, General Standards, and Section 6.4.3.B, Specific Standards, development located within the Special Flood Hazard Areas established in Section 6.4.1.B, Basis for Establishing Special Flood Hazard Areas, as shallow flooding areas shall comply with the following:

1. The reference level shall be elevated at least as high as the depth number specified on the Flood Insurance Rate Map (FIRM), in feet, plus a freeboard of 2 feet, above the highest adjacent grade; or at least 2 feet above the highest adjacent grade if no depth number is specified;

2. Nonresidential structures may, in-lieu of elevation, be floodproofed to the same level as required by subsection F.1 above so that the structure, together with

attendant utility and sanitary facilities below that level shall be watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy.

3. Certification is required in accordance with Section 6.4.2.B, Certification Requirements; and
4. Adequate drainage paths shall be provided around structures on slopes, to guide floodwaters around and away from proposed structures.

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CHAPTER 7: SUBDIVISION STANDARDS

7.1. SUBDIVISIONS

7.1.1. PURPOSE AND INTENT

The purpose of this section is to establish standards for the subdivision of land in the City. More specifically, this section is intended to:

A. Provide for the orderly growth and development of the City.

B. Coordinate the provision of streets within and contiguous to proposed subdivisions with other existing or planned streets in the general area.

C. Provide for adequate drainage and flood control.

D. Provide for the adequate provision of public services and infrastructure.

E. Provide for adequate open space for light, air, and recreation.

F. Provide for the conservation and protection of natural and historical areas.

G. Provide for the acceptance of rights-of-way, easements, streets, curbs, gutters, sidewalks, bikeways, drainage facilities, water and sewer facilities, and other improvements dedicated to public use.

H. Provide for the installation of monuments establishing street and lot lines.

7.1.2. APPLICABILITY

A. General

No subdivision of land in the City's jurisdiction, as defined in Section 10.4, Definitions including group development or multiple lot development shall occur, and no lot or parcel created by such division of land may be sold or developed, unless the division is expressly exempted from this section or has received subdivision approval in accordance with Section 2.5.11, Preliminary Plat, Section 2.5.7, Final Plat, and the requirements of this chapter.

B. Exclusions

Divisions of land not considered a subdivision shall be shall be exempted from these standards in accordance with Section 2.5.6, Exclusion Map.

C. Dedication and Acceptance

1. Rights-of-Way and Easements

(a) The approval and recordation of a final plat constitutes dedication to and acceptance by the City of each public street, alley, or utility easement shown on the plat.

(b) The approval and recordation of a final plat does not constitute acceptance by the City of maintenance responsibility for improvements within a right-of-way or easement.

(c) Improvements within a right-of-way or easement, such as utility lines, street paving, drainage facilities, or sidewalks may be accepted for maintenance by the City Council or by the Engineering Services Director, who is authorized to inspect and, where appropriate, accept the dedication of such improvements.

2. Open Space

(a) Land designated as public open space on a final plat shall be considered to be offered for dedication until such offer is accepted by the City. The offer may be accepted by the City through:

(1) Express action by the Engineering Services Director; or

(2) Conveyance of fee simple marketable title (unencumbered financially and environmentally) of the land to the City at the time of final plat recordation.

(b) Until such offer of dedication is accepted by the City, land offered for dedication may be used for open space purposes by the landowner or by the owners' association. Land offered for dedication shall not be used for any purpose inconsistent with the proposed public use.

7.1.3. STREET AND UTILITY CONSTRUCTION

A. Required

Street and utility construction plan approval shall be required for all street, potable water, sanitary sewer, and storm sewer facilities before the street and utility improvements occur.

B. Preparation

Street and utility construction plans shall be prepared by a registered engineer licensed to practice in the State of North Carolina. They shall be prepared in accordance with the *Development Guide*.

C. Construction Plans

1. Street and utility construction plans for all street, potable water, sanitary sewer, and storm sewer facilities shall be submitted to the City following or concurrently with preliminary plat review but shall not be reviewed until the street and utility network for the preliminary plat is found generally satisfactory by the TRC.

2. For each subdivision section, the street and utility construction plans shall include all improvements lying within or adjacent to that section as well as all water and sanitary sewer lines lying outside that section that are required to serve that section.

3. Street and utility construction plans shall not be approved until the preliminary plat is approved in accordance with Section 2.5.11, Preliminary Plat.

D. Statement of Required Improvements

The applicant shall submit a statement of required improvements which specifies the length of streets to be constructed and the diameter material and length of sanitary sewer and water lines and other required public improvements to be installed for the subdivision section. The statement shall include all public improvements for which the developer/subdivider is responsible and the date when the improvements shall be completed.

E. Oversized Improvements and Extensions

1. The City may require the construction of wider streets and the installation of oversized utilities when it is in the interest of future development or the street is shown for improvement on the *Comprehensive Transportation Plan*.

2. When the construction of wider streets or the installation of oversized utilities is required, the City shall reimburse the developer for the oversizing.

3. The City may require the extension of streets and utilities to adjacent land when it is in the interest of future development or is shown on the *Comprehensive Transportation Plan*.

F. Approval Period

Street utility construction plan approval shall be valid for 2 years unless the TRC determines that materials or methods shown on the plan pose a threat to the public health or safety. Plan approval shall be extended in conjunction with the extension of preliminary plat approval, unless the TRC determines that materials or methods shown on the plan pose a threat to public health or safety. The extension shall expire concurrently with the expiration of the preliminary plat.

G. Inspection

Work performed in accordance with approved street and utility construction plans shall be inspected and approved by the City.

7.1.4. DEDICATION OF RIGHT-OF-WAY

A. Dedication of Right-of-Way with Density Transfer

When land is proposed for subdivision or is being considered for approval as a conditional zoning district or special use and a portion of it is in a corridor for a street or highway shown on a plan established and adopted in accordance with North Carolina General Statutes Section 136-66.2, the City may provide for the dedication of right-of-way within that corridor pursuant to any applicable legal authority.

1. Required Dedication

The City may require the applicant to dedicate, for street or highway purposes, the right-of-way within a corridor for a street shown for improvement in the City's *Comprehensive Transportation Plan* if the City allows the applicant to transfer density credits attributable to the dedicated right-of-way to contiguous land owned by the applicant. Dedication shall not be required unless the TRC finds that the dedication::

(a) Does not result in the deprivation of a reasonable use of the land; and

(b) Is either reasonably related to the traffic generated by the proposed development or the impact of the dedication is mitigated by measures provided in this Ordinance.

2. Voluntary Dedication

If an applicant elects to dedicate right-of-way within a corridor for a street shown for improvement on the City's *Comprehensive Transportation Plan*, the City may allow the applicant to transfer density credits attributable to the dedicated right-of-way to contiguous land that is part of a common development plan.

B. Acquisition Review for Proposed Construction within Proposed Rights-of-Way

When development is proposed that is within future rights-of-way of any existing or future street identified in the City's Comprehensive Transportation Plan, the development shall not be approved until the City is given an opportunity to purchase or acquire the street right-of-way in accordance with the following:

1. The landowner shall submit to the City a written proposal naming the price and terms upon which the owner will sell the land within the future right-of-way or a written statement of refusal to sell. In addition, the landowner shall provide the estimated cost of the proposed development within the future right-of-way. Once this written information is received by the City, then notification of the landowner's intent is established.

2. The City shall then determine whether it will take the necessary steps to acquire

the right-of-way prior to development. If the City fails to begin acquisition, or to institute condemnation proceedings within 60 days from the receipt of the landowner's notification of intent, the landowner may proceed with the development after obtaining all approvals and permits required by this Ordinance.

7.1.5. PERMANENT RUNOFF CONTROL STRUCTURES/SOIL EROSION AND SEDIMENTATION CONTROL DEVICES

A. Soil Erosion and Sedimentation Control Devices

An approved soil erosion and sedimentation control device may be installed prior to approval of street and utility construction plans in accordance with the standards in this section.

B. Permanent Runoff Control Structures

1. Coordination with Streets and Utilities

Street and utility construction plans shall show the location of existing or proposed runoff control structures relative to the proposed improvements to avoid conflicts during and after construction.

2. Design and Construction

A runoff control structure shall be designed and installed in accordance with the requirements of Section 6.2, Watershed Protection, and this section.

3. Owners Association Required

When a permanent runoff control structure serves more than 1 lot within a subdivision, an owners' association shall be required for the purposes of ownership and maintenance responsibility (see Section 7.3, Homeowners' or Property Owners' Association).

4. Maintenance Responsibility

The owners association shall be responsible for maintaining the completed permanent runoff control structure(s). If the owners' association is dissolved or ceases to exist, all the owners of record at the time of required maintenance shall be jointly and severally liable for all costs related to the completed permanent runoff control structure(s).

5. Maintenance Note Required on Final Plat

When a subdivision contains a permanent runoff control structure to which paragraph (3) above is applicable, the final plat shall contain a prominent note with the full text of paragraph (4) above.

6. Timing of Completion

The permanent runoff control structure(s) shall be substantially completed and have full design volume available prior to the recordation of a final plat for the subdivision. This may require the cleanout and disposal of sediment from a pond.

7.1.6. SUBDIVISION STANDARDS

A. General

1. Design

Proposed subdivisions and group developments shall:

(a) Comply with this section and the *Development Guide*;

(b) Bear a reasonable relationship to the approved plans of the City; and

(c) Be designed to promote development that is beneficial to the City.

2. Development Name

The name of a proposed development shall not duplicate or be phonetically similar to an existing development name in the City or its ETJ unless the proposed development lies adjacent or in proximity to the existing development.

3. Reasonable Relationship

All required improvements, easements, and rights-of-way (other than required reservations) shall substantially benefit the development or bear a reasonable relationship to the need for public facilities attributable to the new development.

4. Off-Site Connections

When in the opinion of the TRC it is necessary to connect streets and/or utilities off-site to adjoining streets and/or utilities, the connections may be required in accordance with City policy.

B. Lot Dimensions and Standards

The size, shape, and orientation of lots shall be appropriate for the location of the proposed subdivision and for the type of development contemplated. Lots shall conform to the following standards.

1. Conformance to Other Regulations

A lot shall have sufficient area, dimensions, and street access to allow a principal building to be erected on it in compliance with the requirements of this Ordinance.

2. Lot Depth to Width Ratio

A lot shall not have a depth greater than 4 times its width, at the minimum front street setback.

3. Side Lot Line Configuration

Side lines of lots should be at or near right angles or radial to street lines.

4. Lot Lines and Drainage

Lot boundaries shall coincide with natural and pre-existing manmade drainageways, to the maximum extent practicable, to avoid disruption of established drainage patterns or lots that can be built upon only by altering such drainageways.

5. Lots Adjoining Public Open Space or Required Watershed Stream Buffer Areas

Single-family lots with public sewer service that abut a dedicated public drainageway, public open space areas, or a required watershed stream buffer when such buffer is in a common area, may have less area than the minimum lot size required, provided the following standards are met:

(a) No lot area shall be less than 60 percent of the minimum lot size for the zoning district or less than 4,000 square feet.

(b) A note shall be placed on the Final Plat stating:

"The required area of Lots (*insert lot #*) through (*insert lot #*) has been reduced in accordance with Section 7.1.6.B.5 Lots Adjoining Public Space or Required Watershed Stream Buffer Areas. All other dimensional requirements of the Development Ordinance shall apply."

6. Special Purpose Lots

Minimum lot dimensional standards shall not apply to lots for family or religious institution cemeteries, sewage lift stations, and similar utility uses. Such lots shall comply with the following:

(a) A special-purpose lot shall be permitted only after the TRC has determined that the proposed lot has sufficient dimensions to accommodate the intended use and, where required by this Ordinance, landscape yards.

(b) If the special-purpose lot does not have direct access to a public street, an easement for ingress and egress with a minimum width of 10 feet shall be platted.

(c) The subdivision to create the lot shall be approved in accordance with this chapter. The final plat shall label the lot as a special purpose lot.

7. Access Requirements

(a) All lots shall be served by street access meeting the requirements of Chapter 5: Development Standards.

(b) Except for multi-family and single-family attached developments, no lot used for a use type included in the Household Living Use Category in Table 4.2.4, Residential Use Classification, shall be permitted direct access to a major or minor thoroughfare street.

8. Flag Lots

Flag lots shall comply with the following standards:

(a) A flag lot shall not have more than 1 single-family detached dwelling and an uninhabitable accessory structure;

(b) The maximum flagpole length shall be 300 feet;

(c) The minimum flagpole width shall be 25 feet;

(d) The maximum lot area with public sewer shall be 1 acre;

(e) The maximum lot area without public sewer shall be 3 acres. (Note: The flagpole portion of the lot shall not be used to calculate area, width, depth, coverage, and setbacks of the lot or to provide off-street parking);

(f) Where public water is available, any building on the flag lot shall be within 500 feet of a fire hydrant. The distance shall be measured along the street, then along the flagpole, then in a straight line to the building location;

(g) Where public sewer is available, an occupied building on the flag lot shall have a gravity service line, or the sewer pump requirement shall be noted on the plat; and

(h) Use of a single driveway to serve an adjoining flag lot or to serve a flag lot and an adjoining conventional lot is encouraged. In the latter case, the preferred location for the driveway is on the flagpole portion of the flag lot, with the conventional lot granted an access easement over the flagpole.

9. Minimum Street Frontage

The minimum street frontage for a platted lot is 25 linear feet.

C. Streets

1. Dedication of Right-of-Way

Right-of-way for public streets shall be dedicated to the City in accordance with North Carolina General Statutes Section 160A, Article 19, Part 2, and other applicable State law. When dedication cannot be required, future street right-of-way indicated on the City's *Comprehensive Transportation Plan* shall be shown on the plat.

2. Conformance with the Comprehensive Transportation Plan

The location and design of streets shall be in conformance with the *Comprehensive Transportation Plan*. If conditions warrant, right-of-way widths and pavement widths in excess of the minimum street standards may be required in accordance with Section 7.1.3.E, Oversized Improvements and Extensions.

3. Conformance with Adjoining Street Systems

The planned street layout of a proposed subdivision shall be compatible with existing or proposed streets and their classifications on adjoining or nearby tracts.

4. Access to Adjoining Land

If the TRC determines access to adjoining land is necessary and appropriate for adequate traffic circulation, proposed streets shall be extended to the boundary of the site.

5. Development Entry Points

(a) Unless exempted in accordance with subsection (d) below, all subdivisions shall provide access from the development to the street system outside the development in accordance with Table 7.1.6.C.2, Development Entry Points:

TABLE 7.1.6.C.2: DEVELOPMENT ENTRY POINTS

Development Type	Minimum Number of Entry Points
Residential Uses (# of Units)	
50 or fewer	1
51-150	2
151 or more	3

(b) Nothing in this section shall limit the total number of streets providing access to the street system outside a development.

(c) The TRC may allow stub streets to count as a development entry point when there is a reasonable likelihood of the stub street connecting to a future roadway.

(d) Development shall be exempted from these standards if it is demonstrated the following conditions apply:

(1) No other street access points can be located to the site due to existing lot configurations, absence of connecting streets, environmental, or topographic constraints;

(2) NCDOT will not authorize the required number of entrances; or

(3) Alternative access can be provided in a manner acceptable to the City that is supported by a transportation impact analysis.

6. Reserve Strips

A reserve strip adjoining street rights-of-way shall not be permitted under any condition to prevent access to adjacent land.

7. Street Classification

The final determination of the classification of streets in a proposed subdivision shall be made by the TRC.

8. Public Street Design Criteria

(a) General

(1) Street design, right-of-way dedication, and paving of streets in and adjacent to a subdivision shall conform with the requirements of Table 7.1.6.C.3.

TABLE 7.1.6.C.3: PUBLIC STREET DESIGN STANDARDS

Street Classification	ROW (ft) [1]	Pavement Width (ft) [1] [2]	Stopping Sight Distance (ft)	Centerline Radius (ft)	Turnaround Radius: ROW / Pavement (ft)
Major Thoroughfare	90-100	64-68	650	1530	n/a
Minor Thoroughfare 5-lane 4-lane	 80 68	 60 48	 550 475	 1240 955	 n/a n/a
Collector	60	40	400	765	n/a
Subcollector	56	32	250	440	n/a
Local Residential w/ribbon [3] w/curb and gutter	 60 50	 22 26	 200 200	 300 300	 n/a n/a
Residential Cul-De-Sac w/ribbon [3] w /curb and gutter	 60 50	 22 26	 200 200	 300 300	 50/40 50/40
Local Industrial	60	40	325	575	60/50
Industrial Cul-De-Sac	60	40	325	575	60/50
Alley	28	18	80	80	n/a

NOTES:
[1] Additional width may be required under Section 7.1.6.C.2, Conformance with the Comprehensive Transportation Plan
[2] Dimensions in this column are from face-of-curb to face-of-curb, except for ribbon pavement
[3] Ribbon pavement allowed subject to the provisions of the City of High Point's *Standard Specifications and Details for Roads, Structures and Utilities*

(2) Adjustments to the street design standards may be made through approval of a Type II administrative adjustment in accordance with Section 2.5.2 Administrative Adjustment (Type I/Type II), due to special physical constraints. These streets shall be designed in accordance with the City's *Standard Specifications and Details for Roads, Structures, and Utilities*, or the NCDOT's *Subdivision Roads: Minimum Construction Standards*, as applicable.

(3) Ribbon pavement streets may be allowed for local residential cul-de-sac streets in accordance with the general public street design standards in the City's *Standard Specifications and Details for Roads, Structures, and Utilities*.

(b) Streets Crossing Natural Areas

A street crossing a natural area, wetlands, or stream buffers shall cross at or as near to 90 degrees as possible, within topographic limits.

(c) Spacing Between Intersections

(1) Offset intersections are not desirable and should be avoided.

(2) Intersections that cannot be aligned should be separated in accordance with the design standards established by street classification.

(3) The higher classification street shall determine the distance between intersections along that street.

(4) In the event of unusual topography, a distance less than the design standard, but in no case less than 150 feet, may be approved by the TRC.

(d) Maximum Cul-de-sac Length

The maximum distance from an intersecting through street to the end of a cul-de-sac shall be 1,200 feet, except that a distance up to 1,600 feet may be approved in the WCA.

(e) Temporary Turnarounds

A street stubbed to adjoining land or to phase lines may be required to have temporary turnarounds at the end of the street sufficient to permit sanitation vehicles to turn around.

(f) Grades at Intersections

The grade on stop streets approaching an intersection shall not exceed 5 percent for a distance of 100 feet from the centerline of the intersection.

(g) Street Names

Street names, prefixes, suffixes and addresses shall conform to the guidelines and policies set forth in the City's *Street Name and Address Assignment Guidelines and Policies* located in the *Development Guide*.

9. Private Street Standards

(a) Where Allowed

Private streets are allowed in single-family sections of planned development districts, single-family attached developments, and multiple lot developments.

(b) Minimum Design and Construction

(1) The minimum street design standards for private streets are the same as for public streets.

(2) The developer must furnish an engineer's seal and certification that a private street has been tested and certified for the subgrade, base, and asphalt.

(3) Private streets shall be designed and constructed in accordance with the City's *Standard Specifications and Details for Roads*, or NCDOT's *Subdivision Roads: Minimum Construction Standards*, whichever is applicable.

(c) Owners' Association Required

An owners' association is required to own and maintain all private streets allowed under this Ordinance.

(d) Plats

All private streets must be shown as such on all plats.

(e) Through Streets

A through street in a residential area that connects 2 public streets shall not be a private street.

(f) Connections to Public Streets

All private streets connecting with public streets require driveway approvals from the City or NCDOT, as applicable.

10. Street and Traffic Control Signs

(a) Street Sign

(1) The City shall erect a street name sign that complies with the *Manual on Uniform Traffic Control Devices* (MUTCD) standards at each of the following locations:

(i) Intersection of public streets; and

(ii) Intersection of a named private street or private drive with a public street. The developer shall pay a fee to the City for each sign required.

(2) The developer shall erect a sign fabricated with retro reflective material in compliance with the MUTCD standards at each intersection along a private street or private drive. Nonstandard background and letter colors may be allowed for internal private street intersections, if approved by the Transportation Director.

(b) Traffic Control Signs

The developer shall provide traffic control signs that comply with the MUTCD standards, in locations designated by the City.

(c) Maintenance

Maintenance of a sign on a private street or drive is the responsibility of the owner or owners' association, as appropriate.

11. Directional Address Signs

(a) Directional address signs shall be placed on private streets or private drives in a group development and multiple-lot development where the orientation of buildings obscures certain buildings from plain view from parking and access.

(b) Directional address signs shall be placed where the multiple private streets or private drives intersect, or along the street or drive at each primary entry to the obscured buildings.

(c) Each directional address sign shall show the appropriate addresses or range of addresses and a directional arrow or location instructions as minimal direction information. Except for a logo, such signs shall bear no corporate or development advertising.

D. Block Length

A block shall not exceed a perimeter length of 6,000 feet, except that a perimeter length of up to 12,000 feet may be approved in the WCA. For the purposes of this section perimeter length is defined as the shortest perimeter measurement along the abutting street right-of-way lines.

E. Sidewalks

Sidewalks shall be configured in accordance with the standards and Section 5.9, Sidewalks.

F. Utilities

1. Public Water and Sewer Construction Requirements

Water and sewer lines, connections, and equipment shall be constructed in accordance with the City's *Standard Specifications and Details for Roads, Structures, and Utilities*, or the NCDOT's *Subdivision Roads: Minimum Construction Standards*, as appropriate.

2. Water and Sewer Connections

(a) Connection of each lot to public water and sewer utilities shall be required if the proposed subdivision is within 300 feet of the nearest adequate line of a public system, and provided that no geographic or topographic factors would make such connection infeasible.

(b) Where public sewer is not available, lots shall comply with applicable County Environmental Health Division regulations.

(c) Approval of the applicable Environmental Health Division shall be obtained after preliminary plat approval.

(d) The final plat shall show the certificate of approval from the applicable Environmental Health Division.

3. Underground Utilities

Electrical, community antenna, television, and telephone utility lines installed in subdivisions of 5 lots or more shall be underground, unless the TRC determines underground installation is inappropriate.

4. Utility Easements

(a) Width

(1) To provide for electric, telephone, gas, and community antenna television services, conduits, and water and sewer lines within a subdivision, appropriate utility easements not to exceed 30 feet in width shall be provided.

(2) The location of the easements shall be reviewed and approved by the TRC, with advice from utility providers, before final plat approval.

(b) No Buildings or Improvements within Easement

(1) Utility easements shall be kept free and clear of any buildings or other improvements that would interfere with the proper maintenance or replacement of utilities.

(2) The City shall not be liable for damages to any improvement located within the utility easement area caused by maintenance or replacement of utilities.

5. Electric Utilities

(a) Street Lights

A development in the City with public streets shall include public street lights. The street lights shall be maintained by the City.

(b) Electric Service

Development outside the City limits shall be provided electric service by the agency having jurisdiction in the area.

G. Drainage

1. General Requirements

(a) This section applies to all watercourses that have a drainage basin greater than 1½ acres. In addition, watercourses which are contained in areas of special flood hazard as shown on the FEMA panels are subject to the requirements of Section 6.4, Flood Damage Prevention. In case of a conflict between this section and Section 6.4, the stricter regulation applies.

(b) Drainage within development affected by this section shall be designed using standard engineering practices including those described in the *City of High Point Storm Drainage System Design Manual*.

(c) No fill, buildings or structures, except for water dependent structures, greenways, utility substations, utilities, roads or other related public improvements, shall be placed or constructed within the protected drainage areas specified in this section. Parking areas and associated drives may be constructed over enclosed subsurface drains.

(d) Drainage within development affected by this section shall be handled in any of following systems:

(1) Enclosed subsurface;
(2) Open channel on private property; or
(3) Open channel in a drainageway dedicated to the City.

2. Determination of Drainage System

(a) The developer shall determine the drainage system to be used for projects unless the drainage areas meet the standards in subsection (b) below.

(b) The determination of the drainage system to be used shall be made by the TRC if:

(1) The area is identified on the *Bikeway, Greenway, and Trails Master Plan*; or
(2) The drainage basin is greater than 50 acres; or
(3) The site is located in the WSO district; or
(4) The watercourse is depicted as a perennial stream on the City of High Point Water Supply Watershed Map.

(c) In determining the drainage system to be used, the following factors shall be considered:

(1) The type of development;
(2) The drainage system(s) employed by nearby development;
(3) The probability of creating a lengthy greenway or open space area to advance the purposes of the adopted *Bikeway, Greenway, and Trails Master Plan*;
(4) The probability of creating future maintenance problems;
(5) The probability of erosion or flooding problems; and
(6) The pipe size necessary to handle drainage.

3. Drainage Systems

(a) Enclosed Subsurface Drains (Storm Sewers)

(1) Enclosed subsurface drainage systems shall be designed and constructed using standard engineering practices including those described in the *City of High Point Storm Drainage System Design*

Manual.

(2) Enclosed subsurface drainage systems on private property shall be protected as provided in Section 7.1.6.G.3(d), Protected Drainage .

(b) Open Channel on Private Land

(1) If open channels on private land are used as a drainage system, they shall be designed using standard engineering practices including those described in the *City of High Point Storm Drainage System Design Manual*.

(2) Open channel drainage systems on private land shall be protected as provided in Section 7.1.6.G.3(d), Protected Drainage .

(c) Open Channels in Drainageway and Open Space Areas Dedicated to the City of High Point

(1) The TRC may require that a drainageway identified on the *Bikeway, Greenway, and Trails Master Plan* be dedicated to the City.

(2) Drainageway and open space shall be dedicated by a recorded plat and shall be labeled "Dedicated to the City of High Point and the public for Drainageway, Greenway and Open Space."

(3) The dedicated drainageway and open space area along any stream shall include the land between the natural 100-year flood contours.

(4) The area to be dedicated may be reduced in width if the applicant demonstrates to the Engineering Services Director that sound engineering practices are being employed.

(5) The dedicated drainageway and open space area shall have a minimum width of 60 feet.

(6) In cases of topographic or other obstacles, additional width may be required to assure reasonable ease of maintenance.

(7) Dedicated drainageway and open space shall have sufficient access to a publicly maintained street. If the TRC determines that suitable access is not provided, access shall be provided by a suitably located access easement not less than 20 feet in width.

(8) Dedicated drainageway and open space may also be used for drainage, open space, greenways, bikeways, trails, other similar recreation activities, public utilities, and street crossings.

(9) Drainageway and open space shall be left in its natural condition or graded to a cross section and stabilized with permanent vegetative cover approved by the City.

(10) Single-family lots abutting land dedicated to the City as drainageway and open space may be reduced in accordance with Section 7.1.6.B, Lot Dimensions and Standards.

(d) Protected Drainage Easements

Subdivisions shall comply with the requirements in Section 6.3, Soil Erosion and Sedimentation, Section 6.4, Flood Damage Prevention, and the following standards:

(1) Where a subdivision is traversed by a watercourse or drainageway, an easement shall be indicated on all plats of the subdivision. The easement shall substantially conform with the lines of the watercourse or drainageway, plus the additional width that is necessary to convey expected storm flows in accordance with the standards in the *City of High Point Storm Drainage System Design Manual*.

(2) The size, design, and construction of drainage structures shall conform to the requirements in the *City of High Point Storm Drainage System Design Manual*.

(3) The City shall not accept the responsibility to maintain any drainage easement or storm drainage structures, except for those within a public street right-of-way or traversing City-owned land.

H. Flood Damage Prevention

1. Minimize Flood Damage

A subdivision shall be designed to minimize flood damage;

2. Public Utilities

A subdivision shall have public utilities and facilities such as sanitary sewer, gas, electrical, and water systems located and constructed to minimize flood damage;

3. Drainage

A subdivision shall have adequate drainage to reduce exposure to flood hazards; and

4. Base Flood Elevation Data Required

(a) Base flood elevation (BFE) data shall be provided for subdivision applications unless a licensed engineer certifies that the 100-year storm flow for streams in or near the subdivision, site, or group development is less than 500 cubic feet per second.

(b) In special flood hazard areas designated by FEMA maps, BFE data shall be provided for development with more than 50 lots or 5 acres in area. (See Section 6.4, Flood Damage Prevention, for additional flood protection regulations.)

I. Placement of Monuments

The *Standards of Practice for Land Surveying in North Carolina*, as adopted by the North Carolina State Board of Registration for Professional Engineers and Land Surveyors, shall apply when installing permanent monuments.

7.2. FINANCIAL GUARANTEES

7.2.1. INSTALLATION STATEMENT AND FINANCIAL GUARANTEES IN-LIEU OF COMPLETION

A. General

In-lieu of the completion, installation, and dedication of all required public improvements (streets, potable water, sanitary sewer, stormwater, electricity, and street lights) and private site improvements (parking, landscaping, screening, protected trees, fencing, stormwater management and sedimentation control) prior to approval of a final plat or issuance of a certificate of occupancy (as appropriate), a developer may submit:

1. An installation statement of required improvements, as provided in the City of High Point's *Development Guide*, for which the developer is responsible, and the date when the improvements are to be completed; and
2. An acceptable financial guarantee for installation of public infrastructure in accordance with Section 7.2.2, Performance Guarantee.

B. Timing

The installation statement and financial guarantees shall not be accepted until after the construction plans and profiles for the development are approved, in accordance with Section 7.1.3, Street and Utility Construction, and a watershed development plan, if applicable, is approved in accordance with Section 6.2.8.E, Watershed Development Plan.

C. Effect

Once the installation statement and required financial guarantees are accepted by the City, the final plat or certificate of occupancy (as appropriate) may be approved if the proposed development complies with all other requirements of this Ordinance.

7.2.2. PERFORMANCE GUARANTEE

A. General

A performance guarantee, in accordance with the standards in this section, shall be required in the following circumstances:

1. To ensure the completion of public infrastructure improvements (streets, potable water, sanitary sewer, stormwater, electricity, and street lights) that are required as part of an approved preliminary plat, site plan, or group development plan, but are not approved as complete before approval of a final plat or certificate of occupancy, as appropriate;
2. To ensure completion of private site improvements (parking, screening, landscaping, protected trees, fencing, stormwater management, and sedimentation control,) that are required as part of a preliminary plat, site plan, or group development plan, but are not installed before approval of a certificate of occupancy.

B. Term of Performance Guarantees

The term of the performance guarantee shall reflect any time limit for completing installation of required improvements that is included in the preliminary or final plat, site plan, or group development plan, as appropriate, but in any case, the term shall not exceed 18 months. The City Manager, for good cause shown, may grant up to 1 extension of time, for a time period not exceeding 1 year.

C. Form of Performance Guarantee

1. The applicant shall propose the form(s) of the performance guarantee, which shall be provided in one or more of the following forms:

(a) Cash, Irrevocable Letter of Credit, or Equivalent Security

(1) The developer shall deposit cash, or other instrument readily convertible into cash at face value, such as an irrevocable letter of credit, either with the City or in escrow with a financial institution.

(2) If cash or other instrument is deposited in escrow with a financial institution, an agreement between the financial institution and the developer shall be filed with the City guaranteeing the following:

(i) That the escrow account shall be held in trust until released by the City and may not be used or pledged by the developer for any other matter during the term of the escrow; and

(ii) That in case of a failure on the part of the developer to complete or repair the improvements, the financial institution shall, upon notification by the City, immediately pay the funds deemed necessary by the City to complete or repair the improvements up to the full balance of the escrow account, or deliver to the City any other instruments fully endorsed or otherwise made payable in full to the City.

(3) The financial institution holding the cash or other instrument shall indicate to the City its notification requirements for release or payment of funds.

(b) Surety Bond

(1) The developer shall obtain a surety bond from a surety bonding company authorized to issue surety bonds in North Carolina.

(2) The bond shall be payable to the City and shall be in an amount as required by this subsection.

2. The performance guarantee shall distinguish between the portion of the guarantee provided for public improvements as well as the portion of the guarantee provided for private improvements, as appropriate.

3. The performance guarantee shall be conditioned on the performance of all work necessary to complete the installation of the required improvements within the term of the financial guarantee.

D. Apportionment of Performance Guarantee

The performance guarantee shall:

1. Distinguish between the portion of the guarantee provided for public improvements versus the amount provided for private improvements, as appropriate.

2. Be conditioned on the performance of all work necessary to complete the installation of the required improvements within the term of the performance guarantee.

E. Amount of Performance Guarantee

1. General

Performance guarantees shall be in an amount equal to 125 percent of the estimated cost of completing the installation of the required improvements, including the costs of materials, labor, and project management.

2. Estimated Costs

(a) Estimated costs of completing installation of required public improvements shall be itemized by improvement type and certified by the developer's licensed professional engineer, and is subject to approval by the Engineering Services Director.

(b) Estimated costs for completing costs of private site improvements shall be itemized and certified by the developer's contractor, and is subject to approval by the Engineering Services Director or the Planning and Development Director, as appropriate.

F. Release or Reduction of Performance Guarantees

1. Requirements for Release or Reduction

The Planning and Development Director or Engineering Services Director, as appropriate, shall release or reduce a performance guarantee only after:

(a) The owner or developer has submitted to the City a written request for a release or reduction of the performance guarantee that includes certification by the owner's or developer's engineer or contractor, whichever is appropriate, that installation of the guaranteed improvements has been completed in accordance with approved plans and specifications, and as-builts (if applicable);

(b) City staff has performed an inspection of the improvements and certified in writing that installation of the guaranteed improvements is completed in accordance with approved plans and specifications; and

(c) No release or reduction in performance guarantee amounts will be considered until more than 25 percent of the work is in place and approved.

2. Acceptance Shall be Documented

The Planning and Development Director or Engineering Services Director, as appropriate, shall provide written notice of the City's final acceptance of the improvements subject to performance guarantees.

G. Default and Forfeiture of Performance Guarantees

1. Notice of Failure to Install or Complete Improvements

If the owner or developer fails to complete installation of the guaranteed improvements within the term of the financial guarantee (as may be extended), the Planning and Development Director or Engineering Services Director, as appropriate, shall give the owner or developer 30 days written notice of the scope and degree of the default, by certified mail.

2. City Completion of Improvements

After the 30-day notice period expires, the City may draw on the guarantee and use the funds to perform work necessary to complete installation of the guaranteed improvements. After completing such work, the City shall provide a complete accounting of the expenditures to the owner or developer. In the event of a default triggering the use of the financial guarantee, the City shall return any of the unused deposited cash funds or other security.

7.2.3. MAINTENANCE WARRANTY

A. General

A maintenance warranty in accordance with the standards in this section is required to

ensure against defects in workmanship or materials in providing stormwater management facilities required as part of an approved preliminary plat, site plan, or group development plan, as appropriate.

B. Term of Maintenance Warranty

The term of a maintenance warranty shall be 1 year from the date of the engineer's certification of completion.

C. Form of Maintenance Warranty

The applicant shall propose the form(s) of the maintenance warranty, which shall be provided in one or more of the forms in Section 7.2.2.C, Form of Performance Guarantee

D. Function of Maintenance Warranty

The maintenance warranty shall:

1. Be conditioned on the performance of all work necessary to cure defects in materials and workmanship and maintain the required stormwater management facilities during the term of the maintenance warranty.
2. Provide that in case of the owner's or developer's failure to maintain and repair or replace the stormwater management facilities, the City shall be able to obtain the funds necessary to make necessary repairs or replacements in accordance with the warranty provisions for timeframe and forfeiture.

E. Amount of Maintenance Warranty

Maintenance warranty shall be in an amount up to 25 percent of the full actual cost, including the costs of materials and labor, of installing the required stormwater management facilities.

F. Release of Maintenance Warranty

The Public Services Director shall release a maintenance warranty at the end of the term of the guarantee only after an inspection is conducted of the stormwater management facilities, and it is certified in writing that the guaranteed stormwater management facilities have been maintained in accordance with approved plans and specifications.

G. Default and Forfeiture of Maintenance Warranty

1. Notice of Failure to Maintain Improvements

If the owner or developer fails to maintain the stormwater management facilities improvements during the term of the maintenance warranty, the Public Services Director shall give the owner or developer 30 days written notice of the scope and degree of the default by certified mail.

2. City Correction of Defects

After the 30-day notice period expires, the City shall present a plan to cure any defects within 30 days, and following such presentation, draw on the security and use the funds to perform work necessary to ensure the guaranteed stormwater management facilities comply with approved plans and specifications. After completing the work, the City shall provide a complete accounting of the expenditures to the owner or developer and, as applicable, refund all unused funds, without interest.

7.2.4. AS-BUILT PLANS REQUIRED

Upon completion of a public infrastructure project, the developer shall certify to the Engineering Services Director that the completed project has been constructed in accordance with the approved plans and shall submit actual "as built" plans for all public improvements after final construction is

completed. Upon completion of a private stormwater management facility, the developer shall certify to the Public Services Director that the completed project is in accordance with the approved plans and shall submit actual "as built" plans after final construction is completed. The plans shall show the final design specifications for all improvements and the field location, size, depth, and related measures, controls and devices, as installed. The designer shall certify, under seal, that the as-built design, measures, controls, and devices are in compliance with the approved plans and with the requirements of this Ordinance. A final inspection and approval by the respective Director shall occur before the release of the financial guarantee.

7.2.5. IMPROPER RELEASE OF FINANCIAL GUARANTEES

If the City releases a financial guarantee through error, the error shall not release the developer from responsibility for the completion of all improvements required by this section and this Ordinance.

7.3. HOMEOWNERS' OR PROPERTY OWNERS' ASSOCIATION

7.3.1. ESTABLISHMENT

A. Creation

A homeowners' or property owners' association (owner's association) shall be established to fulfill requirements of the North Carolina Condominium Act, NC Planned Community Act, or to accept conveyance and maintenance of all common elements (common areas) within a development. The owners' association shall be in legal existence prior to the conveyance, lease-option, or other long-term transfer of control of any unit or lot in the development.

B. Conveyance

Where a development has common elements (common area) serving more than 1 dwelling unit or lot, these areas shall be conveyed to the owners' association, in which all owners of units or lots in the development shall be members. All areas other than public street rights-of-way, other areas dedicated to the City, and lots shall be designated as common elements. In a condominium development the common elements shall be platted in accordance with the North Carolina Condominium Act. In other development, the fee-simple title shall be conveyed by the subdivider or developer to the owners' association prior to the sale or development of the first lot.

C. Subdivision or Conveyance of Common Elements (Common Areas)

Common elements (common areas) shall not subsequently be subdivided or conveyed by the owners' association unless a revised preliminary plat and a revised final plat showing such subdivision or conveyance is approved in accordance with the procedures and standards of its original approval.

D. Minimize Number of Associations

Development, whether including different land uses, different types of housing, or simply different sections, shall hold the number of owners' associations to the minimum practicable. An association may establish different categories of membership, different budgets for the categories, and different rates of assessment when different kinds of services are provided to different categories. Smaller associations under an umbrella (master) association are allowed.

E. Owners' Association Not Required

A development involving only 2 units attached by a party wall (or 2 separate walls back-to-back) shall not be required to have common elements or an owners' association. Such development without an owners' association shall establish a binding agreement between owners to govern any party walls and to ensure reciprocal easement rights needed for maintenance.

7.3.2. SUBMISSION OF OWNERS' ASSOCIATION DECLARATION

After preliminary plat approval, and before final plat approval, it is recommended that the subdivider submit a draft of the declaration of the owners' association containing covenants, conditions and restrictions governing the owners' association, lots or units, and common elements to the Planning and Development Director for review and approval. Prior to or concurrently with the submission of the final plat for review and approval, the subdivider shall submit a copy of the final declaration for review and approval. The declaration shall include provisions for the following:

A. Membership

Membership in the owners' association shall be mandatory for each original purchaser and each successive purchaser of a lot or unit. Provisions shall be made for the assimilation of owners in subsequent sections of the development.

B. Responsibilities of Owners' Association

The declaration shall state that the Association is responsible for:

1. Liability insurance and payment of premiums for liability insurance and local taxes;
2. Maintenance of all common elements including, but not limited to, stormwater management facilities, utilities, streets, drives, walks, and recreation facilities, at the time such common elements are transferred to the owners' association;
3. Establish and maintain an escrow account for the maintenance and repair of stormwater management facilities, as required in Section 6.2.8.D.5, Operation and Maintenance Agreement.
4. Payment of assessments for public and private improvements made to or for the benefit of the common elements.

C. Exterior Maintenance of Units

The owners' association shall be responsible for exterior maintenance of all attached units (whether they be dwelling units or nonresidential units); or each unit owner shall be made responsible, with the owners' association granted authority to perform such exterior maintenance in the event the unit owner fails to do so in a prompt and satisfactory manner, and to assess the cost of the maintenance against the unit.

D. Default by Owners' Association

1. Upon default by the owners' association in the payment to the jurisdiction entitled thereto of any assessments for public improvements or ad valorem taxes levied against the common areas, which default shall continue for a period of 6 months, each owner of a lot in the development shall become personally obligated to pay to the jurisdiction a portion of the taxes or assessments in an amount determined by dividing the total taxes and/or assessments due to the jurisdiction by the total number of lots in the development.
2. If the sum is not paid by the owner within 30 days following receipt of notice of the amount due, the sum shall become a continuing lien on the property of the owner, the owners' heirs, devisees, personal representatives, and assigns. The taxing or assessing jurisdiction may either bring an action at law against the owner personally obligated to pay the same, or may elect to foreclose the lien against the property of the owner.

E. Membership

The owners' association is empowered to levy assessments against the owners of lots or units within the development. Such assessments shall be for the payment of expenditures made by the owners' association for the items set forth in this section, and any assessments not paid by the owner against whom such assessments are made shall constitute a lien on the lot of the owner.

F. Easements

Easements over the common elements (common areas) for access, ingress, and egress from and to public streets and walkways, and easements for enjoyment of the common elements and for parking shall be granted to each lot or unit owner.

G. Maintenance and Restoration

Provisions for maintenance and restoration in the event of destruction or damage shall be established for common elements and party walls. It is recommended that the owners' association engage the services of a professional management company and that all inspections and repairs be conducted by qualified personnel.

H. Common Elements and Location

The common elements shall be listed and the location of common areas or commons elements shall be shown graphically as an attachment to the declaration of the Owners' Association.

7.3.3. INSPECTION AND APPROVAL OF IMPROVEMENTS

The City shall inspect and approve, where required by this Ordinance, all private improvements prior to transfer of maintenance responsibility to the owners' association.

7.4. GREENWAY DEDICATION

7.4.1. REQUIRED GREENWAY DEDICATION

Whenever a tract of land included within any proposed subdivision, including a group development plan, includes any part of a greenway designated on the *Bikeway, Greenway, and Trails Master Plan*, the greenway shall be platted and dedicated as a greenway easement.

7.4.2. GREENWAY EASEMENT WIDTH

The width of the greenway easement shall be a minimum of 50 feet, to the maximum extent practicable.

7.4.3. LIMITATION ON DEDICATION

No dedication shall be required for a greenway lying outside of any floodplain or special flood hazard area, but such area may be reserved by TRC in accordance with Section 7.5, Reservation of Public Land, for possible City acquisition.

7.4.4. DENSITY CREDITS

Land that is dedicated in fee-simple interest to and accepted by the City of High Point for the expressed purpose of establishing a public greenway shall be credited toward the donating parcel, lot or tract area for the purpose of calculating the density of development and area coverage calculations though no longer part of the parcel. Dedicated land credits shall be transferred to subsequent holders if properly noted in transfer deeds.

7.5. RESERVATION OF PUBLIC LAND

7.5.1. GENERAL

A. Identification by TRC

Where a proposed park, greenway, open space, or school shown in the City's adopted policy guidance is located in whole or in part in a subdivision or group development, the TRC may require the reservation of the land for future use.

B. Notification by TRC

Upon submittal of a preliminary plan or group development that includes part or all of a site to be reserved, the TRC shall immediately notify City Council or other appropriate governmental agency, who shall promptly decide whether it wishes the site to be reserved.

7.5.2. RESERVATION DESIRED

A. Identification on Plat or Plan

If the appropriate government agency decides it wishes the site to be reserved, then the preliminary plat or group development shall provide for the reservation of the site for a period of not more than 1 year from the date of approval, except as otherwise provided in Section 160A-372 of the North Carolina General Statutes.

B. Reservation Time Period

The reservation period may be extended for additional periods of time upon mutual agreement between the landowner and the appropriate governmental agency, each of which shall not exceed 2 years.

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CHAPTER 8: NONCONFORMITIES

8.1. GENERAL APPLICABILITY

8.1.1. PURPOSE AND SCOPE

There are existing uses of land, structures, lots of record, signs, and site features (e.g., off-street parking, landscaping, etc.) that were lawfully established before the effective date of this Ordinance or a subsequent amendment thereto, that now do not conform to standards and requirements of this Ordinance. Such uses, structures, lots, signs and site features are collectively referred to as "nonconformities." The purpose and intent of this chapter is to allow nonconformities to continue to exist, but to regulate and limit their continued existence and expansion so as to bring them into conformity to the extent that is reasonably practicable.

8.1.2. DETERMINATION OF NONCONFORMITY STATUS

In all cases, the burden of establishing that a nonconformity lawfully exists shall be the responsibility of the landowner of the land on which the alleged nonconformity is located.

8.1.3. CONTINUATION AND MINOR REPAIRS AND MAINTENANCE ALLOWED

A. Maintenance Allowed

Nonconformities are allowed to continue in accordance with the requirements of this Ordinance, and are allowed and encouraged to receive minor repairs and routine maintenance that are necessary to maintain the nonconformity and its surroundings in a safe condition and to protect against health hazards.

B. Strengthening Allowed

Nothing in this Ordinance shall prevent the strengthening or restoration to a safe or lawful condition of any part of any building or structure declared unsafe or unlawful by a duly authorized City official.

8.1.4. CHANGE OF TENANCY OR OWNERSHIP

No change of title or possession or right to possession of property involved with a nonconformity shall be construed to prevent the continuance of such nonconformity.

8.2. NONCONFORMING USES

8.2.1. APPLICABILITY

Nonconforming uses shall be subject to the standards in this section.

8.2.2. STANDARDS APPLIED TO ALL NONCONFORMING USES

The standards in this section shall apply to all nonconforming uses in the City except as otherwise provided in Section 8.2.3, Standards applied to specific nonconforming uses.

A. Continuation

1. A nonconforming use may be continued and maintained in accordance with the standards of this section.
2. If a nonconforming use is replaced by a conforming use, the nonconforming use may not be re-established.

B. Conversion

1. No nonconforming use shall be changed to another nonconforming use unless the use is determined by the Planning and Development Director to be of equal or less intensity or density. In determining whether a nonconforming use is of equal or less intensity or density, the Planning and Development Director shall consider:

(a) Anticipated traffic of each use;
(b) Parking requirements of each use;
(c) Anticipated number of persons on the premises of each use at a time of peak demand;
(d) The number of dwelling units; and
(e) Off-site impacts of each use, such as noise, glare, dust, vibration, or smoke.

2. A nonconforming use must continue to occupy the same lot or plot of land.

C. Expansion or Enlargement

A nonconforming use may be expanded or enlarged provided:

1. The additional square footage of the expansion or enlargement does not exceed 25 percent of the square footage of the structure(s) that existed at the time the use became nonconforming;
2. The expansion or enlargement occupies the same lot or plot of ground as occupied by the existing structure at the time the use became nonconforming;
3. Neither the number of dwelling units or the intensity of the use is increased; and
4. The expansion or enlargement does not create any additional nonconformities.

D. Cessation

1. General

(a) If a nonconforming use of land ceases operation for a continuous period of more than 180 days, any subsequent use of the land shall be a use permitted in the district by right.
(b) The landowner shall demonstrate that the nonconforming use has not ceased for a continuous period of more than 180 days, to maintain its nonconforming status.
(c) A determination by the City that a nonconforming use has ceased may be based on (but not limited to) any of the following:

(1) Removal of inventory, equipment, or machinery;
(2) Termination in or a substantial reduction in utility services;
(3) Absence or reduction in activity at the site compared with the former level of use;
(4) Failure to maintain minimal hours of operation;
(5) Voluntary demolition;
(6) Unoccupied buildings in which the use was formerly conducted;
(7) Removal of on-site signage or copy from that signage;
(8) Failure to apply or re-apply for the necessary permits; or
(9) Failure to appeal from the denial of necessary permits.

2. Damage, Destruction, or Demolition

If a nonconforming use of land ceases because of damage, destruction, or demolition of the structure in which the use is located, the structure may be reconstructed or repaired and the use re-established within 180 days, but may not exceed the square footage existing prior to its damage or destruction, except as provided in Section 8.2.2.C, Expansion or Enlargement.

E. Signs

Signage for nonconforming uses is subject to the standards in Section 5.7, Signage.

8.2.3. STANDARDS APPLIED TO SPECIFIC NONCONFORMING USES

The following specific nonconforming uses shall meet the requirements of Section 8.2.2, Standards Applied to All Nonconforming Uses, except as expressly stated in the specific nonconforming use requirements.

A. Standards Applied to Market Showrooms

1. Expansion or Enlargement

A nonconforming market showroom use may be expanded or enlarged provided:

(a) The expansion or enlargement occupies the same lot or plot of land as occupied by the existing structure(s) at the time the use became nonconforming; and

(b) The expansion or enlargement does not create any additional nonconformities.

2. Cessation

(a) General

(1) If a nonconforming market showroom use of ceases operation for a continuous period of more than 2 years, any subsequent use of land shall be a use permitted in the district.

(2) The landowner shall demonstrate that the nonconforming use has not ceased for a continuous period of more than 2 years to maintain its nonconforming status.

(b) Damage, Destruction, or Demolition

If any nonconforming market showroom use ceases because of damage, destruction, or demolition of the structure in which the use is located, the structure may be reconstructed or repaired and the use re-established within 365 days.

B. Standards Applied to Lands in the MS Zoning District

1. Expansion or Enlargement

Nonconforming uses in the (MS) district shall not be expanded or enlarged.

2. Cessation

(a) If a nonconforming use, other than a market showroom, in the (MS) District ceases for any reason including damage, destruction, or demolition for a continuous period of more than 30 days, any subsequent use of land shall be a use permitted in the district.

(b) The landowner shall demonstrate that the nonconforming use has not ceased for a continuous period of more than 30 days to maintain its nonconforming status.

C. Standards Applied to Adult Entertainment Uses

1. Continuation

(a) A nonconforming adult entertainment use may be continued in accordance with the standards in Section 8.2.2.A, Continuation.

(b) A nonconforming adult entertainment use is not rendered nonconforming by

the location of a religious institution, school, day care, public recreation facility, residential district, or an establishment having a North Carolina ABC license within 650 feet of the adult entertainment use.

2. Expansion or Enlargement

Nonconforming adult entertainment uses shall not be expanded or enlarged.

3. Cessation

(a) If a nonconforming adult entertainment use ceases for any reason including damage, destruction, or demolition for a continuous period of more than 30 days, any subsequent use of land shall be a use permitted in the district.

(b) The landowner shall demonstrate that the nonconforming use has not ceased for a continuous period of more than 30 days to maintain its nonconforming status.

D. Standards Applied to Manufactured Dwellings

1. Continuation and Replacement

(a) A nonconforming manufactured dwelling that is the sole principal structure on a lot, or is located within a manufactured dwelling park, may be continued or replaced, in accordance with the requirements of this section.

(b) A replacement manufactured dwelling shall:

(1) Obtain a building permit in accordance with Section 2.5.3, Building Permit.

(2) Meet or exceed the construction standards promulgated by the U.S. Department of Housing and Urban Development that were in effect at the time of construction of the dwelling; and

(3) Meet the requirements of a manufactured dwelling in accordance with Section 4.3.2.B.4, Manufactured Dwelling.

(c) No manufactured dwelling constructed prior to June 15, 1976 may be used to replace a lawfully established nonconforming manufactured dwelling.

2. Expansion or Enlargement

A replacement manufactured dwelling (mobile home) may be larger than the existing manufactured dwelling being replaced, provided:

(a) It is located in a residential or AGR zoning district;

(b) It is located on the same lot or space as the previous dwelling unit;

(c) It meets all applicable setbacks for the district where it is located; and

(d) The number of dwelling units is not increased.

E. Standards Applied to Single-family Detached or Duplex Dwellings

1. Expansion or Enlargement

A nonconforming single-family detached or duplex dwelling may be expanded or enlarged provided:

(a) The expansion or enlargement occupies the same lot or plot of ground as occupied by the existing structure at the time the use became nonconforming; and

(b) The expansion or enlargement does not create any additional nonconformities.

F. Standards Applied to Major and Minor Schools

1. Expansion or Enlargement

A nonconforming major or minor school may be expanded or enlarged provided:

(a) The expansion or enlargement occupies the same lot or plot of ground as occupied by the existing structure at the time the use became nonconforming; and

(b) The expansion or enlargement does not create any additional nonconformities.

8.3. NONCONFORMING STRUCTURES

8.3.1. APPLICABILITY

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

8.3.2. CONTINUATION AND REPLACEMENT

A. Continuation

A nonconforming structure may be continued in accordance with Section 8.1.3, Continuation and Minor Repairs and Maintenance Allowed.

B. Replacement

1. After Damage in Excess of 50 Percent of Building Value

In the event of damage by fire or other causes to an extent exceeding 50 percent of its building value prior to such damage, as established by the applicable county tax listing, reconstruction of a nonconforming structure shall be permitted only in compliance with the applicable dimensional requirements of this Ordinance.

2. After Damage Less Than 50 Percent of Building Value

In the event of damage by fire or other causes to an extent not exceeding 50 percent of its building value prior to such damage, as established by the applicable county tax listing, reconstruction of a nonconforming structure shall be permitted, provided it is constructed:

(a) In accordance with an approved site plan, group development, or building permit, as applicable;

(b) In the same location and up to the same dimensions as originally existed; or

(c) In compliance with the current dimensional requirements.

3. Relocation

A nonconforming structure shall not be moved, in whole or in part, to another location on or off the parcel of land on which it is located, unless upon relocation it conforms to the requirements of this Ordinance.

8.3.3. EXPANSION AND ENLARGEMENT

A. Alteration

No nonconforming structure may be enlarged or altered in any way which increases the nonconformity however, any nonconforming structure or portion thereof may be altered to decrease the degree of nonconformity.

B. Enlargement

Any enlargement of a nonconforming structure shall conform to the dimensional requirements of the zoning district where it is located.

8.4. NONCONFORMING LOTS OF RECORD

8.4.1. APPLICABILITY

Nonconforming lots of record shall comply with the standards in this section.

8.4.2. CONTINUATION

A. Lots with Contiguous Frontage in One Ownership

When 2 or more adjoining lots with contiguous frontage are under common ownership and the lots are nonconforming in terms of width or area, such lots shall be combined for development purposes to create 1 or more lots, each of which conforms to the applicable dimensional requirements of the district.

B. Single Lot of Record in a Residential District

When a lot in a residential zoning district has an area or width which does not conform to the dimensional requirements of the district where it is located, but was of record on the effective date of this Ordinance, then a single-family dwelling may be built on the lot, subject to compliance with setback standards.

C. Single Lot of Record in a Nonresidential District

When a lot in a nonresidential district has an area or width which does not conform to the dimensional requirements of the district where it is located, but was of record on the effective date of this Ordinance, then development on the lot may be permitted, subject to compliance with all required setbacks, open space requirements, and all other applicable development and design standards.

8.4.3. EXPANSION OR ENLARGEMENT

The boundaries, shape, or size of a nonconforming lot may be modified through a lot line adjustment, boundary adjustment, recombination, or consolidation provided it reduces the extent of the nonconformity.

8.4.4. DIVISION OF AN EXISTING DEVELOPED LOT

A nonconforming lot containing an existing single-family detached or duplex dwelling that cannot be divided in compliance with the minimum lot area or minimum lot width requirements of the zoning district in which it is located, may be divided into individual lots provided:

A. Location

The lot is a lot of record that existed in its present configuration on the effective date of this Ordinance, and is within the Core City;

B. Not a Subdivision

That such division of land is not a subdivision as defined by this Ordinance;

C. Lots Created

1. No more than 3 lots are created;
2. Each lot created shall contain only 1 existing single-family or 1 existing duplex

dwelling;

3. All lots meet all other requirements of the City and this Ordinance, including the provision and location of utilities;

D. Dimensional Requirements

1. Each lot created has a minimum street frontage of 25 feet along an existing public street; and
2. All dwellings shall meet the required side or rear yards from the newly created lot line(s).

E. Driveways

That any new driveways meet the requirements of the City's Driveway Ordinance. Where possible, shared driveway access is encouraged.

8.4.5. GOVERNMENTAL ACQUISITION OF LAND

Conforming lots subject to governmental acquisition of a portion of the lot for a public purpose that results in the lot becoming nonconforming because it no longer complies with lot area or width standards of the district shall be deemed conforming upon receipt of a zoning compliance permit (see Section 2.5.15, Zoning Compliance Permit, and compliance with the following:

A. Complies with Use Table

The development proposed complies with Table4.1.9, Principal Use Table;

B. Complies with Dimensional Standards

The development proposed complies with the dimensional standards of this Ordinance;

C. Complies with Off-Street Parking Standards

The development proposed is designed to comply with the off-street parking and landscaping standards of this Ordinance; and

D. Complies with Other Applicable Standards

The development proposed complies with all other standards and requirements of this Ordinance.

8.5. NONCONFORMING SIGNS

8.5.1. APPLICABILITY

Nonconforming signs shall be subject to the standards in this section.

8.5.2. PROHIBITED ACTIONS

The following actions associated with a nonconforming sign shall be prohibited:

A. Enlargement or Alteration

Enlargement or structural alteration of a nonconforming sign or sign structure;

B. Type of Lighting

Changes to the type of sign lighting; and

C. Relocation

Relocation of a nonconforming sign upon the premises.

8.5.3. SIGNS RENDERED NONCONFORMING

Signs made nonconforming by reason of annexation, expansion of the ETJ, or by amendment of the Official Zoning Map shall be removed within 365 days of the date they were rendered nonconforming.

8.5.4. MAINTENANCE OF NONCONFORMING SIGNAGE ALLOWED

A nonconforming sign may remain in place and be maintained indefinitely as a legal nonconforming sign, subject to the following standards:

A. Maintenance Actions

Normal maintenance of a nonconforming sign shall be allowed, and shall include the following:

1. Nonstructural repairs, such as repainting or electrical repairs;
2. Incidental alterations which do not increase the degree or extent of the nonconformity; and
3. Changing of copy, as provided in this section.

B. Change of Sign Copy

Nonconforming signs may change copy in the form of replacement panels or replacement lettering, provided:

1. The copy size remains the same; or
2. The replacement copy is less nonconforming.

8.5.5. REPLACEMENT OF NONCONFORMING SIGNAGE

A. Removal

Any nonconforming sign that is removed for any reason shall be replaced only with a sign that complies with the provisions of this Ordinance.

B. Damage

1. If damage to a nonconforming sign from any cause is less than 50 percent of either the original or replacement value, whichever is less, the sign may be rebuilt or repaired to its original condition in its original location and may continue to be displayed.
2. If damage from any cause to a nonconforming sign equals or exceeds 50 percent of either the original or replacement value, the nonconforming sign may only be replaced with a sign that complies with the provisions of this ordinance.

C. Renovation

Nonconforming signage shall be removed or replaced with conforming signage if any of the following occur:

1. If additions or expansions of buildings exceed 1,000 square feet of gross floor area (GFA) or the total of additions or expansions of buildings, parking areas or open uses of land occur that individually or collectively exceed 3,000 square feet; or
2. If structural or nonstructural alterations, excluding routine maintenance and repair of the facade of the principal building, exceeds 50 percent of the facade's area, to be calculated from the area of the facade or wall used in calculating the maximum allowable sign area.

8.5.6. DISCONTINUANCE OF BUSINESS ACTIVITY

A. Discontinued for Less than 90 Days

If the business activity on the premises where a nonconforming sign is located is discontinued for a continuous period of less than 90 days, then the nonconforming sign shall be allowed to remain.

B. Discontinued for 90 Days or More

If the business activity on the premises where a nonconforming sign is located is discontinued for a continuous period of 90 days or more, then the nonconforming sign must be removed or replaced by a sign conforming to the standards of this Ordinance.

8.5.7. CHANGE IN USE

Nonconforming signage shall be removed or replaced with conforming signage if there is a change in use.

8.5.8. ADDITIONAL SIGN PERMIT APPLICATION

Nonconforming signage shall be removed or replaced with conforming signage if an application for a sign permit to add new or additional signage to the premises is approved.

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CHAPTER 9: ENFORCEMENT

9.1. PURPOSE

This chapter establishes procedures through which the City seeks to ensure compliance with the provisions of this Ordinance and obtain corrections for Ordinance violations. It also sets forth the remedies and penalties that apply to violations of this Ordinance. The provisions of this chapter are intended to encourage the voluntary correction of violations, where possible.

9.2. COMPLIANCE REQUIRED

Compliance with all the procedures, standards, and other provisions of this Ordinance is required by all persons owning, developing, managing, using, or occupying land or structures in the city.

9.3. VIOLATIONS

Any of the following shall be a violation of this Ordinance and shall be subject to the remedies and penalties provided by this chapter and by State law.

9.3.1. DEVELOPMENT WITHOUT AUTHORIZATION

Engage in any development, use, construction, land disturbance, or other activity of any nature upon land or improvements thereon subject to the jurisdiction of this Ordinance without all required plans, permits, certificates, or other forms of authorization as set forth in this Ordinance.

9.3.2. DEVELOPMENT INCONSISTENT WITH AUTHORIZATION

Engage in any development, use, construction, land disturbance, or other activity of any nature in any way inconsistent with any approved plan, permit, certificate, or other form of authorization granted for such activity.

9.3.3. VIOLATION BY ACT OR OMISSION

Violate, by act or omission, any term, variance, modification, adjustment, condition, or qualification placed upon any required plan, permit, certificate, or other form of authorization for the development, use, construction, land disturbance, or other activity upon land or improvements thereon.

9.3.4. USE IN VIOLATION

Erect, construct, alter, repair, maintain or use any building or structure, or use any land in violation of this Ordinance or any regulation made under the authority conferred thereby.

9.3.5. SUBDIVIDE IN VIOLATION

Subdivide land in violation of this Ordinance or transfer or sell land by reference to a plat or map showing a subdivision of land before the plat or map has been properly approved under this Ordinance and recorded in the office of the County Register of Deeds. The description by metes and bounds in the instrument of transfer or other document used in the process of selling or transferring land does not exempt the transaction for violation this Ordinance.

9.3.6. CONTINUE A VIOLATION

Continuance of any violations in this section is a separate and distinct offense.

9.4. RESPONSIBLE PERSONS

9.4.1. GENERAL

The landowner, tenant, or occupant of any land or structure, and an architect, engineer, builder, contractor, agent, or any other person who participates in, assists, directs, creates, or maintains a situation that constitutes a violation of this Ordinance may be held responsible for the violation and is subject to the remedies and penalties set forth in this chapter.

9.4.2. FAILURE BY CITY DOES NOT RELIEVE INDIVIDUAL

Failure of a City official charged with enforcement responsibility to observe or recognize conditions which violate the intent and purpose of this Ordinance, or to deny the issuance of a development or land disturbance permit, shall not relieve the landowner from responsibility for the condition or damages resulting therefrom and shall not result in the City, its officers, or agents being responsible for conditions or damages resulting therefrom.

9.4.3. REMEDY UPON NOTICE

Upon notice of a violation, the landowner and any other responsible person shall immediately remedy the violation.

9.5. ENFORCEMENT

9.5.1. RESPONSIBILITIES

The Engineering Services Director, Planning and Development Director, and Public Services Director shall be responsible for enforcing the following:

A. Engineering Services Director

The Engineering Services Director is responsible for enforcing the provisions of this Ordinance pertaining to land disturbance, flood damage prevention, and the construction of public infrastructure.

B. Planning and Development Director

The enforcement of the remaining provisions of this Ordinance are the responsibility of the Planning & Development Director.

C. Public Services Director

The Public Services Director is responsible enforcing the provisions of this Ordinance pertaining to the inspection and maintenance of stormwater management devices.

9.5.2. INVESTIGATIONS

As appropriate, any of the directors listed in Section 9.5.1 above has the power to conduct such investigation as may be deemed necessary to carry out their duties as prescribed in this Ordinance, and for this purpose to enter at reasonable times upon any property, public or private, for the purpose of investigating any complaints or alleged violations of this Ordinance.

9.5.3. INSPECTIONS

As appropriate, any of the directors listed in Section 9.5.1 above has the right upon presentation of proper credentials, or inspection warrant if necessary, to enter on any premises within the

jurisdiction at any reasonable hour for the purposes of inspecting the sites of any complaints or alleged violations, or determination of compliance or other enforcement action of this Ordinance.

9.5.4. SUPPORTING DOCUMENTATION

As appropriate, any of the directors listed in Section 9.5.1 above has the power to require written statements, certificates, certifications, or the filing of reports with the respect to pertinent questions relating to complaints or alleged violations of this Ordinance.

9.5.5. INTERFERENCE

No person shall refuse entry or access to any authorized representative or agent of the City who requests entry for purposes of inspection and who presents appropriate credentials, nor shall any person obstruct, hamper, or interfere with any such representative while in the process of carrying out their official duties.

9.6. ENFORCEMENT PROCEDURE

When the Planning and Development Director, Engineering Services Director, or Public Services Director, as appropriate, finds a violation of this Ordinance, it shall be their duty to notify the responsible persons of the violation.

9.6.1. NOTICE OF VIOLATION

If the landowner or occupant of the land, building, structure, sign, or use in violation fails to take prompt action, any of the directors listed in Section 9.5.1, as appropriate, shall give the owner or occupant written notice (by certified or registered mail to their last known address, by personal service, or by posting notice conspicuously on the property) of the following:

A. Violation Exists

That the land, building, structure, sign, or use is in violation of this Ordinance;

B. Nature of the Violation

The nature of the violation, and citation of the Section(s) of this Ordinance violated;

C. Remedy

The measures necessary to remedy the violation;

D. Allowable Time Period

The time period in which the violation must be corrected; except that no time period need be given for grading without a permit or interference with official duties;

E. Penalties that May be Assessed

That penalties or remedies may be assessed; and

F. Appeal

That the party cited has the right to appeal the Notice in accordance with Section 2.4.2, Appeal.

9.6.2. FAILURE TO COMPLY WITH ORDER

If the owner or occupant of a property fails to comply with a notice of violation from which no appeal has been taken, or a final decision by the BOA following an appeal, the landowner or occupant shall be subject to such remedies and penalties as may be provided for by State law or by Section 9.7, Remedies.

9.7. REMEDIES

9.7.1. CIVIL PENALTIES

Any person who violates any provision of this Ordinance shall be subject to the assessment of a civil penalty under the procedures provided in Section 9.9, Assessment of Civil Penalties.

9.7.2. DENIAL OF PERMIT OR CERTIFICATE

As appropriate, any of the directors listed in Section 9.5.1 above may withhold or deny any permit, certificate, or other authorization on any land, subdivision, building, structure, sign, or use in which there is an uncorrected violation of a provision of this Ordinance, or of a condition or qualification of a permit, certificate, or other authorization previously granted.

9.7.3. CONDITIONAL PERMIT OR TEMPORARY CERTIFICATE

As appropriate, any of the directors listed in Section 9.5.1 above shall condition the authorization of any permit or certificate upon the correction of the deficiency, payment of civil penalties within a specified time, or the posting of a compliance security approved by appropriate governmental authority.

9.7.4. STOP WORK ORDERS

A. General

Whenever a building, structure, sign, or part thereof is being constructed, altered, repaired, moved, or demolished in violation of this Ordinance, any of the directors listed in Section 9.5.1, as appropriate, may order the work to be immediately stopped.

B. Order in Writing

The stop work order shall be in writing and directed to the landowner, occupant, or person doing the work. The stop work order shall state the specific work to be stopped, the specific reasons for the stoppage, and the conditions under which the work may be resumed.

C. In Accordance with State Statutes or Building Code

Such action shall be in accordance with Section 160A-421 of the North Carolina General Statutes or the State Building Code.

9.7.5. REVOCATION OF PERMITS

As appropriate, any of the directors listed in Section 9.5.1 may revoke and require the return of a permit by notifying the permit holder in writing, stating the reason for the revocation. Permits or certificates may be revoked for any substantial departure from the approved application, plans, or specifications; refusal or failure to comply with the requirements of state or local laws; or for false statements or misrepresentations made in securing the permit or certificate. Any permit or certificate mistakenly issued in violation of an applicable State or City law may also be revoked.

9.7.6. CRIMINAL PENALTIES

A. Violation Erosion and Sedimentation Control

Any person who knowingly or willfully violates any soil erosion and sedimentation control provision of this ordinance, or rule or order adopted or issued pursuant to the soil erosion and sedimentation control provisions, or who knowingly or willfully initiates or continues a

land-disturbing activity for which a soil erosion and sedimentation control plan is required, except in accordance with the terms, conditions, and provisions of an approved plan, is guilty of a misdemeanor punishable by imprisonment not to exceed 90 days, or by a fine not to exceed $5,000, or both.

B. All Other Violations

Any violation of this Ordinance may be enforced as a misdemeanor as provided for by NCGS 14-4, subject to a maximum fine of $500, and NCGS 113A-64, subject to a maximum fine of $5,000.

9.7.7. INJUNCTIVE RELIEF

A. Action by City Council

Whenever the City Council has reasonable cause to believe that any person is violating or threatening to violate this Ordinance, or any rule or order adopted or issued pursuant to this Ordinance, or any term, condition, or provision of an approved development plan, or soil erosion and sedimentation control plan, it may, either before or after the institution of any other action or proceeding authorized by this Ordinance, institute a civil action in the name of the City, for injunctive relief to restrain, correct, abate, mandate, or enjoin the violation or threatened violation.

B. Superior Court

The action shall be brought in the Superior Court of the appropriate county. Upon determination by a court that an alleged violation is occurring or is threatened, it shall enter such orders or judgments as are necessary to abate the violation or to prevent the threatened violation.

C. No Relief from Criminal Penalties

The institution of an action for injunctive relief under this section shall not relieve any party to such proceedings from any civil or criminal penalty prescribed for violations of this Ordinance.

9.7.8. ORDER OF ABATEMENT

A. General

In addition to an injunction, the City may apply for and the court may enter an Order of Abatement as part of the judgment in the case. An Order of Abatement may direct any of the following actions:

1. That buildings or other structures on the property be closed, demolished, or removed;
2. That fixtures, furniture, or other moveable property be moved or removed entirely;
3. That improvements, alterations, modifications, or repairs be made; or
4. That any other action be taken as necessary to bring the property into compliance with this Ordinance.

B. Lien

As appropriate, any of the directors listed in Section 9.5.1 may execute the Order of Abatement and have a lien placed on the property in the nature of a mechanic's and material man's lien for the cost of executing the order.

9.7.9. EQUITABLE REMEDY

The City may apply to a court of law for any appropriate equitable remedy to enforce the provisions of this Ordinance. The fact that other remedies are provided under general law or this Ordinance shall not be used by a violator as a defense to the City's application for equitable relief.

9.7.10. STATE AND COMMON LAW REMEDIES

In addition to other enforcement provisions contained in this section, the City Council may exercise any and all enforcement powers granted to it by state law or common law.

9.7.11. PREVIOUS ENFORCEMENT

Nothing in this Ordinance shall prohibit the continuation of previous enforcement actions.

9.8. REMEDIES—CUMULATIVE AND CONTINUOUS

9.8.1. CUMULATIVE VIOLATIONS

All such remedies provided herein shall be cumulative. To the extent that North Carolina law may limit the availability of a particular remedy set forth herein for a certain violation or a part thereof, such remedy shall remain available for other violations or other parts of the same violation.

9.8.2. REPEAT VIOLATIONS

If a landowner or occupant repeats the same violation within a two year period from the date of the initial violation, it shall be considered to be a continuation of the initial violation and shall be subject to additional penalties and remedies.

9.9. ASSESSMENT OF CIVIL PENALTIES

9.9.1. RESPONSIBLE PARTIES

Any person who violates any provision of this Ordinance, including the owner or occupant of any land, building, structure, sign, use of land, or part thereof, and any architect, builder, contractor, agent, or other person who participates or acts in concert, assists, directs, creates, or maintains any condition that is in violation of this Ordinance may be held responsible for the violation and subject to the penalties and remedies provided in this Ordinance.

9.9.2. NOTICE

A. Notification Required

Civil penalties may not be assessed until the responsible person in violation has been notified in accordance with Section 9.6, Enforcement Procedure.

B. Civil Penalty Imposed

If after receiving a notice of violation under Section 9.6.1, the person fails to take corrective action or file an appeal, a civil penalty may be imposed in accordance with this section.

C. Notice of Penalty Assessment

Notice of the civil penalty assessment shall be served in the same manner as a notice of violation.

D. Assessment Contents

The assessment notice shall state the nature of the violation, the civil penalty to be imposed upon the violator, and shall direct the violator to pay the civil penalty within 15 days of the date of the notice.

E. Separate Notices

Separate notices must be provided for the first, second, third and fourth violations. After notice for the fourth violation, penalties may be assessed and accrue on a daily basis without any further notice to the property owner.

F. Assessment Until Compliance

Civil penalties may be assessed until compliance is achieved.

9.9.3. CONTINUING VIOLATION

For each day the violation is not corrected, the violator will be guilty of an additional and separate offense and subject to additional civil penalty.

9.9.4. DEMAND FOR PAYMENT

If compliance is not achieved, then any of the directors listed in Section 9.5.1, as appropriate, shall make written demand for payment of penalties that have accrued while the property has been in violation. The demand for payment shall be sent to the responsible person in violation and must include a description of the violation for which the civil penalties have been imposed.

9.9.5. NONPAYMENT

If payment is not received or equitable settlement reached within 30 days after demand for payment is made, the matter shall be referred to legal counsel to institute a civil action for recovery of the civil penalty. Moreover, if the civil penalty is not paid within the time prescribed, any of the directors listed in Section 9.5.1, as appropriate, may have a criminal summons or warrant issued against the violator. Upon conviction, the violator is subject to any criminal penalty the court may impose pursuant to Section 14-4 of the North Carolina General Statutes.

9.9.6. PENALTIES

A. General

Any person who violates any provision of this Ordinance, except for soil and erosion control violations, shall be subject to assessment of a civil penalty in the amount of $50.00 for the first violation, $100.00 for the second violation, $200.00 for the third violation, and $500.00 for the fourth and each succeeding violation.

B. Soil Erosion and Sedimentation Control

Civil penalties for specific violations of Section 6.3, Soil Erosion and Sedimentation, are assessed as follows:

1. Grading Without Permit

$5000 per day for failure to secure a valid land disturbance permit prior to conducting a land-disturbing activity for which a soil erosion and sedimentation control plan is required.

2. Failure to Protect

$500 per day for failure to take all reasonable measures to protect public property or private property, including lakes and/or natural watercourses, from damage caused by land-disturbing activities.

3. Failure to Follow Plan

$300 per day for failure to conduct a land-disturbing activity in accordance with the provisions of an approved soil erosion and sedimentation control plan.

4. Failure to Install Devices

$500 per day for failure, when more than one acre is disturbed ($250 per day when one acre or less is disturbed), to install erosion and sedimentation control devices sufficient to retain the sediment generated by the land-disturbing activity within the boundaries of the tract(s) and prevent off-site sedimentation.

5. Failure to Maintain Measures

$300 per day for failure to maintain satisfactory soil erosion and sedimentation control measures, structures and/or devices on the site that are designed to provide protection from the calculated maximum peak rate of runoff from the 10-year storm.

6. Failure to Maintain Temporary Measures

$250 per day for failure to maintain temporary soil erosion and sedimentation control measures and facilities during the development of the site.

7. Failure to Maintain Slopes

$250 per day for failure on graded slopes and fills to maintain an angle sufficient to retain vegetative cover or other adequate soil erosion and sedimentation control devices or structures.

8. Failure to Cover Slopes

$250 per day for failure, within 7 days of completion of any phase of grading, to plant or otherwise provide exposed, graded slopes or fills with ground cover, devices, or structures sufficient to restrain erosion.

9. Failure to Plant Cover

$250 per day for failure on a tract when more than one contiguous acre is disturbed, to plant or otherwise provide ground cover sufficient to restrain erosion within 14 days of completion of any phase of grading.

10. Failure to Revise Plan

$250 per day for failure to file an acceptable, revised soil erosion and sedimentation control plan after being notified of the need to do so.

11. Failure to Maintain Buffer

$250 per day for failure to retain a buffer zone of sufficient width along a lake or natural watercourse to confine visible siltation within the 25 percent of the buffer zone nearest the land-disturbing activity.

12. Interference with Official Duties

$500 per day for obstructing, hampering, or interfering with any authorized agent of the City or the NC Sedimentation Control Commission while in the process of carrying out their official duties.

9.9.7. SOIL EROSION AND SEDIMENTATION CONTROL PENALTY USE

Civil penalties collected for soil erosion and sedimentation control violations must be used or disbursed as directed by Section 113A-64(a) of the North Carolina General Statutes.

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CHAPTER 10: MEASUREMENT AND DEFINITIONS

10.1. GENERAL RULES FOR INTERPRETATION

The following rules shall apply for construing or interpreting the terms and provisions of this Ordinance.

10.1.1. MEANINGS AND INTENT

A. All provisions, terms, phrases, and expressions contained in this Ordinance shall be interpreted in accordance with the general purposes set forth in Section 1.3, General Purpose and Intent, and the specific purpose statements set forth throughout this Ordinance.

B. When a specific section of these regulations gives a different meaning than the general definition provided in Section 10.4, Definitions, the specific section's meaning and application of the term shall control.

C. Terms that are not defined are subject to their common or customary meaning.

10.1.2. HEADINGS, ILLUSTRATIONS, AND TEXT

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 provided for informational purposes only and should not be relied upon as a complete and accurate description of all applicable regulations or requirements.

10.1.3. 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.

10.1.4. COMPUTATION OF TIME

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 City, the deadline or required date of action shall be the next day that is not a Saturday, Sunday, or holiday observed by the City. References to days are calendar days unless otherwise stated.

10.1.5. REFERENCES TO THIS ORDINANCE

A reference to a chapter, section, subsection, or paragraph means a chapter, section, subsection, or paragraph of this Ordinance, unless otherwise specified.

10.1.6. REFERENCES TO OTHER REGULATIONS/PUBLICATIONS

Whenever reference is made to a resolution, ordinance, statute, regulation, or document, it shall be construed as a reference to the most recent edition of such regulation, resolution, ordinance, statute, regulation, or document, unless otherwise specifically stated.

10.1.7. DELEGATION OF AUTHORITY

Any act authorized by this Ordinance to be carried out by a director may be delegated by the appropriate director to a subordinate of that department.

10.1.8. TECHNICAL AND NON-TECHNICAL TERMS

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.

10.1.9. PUBLIC OFFICIALS AND AGENCIES

All public officials, bodies, and agencies to which references are made are those of the City of High Point, unless otherwise indicated.

10.1.10. MANDATORY AND DISCRETIONARY TERMS

The words "shall," "must," and "will" are mandatory in nature, establishing an obligation or duty to comply with the particular provision. The words "may", "can", or "should" are suggestive and are not mandatory and they do not establish an obligation or duty to comply with the particular provision.

10.1.11. 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.

10.1.12. TENSES AND PLURALS

Words used in the present tense include the future tense. Words used in the singular number include the plural number and the plural number includes 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.

10.1.13. TERM NOT DEFINED

If a term used in any chapter of this Ordinance is not defined, the Planning and Development Director is authorized to provide a definition in accordance with Section 2.5.4, Determination, based upon the definitions used in professionally accepted sources.

10.2. RULES OF MEASUREMENT

The rules of measurement section includes terms that involve calculation and measurement. It groups terms together by subject area. Additional definitions of other terms are found in Section 10.4, Definitions.

10.2.1. PURPOSE

The purpose of this section is to clarify the rules of measurement and exemptions that apply to all principal, accessory, and temporary uses allowed in this Ordinance. These standards may be further modified by other sections in this Ordinance, or in accordance with Section 2.5.4, Determination.

10.2.2. MEASUREMENT, GENERALLY

A. Straight Lines

Unless otherwise stated in this Ordinance, distances specified in this Ordinance are to be measured as the length of an imaginary straight line joining 2 points.

B. Rounding

All calculations that result in part of a whole number shall be rounded up to the next highest whole number, unless otherwise provided in this section or elsewhere in this Ordinance.

C. Irregular Shapes

In cases where an irregular shape complicates the application of these standards, the Planning and Development Director shall determine the applicable dimensional, setback, or bulk standards.

D. Separation

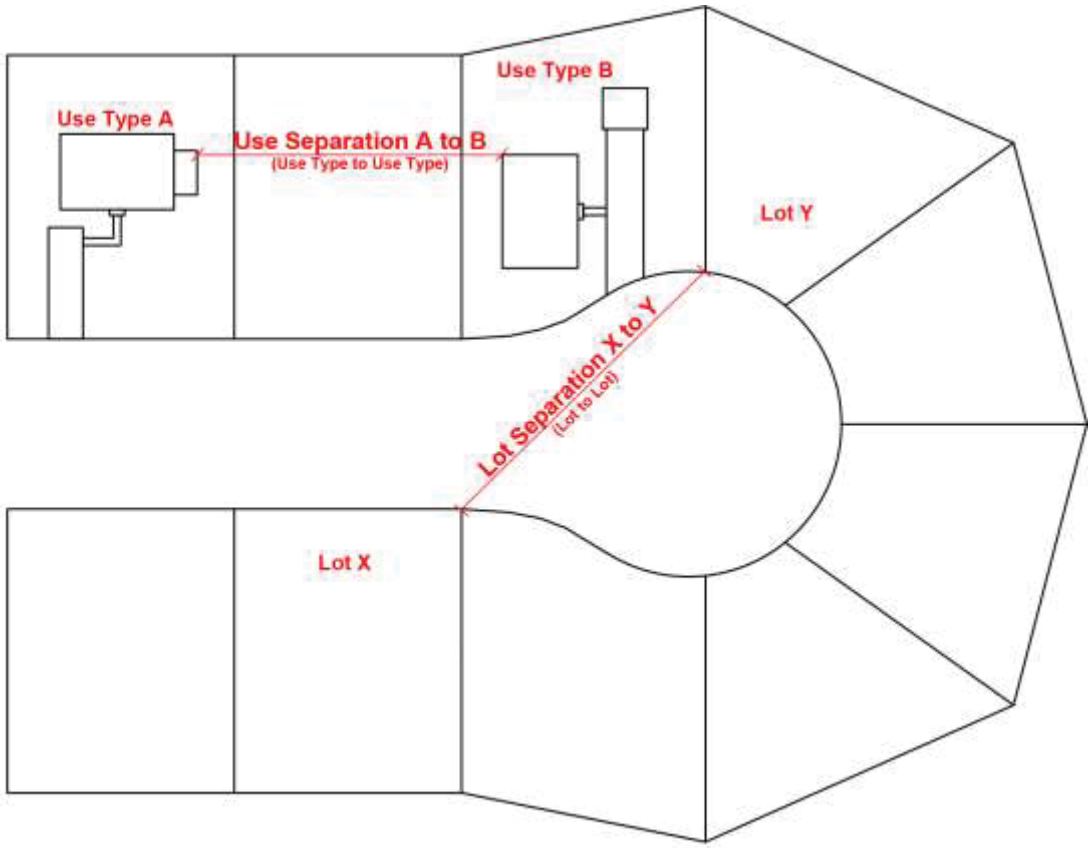
1. Lot to Lot

When the provisions of this Ordinance require separation between 2 or more lots, or a lot and another feature, separation shall be measured by drawing straight lines from the nearest point of 1 lot line to the nearest point of the lot line subject to the separation requirement.

2. Use Type to Use Type

When the provisions of this Ordinance require one use type to be separated from another use type, separation shall be measured by drawing straight lines from the nearest point of the wall of the existing or proposed principal structure to the nearest point of the wall of the existing or proposed structure subject to the separation requirement.

FIGURE 10.2.2.D, USE SEPARATION



10.2.3. LOT DIMENSIONS

A. Lot Lines

1. Corner Side Lot Line

The corner side lot line is a side lot line that abuts a street or other right-of-way.

2. Front Lot Line

The front lot line is the line connecting the 2 side lot lines along the edge of the street that provides a lot's street address or that opposes the primary entrance of a building.

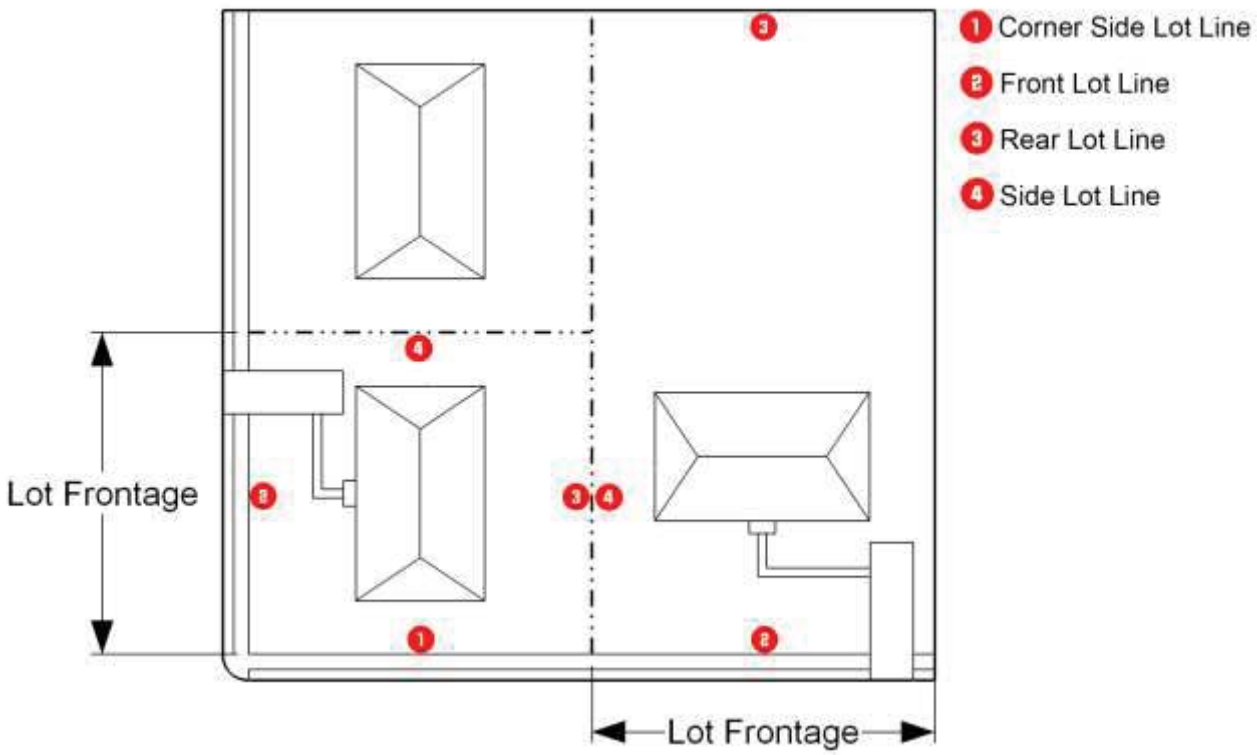
3. Rear Lot Line

The rear lot line is the line connecting the 2 side lot lines along the edge of the lot opposite from the front line.

4. Side Lot Line

The side lot line is the lot line connecting the front and rear lot lines regardless of whether it abuts a right-of-way or another lot line.

FIGURE 10.2.3.A, LOT LINES



B. Lot Types

1. Conservation Subdivision Lot

A building lot located within a conservation subdivision.

2. Corner Lot

A lot abutting 2 or more streets at their intersection.

3. Cul-de-Sac Lot

A lot located on the head or turnaround of a cul-de-sac with side lot lines on a tangent to the arc of the right-of-way.

4. Double Frontage Lot

A lot, other than a corner lot, with frontage on more than 1 street other than an alley.

5. Flag Lot

A lot, created by a subdivision, with less lot width than is required for a conventional lot. It is composed of a narrow "flagpole" strip extending from the street and a much wider "flag" section lying immediately behind a lot or lots having the required street frontage for a conventional lot. In the case of a flag lot, the lot line at the end of the flagpole lying generally parallel to the street to which the flagpole connects shall be considered to be the front lot line for setback purposes.

6. Interior Lot

A lot other than a corner lot with only 1 frontage on a street other than an alley.

7. Reverse Frontage Lot

A lot with a building or structure that is oriented in an opposing direction to the existing buildings or structures on adjacent lots.

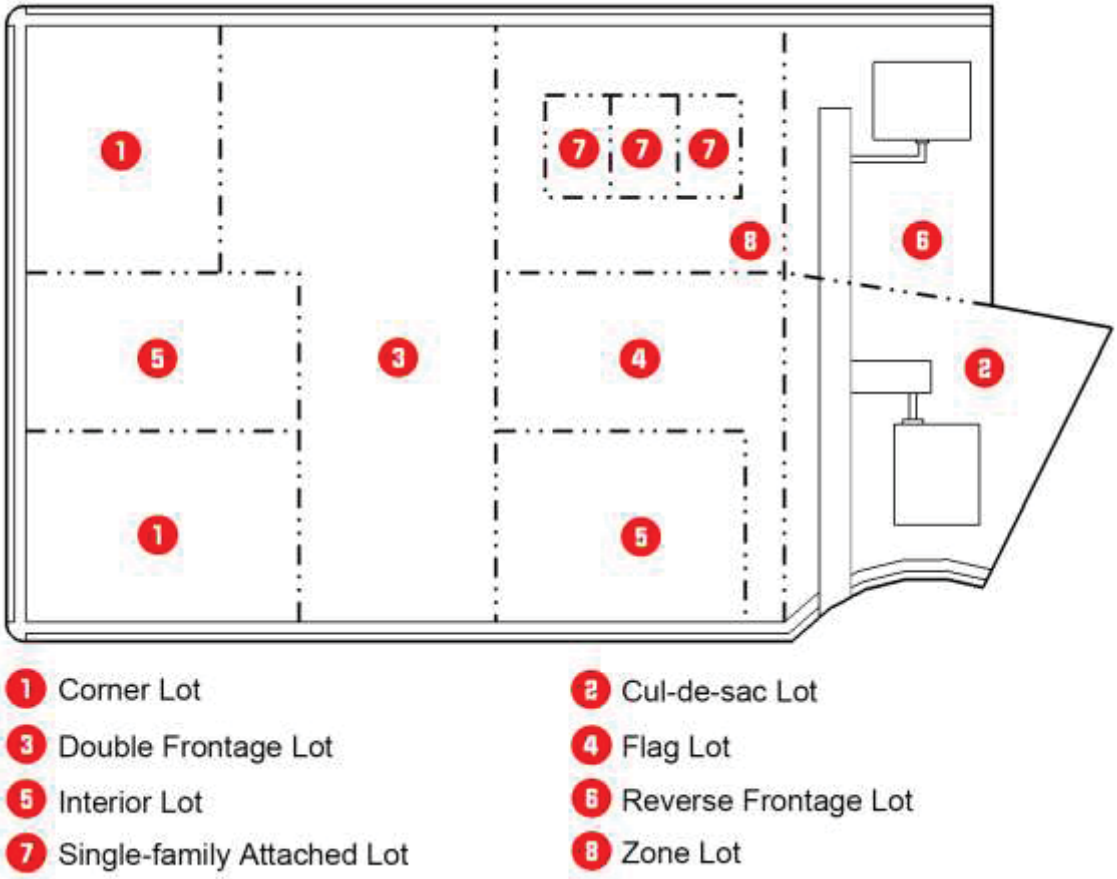
8. Single-Family Attached (Townhouse) Lot

A parcel of land intended as a unit for transfer of ownership and lying underneath, or underneath and around, a single-family attached (townhouse) use.

9. Zone lot

One or more lots of record in 1 undivided ownership with sufficient total area, area exclusive of easements and flood hazards, total dimensions, street access, and frontage to permit construction thereon of a principal building together with its required parking and planting yards.

FIGURE 10.2.3.B, LOT TYPES



C. Lot Measurements

1. Minimum Lot Area

(a) The minimum amount of required land area, measured horizontally, that must be included within the lines of a lot. Lands located within any private

easements shall be included within the lot area. The following features shall not be included in calculating minimum lot area:

(1) Public street rights-of-way;
(2) Private street common area; and
(3) The "pole" or "pan handle" portion of a flag lot.

(b) In the case of single-family attached and multi-family development, the district tables in Chapter 3: Zoning Districts set out a minimum development size for minimum lot area. The minimum development size is the land area necessary for at least 3 dwelling units. Beyond the first 3 units, the maximum density for the zoning district controls the maximum number of dwelling units per acre.

2. Average Lot Area

The total lot area of the lots, tracts, or land area along a single block face divided by the total number of lots along the same block face.

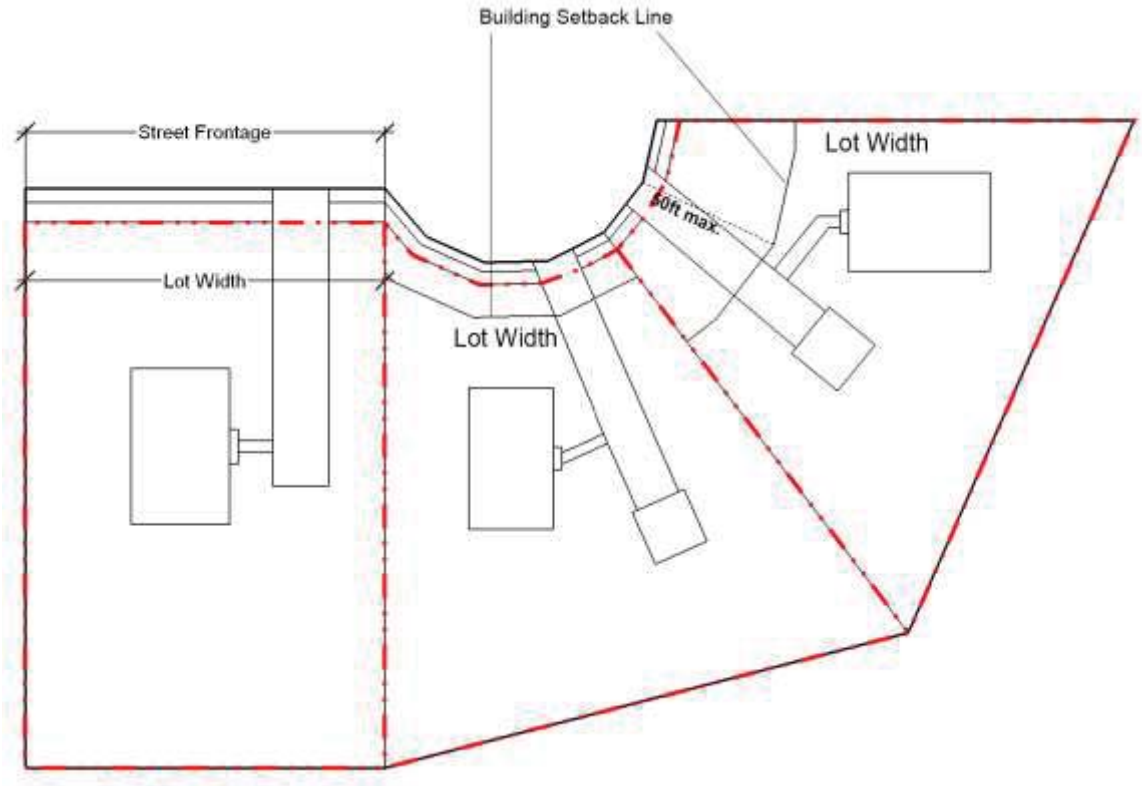
3. Lot Width

The distance between straight lines connecting front and rear lot lines at each side of the lot, measured at the inside edge of the front setback. On cul-de-sac lots, lot width is measured at a front street setback of up to 50 feet from the right-of-way (which becomes the minimum building line).

4. Street Frontage

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

FIGURE 10.2.3.C, LOT MEASUREMENTS

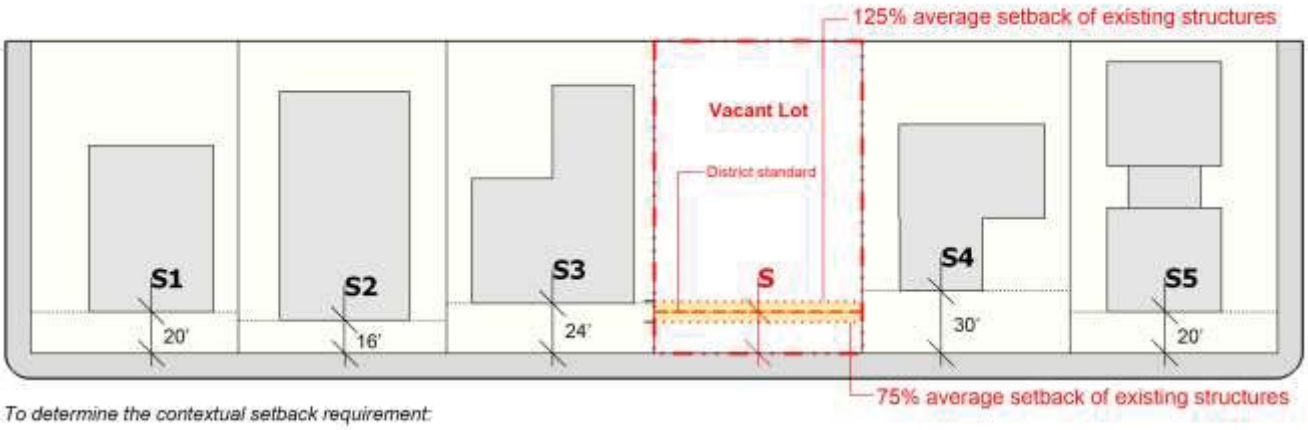


D. Dimensional Standards in the Core City

1. Some forms of development in the Core City may take advantage of voluntary contextual setbacks. A contextual setback is a street, side, or rear setback of a distance that is between 75 percent and 125 percent of the average for the same kind of setbacks found among the existing structures along the same block face as the proposed development (see Figure 10.2.3.D, Determination of Dimensional Standards in the Core City).

2. This is the same process used for contextual lot width, contextual lot area, contextual side or contextual rear setbacks as well.

FIGURE 10.2.3.D, DETERMINATION OF DIMENSIONAL STANDARDS IN THE CORE CITY



To determine the contextual setback requirement:

Step1: Determine the Average Front Setback of existing structures = (S1+S2+S3+S4+S5)/5 = 20ft

Step2: Contextual Setback Limits = from 75% x 20ft to 125% x 20ft = from 15ft to 25ft

Step3: The minimum allowable front setback may range anywhere from 15ft or more.

In cases where the district minimum is less than 15ft, then the minimum allowable front setback shall be the district minimum.

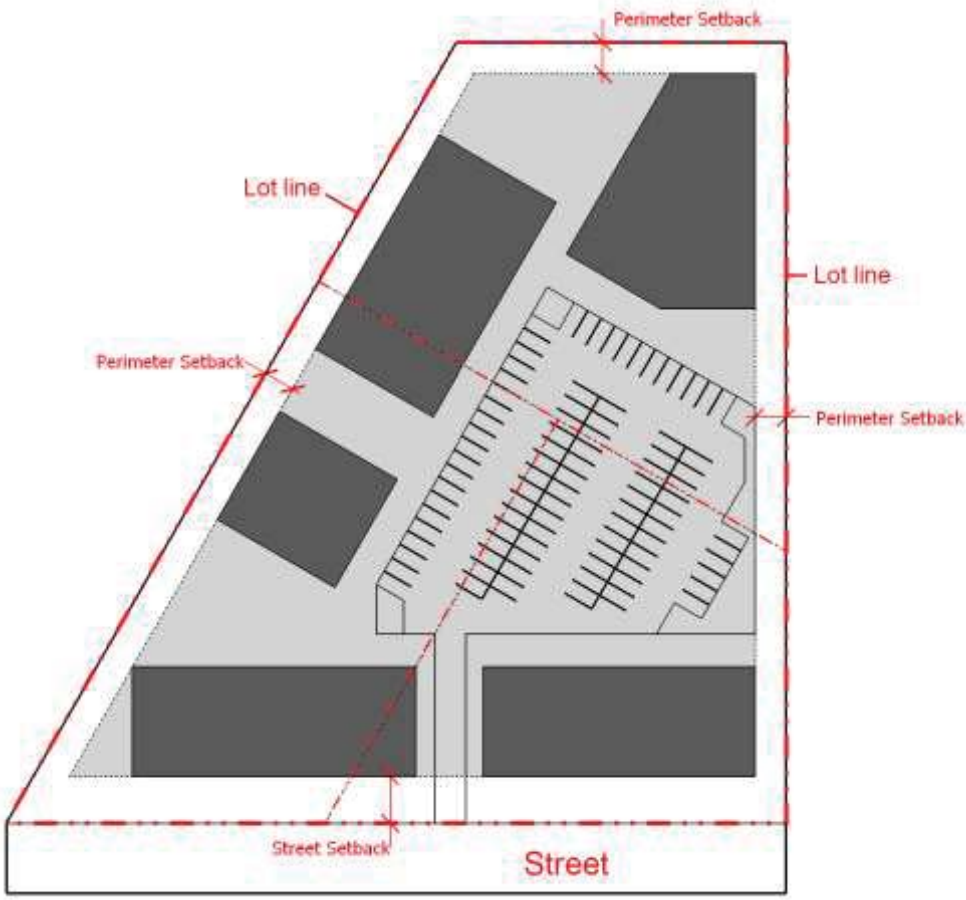
10.2.4. SETBACKS

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

A. Perimeter Setback

Setbacks applied to single building developments, group developments and multiple lot developments. When applied to group developments or multiple lot developments it applies only to the outermost buildings along the perimeter of a development. A perimeter setback does not apply along streets.

FIGURE 10.2.4.A.1, SETBACKS FOR GROUP DEVELOPMENT



B. Rear Setback

A setback from an interior lot line lying on the opposite side of the lot from the front street setback.

C. Side Setback

Any interior lot line setback other than a rear setback.

D. Street Setbacks

Any setback from a street right-of-way line.

1. Front Street Setback

Any setback from a street on which the building is addressed or primarily fronts. A through lot has 2 front street setbacks.

2. Maximum Street Setback

The maximum distance a building can be located from the street it fronts.

3. Minimum Street Setback

The minimum distance a building can be located from the street it fronts.

E. Side Street Setback

Any setback from a street other than the front street setback.

FIGURE 10.2.4.A.2, SETBACKS

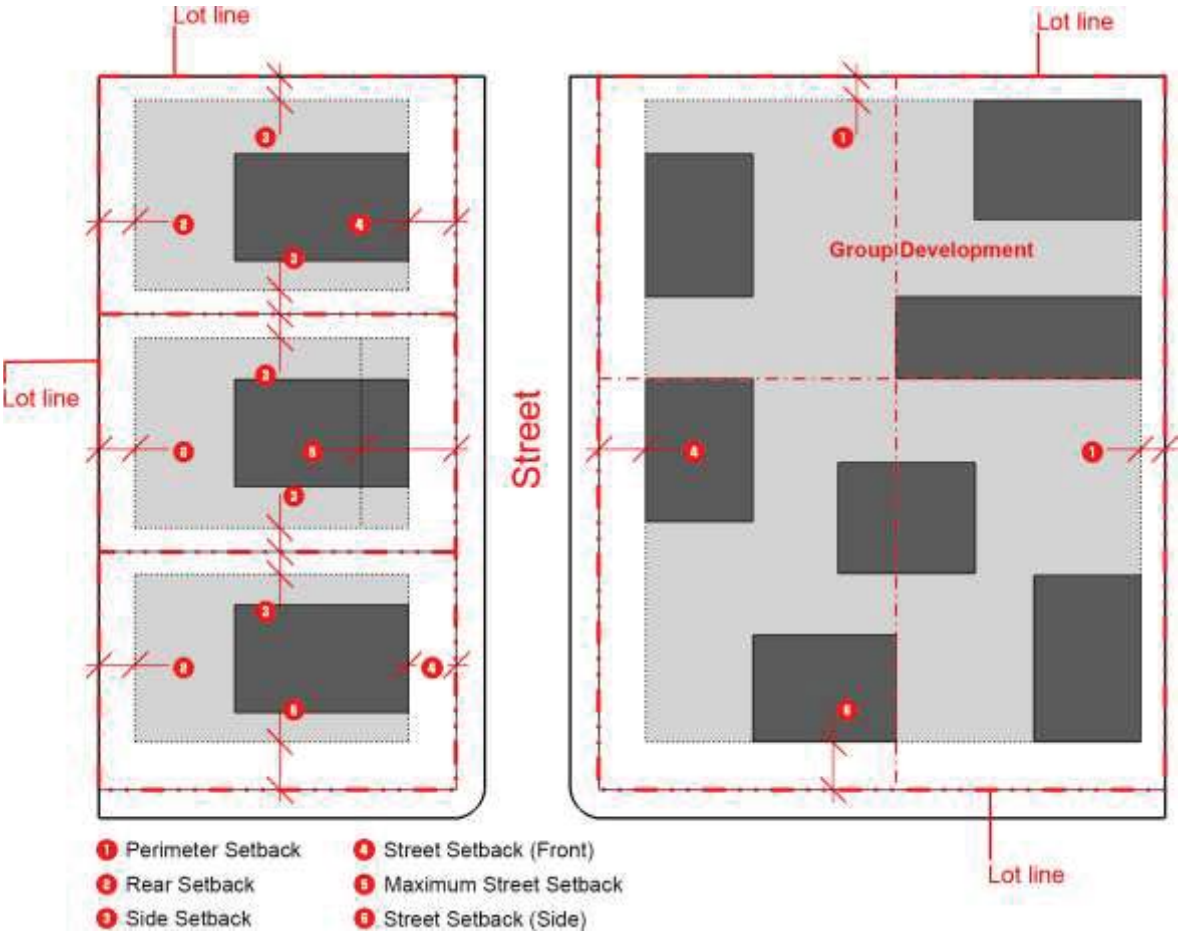
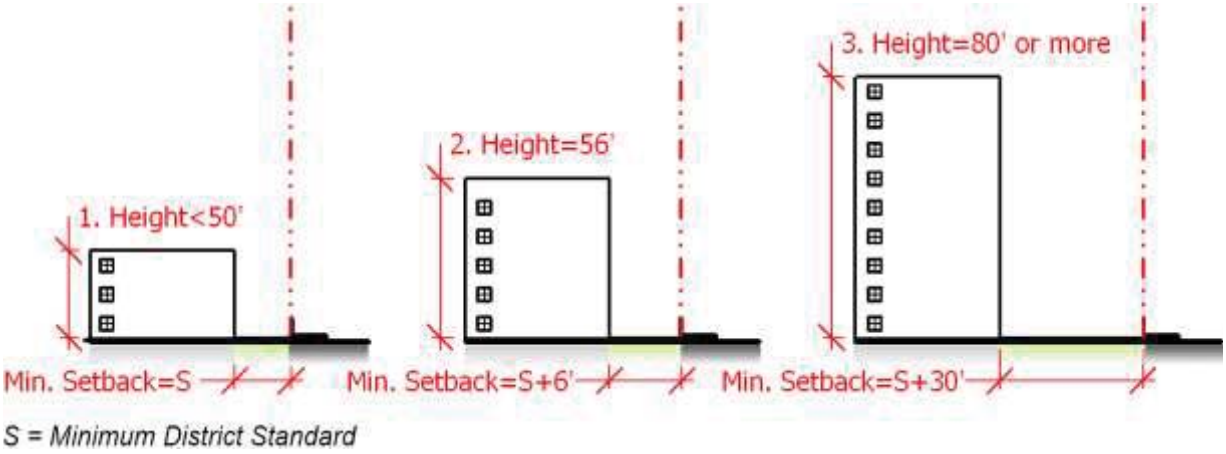


FIGURE 10.2.4.A.3, SETBACKS FOR BUILDINGS EXCEEDING 50 FEET IN HEIGHT



F. Setbacks Following Government Acquisition of Land

Where land acquisition for a public purpose reduces the distance between an existing legally-established structure and an adjacent lot line to an amount less than the minimum required by the district, then the resulting distance shall be deemed the minimum setback for the lot.

G. Setback Encroachments

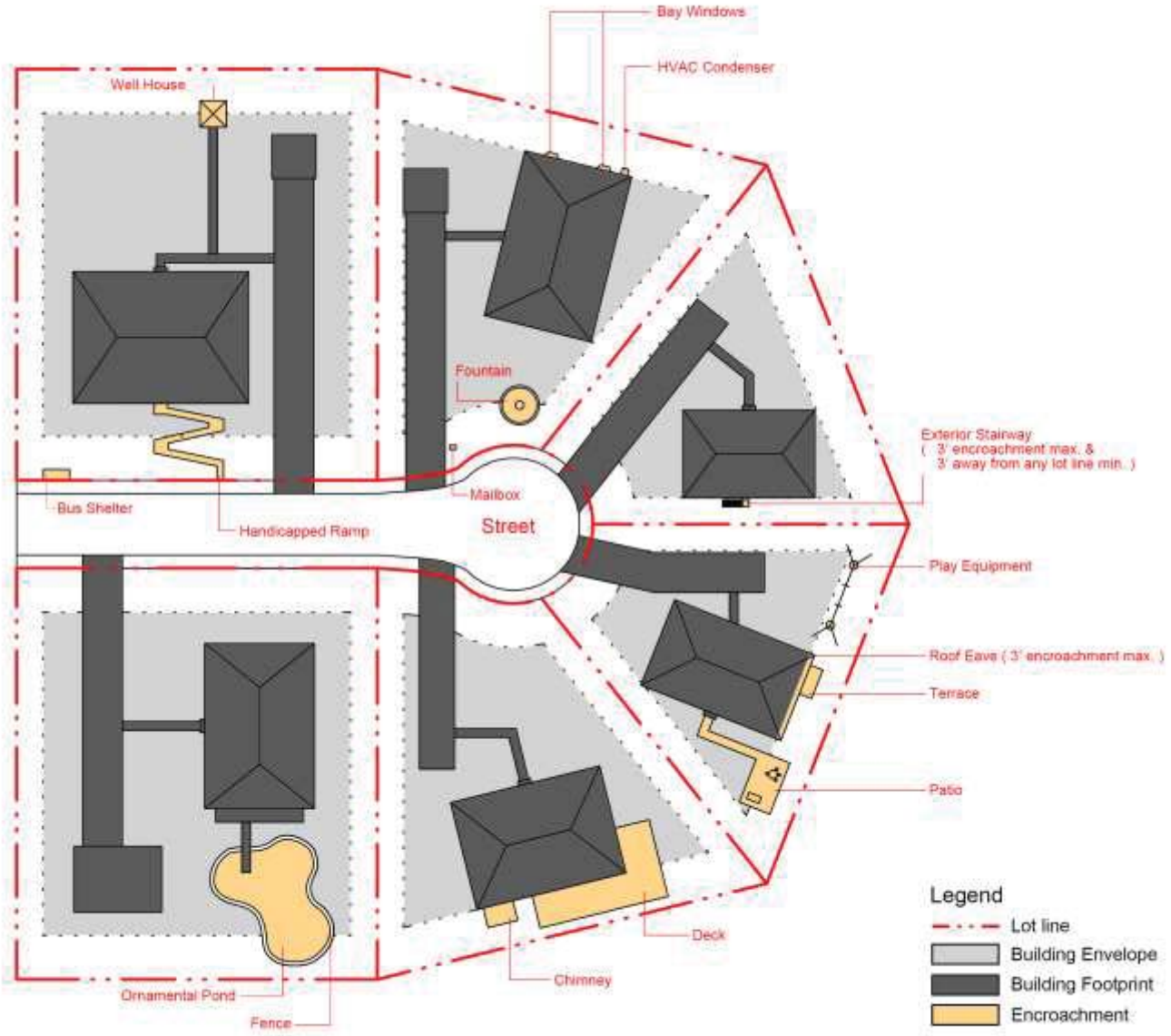
Table 10.2.4.G, Allowable Encroachment into Setbacks, sets out the kinds of features that are permitted to encroach within a required setback, provided they do not obstruct visibility for motorists at any street intersection in accordance with the standards in Chapter 6: Visibility at Intersections, of the City Code of Ordinances.

TABLE 10.2.4.G: ALLOWABLE ENCROACHMENTS INTO SETBACKS

Feature	Allowable Encroachment
Bay windows	May extend up to 3 feet into any required setback, if no more than 9 feet wide, but in no case shall be closer than 3 feet to any lot line
Bus shelters and gatehouses	May be located in any required setback
Chimneys, fireplaces, or outdoor kitchens	May extend up to 3 feet into any required setback, but in no case shall be closer than 3 feet to any lot line
Flagpoles, mailboxes, lamp and address posts	May be located in any required setback
Fences or walls, ornamental entry columns, and gates	May be located in any required setback, subject to the limitations in Section 5.11, Fences
Handicapped ramps	May be located within any required setback
HVAC condensers, heat pumps, or other outdoor mechanical equipment	May be located within any required setback
Open balconies, fire escapes, or exterior stairways	May extend up to 3 feet into any required setback, but in no case shall be closer than 3 feet to any lot line
Pet shelters, play equipment, and outdoor furniture	May be located in any required setback
Roof eaves and overhangs, or awnings	May extend up to 3 feet into any required setback, but in no case shall be closer than 3 feet to any lot line
Signs, projecting or free-standing	May extend into or be located in any required setback in accordance with Section 5.7, Signage
Sills or entablatures	May extend up to 12 inches into any required setback
Uncovered porches, stoops, decks, patios, terraces, walkways, or driveways	May extend into or be located in any required setback, if less than 12 inches high
Vegetation and landscaping features such as retaining walls, fountains, ponds, ornamental ponds, trellises, arbors, and similar landscaping features	May be located in any required setback
Well houses and utility cabinets	May be located in any required setback
Canopies, awnings, and marquees attached to a building in the GB, CB, and MS districts	May extend into the street right-of-way if: - No portion is closer than 3 feet to the face of the curb; - No portion is less than 9 feet above grade; and - No portion requiring vertical support from the sidewalk is located above a sidewalk of less than 8 feet in width
Canopies attached to a building in the SC district	May extend into the street setback provided no portion of the

TABLE 10.2.4.G: ALLOWABLE ENCROACHMENTS INTO SETBACKS	
FEATURE	**ALLOWABLE ENCROACHMENT**
	canopy is closer than 10 feet to the street right-of-way line
Freestanding canopies	May be located in the street setback provided no portion is closer than 15 feet to the street right-of-way
Wall signs in the CB and MS districts	May project into the street right-of-way

FIGURE 10.2.4.G, ALLOWABLE ENCROACHMENTS



10.2.5. DENSITY AND INTENSITY

A. Maximum Density

The maximum number of residential dwelling units permitted per acre of land area. Density is determined by dividing the number of dwelling units by the total amount of land area within a particular lot or tract.

B. Maximum Density Calculation

1. Land area that is dedicated to the City for drainageway and open space on the final plat may be included in the lot area for the purpose of determining the maximum number of dwelling units permitted.
2. When the developer dedicates and builds a new public street in or abutting a multi-family development, the street right-of-way may be included in the lot area for the purpose of determining the maximum number of dwelling units permitted.
3. When a single-family attached or multi-family development occupies both sides of a street for a minimum centerline distance of 400 feet, the entire development may be treated as a single zone lot for purposes of calculation of the maximum number of dwelling units permitted, provided that a final plat is recorded with a prominent note specifying that the property must remain in 1 ownership (except for individual units in townhome or condominium developments). This plat note is not required if the portion of the development on each side of the street independently meets all requirements of this Ordinance.
4. Within a mixed-use development the density is determined by dividing the total number of dwelling units by the total acreage of the mixed-use development.

C. Density Equivalence

1. When calculating the density for a life care use or private dormitory, 2 bedrooms in a life care or private dormitory shall be equivalent to 1 regular dwelling unit.
2. When calculating the density for single-room occupancy (SRO) residence, a rooming unit of less than 150 square feet shall be equivalent to ½ a dwelling unit and a rooming unit of 150 square feet or more shall be equivalent to 1 dwelling unit.
3. Maximum density amounts do not apply to student housing or lodging on college or university campuses when the housing is owned or operated by the college or university. In these instances, residential land uses are considered as an accessory to the college or university principal use.

D. Rounding

When computation of density results in a fraction, the fraction shall be rounded down to the next lowest whole number.

E. Built-Upon Area

1. The portion of a development that is covered by impervious or partially impervious cover including buildings, pavement, gravel, recreation facilities like courts, but not wooden slat structures such as decks or boardwalks.
2. The water area of a swimming pool is not considered built-upon area.

F. Gross Floor Area

The sum of the gross horizontal areas of the floors of a building measured from the exterior faces of the exterior walls or from the centerline of walls separating 2 buildings.

10.2.6. HEIGHT

A. Maximum Building Height

The vertical distance measured from the average elevation of the finished grade to the topmost section of the roof along the front facade.

B. Structure Height Restrictions

1. As required by Title 14 of the Code of Federal Regulations (CFR), Chapter 1, Part 77, and determined by the Federal Aviation Administration (FAA), no structure may be constructed or existing structure altered in a manner or at a height that constitutes a safety hazard to aerial navigation. Structures at or exceeding the following heights shall require FAA approval prior to construction:

(a) Any structure 50 feet and higher above ground level between 5,000 feet and under 10,000 feet of the closest runway;

(b) Any structure 100 feet and higher above ground level between 10,000 feet and 20,000 feet of the closest runway; and

(c) Any structure over 200 feet above ground level.

2. It is the responsibility of the applicant to obtain FAA approval from the Piedmont Triad International Airport Authority (PTIAA) and provide it to the Planning and Development Director.

3. No permit or plan approval shall be granted in the absence of FAA approval.

4. Lighting or electronic signals that interfere with air traffic communications or navigational aids are prohibited as determined by the FAA.

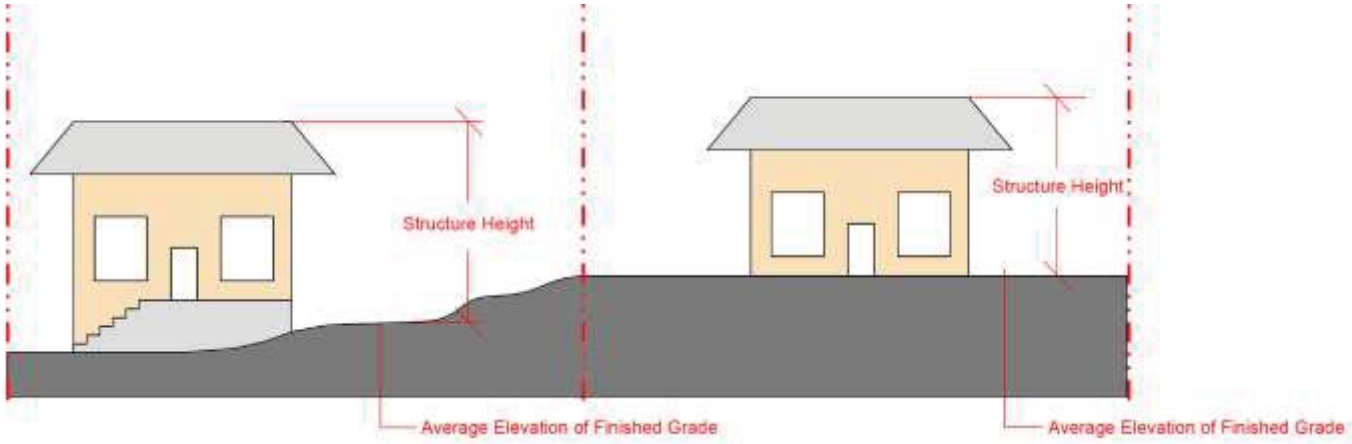
C. Exemptions to Height Requirements

Except as required in 10.2.6.B, Structure Height Restrictions, height limits shall not apply to bulk storage silos, grain elevators, barns, chimneys, elevator shafts, church spires, belfries, cupolas, domes, flagpoles, monuments, water towers, rooftop dish antennas, solar equipment, skylights, fire escapes or roof access stairways, mechanical equipment required to operate and maintain the building, derricks, conveyors, power transmission towers, or similar appurtenances, provided:

1. The appurtenance is not constructed for the purpose of providing additional floor area in the building; and

2. The appurtenance complies with the screening requirements for mechanical equipment and appurtenances in this Ordinance.

FIGURE 10.2.6.A.1, HEIGHT MEASUREMENT



10.2.7. SLOPE AND ELEVATION

A. Slope

The degree of deviation of the ground surface from a flat, horizontal elevation, usually expressed in percent or degrees of deviation from horizontal.

B. Base Flood Elevation

A determination of the water surface elevations of the base flood as published in the Flood Insurance Study. When the BFE has not been provided in a "Special Flood Hazard Area", it may be obtained from engineering studies available from a Federal, State, or other source using FEMA approved engineering methodologies. This elevation establishes the Regulatory Flood Protection Elevation.

C. Finished Grade

The established grade following grading, excavation, or other land-disturbing activity.

D. Natural Grade

The level of the ground elevation prior to the commencement of development or land-disturbing activity.

10.2.8. PARKING SPACE COMPUTATION

A. Rounding

When computation of the number of required parking spaces results in a fraction, the fraction shall be rounded down to the next whole number.

B. Multiple and Mixed Uses

Unless otherwise approved, development containing more than 1 principal use shall provide off-street parking in an amount equal to the total requirements of all individual uses, unless the Planning and Development Director determines that a lower standard proposed as part of an alternative parking plan would be adequate because of differences in peak operating hours.

C. Seat Based Standards

Where the minimum number of off-street parking spaces is based on the number of seats, all computations shall be based on the design capacity of the areas used for seating.

D. Floor-Area Based Standards

Where the minimum number of off-street parking spaces is based on square feet of floor area, all computations shall be based on gross floor area. The square footage shall not include outdoor display or use area.

E. On-Street Parking

Except as otherwise specifically permitted, on-street parking on public or private streets shall not be used to satisfy the off-street parking standards of this Ordinance.

F. Driveways Used to Satisfy Requirements

Driveways may be used to satisfy minimum off-street parking standards for single-family detached, single-family attached, and duplex dwellings, provided sufficient space is available to satisfy the standards of this Ordinance.

10.2.9. LANDSCAPING

A. Setback Less than the Required Planting Area

1. In cases where the required building setback is less than the required planting area width, the building setback shall control, reducing the required planting area width only alongside the building.
2. The planting rate of the required planting area shall still apply.

B. Rounding

When computation of the amount of landscaping material to be provided results in a fraction, the minimum number of shrubs or trees to be provided shall be rounded upwards to the next highest whole number.

10.2.10. SIGNAGE

A. Area for Single-faced Signs

The area of a sign shall be computed by means of the smallest square, circle, rectangle, triangle or combination thereof which 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.

B. Area for Multi-faced Signs

For multi-faced signs, the sign area shall be computed by including all sign faces visible from any one point. When 2 identical sign faces are placed back to back so that both faces cannot be viewed from any point at the same time, and when such sign faces are part of the same sign structure and are not more than 42 inches apart, the sign area shall be computed by the measurement of 1 of the faces.

C. Height

Sign height shall be computed as the distance from the base of the sign at the finished grade or from the nearest adjacent street grade to which the sign is oriented and on which the lot has frontage, whichever is higher, to the top of the highest component of the sign. Finished grade shall be the grade after construction, exclusive of any filling, berming, mounding, or excavating solely for the purpose of locating the sign.

D. Lots with Multiple Frontages

Lots fronting on 2 or more streets are allowed the permitted sign area for each street frontage. The total sign area that is oriented toward a particular street, however, may not exceed the portion of the lot's total sign area that is derived from that street frontage or building frontage.

E. Wall Area (for the purposes of Sign Area Measurement)

For the purposes of determining allowable sign area, a wall is the vertical exterior surface of a building, the area of which shall be determined as follows:

1. The area of all parallel vertical surfaces along a single building elevation regardless of offsets shall be counted as 1 wall.
2. The front of each unit of a multiple tenant commercial building shall be counted as a separate wall.
3. The area of an angled wall surface shall be counted as part of whichever adjoining wall surface it is most parallel with.

4. A 45 degree angled wall may be counted as part of the area of either adjoining wall, but not as a part of both.

10.2.11. EXTERIOR LIGHTING

A. Measured at the Lot Line

Light level measurements shall be made at the lot line of the land upon which light to be measured is being generated. 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.

B. Measured at Finished Grade

Measurements shall be made at finished grade (ground level), with the light-registering portion of the meter held parallel to the ground pointing up. The meter shall have cosine and color correction and have an accuracy tolerance of no greater than plus or minus 5 percent.

C. Measurement Device

Measurements shall be taken with a light meter that has been calibrated within 2 years.

10.2.12. FENCES

Fence height shall be measured in accordance with the following standards:

A. Measurement Location

Fence height shall be measured at the highest point above grade (not including columns or fence posts) on the portion of the fence nearest an abutting or adjacent lot or street right-of-way.

B. Column and Post Height

Columns or posts shall not exceed a height 18 inches above the built height of the fence.

C. Wall or Berm Below Fence

Any retaining wall or berm below a fence shall be included within the fence height.

D. Railings Not Included

Safety railings required by the State Building Code shall not be included in fence height measurements.

10.3. ABBREVIATIONS

Table 10.3, Abbreviations, includes the abbreviations and their corresponding terms as used in this Ordinance.

TABLE 10.3: ABBREVIATIONS

ABBREVIATION	ASSOCIATED TERM
ADA	Americans with Disabilities Act
ADU	Accessory Dwelling Unit
ANSI	American National Standards Institute
ARO	Airport Overlay District
ATM	Automatic Teller Machine
BFE	Base Flood Elevation
BMP	Best Management Practice
BOA	Board of Adjustment
bua	Built-upon area
CZ	Conditional Zoning
dB	Decibel
DBH	Diameter at Breast Height
DENR	North Carolina Department of Environment and Natural Resources
DO	Development Ordinance
DWR	North Carolina Department of Water Resources
EPA	Environmental Protection Agency
ETJ	Extraterritorial Jurisdiction
EV	Electric Vehicle
FAA	Federal Aviation Administration
FAR	Federal Aviation Regulation
FCC	Federal Communications Commission
FEMA	Federal Emergency Management Agency
FBFM	Flood Boundary and Floodway Map
FHBM	Flood Hazard Boundary Map
FIRM	Flood Insurance Rate Map
FIS	Flood Insurance Study
FTA	Federal Telecommunications Act of 1996
GCO	Gateway Corridor Overlay District
GWA	General Watershed Area
HPC	Historic Preservation Commission
HPDOT	High Point Transportation Department
HQW	High Quality Water
HUD	Federal Department of Housing and Urban Development
HVAC	Heating, Ventilation, and Air Conditioning
kW	Kilowatt

TABLE 10.3: ABBREVIATIONS	
ABBREVIATION	**ASSOCIATED TERM**
LCID	Land Clearing and Inert Debris
Ldn	Day-Night Average Sound Level
Lf or LF	Linear Feet
LEED	Leadership in Energy and Environmental Design
LHO	Local Historic Overlay District
LOMA	Letter of Map Amendment
LOMR	Letter of Map Revision
LOMR-F	Letter of Map Revision Based on Fill
MHO	Manufactured Housing Overlay District
MW	Megawatt
NC	North Carolina
NCDCR	North Carolina Department of Cultural Resources
NCDOT	North Carolina Department of Transportation
NCO	Neighborhood Conservation Overlay District
NCGS	North Carolina General Statute
NFIP	National Flood Insurance Program
OS	Open Space
PD	Planned Development
PTIA	Piedmont Triad International Airport
P&Z	Planning and Zoning Commission
ROW	Right-of-way
SF or Sq. Ft.	Square Feet
SFHA	Special Flood Hazard Area
SR	Secondary Road in the North Carolina Secondary Road System
TIA	Traffic Impact Analysis
TRC	Technical Review Committee
UFC	Urban Forestry Committee
WEC	Wind Energy Conversion System
WCA	Watershed Critical Area
WSE	Water Surface Elevation
WSO	Watershed Protection Overlay District

10.4. DEFINITIONS

The following are definitions for terms used in this Ordinance that do not involve calculations or measurement (see Section 10.2, Rules of Measurement, for terms and definitions related to calculation or measurement).

ABUTTING		The condition of 2 parcels of land having a common property line or boundary, including cases where 2 or more parcels of land adjoin at a corner, but not including cases where parcels of land are separated by a street or alley.
ACCESS		The right or ability of pedestrians, vehicles, and boats to enter and leave property.
ACCESS EASEMENT		An easement which grants the right to cross land.
ACCESSORY BUILDING		A detached building, the use of which is incidental to that of the principal building and which is located on the same lot as the principal building.
ACCESSORY DWELLING UNIT		A secondary dwelling unit established in conjunction with and clearly subordinate to a principal dwelling unit, whether part of the same structure as the principal dwelling unit, or as a detached structure on the same lot.
ACCESSORY STRUCTURE		A detached subordinate or incidental structure, the use of which is incidental to the principal structure and which is located on the same lot as the principal structure.
ACCESSORY USE		A use that is incidental, appropriate, and subordinate to the principal use of land or buildings and located on the same lot.
ACTIVE RECREATION AREA		Uses or structures intended for specific active recreational uses such as athletic fields, playgrounds, swimming pools, courts, tracks walking trails, paths, porches, and other similar uses typically located in open space areas or parks and served by parking facilities, spectator areas, restroom facilities, and exterior lighting, where appropriate.
ADDITION		An extension or increase in the floor area or height of a building or structure.
ADJACENT		A parcel of land or development that shares all or part of a common lot line or boundary with another parcel of land, or a parcel of land that would abut another parcel of land, but for the fact a street or right-of-way divides the parcels.
ADOPTED POLICY GUIDANCE		The combined future land-use policy guidance provided by the adopted *Community Growth Vision*, the comprehensive plan (also referred to as the *Land Use Plan*), area plans prepared for specific parts of the City, and system plans related to the City's infrastructure systems.
ADULT ENTERTAINMENT		The following definitions relate to adult entertainment uses:
	a) Adult arcade (also known as "peep show")	A place to which the public is permitted or invited wherein coin-operated or slug-operated or electronically, electrically, or mechanically controlled still or motion picture machines, projectors, or other image-producing devices are maintained to show images to persons in booths or viewing rooms where the images so displayed depict or describe "specified sexual activities" or "specified anatomical areas.
	b) Adult bookstore or adult video store	A commercial establishment which as 1 of its principal business purposes offers for sale or rental for any form of consideration any one or more of the following: 1) books, magazines, periodicals or other printed matter, or photographs, films, motion pictures, video cassettes or video reproductions, slides, or other visual representations that depict or describe "specified sexual activities" or "specified anatomical areas"; or 2) instruments, devices, or paraphernalia that are designed for use in connection with "specified sexual activities."
	c) Adult cabaret	A nightclub, bar, restaurant, or other commercial establishment that regularly features, exhibits or displays as one of its principal business purposes: 1) persons who appear nude or semi-nude; or 2) live performances which are characterized by the exposure of "specified anatomical areas" or by "specified sexual activities"; or

		3) films, motion pictures, videos, slides, or other photographic reproductions which depict or describe "specified sexual activities "or" specified anatomical areas."
	d) Adult motel	A hotel, motel or similar commercial establishment that: 1) offers accommodations to the public for any form of consideration; provides patrons with closed-circuit television transmissions, films, motion pictures, videos, slides, or other photographic reproductions that depict or describe "specified sexual activities" or "specified anatomical areas" as one of its principal business purposes; or 2) offers a sleeping room for rent for a period of time that is less than 10 hours; or 3) allows a tenant or occupant of a sleeping room to sub-rent the room for a period of time that is less than 10 hours.
	e) Adult motion picture theater	A commercial establishment where, for any form of consideration, films, motion pictures, videos, slides, or similar photographic reproductions are regularly shown as one of its principal business purposes that depict or describe "specified sexual activities "or" specified anatomical areas."
	f) Adult theater	A theater, concert hall, auditorium, or similar commercial establishment which regularly features, exhibits or displays, as one of its principal business purposes, persons who appear in a State of nudity or semi-nude, or live performances that expose or depict "specified anatomical areas "or" specified sexual activities."
	g) Escort	A person who, for tips or any other form of consideration, agrees or offers to act as a date for another person, or who agrees or offers to privately model lingerie or to privately perform a striptease for another person.
	h) Escort agency	A person or business that furnishes, offers to furnish, or advertises to furnish escorts as one of its principal business purposes, for a fee, tip, or other consideration.
	i) Nude model studio	A place where a person who appears nude or semi-nude, or who displays "specified anatomical areas" is provided to be observed, sketched, drawn, painted, sculptured, photographed, or similarly depicted by other persons who pay money or any form of consideration for such right. Nude Model Studio shall not include a proprietary school licensed by the State of North Carolina or a college, junior college, or university supported entirely or in part by public taxation; a private college or university which maintains and operates educational programs in which credits are transferable to a college, junior college, or university supported entirely or partly by taxation; or in a structure: 1) that has no sign visible from the exterior of the structure and no other advertising that indicates a nude or semi-nude person is available for viewing; and 2) where in order to participate in a class a student must enroll at least 3 days in advance of the class; and 3) where no more than 1 nude or semi-nude model is on the premises at any one time.
	j) Nude or a State of nudity	1) the appearance of a human anus, male genitals, or female genitals; or 2) a State of dress which fails to opaquely cover a human anus, male genitals, or female genitals.
	k) Semi-nude	A State of dress in which clothing covers no more than the genitals, pubic region, and areola of the female breast, as well as portions of the body covered by supporting straps or devices.
	l) Sexual encounter center	A business or commercial enterprise that, as one of its principal business purposes, offers for any form of consideration physical contact in the form of wrestling or tumbling between persons of the opposite sex, or activities between male and female persons and/or persons of the same sex when one or more of the persons is in a State of nudity or semi-nude.
	m) Specified anatomical areas	Human genitals in a State of sexual arousal.

	n) Specified sexual activities	Any of the following: 1) the fondling or other erotic touching of human genitals, pubic region, buttocks, anus, or female breasts; or 2) sex acts, normal or perverted, actual or simulated, including intercourse, oral copulation, or sodomy; or 3) masturbation, actual or simulated; or 4) excretory functions as part of or in connection with any of the activities set forth in 1. through 3. above.
AFFECTED PARTY		Owners of land adjoining the land subject to an application and any other person who could suffer an adverse effect to a property interest from a proposed development.
AGGRIEVED PARTY		A person, with a legally recognized interest (i.e., fee simple ownership) and standing to appeal, that is injuriously affected by a decision from any decision-making body of the City, including any officer or agent of the City.
ALLEY		A roadway set aside primarily for vehicular service access to the back or side of lands otherwise abutting a street or open space.
ALTERNATIVE LANDSCAPE PLAN		A plan or other proposal to deviate from the basic landscaping or tree planting standards in this Ordinance.
ALTERNATIVE PARKING PLAN		A plan or other proposal to utilize one or more of the alternative parking provisions as a means of providing more off-street parking spaces than typically allowed, fewer spaces than required, or alternative surfacing materials.
APPLICANT		A person who has submitted a development application for review under applicable provisions of this Ordinance.
APPLICATION		The completed form or forms and all accompanying documents, exhibits, and fees required of an applicant by the appropriate City department or board as part of the development review processes.
ARBOR		A structure with an open roof system providing partial shading and which may also have non-opaque fencing on the outside perimeter.
ARCADE		A series of arches supported by piers or columns.
ARCH		A curved, semicircular opening in a wall.
ARCHITECTURAL LIGHTING		Exterior lighting that is designed to highlight structures, plantings, or significant architectural features in a direct or indirect fashion.
AREA OF SHALLOW FLOODING		A designated AO zone on the Flood Insurance Rate Map (FIRM) with base flood depths from 1 to 3 feet where a clearly defined channel does not exist, the path of flooding is unpredictable and indeterminate, and velocity flow may be evident.
AS-BUILT PLANS		A set of engineering or site drawings that delineate the specific permitted development as actually constructed.
ASSESSED VALUE		The monetary price that a parcel of land, portion of land, improvement on land, or other commodity assigned by property appraiser's office for the purposes of taxation.
AUTHORIZED AGENT		A person with express written consent to act upon another's behalf.
AWNING		A plastic, canvas, or metal porch or shade supported by a frame and often foldable that is placed over a storefront, doorway, or window.
BANNER		A temporary sign of lightweight fabric or similar material which is rigidly mounted to a pole or a building by a rigid frame at two or more opposite sides. National flags, state or municipal flags, or the official flag of any institution or business shall not be considered banners.
BASE FLOOD		The flood having a 1 percent chance of being equaled or exceeded in any given year.
BASE FLOOD ELEVATION		A determination of the water surface elevations of the base flood as published in the flood insurance study. The base flood elevation, when combined with the "freeboard", establishes the "regulatory flood protection elevation".
BASEMENT		An area of a building with a floor located below ground level on all sides.

BERM	An elongated earthen mound typically designed or constructed on a site to separate, screen, or buffer adjacent uses.
BEST MANAGEMENT PRACTICE	A structural or non-structural management-based practice used singularly or in combination to reduce nonpoint source inputs to receiving waters in order to achieve water quality protection goals.
BIO-RETENTION DEVICE	A stormwater infiltration device consisting of an excavated basin that is refilled with engineered soil and mulch that allows stormwater run-off to collect and percolate through the engineered soil where it is treated prior to infiltrating into the surrounding undisturbed soil. Also known as a rain garden or bio-cell.
BLOCK	The land lying within an area bounded on all sides by streets.
BLOCK FACE	A specific side of a block referenced in relationship to the setback, bulk, height, or uses on the block.
BLOCK LENGTH	The distance, measured along the right-of-way of each side of a street, between one intersecting through street (not a cul-de-sac or loop street) and the next intersecting through street.
BREAKAWAY WALL	A wall not part of the structural support of a building and intended to collapse under specific lateral loading forces without causing damage to the elevated portion of the building or the supporting foundation system.
BREWPUB	An eating and drinking establishment that produces less than 15,000 barrels of malt beverage per year.
BORROW	Fill material which is required for on-site construction and is obtained from other locations.
BUFFER	An area of natural or planted vegetation adjoining or surrounding a use and unoccupied in its entirety by any building, structure, paving or portion of such use, for the purposes of screening and softening the effects of the use, no part of which buffer is used for recreation or parking.
BUFFER, PERIMETER LANDSCAPING	Vegetative material and structures (i.e., walls, fences) that are used to separate uses from each other as required by this Ordinance, including but not limited to the Type A Opaque, Type B Semi-Opaque, Type C intermittent, and Type D Basic.
BUILDING	A structure having a roof supported by walls or columns constructed or used for residence, business, industry, or other public or private purposes.
BUILDING ELEVATION	A fully dimensioned drawing of the exterior front, side or rear of a building showing architectural features such as windows, doors and roof lines, and which may also contain information regarding exterior materials, colors, and fixtures.
BUILDING MARKER	A sign indicating the name of a building and date and incidental information about its construction, which sign is cut into a masonry surface or made of bronze or other permanent material.
BUILDING MASS	The visual form of a building that includes the exterior walls, projections, recesses, roof features, and any attachments.
BY RIGHT	Land uses that are permitted in a zoning district without requiring special use review.
CALIPER	Measurement for determining the size of trees at time of planting. Caliper is the quantity in inches of the diameter of trees measured at 6 inches above the ground.
CANOPY	A permanent structure other than an awning made of cloth, metal or other material attached or unattached to a building for the purpose of providing shelter to patrons or automobiles, or as a decorative feature on a building wall. A canopy is not a completely enclosed structure.
CANOPY TREE	A species of tree which normally grows to a mature height of 40 feet or more with a minimum mature crown width of 30 feet.
CHANGE OF USE	The change in the use of a structure or land. Change of use includes a change from one use type to another use type.
CHANNEL	A natural water-carrying trough cut vertically into low areas of the land surface by erosive action of concentrated flowing water or a ditch or canal excavated for the

	flow of water.
CHANNELIZATION	Any improvements or other construction activity which occurs within or in the vicinity of an existing natural drainageway or perennial stream which directs or relocates said waterway along some desired course, by increasing its depth or by the use of piping or any other manmade storm drainage structures.
CITIZEN INFORMATION MEETING	A meeting conducted by an applicant on a proposed development before an application for the development permit or approval is reviewed by the P & Z Commission.
CITY	The City of High Point, North Carolina.
COMMERCIAL MESSAGE	A sign wording, logo, or other representation that, directly or indirectly, names, advertises, or calls attention to a business, product, service, or other commercial activity.
CONDOMINIUM	A development containing individually owned dwelling units and jointly owned and shared areas and facilities that is subject to the North Carolina Unit Ownership Act (North Carolina General Statutes Section Ch. 47A) and/or the North Carolina Condominium Act (North Carolina General Statutes Section Ch. 47C).
CONSERVATION SUBDIVISION	The division of a tract of land into 2 or more lots, building sites, or other divisions along with additional land area set aside as open space for conservation and/or recreation purposes.
CONSTRUCTION	The erection of any building or structure or any preparations (including land disturbing activities) for the same.
CONTIGUOUS	Abutting directly or immediately adjacent to a boundary or separated only by a street, railroad, or public utility right-of-way.
CORE CITY	The area subject to the Core City Plan provisions and delineated on the Official Zoning Map.
CORNICE	Any horizontal member, structural or nonstructural, of any building, projecting outward from the exterior walls at the roof line, including eaves and other roof overhang.
CROSS-ACCESS	Vehicular access provided between the vehicular use areas of 2 or more development sites or parcels of land intended to allow travel between the sites without the use of a public or private street.
CROSSWALK	A right-of-way dedicated to public use which cuts across a block to facilitate pedestrian access to adjacent streets and properties.
CUL-DE-SAC STREET	A short local street having one end open to traffic and the other end permanently terminated by a vehicular turnaround.
CUPOLA	A domelike structure on top of a roof or dome, often used as a lookout or to admit light and air.
CUT-OFF FIXTURE	A cut-off light fixture that emits none of its light above the horizontal plane of the fixture (90 degrees) and no more than 10 percent of its emitted light between 80 degrees and 90 degrees.
CUT-OUT LETTER LIGHTING	Lighting so arranged that only the outlines of letters, numerals, or symbols are illuminated from an internal lighting source while the remainder of the sign is covered with nontransparent materials that prevent illumination.
DECK	A structure, without a roof, directly adjacent to a principal building which has an average elevation above finished grade.
DENSITY CREDIT	The potential for a portion of a development or subdivision, expressed in dwelling units or other measures of intensity, that may be transferred to other portions of the same lot, tract, or site that is part of a common development plan.
DETERMINATION	A final decision by a local jurisdiction's officer with the highest level of authority to make the determination, including those with authority to hear appeals.
DEVELOPER	A person engaging in land, site, or building development.
DEVELOPMENT	Any manmade change to improved or unimproved real estate, including but not

	limited to: buildings or other structures; mining; dredging; filling; grading; paving; excavation; drilling operations; or storage of equipment or materials.
DIAMETER AT BREAST HEIGHT (DBH)	Measurement for determining the size of existing trees to be credited towards landscaping requirements or for violations of this Ordinance. DBH is the measurement of the diameter of an existing tree trunk taken at a height of 4 ½ feet above the ground. Trees with multiple trunks should be treated as multiple trees and the DBH for each trunk added to aggregate diameter measurement.
DISABLED MOTOR VEHICLE	A motor vehicle that meets one of more of the following criteria: - It does not display a current license plate; - It is partially dismantled or wrecked; - It cannot be self-propelled or moved in the manner originally intended; or - It is more than 4 years old and appears to be worth less than $500.00. Nothing in this definition shall be construed to apply to any vehicle in an enclosed building or vehicle on the premises of a business enterprise being operated in a lawful place and manner and the vehicle being necessary to the operation of the business enterprise, or to a vehicle in an appropriate storage place or depository maintained in a lawful place and manner by the City.
DISCHARGE POINT	The point at which stormwater runoff leaves a tract of land.
DITCH	A manmade, open drainageway into which surface water or groundwater from land, stormwater runoff, or floodwaters flows either continuously or intermittently.
DRAINAGEWAY	A natural or manmade channel that carries surface runoff from precipitation.
DRAINAGE EASEMENT	An easement which grants the right to maintain, relocate, or, utilize land within the easement for the improvement of drainage and stormwater flow.
DRIPLINE	A vertical line extending from the outermost portion of a tree's canopy to the ground.
DRIVEWAY	A private road or vehicular accessway providing access to parking areas, garages, dwellings, drive-up windows, or other similar features.
DRIVE-THROUGH	A facility designed to enable a person to transact business while remaining in a motor vehicle.
DWELLING	A structure or portion thereof that is used exclusively for human habitation.
DWELLING UNIT	One or more rooms, designed, occupied, or intended for occupancy as separate living quarters, with cooking, sleeping, and sanitary facilities provided therein.
EASEMENT	A grant of 1 or more property rights by the property landowner to, or for use by, the public, a corporation, or other entity.
EAVE	The projecting lower edges of a roof that overhangs the wall of a building.
EGRESS	An exit from a building or site.
ELEVATION	The front, side, or rear of a structure.
ENCROACHMENT	As used in the flood damage prevention standards, the advance or infringement of uses, fill, excavation, buildings, structures or development into a special flood hazard area, which may impede or alter the area's flooding flow capacity.
EROSION	The wearing away of land surface by the action of wind, water, gravity, or any combination thereof.
EROSION CONTROL MEASURE	A device which controls the soil material within the land area under responsible control of the person conducting a land-disturbing activity.
EXPANSION	An increase in the floor area of an existing structure or building, or the increase of area of a use.
EXTENSIVE EROSION CONTROL MEASURE	Erosion control devices that are designed by a registered professional engineer, architect, landscape architect, certified professional in erosion and sedimentation control (CPESC), or a registered surveyor to the extent permitted by North Carolina laws.
FACADE	The entire exterior wall of a building facing a lot line measured from the grade to the eave or highest point of a flat or mansard roof. Facades may be on the front, side,

	or rear elevation of the building.
FAMILY	One or more persons occupying a dwelling unit and living as a single household unit.
FENCE	A physical barrier or enclosure consisting of wood, stone, brick, block, wire, metal, or similar material used as a boundary or means of protection or confinement, but not including a hedge or vegetation.
FINANCIAL GUARANTEE	Cash or other guarantee provided by an applicant in-lieu of completion of public infrastructure or installation of required private site features prior to issuance of a building permit or other development approval.
FLOOD OR FLOODING	A general and temporary condition of partial or complete inundation of normally dry land areas from the overflow of inland waters or the unusual and rapid accumulation of runoff of surface waters from any source.
FLOOD INSURANCE	The insurance coverage provided under the National Flood Insurance Program.
FLOOD INSURANCE RATE MAP (FIRM)	The official map issued by the Federal Emergency Management Agency (FEMA) that depicts special flood hazard areas and risk premium zones applicable in the City.
FLOOD INSURANCE STUDY (FIS)	An examination, evaluation, and determination of flood hazards, corresponding water surface elevations (if appropriate), flood hazard risk zones, and other flood data in a community issued by the Federal Emergency Management Agency (FEMA). The flood insurance study report includes flood insurance rate maps (FIRMs) and flood boundary and floodway maps (FBFMs), if published.
FLOODPROOFING	Any combination of structural and nonstructural additions, changes or adjustments to structures which reduce or eliminate flood damage to land or development.
FLOODWAY	The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than 1 foot.
FLOODWAY FRINGE	The land located between the floodway and maximum elevation subject to inundation by the base flood.
FLOOD ZONE	A geographical area on the Flood Hazard Boundary Map or Flood Insurance Rate Map that reflects the severity or type of flooding in the area.
FLOOR	As used in the flood damage prevention standards, the top surface of an enclosed area in a building (including the basement), such as the top of the slab in concrete slab construction or the top of the wood flooring in wood frame construction.
FOOTCANDLE	A unit of measure of the intensity of light falling on a surface. It is often defined as the amount of illumination the inside surface of a 1-foot-radius sphere would be receiving if there were a uniform point source of 1 candela in the exact center of the sphere. 1 footcandle is equal to 1 lumen per square foot.
FREEBOARD	The height added to the BFE to account for unknown factors that could contribute to flood heights greater than the height calculated for a selected size flood and floodway conditions, such as wave action, blockage of bridge openings, and the hydrological effect of urbanization of the watershed.
FRONT (OR PRIMARY) FACADE	The side or elevation of a structure that contains the structure's architectural front, or the portion of the structure facing the street from which the structure derives its street address.
FULL CUT-OFF LENS	An artificial outdoor lighting fixture designed to ensure that no light is directly emitted above a horizontal line parallel to the ground.
GABLE	A triangular area of an exterior wall formed by 2 sloping roofs.
GLARE	The effect produced within the visual field by a high intensity or insufficiently shielded light source that is significantly brighter than the level to which the eyes are adapted, causing annoyance, discomfort, or loss of visual performance or visibility of objects.
GLAZING	The portion of an exterior building surface occupied by glass or windows.
GOVERNING BODY	The City Council for the City of High Point.
GRADING	Excavating, filling (including hydraulic fill) or stockpiling of earth material, or any

	combination thereof, including the land in its excavated or filled condition.
GREEN ROOF	The roof of a building that is partially or completely covered with vegetation and a growing medium, planted over a waterproofing membrane. It may also include additional layers such as a root barrier and drainage and irrigation systems.
GREENWAY	Public open space under the control and maintenance of the City which has been designated on an officially adopted greenway or open space plan and developed in accordance with the adopted greenway or open space plan.
GROUND COVER	Any vegetation, masonry, paving, rip-rap, or other material or materials which render the soil surface stable against accelerated erosion.
GROUP DEVELOPMENT	A development in which, in-lieu of division of a tract of land into separate lots of record for separate principal buildings, a tract of land is divided into 2 or more principal building sites for the purpose of building development (whether immediate or future) and occupancy by separate families, firms, businesses, or other enterprises.
HAZARDOUS OR TOXIC SUBSTANCE GENERATOR	A use listed as a "Hazardous Waste Facility" by the North Carolina Department of Human Resources, Solid and Hazardous Waste Management Division, or a use included on the U.S. EPA's "Categorical Pretreatment List".
HAZARDOUS OR TOXIC SUBSTANCE HANDLER	A use engaged in the permanent or temporary storage, treatment, transporting, and/or disposal of hazardous or toxic substances including a building, structure or use of land devoted , or intended to be devoted to, changing by any method, technique, or process, the physical, chemical, or biological character of any hazardous or toxic substance so as to neutralize such material or render it nonhazardous or nontoxic, safer for transport, amenable for recovery, amenable for storage or reduced in bulk, or to reprocess the hazardous or toxic substance to form a new material, or for the temporary or long term storage of hazardous or toxic substance(s). Such uses may also be considered temporary storage facilities normally associated with these operations and of sufficient size to conduct a commercial feasible operation.
HISTORIC STRUCTURE	Any structure that is: 1) listed individually in the National Register of Historic Places (a listing maintained by the US Department of Interior) or preliminarily determined by the Secretary of Interior as meeting the requirements for individual listing on the National Register; 2) certified or preliminarily determined by the Secretary of Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district; 3) individually listed on a state inventory of historic places; 4) individually listed on a local inventory of historic places in communities with a Certified Local Government (CLG) Program; or 5) certified as contributing to the historic significance of a historic district designated by a community with a Certified Local Government (CLG) Program. Certified Local Government Programs are approved by the US Department of the Interior in cooperation with the North Carolina Department of Cultural Resources through the State Historic Preservation Officer as having met the requirements of the National Historic Preservation Act of 1966, as amended.
HOME OCCUPATION	Any activity carried out for gain by a resident and conducted in the resident's dwelling unit.
HUMAN SCALE	Features of a building or built environment that are sized and configured in accordance with the typical human frame. Human-scale details and features are most often configured for observation and recognition by people who are walking.
ILLUMINATION, DIRECT	Illumination from a light source that is contained within the sign, where the light source is internal to the sign.
ILLUMINATION, INDIRECT	Illumination from a light source that is not contained within the sign, where the light source is external and projected onto the sign.
IMPROVED WALKWAY	An improved walkway is a walkway dedicated to pedestrian access that has a width of at least four feet and includes a paved, all-weather surface (excluding gravel or

	cinders) that is graded and configured to ensure safe pedestrian movement.
IMPROVEMENT	The construction of buildings and the establishment of basic services and amenities associated with development, including, but not limited to streets and sidewalks, parking areas, water and sewer systems, drainage system, property markers and monuments, recreation facilities (i.e., lakes, swimming pools, tennis courts, golf courses, riding stables, club houses, cabanas, marinas, docks and the like) and other similar construction or establishment.
INFILL	Development, redevelopment, and re-use of existing sites and buildings in the City's existing neighborhoods and commercial corridors.
INGRESS	Access or entry to a building or site.
JUST CAUSE	Legitimate cause; legal or lawful ground for action.
LAND CLEARING AND INERT DEBRIS (LCID) LANDFILL	A landfill limited to concrete, brick, concrete block, uncontaminated soil, rock, gravel, untreated wood, limbs, leaves and stumps. LCID does not include materials that have been painted or coated with sealants or finishes.
LAND DISTURBING ACTIVITY	Any movement of earth or substrate, manually or mechanically, including but not limited to any modification of existing grade by dredging, demolition, excavation or fill, grading, scraping, vegetation removal, landscaping, coring, well drilling, pile driving, undergrounding utility lines, trenching, bulldozing, sheeting, shoring and excavation for laying or removing foundations, pilings or other purposes.
LAND USE CLASS	A numeric value denoting the intensity of an individual use type for the purposes of determining applicable perimeter landscape yard requirements.
LANDOWNER	As applied to the standards related to vested rights, an owner of a legal or equitable interest in real property, including the heirs, devisees, successors, assigns, and personal representative of the owner.
LANDSCAPING	The improvement of a lot, parcel or tract of land with grass, shrubs, and trees. Landscaping may include pedestrian walks, flower beds, ornamental objects such as fountains, statuary, and objects designed and arranged to produce an aesthetically pleasing effect.
LANDSCAPING STRIP, PERIMETER	Vegetative material associated with the perimeter landscaping required for a vehicular use area.
LARGE VEHICLE	A vehicle with a gross vehicle weight of 14,000 or more pounds, a recreational vehicle, or a school or church bus.
LOADING SPACE	Space logically and conveniently located for bulk pickups and deliveries, scaled to delivery vehicles, and not considered as part of the minimum required off-street surface parking.
LOCAL GOVERNMENT	Any county, incorporated municipality, or any combination of counties and/or incorporated municipalities acting through a joint program pursuant to the provisions of this Ordinance.
LOT	A legally described piece of contiguous land that has been or may be developed as a unit. This term is synonymous with "parcel."
LOT OF RECORD	A lot that has been recorded in the office of the County Register of Deeds and which was in conformance with the Development Ordinance in effect at the time of recording.
LOWEST FLOOR	As used in the flood damage prevention standards, the lowest floor of the lowest enclosed area (including basement) that is typically an unfinished or flood resistant enclosure that does not include habitable space.
LUMEN	A quantitative unit measuring the amount of light emitted by a light source.
MAINTENANCE GUARANTEE	Cash or other guarantee provided by an applicant to ensure public infrastructure functions as intended following acceptance by the City.
MANSARD ROOF	A sloped roof or roof-like facade architecturally comparable to a building wall.

MARQUEE	A permanent roof-like structure projecting beyond a building or building wall generally designed and constructed to provide protection from the weather.
MAXIMUM EXTENT PRACTICABLE	No feasible or practical alternative exists, as determined by the City, and all possible efforts to comply with the standards or regulation to minimize potential harmful or adverse impacts have been undertaken by an applicant. Economic considerations may be taken into account but shall not be the overriding factor determining "maximum extent practicable."
MEAN SEA LEVEL	The National Geodetic Vertical Datum (NGVD) as corrected in 1929, the North American Vertical Datum (NAVD) as corrected in 1988, or other vertical control datum used as a reference for establishing varying elevations within the floodplain, to which base flood elevations on the FIRM are referenced.
MEMBRANE STRUCTURE	A structure, building, or tent composed of a membrane material, such as canvas, plastic, or other fabrics, that is supported by a rigid framework of metal, plastic, or other material.
MIXED-USE DEVELOPMENT	A tract of land or structure developed for 2 or more different uses, such as, but not limited to, residential, office, retail, institutional, public, or entertainment. Such uses are functionally integrated and share vehicular use areas, ingress/egress, and pedestrian access.
MOTOR VEHICLE	A vehicle required by the North Carolina Department of Motor Vehicles to be registered under North Carolina State Law.
MULTIPLE-LOT DEVELOPMENT	A development containing 2 or more lots, and 2 or more businesses that is planned, organized, and managed to function as a single development or single zone lot for the purposes of development standards.
NATURAL INFILTRATION AREAS	A type of stormwater management device that relies on vegetation, soil, or other natural matrix configured to allow stormwater runoff to enter, filter, and be re-released with fewer pollutants.
NEW CONSTRUCTION	As used in the flood damage prevention standards, structures for which the start of construction commenced on or after the effective date of the flood damage prevention standards.
NIT	A measurement of a sign's luminance measured in the number of candela per square meter (cd/m2).
NON-ENCROACHMENT AREA	The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than 1 foot as designated in the Flood Insurance Study report.
NONCONFORMING LOT	A lot of record that that was lawful at the date on which it was established, but does not conform to the current dimensional requirements of the zoning district in which it is located.
NONCONFORMING SIGN	Any sign that was lawful at the date on which it was established, but does not meet the standards of this Ordinance.
NONCONFORMING STRUCTURE	A structure that was lawful at the date on which it was established, but does not conform to current dimensional, elevation, location, or other requirements of this Ordinance.
NONCONFORMING USE	A use which was lawful at the date on which it was established, but is now not a permitted use of that parcel or structure under this Ordinance.
NONCONFORMITY	Any land use, development, structure, or site, including any lot of record, that was legally established, but that is not presently in full compliance with the provisions of this Ordinance.
NORTH CAROLINA SEDIMENTATION	North Carolina General Statutes Section 113A-50 et seq., and all rules and orders adopted pursuant to it.

POLLUTION CONTROL ACT	
NOTICE OF VIOLATION	A notice indicating a violation of this Ordinance not associated with a fine.
OFFICIAL ZONING MAP	The Official Zoning Map upon which the boundaries of various zoning districts are drawn and which is an integral part of this Ordinance.
OPACITY	A measurement indicating the degree of obscuration of light or visibility.
OPEN SPACE	An area of land or water intended to provide light, air, amenity, recreation and/or resource protection set aside in some permanent manner for public or private use and enjoyment. Open space includes, but is not limited to, preserves, parks, passive and active recreation areas, floodplains, plazas, squares, greenways, and waterbodies.
ORDINANCE	A legislative enactment of the City of High Point, North Carolina.
OUTDOOR DISPLAY	The keeping of any goods, merchandise, or vehicles, in an unroofed area for marketing purposes, for a period of time not exceeding 24 hours.
OUTDOOR STORAGE	The keeping of any goods, junk, material or merchandise in an unroofed area, in the same place for a period of time exceeding 24 hours, but excluding temporary construction and related activities.
OUTPARCEL	A subdivided or leased parcel within a group development, multiple-lot development, or shopping center.
OWNERS' ASSOCIATION	An organization of homeowners or property owners of lots or land in a particular subdivision, condominium, or planned development. The owners association is responsible for maintaining and enhancing the shared private infrastructure (e.g., stormwater, streets, and sidewalks) and common elements recreation.
PARAPET	A building facade that rises above the roof level, typically obscuring a gable or flat roof as well as any roof-mounted equipment.
PARCEL	See "Lot."
PARKING LOT DRIVE AISLE	A vehicular accessway located within an off-street parking or vehicular use area which serves individual parking stalls and driveways.
PARKING SPACE, ACCESSIBLE	A space designated for the parking or temporary storage of 1 motor vehicle in addition to the space necessary for the ingress and egress from the vehicle by a disabled person and any equipment needed for that purpose.
PARKING SPACE, OFF-STREET	A space that is designated for the parking or temporary storage of 1 motor vehicle located outside of a dedicated street right-of-way, vehicular travel way, or parking aisle.
PARKING, OFF-SITE	An off-street parking area provided on a different parcel than the use it is intended to serve.
PARKING, ON-STREET	A location or area within the right-of-way of a public or private street that is reserved for the parking of vehicles. Such areas may or may not be formally designated with signage, striping, or parking meters.
PARKING, SHARED	Off-street parking facilities shared by 2 or more uses that are in close proximity to one another and the parking area, and that have different operational characteristics such that use of the parking facilities by one use will not generally overlap with the use of the parking area by the other use(s).
PASSIVE RECREATION AREA	Open space areas designated for passive recreation uses including walking trails, pathways, gazebos, picnic areas, fountains, plazas, and similar areas. Such areas may also include undisturbed natural vegetation.
PATIO	An area, usually paved, adjoining a building - used as an area for outdoor lounging, dining, or gathering.

PEDESTRIAN AMENITY	Seating, outdoor play areas, bicycle racks, kiosks, water features, public art, freestanding structures such as a clock tower or similar amenities, intended primarily for use by pedestrians.
PEDESTRIAN CONNECTION	Interconnected paved walkway that provides a pedestrian passage through blocks running from street to street, vehicular use areas, or other locations.
PEDESTRIAN-ORIENTATION	Development elements, such as density, building placement, street and path connections, and mixture of uses designed with pedestrians in mind and intended to encourage and promote pedestrian activity.
PENNANT	A lightweight plastic, fabric, or other material, whether or not containing a message of any kind, suspended from a rope, wire, or string, usually in series, designed to move in the wind.
PERSON	Any individual, partnership, firm, association, joint venture, public or private corporation, trust, estate, commission, board, or public or private institution, utility, cooperative, interstate body, or other legal entity.
PILASTER	A rectangular column with a capital and base that is attached or affixed to a wall as an ornamental design feature.
PLANNED DEVELOPMENT	An area of land under unified ownership or control to be developed and improved as a single entity under a Planned Development Master Plan in accordance with this Ordinance.
PLANTING SEASON	The dormant time of the year for trees beginning with leaf drop and ending with bud break; generally late fall to early spring.
PLANTING STRIP	An area usually within or adjacent to a right-of-way or lot line that contains required vegetation.
PLAT	A surveyed map or plan for a parcel of land which is to be, or has been, subdivided.
PLAYBILL	A sign announcing entertainment offered or to be offered at a business location on the site where the sign is displayed.
PLAZA	An open space at the intersection of important streets or adjacent to important structures, set aside for civic purposes and commercial activity, which may include parking, consisting of durable pavement, and formal landscaping or tree plantings.
PORCH	A covered projection (can be glazed or screened) from the main wall of a building, with a separate roof, that is not used for livable space.
PORTICO	A large porch usually with a pediment usually associated with an entrance, supported by columns.
POST-FIRM	Construction or other development for which the "start of construction" occurred on or after the effective date of the initial Flood Insurance Rate Map.
PRE-FIRM	Construction or other development for which the "start of construction" occurred before the effective date of the initial Flood Insurance Rate Map.
PRIMARY DRIVE AISLE	The main aisle(s) that extends from the street right-of-way, or from the driveway entrance(s) serving a development along the front of the building it serves.
PRIMARY ENTRANCE	The place of ingress and egress to a building, parcel, or development used most frequently by the public.
PRINCIPAL BUILDING	A building in which is conducted the principal use(s) of the lot on which it is located or, in a group development, of the building site on which it is located. Any dwelling is considered a principal building unless it is an accessory dwelling.
PRINCIPAL BUILDING FACADE	The entire exterior wall of a building facing a lot line measured from the grade to the eave or the highest point of a flat or mansard roof. The principal building facade is the front of the building, or the side that contains the primary building entrance.
PRINCIPAL BUILDING LINE	A line or horizontal plane that is measured from the portion of the building closest to the lot line laterally along the lot line.
PRINCIPAL DWELLING	Any principal building or structure which is used and designed for human habitation including living, sleeping, cooking, and eating activities, excluding dormitories,

	hotels, motels, shelters for the homeless, or other structures designed for transient residents.
PRINCIPAL USE	A primary or predominate use of a lot or parcel.
PRINCIPAL STRUCTURE	A structure in which is conducted the principal use(s) of the lot on which it is located.
PRIVATE DRIVE	A vehicular travelway that is not a public street or a private street that provides access to a parking lot(s) or a principal building(s).
PRIVATE STREET	A vehicular travelway not dedicated or offered for dedication as a public street but resembling a local street by carrying traffic from a series of driveways to the public street system.
PROJECTING BAY	A space projecting outward from the main walls of a building and forming a bay in a room, often incorporating a window.
PROPERTY OWNER	See "Landowner."
PUBLIC HEARING, QUASI-JUDICIAL	A formal public hearing involving the legal rights of specific parties conducted by the City Council or the Board of Adjustment based on evidence and sworn testimony presented during the public hearing. Decisions made during such hearings are based upon and supported by the record developed at the hearing, and typically involve findings of fact made by the decision-making body.
PUBLIC INFRASTRUCTURE	Aspects of the public realm owned and maintained by the City or the State that serve the public at large, including streets, highways, sidewalks, curb and gutter, potable water distribution systems, sanitary sewer systems, stormwater drainage retention and conveyance features, street lights, on-street parking spaces, and similar aspects located within a public right-of-way or public easement.
PUBLIC STREET	A dedicated and accepted public right-of-way for vehicular traffic and street rights-of-way offered for dedication, but not yet accepted, in which the roadway design and construction have been approved under public standards for vehicular traffic.
PUBLIC TREE	A tree in the public street right-of-way, in a park, or other areas owned or controlled by the City.
QUORUM	The minimum number of board or commission members that must be present in order to conduct official business or take official action.
RAIN GARDEN	A planted depression that allows rainwater runoff from impervious urban areas like roofs, driveways, walkways, parking lots, and compacted lawn areas the opportunity to be collected in a single location and absorbed.
RECREATIONAL VEHICLE	A vehicle that is built on a single chassis, designed to be self-propelled or permanently towable by a light duty vehicle (including a travel trailer), and designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.
REFERENCE LEVEL	The top of the lowest floor for structures within special flood hazard areas designated as zone A1-A30, AE, A, A99 or AO.
REGULATORY FLOODPLAIN ELEVATION	The base flood elevation plus the freeboard. In special flood hazard areas where BFEs have been determined, this elevation is the BFE plus 2 feet of freeboard. In special flood hazard areas where no BFE has been established, this elevation is at least 2 feet above the highest adjacent grade.
RESERVATION	An obligation, shown on a subdivision or site plan, to keep land free from development and available for public acquisition for a stated period of time.
RETAINING WALL	A structure, either masonry, metal, or treated wood, designed to prevent the lateral displacement of soil, rock, fill, or other similar material.
RIGHT-OF-WAY	An area dedicated to public or private use for pedestrian and vehicular movement, which may also accommodate public utilities.
ROOF LINE	The top edge of the roof or the top of the parapet, whichever forms the top line of a building.
RURAL CHARACTER	Patterns of land use and development in which open space, the natural landscape,

	and vegetation predominate over the built environment.
SEDIMENT	Solid particulate matter, both mineral and organic, that is transported by water, air, gravity, or ice from its site of origin.
SEDIMENTATION	The process by which sediment resulting from accelerated erosion is transported off-site by land-disturbing activity.
SEVERE PRUNING	The pruning, cutting, or otherwise damaging of the natural form of a tree or shrub, whether existing or planted, such that a significant or noticeable portion of the crown system is removed (e.g., 25 percent of the crown removed from a tree, or the continued cutting/trimming of trees previously pruned illegally, or pruning of trees that must grow naturally to meet the landscaping requirements), and/or if more than 1/3 of the overall circumference of a tree is exposed by pruning cuts.
SHIELDED FIXTURE	A light fixture constructed and installed in such a manner that all light emitted by it, either directly from the lamp (bulb) or a diffusing element, or indirectly by reflection or refraction from any part of the fixture, is projected below the horizontal plane of the fixture.
SHIELDED SILHOUETTE LIGHTING	Lighting achieved by an illumination source located behind individual letters or parts of a sign but not visible directly through such letters or parts of the sign to the viewer.
SHRUB	A woody plant, smaller than a tree, consisting of several small stems emerging from the ground, or small branches near the ground. Shrubs may be deciduous or evergreen.
SIDEWALK	A paved area public right-of-way running parallel to the street for the purposes of pedestrian travel and to facilitate pedestrian access to adjacent streets and land.
SIGN	An object, device, display, or structure, or part thereof, which is used to advertise, identify, display, direct, or attract attention to an object, person, institution, organization, business, product, service, event, or location by any means, including but not limited to words, letters, pennants, banners, emblems, trademarks, trade names, insignias, numerals, figures, design, symbols, fixtures, colors, illumination, or projected images or any other attention directing device.
SIGN, A-FRAME	A sign not permanently attached to the ground or other permanent structure, that is displayed for a limited period of time, and is constructed in such a manner as to form an "A" or tent-like shape, hinged or not hinged at the top; each angular face held at an appropriate distance by a supporting member. Also known as a "menu board" or "sandwich board sign."
SIGN, ANIMATED	A sign which flashes, revolves, rotates, or swings by mechanical means or which uses a change of lighting to depict action or to create a special effect or scene.
SIGN, AWNING	Any sign which is a part of a fabric or other nonstructural awning.
SIGN, CANOPY	A sign which is a part of or attached to an awning, canopy or other fabric-like or plastic protective structure which is extended over a door, window, or entranceway.
SIGN, CHANGEABLE COPY	A sign which displays messages in which the copy may be arranged or rearranged by hand.
SIGN, CONSTRUCTION	A sign which identifies the architects, engineers, contractors, and other individuals or firms involved with construction of development, the name of the building or development, the intended purpose of the building or development, and/or the expected completion date.
SIGN, ELECTRONIC CHANGEABLE COPY	A sign or portion thereof that displays electronic, non-pictorial text information in which each alphanumeric character, graphic or symbol is defined by a small number of matrix elements using different combinations of light emitting diodes (LED's), fiber optics, light bulbs, or other illumination devices within the display area. Electronic changeable copy signs include computer programmable, microprocessor controlled electronic displays, and also include projected images or messages with these

	characteristics onto buildings or other objects. Electronic changeable copy signs do not include traffic control or other official signage.
SIGN, FLASHING	A type of animated sign which contains an intermittent, blinking, scintillating, or flashing light source, or which includes the illusion of intermittent or flashing light, or an externally mounted intermittent light source.
SIGN, FREESTANDING	A sign which is placed on or anchored in the ground with one or more supports that are not part of a building or other structure.
SIGN, GOVERNMENTAL	A sign erected by or on behalf of a governmental body to post a legal notice, identify public property, convey public information, and direct or regulate pedestrian or vehicular traffic.
SIGN, GROUND SURFACE	A sign composed of manmade or organic materials displayed upon the surface of the ground.
SIGN, HISTORICAL OR MEMORIAL	A sign which commemorates a historical person, structure, place, or event or which denotes, honors, celebrates, or acknowledges an historical person, structure, place, or event.
SIGN, IDENTIFICATION	A sign used to display the name, address, logo or other identifying symbol of an individual, family, business, institution, service, or organization occupying the premises; the profession of the occupant; the name of the building on which the sign is attached; or directory information in group developments or buildings with multiple tenants.
SIGN, INSTRUCTIONAL	A sign that provides assistance, with respect to the premises on which it is maintained, for the direction, safety, or convenience of the public such as "entrance," "exit," "one way," "telephone," "parking," "no parking," and similar instructions.
SIGN, MARQUEE	A sign attached to, in any manner, or made a part of a marquee.
SIGN, MONUMENT	A monolithic sign in which the bottom of the sign is flush with the ground.
SIGN, OFF-SITE	A sign which directs attention to a business, commodity, service, entertainment, or attraction sold, offered, or existing elsewhere than upon the lot where the sign is displayed.
SIGN, OFF-SITE DIRECTIONAL	A sign that indicates only the name and/or logo and direction to businesses, churches, hospitals, colleges, or similar campus uses.
SIGN, ON-SITE	A sign which directs attention to a business, commodity, service, entertainment, or attraction sold, offered, or existing on the same lot where the sign is displayed; provided, an on-site sign may also display a noncommercial message.
SIGN, OUTDOOR ADVERTISING (BILLBOARD)	A sign which directs attention to a business, commodity, service, entertainment, or attraction sold, offered, or existing elsewhere than the lot where the sign is displayed.
SIGN OWNER	A person holding legal title or legal right to occupy or carry on business in a structure or any facility and shall include each and every person who shall have title to or benefit of a sign, or for whose benefit any type sign is erected or maintained. Where there is more than 1 landowner, as defined, their duties and obligations under this Ordinance are joint and several, and shall include the responsibility for such sign.
SIGN, PORTABLE	A sign not permanently attached to the ground or other permanent structure, or a sign designed to be transported, including but not limited to signs: designed to be transported by means of wheels; converted to A- or T- frames; menu and sandwich board signs; gas or hot-air filled balloons; umbrellas used for advertising; signs attached to or painted on vehicles parked and visible from the public right-of-way, unless said vehicle is used in the normal day-to-day operation of the business.
SIGN, PROJECTING	A sign end-mounted or otherwise attached to an exterior wall of a building which forms an angle with the wall.
SIGN, REAL ESTATE	A sign displayed for the purpose of offering for sale, lease, or rent the land on which the sign is erected, affixed, or otherwise established.

SIGN, ROOF	A sign erected and constructed wholly on and over the roof on a building, supported by the roof structure, and extending vertically above the highest portion of the roof.
SIGN, SPECIAL PROMOTION	An advertising activity or circumstance of a business which is not part of its daily activities or normal routine and in which the display and/or sale of merchandise, ware, or other tangible items is the sole purpose for the promotion.
SIGN, SUSPENDED	A sign which is suspended from the underside of a horizontal plan surface and is supported by the surface.
SIGN, TEMPORARY	A sign that is displayed for a limited period of time and/or is not permanently mounted.
SIGN, TEMPORARY OFF-SITE	A sign that is displayed in a location different than the principal use it is advertising, is not permanently mounted, and in place for only a limited period of time.
SIGN, VIDEO WALL	A sign consisting of multiple computer monitors, video projectors, or television sets tiled together contiguously or overlapped in order to form one large screen. Typical display technologies include LCD panels, LED arrays, DLP tiles, and rear projection screens. Such signs may display static text, images or photos; electronic changeable copy including the use of changing light to depict action or create special effects; video; or any combination thereof.
SIGN, WALL	A sign attached parallel to, painted on the wall surface of, or erected and confined within the limits of the outside wall, mansard roof structure, penthouse, or parapet of any building or structure, which is supported by a wall, building, or structure, but does not extend vertically above the highest portion of the roof, and which displays only 1 sign surface.
SIGN, WARNING	An on-site sign with no commercial message that displays information pertinent to the safety or legal responsibilities of the public such as signs warning of high voltage, "no trespassing," and similar directives.
SIGN, WINDOW	A sign which is painted on, affixed to, or designed to be visible through a window, excluding displays of merchandise.
SILTATION	Sediment transported from its point of origin within the site of a land-disturbing activity that is deposited on land or is in suspension in water.
SMALL WIND ENERGY CONVERSION SYSTEM	A wind energy facility, constructed as an accessory use, consisting of a wind turbine, a tower, and associated control or conversion electronics, which has a rated capacity of not more than 100 kW per year and a maximum tower height of 120 feet or less.
SOIL AND WATER CONSERVATION DISTRICT	The Guilford Soil and Water Conservation District created pursuant to Chapter 139 of the North Carolina General Statutes.
SOIL EROSION AND SEDIMENTATION CONTROL PLAN	The graphic plan and narrative required as a prerequisite for a land disturbance permit that explains existing conditions, proposed grading, and measures undertaken to control accelerated soil erosion and sedimentation.
SOLID WASTE COLLECTION FACILITY	Containers and structures designed to collect and hold solid waste on-site until transported to a solid waste management facility, including but not limited to, dumpsters, compactors, bins for trash and recyclables, etc.
SPECIAL EVENT	An activity which is infrequent in occurrence and limited in duration, such as arts and craft shows, athletic events, community festivals, carnivals, fairs, circuses, concerts, conventions, exhibitions, trade shows, outdoor religious events, and other similar activities.
SPECIAL FLOOD HAZARD AREA	The land in the floodplain subject to a 1 percent or greater chance of being flooded in any given year.
SQUARE	An open space that is defined by streets or adjacent buildings that is set aside for civic purposes, with landscaping consisting of paved walks, lawns, trees, and may contain civic buildings.
STACKING LANE	A portion of the vehicular use area on a site that is dedicated to the temporary

	storage or "standing" of vehicles engaged in drive-through use of the site or development. Parking or storage of vehicles is not permitted within the stacking/standing area.
START OF CONSTRUCTION	As used in the flood damage prevention standards, the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition or improvement was within 180 days of the permit date. The actual start means the first placement of permanent construction of a structure (including a manufactured home) on a site, such as the pouring of slabs or footings, installation of piles, construction of columns, or any work beyond the stage of excavation or the placement of a manufactured home on a foundation. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of the building, whether or not that alteration affects the external dimensions of the building.
STORM, 100 YEAR	The surface runoff resulting from a rainfall of an intensity expected to be equaled or exceeded, on average, once in 100 years.
STORM, 10 YEAR	The surface runoff resulting from a rainfall of an intensity expected to be equaled or exceeded, on average, once in 10 years.
STORM, 25 YEAR	The surface runoff resulting from a rainfall of an intensity expected to be equaled or exceeded, on average, once in 25 years.
STORMWATER OR STORMWATER RUNOFF	The direct runoff of water resulting from precipitation in any form.
STREAM	A watercourse that collects surface runoff.
STREET FRONTAGE	The length of lot abutting a public right-of-way or private street.
STREET, COLLECTOR	A street whose principal function is to carry traffic between cul-de-sac, local streets and streets of higher classification but which may also provide direct access to abutting lands. Term also includes subcollector streets.
STREET, INDUSTRIAL	An existing public or private street that serves as access to industrially zoned properties exclusively, or serves as access to properties that are developed with, or are planned to be developed with, wholesale, transportation, warehousing, utility, manufacturing or other industrial land uses.
STREET, LOCAL	A street whose primary function is to provide access to abutting lands. This term includes both residential and industrial streets.
STREET, THOROUGHFARE	An interstate, other freeway, expressway, or parkway links, or other major street that provides for the expeditious movement of high volumes of traffic within and through urban areas. Term includes both major and minor thoroughfare streets.
STREET NAME AND ADDRESS ASSIGNMENT GUIDELINES AND POLICIES	A set of guidelines and policies to provide the Planning and Zoning Commission with direction when naming and assign street names and addresses.
STREET RIGHT-OF-WAY	A strip of land whose legal title rests with the City or State and is occupied or intended to be occupied by a travelway for vehicles and is also available, with the consent of the appropriate governmental agency, for installation and maintenance of traffic control devices, traffic signs, street name signs, historical marker signs, water lines, sanitary sewer lines, storm sewer lines, gas lines, power lines, and communication lines.
STREET STUB	A nonpermanent dead end street intended to be extended in conjunction with development on adjacent lots or sites.
STREET TREE	A canopy tree planted or existing within or along either side of a street right-of-way.
STREETSCAPE	An area within a public or private street right-of-way that may contain sidewalks, street furniture, landscaping, street trees, bus shelters, street lighting, building

	projections, and other features that create interest and interaction at the street level.
STRUCTURE	Any material constructed, erected or placed in or upon the ground, including buildings.
SUBDIVIDER	A person who subdivides land.
SUBDIVISION	A division of a tract or parcel of land into 2 or more lots, building sites, or other divisions when any one or more of those divisions is created for the purpose of sale or building development (whether immediate or future) and includes all divisions of land involving the dedication of a new street or a change in existing streets. The following are not included within this definition and are not subject to any subdivision regulations in this Ordinance: a. The combination or recombination of portions of previously subdivided and recorded lots if the total number of lots is not increased and the resultant lots are equal to or exceed the standards of this Ordinance. b. The division of land into parcels greater than 10 acres if no street right-of-way dedication is involved. c. The public acquisition by purchase of strips of land for the widening or opening of streets. d. The division of a tract in single ownership, the entire area of which is not greater than 2 acres, into not more than 3 lots, where no street right-of-way dedication is involved and where the resultant lots are equal to or exceed the standards of this Ordinance.
SUBORDINATE	A staff member designated to fulfill the function of the Planning and Development Director, Engineering Services Director, Transportation Director, or Public Service Director, as appropriate.
SUBSTANTIAL IMPROVEMENT	Any repair, reconstruction, expansion, or improvement of a structure, the cost of which exceeds 50 percent of the assessed value of a structure (derived by tax records) as determined either before the expansion or improvement begins or before the damage occurred giving rise to the repair or reconstruction. Substantial improvement does not include, however, any repair or improvement required to bring the structure into compliance with existing State or county health, sanitary, safety, or building ordinance specifications necessary to ensure safe habitation of the structure.
SURFACE WATER BUFFER	A natural, vegetated, or revegetated area through which stormwater runoff flows in a diffuse manner so that the runoff does not become channelized and which provides for infiltration of the runoff and filtering of pollutants.
SUSTAINABLE DEVELOPMENT FEATURES	One or more development features voluntarily provided by an applicant or developer as a means of promoting sustainable development and/or taking advantage of available sustainable development practice incentives.
TENANT	A person who alone or jointly or severally with others occupies a building under a lease or holds a legal tenancy.
TRAFFIC CALMING DEVICE	A natural or constructed feature located within or adjacent to a street that is designed to reduce motorist speed or vehicle volumes, while at the same time increasing safety for pedestrians and non-motorized vehicles.
TRAFFIC IMPACT ANALYSIS	A study conducted to evaluate the capacity and safety impacts on the transportation system from a proposed development and identify necessary improvements or management strategies to mitigate negative impacts. Such studies shall be performed by a licensed professional engineer in accordance with the Traffic Impact Analysis Policy adopted by the City of High Point in this ordinance.
UNDERSTORY TREE	A species of tree which normally grows to a mature height of 15 to 35 feet.
UTILITY EASEMENT	An easement which grants the right to install and maintain utilities including, but not limited to, water lines, sewer lines, storm sewer lines, electrical power lines, telephone lines, natural gas lines, and community antenna television systems.
VEGETATION,	Any indigenous tree, shrub, ground cover or other plant adapted to the soil, climatic,

NATIVE		and hydrographic conditions occurring on the site.
VEHICUALR USE AREA		Areas used for the parking and circulation of automobiles, trucks, and motorcycles. Vehicular use areas do not include individual driveways serving single-family detached residential development.
VEHICULAR USE AREA LANDSCAPING		Vegetative material, structures (walls or fences), berms, and associated ground cover located around the perimeter of a parking lot, or other vehicular use area.
VELOCITY		The average velocity of flow through the cross section of the main channel at the peak flow of the storm of interest. For the purposes of this definition, the cross section of the main channel is the area defined by the geometry of the channel plus the area of flow below the flood height defined by vertical lines at the main channel banks.
VESTED RIGHT		A development right that cannot be changed or altered by changes in regulation.
WALL		For purposes of signage, the vertical exterior surface of a building. The area of all parallel vertical surfaces along a single building elevation regardless of offsets shall be counted as one wall. The front of each unit of a multiple tenant commercial building shall be counted as a separate wall. The area of an angled wall surface shall be counted as part of whichever adjoining wall surface it is most parallel with. A 45 degree angled wall may be counted as part of the area of either adjoining wall, but not as a part of both.
WALL PACK		An exterior lighting device that is flush-mounted on a vertical wall surface.
WALL, PARAPET		A low protective or decorative wall or railing along the edge of a raised structure such as a roof or balcony.
WATER DEPENDANT STRUCTURE		Structure which requires access or proximity to surface waters to fulfill its basic purpose, such as boat ramps, boat houses, docks, and bulkheads.
WATER QUALITY CONSERVATION EASEMENT		A permanent easement conveyed to the City for the protection of water quality in which no structures or land-disturbing activities are allowed.
WATER SUPPLY WATERSHED		The entire land area contributing surface drainage to a designated water supply reservoir.
WATER SURFACE ELEVATION		The height, in relation to mean sea level, of floods of various magnitudes and frequencies in the floodplains of riverine areas.
WATERSHED CRITICAL AREA		The area adjacent to a water supply intake or reservoir where risk associated with pollution is greater than from the remaining portions of the watershed. The critical area is defined as extending either ½ mile from the normal pool elevation of the reservoir in which the intake is located or to the ridge line of the watershed (whichever comes first); or ½ mile upstream from the intake located directly in the stream or river (run-of-the-river), or the ridge line of the watershed (whichever comes first).
WETLANDS		Those areas that are inundated or saturated by an accumulation of surface or ground water at a frequency and duration sufficient to support, and that under normal conditions do support, a prevalence of vegetation typically adapted for life in saturated soil conditions.
WIRELESS TELECOM-MUNICATIONS FACILITY		The following definitions relate to wireless telecommunications facilities:
	(a) Abandonment	Cessation of use of a wireless support structure for wireless telecommunication activity.
	(b) Accessory equipment	Equipment serving or being used in conjunction with a wireless facility or wireless support structure. The term includes utility or transmission equipment, power supplies, generators, batteries, cables, equipment buildings, cabinets and storage sheds, shelters or similar structures.

	(c) Antenna	Communications equipment that transmits and receives electromagnetic radio signals used in the provision of all types of wireless telecommunications services.
	(d) Base station	A station at a specific site authorized to communicate with mobile stations, generally consisting of radio transceivers, antennae, coaxial cables, power supplies and other associated electronics.
	(e) Collocation	The placement or installation of wireless facilities on existing structures, including electrical transmission towers, water towers, buildings and other structures including wireless support structures that are capable of supporting the attachment of such facilities in compliance with applicable codes and ordinances.
	(f) Concealed wireless facility (stealth wireless facility)	A wireless facility that is integrated as an architectural feature of an existing structure or any new wireless support structure designed to camouflage or conceal the presence of antennae or towers so the purpose of the facility or support structure is not readily apparent to a casual observer.
	(g) Electrical transmission tower	An electrical transmission structure used to support high voltage overhead power lines. The term shall not include any utility pole
	(h) Equipment compound	An area surrounding or near the base of a wireless support structure within which are located wireless facilities.
	(i) Existing structure	A wireless support structure, erected prior to the application for collocation or substantial modification under the wireless telecommunication facility provisions, that is capable of supporting the attachment of wireless facilities, including but not limited to electrical transmission towers, buildings and water towers. The term shall not include any utility pole.
	(j) Fall zone	The area in which a wireless support structure may be expected to fall in the event of a structural failure, as measured by engineering standards.
	(k) Monopole	A single, freestanding pole type structure supporting one or more antennae. The term shall not include any utility pole.
	(l) Ordinary maintenance	Ensuring that wireless facilities and wireless support structures are kept in good operating condition. Ordinary maintenance includes inspections, testing and modifications that maintain functional capacity and structural integrity. Examples are: strengthening a wireless support structure's foundation or the structure itself; replacing antennae of similar size, weight, shape and color; replacing equipment within an existing equipment compound; and relocating antennae to different height levels on an existing monopole or tower upon which it is currently located.
	(m) Replacement pole	A pole of equal proportions and of equal height – or such other height that would not constitute a substantial modification to an existing structure – in order to support wireless facilities or to accommodate collocation. A replacement pole requires the removal of the wireless support structure it replaces.
	(n) Substantial modification	The mounting of a proposed wireless facility or facilities on a wireless support structure which: (i) Increases the existing vertical height of the wireless support structure by the greater of; (a) more than 10 percent, or (b) the height of 1 additional antenna array with separation from the nearest existing antenna not to exceed 20 feet, or (ii) Involves adding an appurtenance to the body of a wireless support structure that protrudes horizontally from the edge of the support structure more than 20 feet, or more than the width of the support structure at the level of the appurtenance, whichever is greater (except where necessary to shelter the antenna from inclement weather or to connect the antenna to the support structure via cable), or (iii) Increases the square footage of the existing equipment compound by more than 2,500 square feet, or

		(iv) Adds antennae that would increase the girth (width) of the support structure by more than 20 feet.
	(o) Temporary wireless communications facility	A portable, self-contained wireless facility that can be moved to a location and set up to provide wireless services on a temporary or emergency basis. Also known as a "COW" or "cell-on-wheels". A COW is normally vehicle mounted and contains a telescoping boom as the antenna support structure.
	(p) Tower	A general term used to describe wireless support structures other than for concealed wireless facilities. Includes lattice-type structures (guyed or freestanding) and monopoles that support one or more antenna.
	(q) Utility pole	A structure, usually a wooden or metal pole, owned and/or operated by a public utility, municipality, electric membership corporation or rural electric cooperative that is specifically for and used to carry lines, cables, or wires, primarily for local distribution, and/or to provide lighting.
	(r) Water tower or tank	A water storage tank, standpipe or elevated tank situated on a support structure, constructed for use as a reservoir or facility to store or deliver water.
	(s) Wireless facility	The set of equipment and network components, exclusive of the wireless support structure, necessary to provide wireless telecommunications services, including but not limited to; antennae, accessory equipment, transmitters, receivers, base stations, power supplies, and cabling.
	(t) Wireless support structure	A freestanding structure such as a monopole or lattice tower designed to support wireless facilities, or a building or other structure proposed for and capable of supporting such facilities.
ZONE LOT		One or more lots of record in 1 undivided ownership with sufficient total area, area exclusive of easements and flood hazards, total dimensions, street access, and frontage to permit construction thereon of a principal building together with its required parking and planting yards. In multi-family or single-family attached developments, the zone lot shall be considered to be the entire development.
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