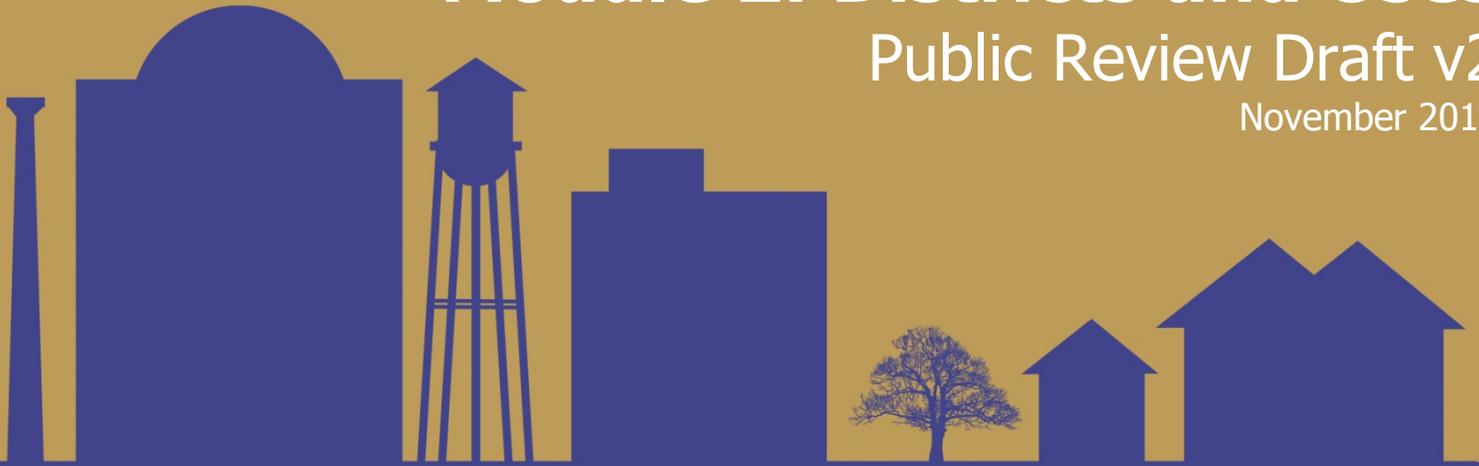


# Module 2: Districts and Uses

Public Review Draft v2

November 2014



# UPDATE

# HIGH POINT

## DEVELOPMENT ORDINANCE



# CLARION

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# CHAPTER 3: ZONING DISTRICTS

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**KEY CHANGES FROM THE CURRENT ORDINANCE**

Chapter 3: Zoning Districts, includes the standards establishing the Official Zoning Map, the purpose, dimensional, and district-specific standards for the residential, business, and special zoning districts, the provisions related to the planned development and conditional zoning districts, and the standards for the overlay zoning districts. The changes from the current ordinance include:

- Consolidation of all the zoning district-related provisions into a single chapter.
- Delegation of the Planning and Development Director as the staff member responsible for interpreting the Official Zoning Map (pg. 3-1).
- Revision to the residential district names for greater consistency with the Greensboro LDO and revision to most of the nonresidential district names for closer consistency with their purposes (pg. 3-3).
- Consolidation of the residential zoning districts from 12 to six (pg. 3-3).
- Consolidation of the NB and the LB districts into a new single LB district (pg. 3-26).
- Establishment of two new context-based planned development districts and removal of the PD-TN district (pg. 3-94 to 3-97).
- Establishment of a new Parks and Conservation (PC) district (pg. 3-51).
- Conversion of the Mixed-Use district from an overlay district to a general zoning district (pg. 3-66).
- Increase in the density of the consolidated RM-8 & RM-12 district to 16 units an acre (pg. 3-15).
- Establishment of a new Neighborhood Conservation Overlay district (pg. 3-127).
- Conversion of the Scenic Corridor Overlay into a framework overlay district called the Gateway Corridor Overlay that is comprised of sub-districts (pg. 3-106).
- A new zoning district layout supplemented with illustrations and standards specific to a particular zoning district.
- Use of new average lot area standards for some residential districts outside the Core City.
- The ability to use contextual lot dimension and setback provisions within the Core City.
- Simplification of the current street setback standards.
- Removal of the building coverage standards.

Footnotes are included in the document that identify, as appropriate, new code sections, changes in existing code provisions, changes based on recommendations from the Code Assessment, and changes made based on comments from UPDATE Advisory Committee members. These footnotes will remain in the draft version of the document but will be removed prior to its adoption.

# CHAPTER 3: ZONING DISTRICTS

## 3.1. GENERAL PROVISIONS<sup>94</sup>

### 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: Use Standards, 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 2.5.15, Type I/Type II Administrative Adjustment.

### 3.1.5. OFFICIAL ZONING MAP<sup>95</sup>

#### A. Generally

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

<sup>94</sup> This chapter replaces Chapter 4 in the current zoning ordinance. This chapter includes the provisions related to the base, conditional, planned development, and overlay zoning districts. This chapter consolidates the purpose statements and dimensional standards for each district into one place. The supplementary dimensional requirements in Section 9-4-12 of the current ordinance are relocated to the rules of measurement portion of Chapter 10. Accessory use requirements are relocated to Chapter 4: Use Standards. The access provisions in Section 9-416 of the current ordinance are relocated to the community form standards in Chapter 5: Development Standards. The nonconformity provisions are relocated to Chapter 8: Nonconformities.

<sup>95</sup> This section replaces Sections 9-1-11 and Sections 9-1-12 of the current ordinance. One change in this draft is that the Planning and Development Director is the person responsible for interpreting the zoning map.

in accordance with Section 2.4.18, 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.

**C. Interpretation of Official Map Boundaries<sup>96</sup>**

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 two 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 ten 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 Planning and Development Director, in accordance with the standards in Section 6.4, Flood Damage Prevention.

<sup>96</sup> The Planning and Development Director is designated as the person responsible for interpreting the zoning map.

- 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 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 two 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 2.4.18, 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<sup>97</sup>**

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.

<b>TABLE 3.2: GENERAL ZONING DISTRICTS ESTABLISHED</b>	
<b>DISTRICT NAME</b>	<b>ABBREVIATION</b>
<b>RESIDENTIAL DISTRICTS</b>	
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
<b>BUSINESS DISTRICTS</b>	
Transitional Office	TO
Office Institutional	OI
Limited Business	LB
General Business	GB

<sup>97</sup> This table sets out the general zoning districts in this draft ordinance. Based on input from the staff and the UPDATE Advisory Committee, the names and abbreviations of the residential zoning districts are revised to conform to the names used in the Greensboro LDO. As such, the names of the districts, in some instances, differ from the names on Page 3-9 of the Code Assessment. The proposed densities and range of allowable uses are not changed from that outlined in the Code Assessment except that the proposed RM-12 district has been revised to a new RM-16 district that allows up to 16 dwelling units per acre.

<b>TABLE 3.2: GENERAL ZONING DISTRICTS ESTABLISHED</b>	
<b>DISTRICT NAME</b>	<b>ABBREVIATION</b>
Retail Center	RC
Central Business	CB
Employment Center	EC
Light Industrial	LI
Heavy Industrial	HI
<b>SPECIAL DISTRICTS</b>	
Rural	RU
Institutional	I
Parks and Conservation	PC
Main Street	MS
Mixed-Use	MX
<b>PLANNED DEVELOPMENT DISTRICTS</b>	
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 2.4.18, 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<sup>98</sup>**

<sup>98</sup> The following pages contain the new district regulations for the city’s zoning districts. There is some consolidation of residential zoning districts as described on Pages 3-10 through 3-13 of the Code Assessment. In addition, several deviations from the Code Assessment recommendations are included in this draft:

- 1) Use of names and abbreviations for residential districts that follow those used in the Greensboro LDO;
- 2) Removal of the average lot area standards;
- 3) Retention of the Agricultural (AG) district, but renaming it to the Rural (RU) district;
- 4) Consolidation of the RS-40, RS-20, RS-15, and RS-12 districts into a new single R-3 district, which is proposed in light of the small number of RS-40 and RS-20 subdivisions in the city;
- 5) Modification of the proposed RM-12 district to a new RM-16 district (with a corresponding increase in density to 16 units per acre;
- 6) Conversion of the Neighborhood Business (NB) district to the Limited Business (LB) district with a greater emphasis on the LB dimensional standards and allowable use types;
- 7) Revision of the Main Street (MS) and Mixed Use (MX) special districts in accordance with national best practices (instead of carrying them forward as written);
- 8) Simplification of the Planned Development-Traditional Neighborhood (PD-TN) district;
- 9) Consolidation the three suburban planned development districts into a single planned development district, Planned Development-Periphery (PD-P);
- 10) Relocation of several use-specific standards from Chapter 4 to individual district-specific standards.

In cases where multiple districts are proposed for consolidation, the dimensional standards and range of allowable uses of the least restrictive district is used to avoid creation of nonconformities.

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.

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Each district uses a new page layout described on Page 3-10 of the Code Assessment that sets out a purpose statement, images of desirable development forms, desirable patterns of lot configuration, dimensional standards, a three-dimensional diagram illustrating some of the district standards, and a set of district-specific standards.

Each district allows contextual dimensional standards in the Core City area in specific instances defined in the tables, based on the average dimensional standards found on the same block face. Chapter 10: Definitions and Measurement, defines the "Core City area" as the land area subject to the City of High Point's adopted Core City Plan. The Official Zoning Map will designate the boundary of the Core City area.

The current zoning ordinance includes a wide variety of small deviations and modifications of setbacks and other dimensional requirement deviations in special situations, that when taken as a whole, make the district provisions confusing. To simplify and add greater flexibility, these draft provisions have tried to resolve these problems by making the following changes:

- Removal of single-family detached cluster development provisions in Section 9-4-11(a)(2) in favor of new conservation subdivision provisions for the R-3 and Rural zoning districts. (The conservation subdivision provisions are located in Section 7.3 of the draft Ordinance.)
- Removal of the zero side setback provisions in Section 9-4-11(a)(3) and lot area reduction for lots adjoining open space or stream buffer provisions in Section 9-4-11(a)(4) in favor of the other reforms, including: contextual dimensional standards in the Core City area, administrative adjustments, the higher density R-7 district, and a wider range of planned development district options.
- Removal of the street centerline setbacks in Tables 4-11-1, 4-11-4, and 4-11-5 and the establishment of different street setbacks from side and front lot lines found in Table 4-11-1 in favor of a single street setback measured from the lot line.
- Removal of the maximum building cover limitations in Tables 4-11-1, 4-11-4, and 4-11-5 in the current ordinance since the city's stormwater regulations are sufficient to address stormwater run-off issues.
- Removal of the prevailing street setback provisions in Section 9-4-12(b) in the current ordinance in favor of the ability to apply contextual dimensional requirements in the Core City area.
- Removal of the ability to reduce street and rear lot setbacks on lots with a lot depth of 75 feet or more in order to yield a buildable lot (note 4 on Table 4-11-1) in favor of the new administrative adjustment procedure.

Finally, each district is supplemented with an end note included at the back of the ordinance. The end note describes the key changes proposed for the zoning district from the current zoning district provisions.

## **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 comfortable, healthy, safe, and pleasant 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)<sup>i</sup>

<h1 style="margin: 0;">R-3</h1> <h2 style="margin: 0;">RESIDENTIAL DISTRICT</h2>	<b>A. DISTRICT PURPOSE</b>
	<p>The R-3 district is established to accommodate principally single-family detached dwellings developed at a density of three units an acre, in developments served by public water and sewer. Complimentary uses such as open space, schools, utilities, 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.</p>

#### B. DIMENSIONAL STANDARDS

STANDARD	REFERENCE #	OUTSIDE CORE CITY AREA				INSIDE CORE CITY AREA				CONSERVATION SUBDIVISION [1]
		SF Detached	Two-Family	SF Attached & Multi-Family	All Other Uses	SF Detached	Two-Family	SF Attached & Multi-family	All Other Uses	
Minimum Lot Area (square feet)	1	12,000 [2]	n/a		20,000	12,000 [3]	n/a		20,000	
Minimum Lot Width (feet) [4]	2	75	n/a		75	75 [3]	n/a		75	
	3	85		85 [3]	85	85 [3]		85		
Minimum Street Setback (feet)	4	30	n/a		30	30 [3]	n/a		30 [3]	
	5	15		15 [3]						
Minimum Side Setback (feet)	6	10	n/a		20	5 [3]	n/a		15	
Minimum Rear Setback (feet)	7	30	n/a		40	15 [3]	n/a		25	
Maximum Building Height (feet)	8	50	n/a		50	50	n/a		50	

[1] See Section 7.5, Conservation Subdivision.  
 [2] Lots fronting a public street platted as part of the preliminary subdivision plat establishing the lots or a street platted after *[insert the effective date of this Ordinance]* 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] 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).  
 [4] All development shall comply with the City’s Driveway Ordinance requirements.

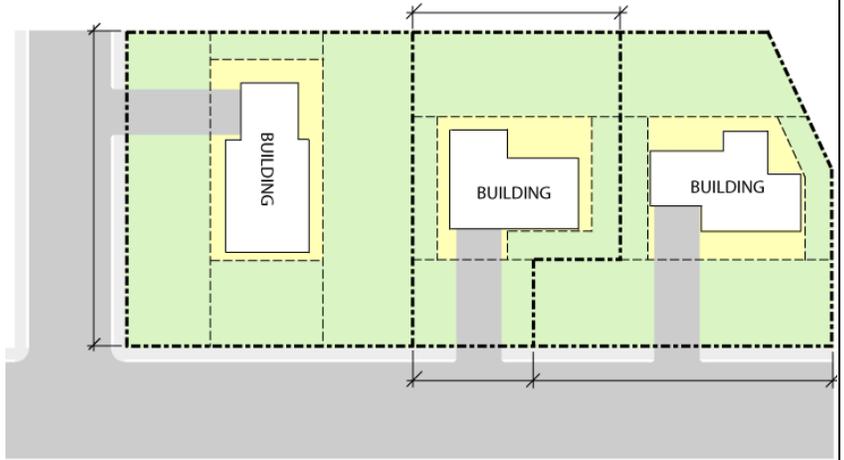
#### C. TYPICAL BUILDING FORMS

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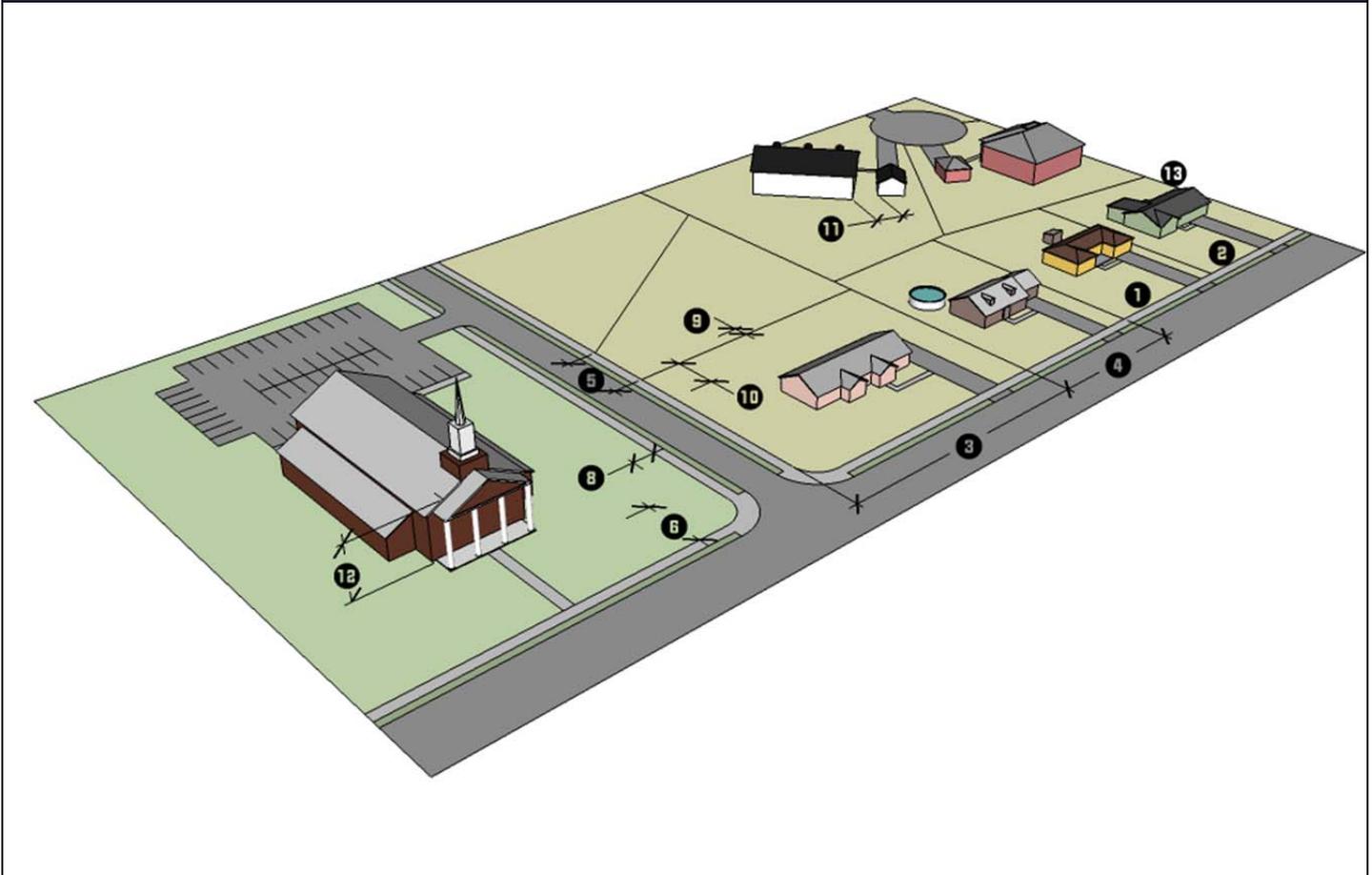
**D. TYPICAL LOT PATTERNS**



**E. DISTRICT DIMENSIONS**



**F. TYPICAL BUILDING CONFIGURATION**



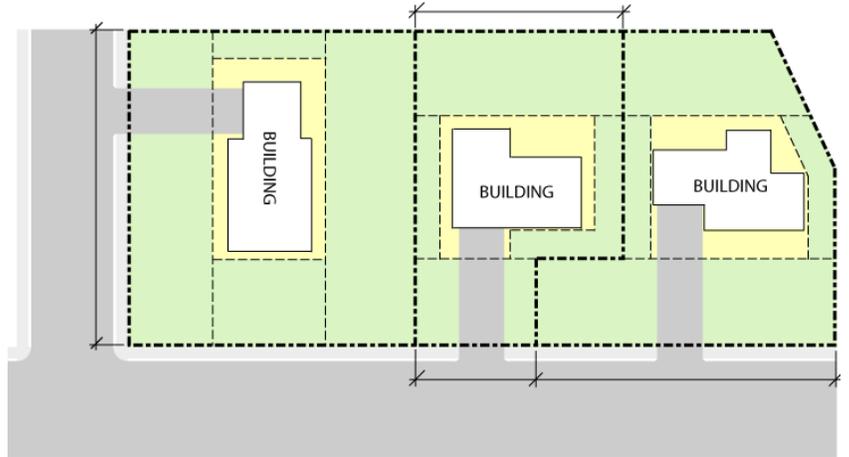
### 3.3.3. RESIDENTIAL SINGLE FAMILY – 5 (R-5)<sup>ii</sup>

<h1 style="margin: 0;">R-5 RESIDENTIAL DISTRICT</h1>		A. DISTRICT PURPOSE							
		<p>The R-5 district is established to accommodate principally single-family detached dwellings developed at a density of five units an acre that is served by public water and sewer. Complimentary uses such as open space, schools, utilities, 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.</p>							
B. DIMENSIONAL STANDARDS									
STANDARD	REFERENCE #	OUTSIDE CORE CITY AREA				INSIDE CORE CITY AREA			
		SF Detached	Two-Family	SF Attached & Multi-Family	All Other Uses	SF Detached	Two-Family	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 Lot Width (feet) [4]	Interior lot	2	50	n/a		50	80		50
	Corner lot	3	70			70			70 [2]
Minimum Street Setback (feet)	Front	4	25	n/a		25	25 [2]		25 [2]
	Side	5	15			15	15 [2]		
Minimum Side Setback (feet)	6	5	n/a		20 [5]	5 [2]	10 [5]	20 [5]	
Minimum Rear Setback (feet)]	7	20	n/a			10 [2]	15 [5]		
Maximum Building Height (feet)	8	50	n/a		50	50			
<p>[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.</p> <p>[2] 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).</p> <p>[3] Minimum development size.</p> <p>[4] All development shall comply with the City’s Driveway Ordinance requirements.</p> <p>[5] In a group development, applied only to buildings along the perimeter of the development.</p>									
C. TYPICAL BUILDING FORMS									
[placeholder]					[placeholder]				

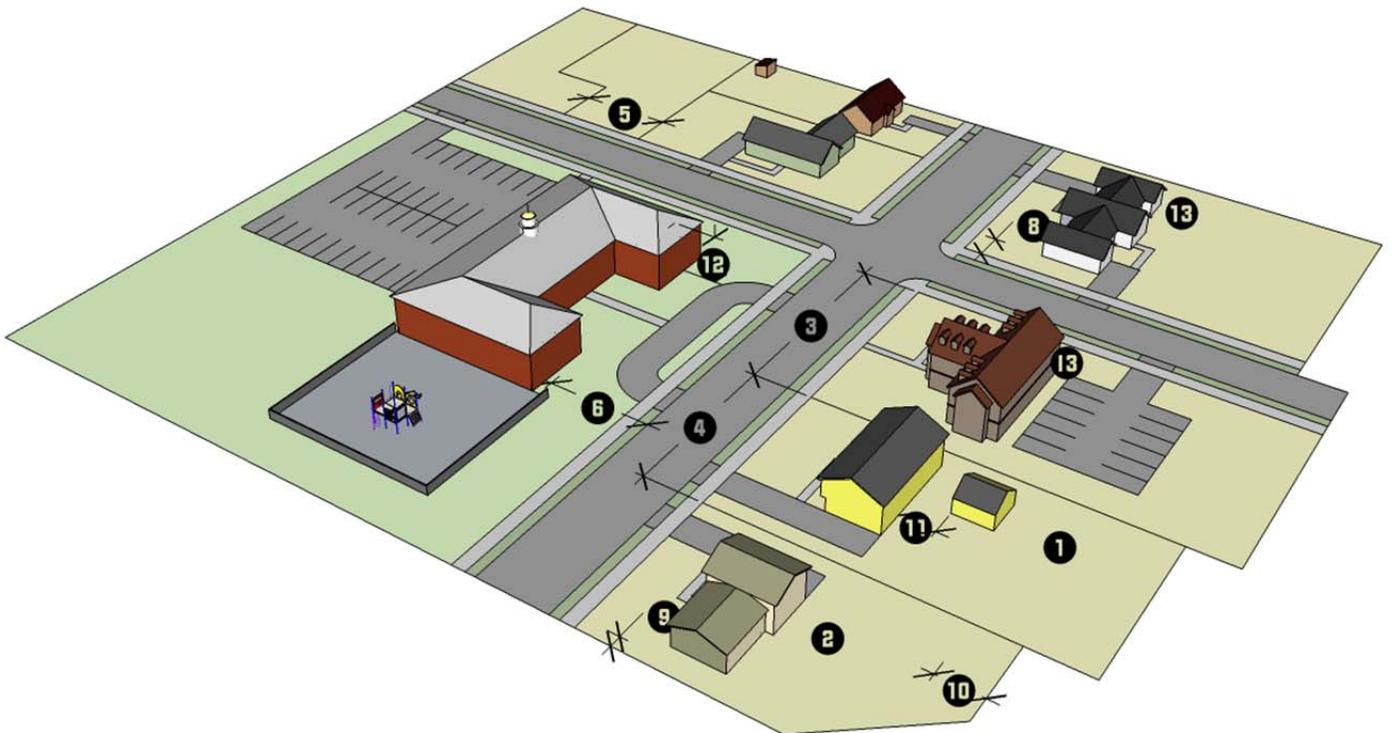
**D. TYPICAL LOT PATTERNS**



**E. DISTRICT DIMENSIONS**



**F. TYPICAL BUILDING CONFIGURATION**



### 3.3.4. RESIDENTIAL SINGLE FAMILY – 7 (R-7)<sup>iii</sup>

<h1 style="margin: 0;">R-7</h1> <h2 style="margin: 0;">RESIDENTIAL DISTRICT</h2>	<b>A. DISTRICT PURPOSE</b>
	<p>The R-7 district is established to accommodate principally single-family detached dwellings developed at a density of seven units an acre, that are served by public water and sewer. Complimentary uses such as open space, schools, utilities, 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.</p>

#### B. DIMENSIONAL STANDARDS

STANDARD	REFERENCE #	OUTSIDE CORE CITY AREA				INSIDE CORE CITY AREA			
		SF Detached	Two-Family	SF Attached & Multi-Family	All Other Uses	SF Detached	Two-Family	SF Attached & Multi-Family	All Other Uses
Minimum Lot Area (square feet)	❶	5,000 [1]	9,000	n/a	12,000	5,000 [2]	7,000 [2]	12,000 [3]	12,000
Minimum Lot Width (feet) [4]	❷	50		n/a	50	50 [2]		80	50
	❸	65			65	65 [2]			65
Minimum Street Setback (feet)	❹	20		n/a	20	20 [2]			20 [2]
	❺	15				15 [2]			
Minimum Side Setback (feet)	❻	5		n/a	20 [5]	5 [2]		5 [5]	20 [5]
Minimum Rear Setback (feet)	❼	15		n/a		10 [2]		10 [5]	
Maximum Building Height (feet)	❽	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] 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] All development shall comply with the City’s Driveway Ordinance requirements.  
 [5] In a group development, applied only to buildings along the perimeter of the development.

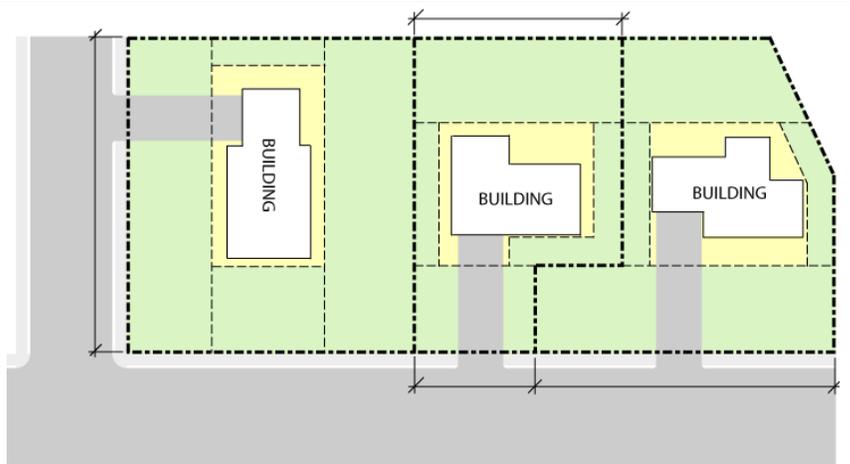
#### C. TYPICAL BUILDING FORMS

[placeholder]	[placeholder]
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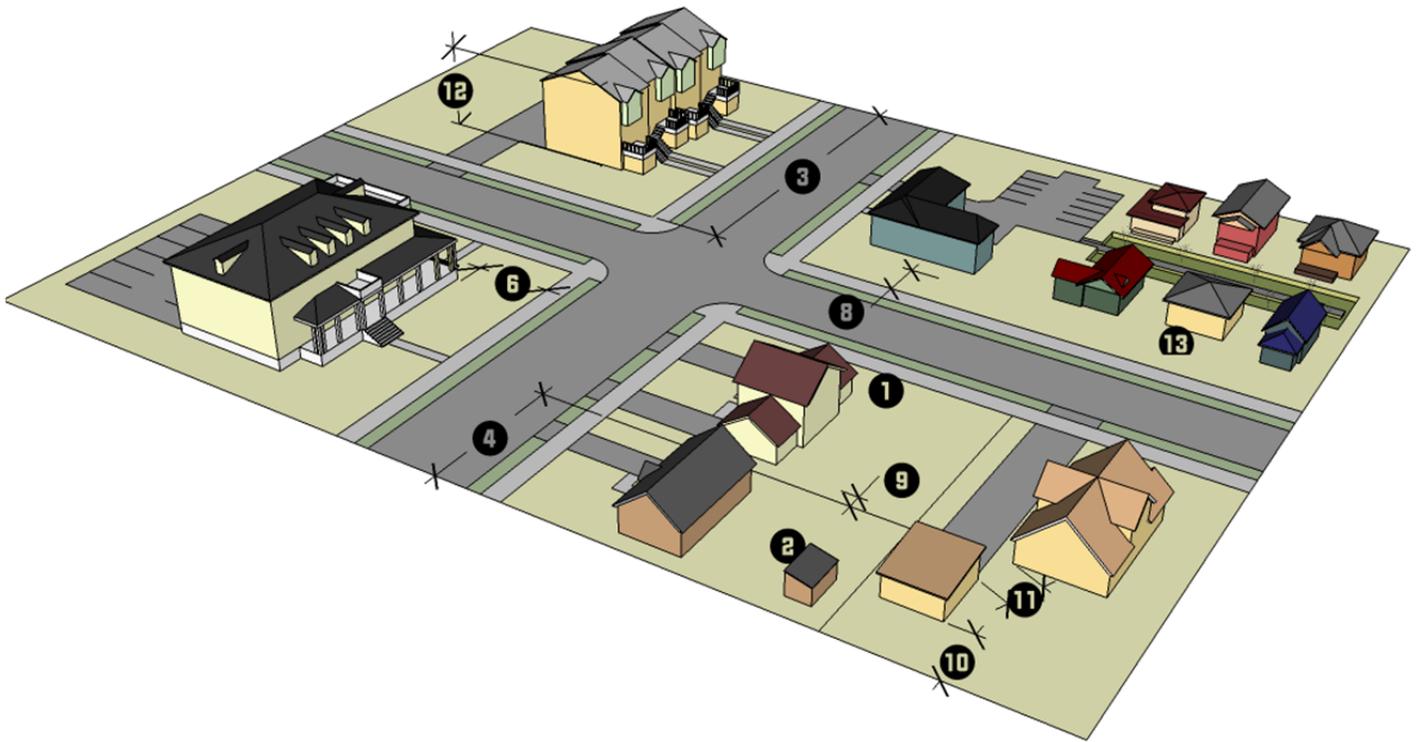
**D. TYPICAL LOT PATTERNS**



**E. DISTRICT DIMENSIONS**



**F. TYPICAL BUILDING CONFIGURATION**



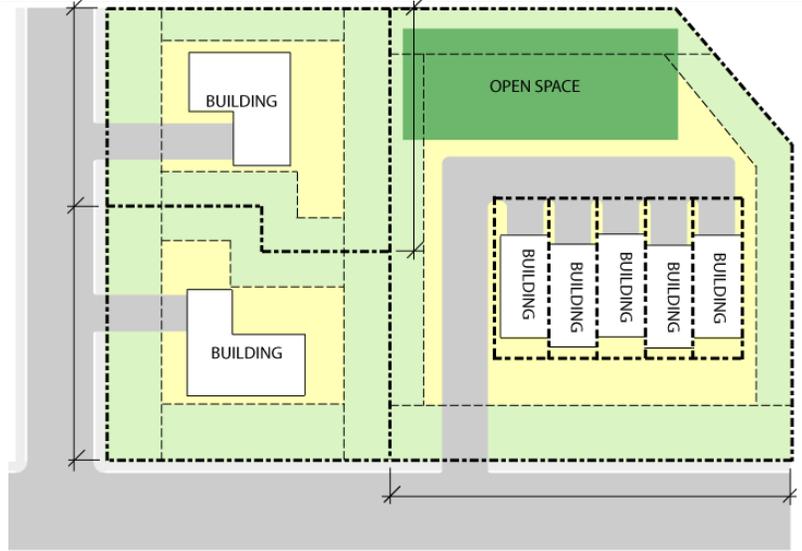
### 3.3.5. RESIDENTIAL MULTIFAMILY – 5 (RM-5)<sup>iv</sup>

<b>RM-5 RESIDENTIAL DISTRICT</b>		<b>A. DISTRICT PURPOSE</b>							
		<p>The RM-5 district is established to accommodate a mix of residential development at densities of five units an acre, that are served by public water and sewer. Complimentary uses such as open space, schools, utilities, 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.</p>							
		<b>B. DIMENSIONAL STANDARDS</b>							
<b>STANDARD</b>	<b>REFERENCE #</b>	<b>OUTSIDE CORE CITY AREA</b>				<b>INSIDE CORE CITY AREA</b>			
		SF Detached	Two-Family	SF Attached & Multi-Family	All Other Uses	SF Detached	Two-Family	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	50		75 + [6]	50	50 [4]		75 + [6]	50
	Corner lot	70			70	70 [4]			70
Minimum Street Setback (feet)	Front	25			25	25 [4]		25 [4]	
	Side	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	n/a			20 [7]	n/a		20 [4]	20 [7]
	Adjacent to Non-residential District							[7]	
Maximum Building Height (feet)	10	50				50			
<p>[1] Applies to mixed-use development.                  [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] 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] In a group development, applied only to buildings along the perimeter of the development.</p>									
<b>C. TYPICAL BUILDING FORMS</b>									
[placeholder]					[placeholder]				

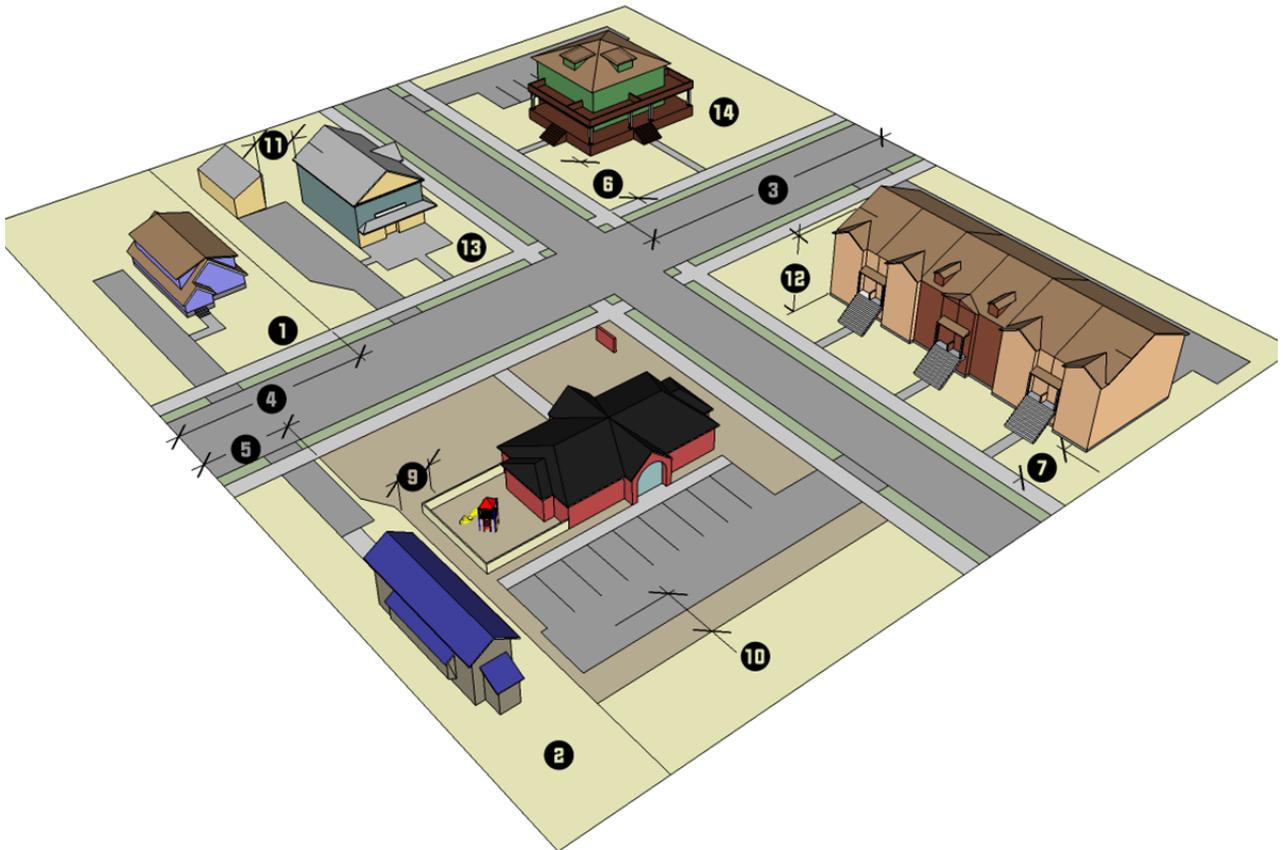
D. TYPICAL LOT PATTERNS



E. DISTRICT DIMENSIONS



F. TYPICAL BUILDING CONFIGURATION



**3.3.6. RESIDENTIAL MULTIFAMILY – 16 (RM-16)<sup>y</sup>**

<b>RM-16 RESIDENTIAL DISTRICT</b>		<b>A. DISTRICT PURPOSE</b>								
		The RM-12 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, and recreational facilities are also allowed.								
<b>STANDARD</b>		<b>REFERENCE #</b>	<b>OUTSIDE CORE CITY AREA</b>				<b>INSIDE CORE CITY AREA</b>			
			SF Detached	Two-Family	SF Attached & Multi-family	All Other Uses	SF Detached	Two-Family	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]	9,000	10,000 [3]	12,000	5,000 [4]	7,000 [4]	10,000 [3]	12,000
Minimum Lot Width (feet) [5]	Interior lot	2	50		75 + [6]	50	50 [4]		75 + [6]	50
	Corner lot	3	65			65	65 [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		na	5 [4]		n/a		
Minimum Rear Setback (feet)		7	15			10 [4]				
Minimum Perimeter Setback (feet)	Adjacent to Residential District	8	n/a		15 [7]	n/a		15 [4] [7]	15 [7]	
	Adjacent to Non-residential District									
Maximum Building Height (feet)		9	50		50/80 [8]		50		80 [9]	

[1] Applies to mixed-use development.

[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] 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] In a group development, applied only to buildings along the perimeter of the development.

[8] For each additional foot of height beyond 50 feet up to 80 feet, the side and rear setbacks shall be increased by one foot.

[9] When a side or rear setback abuts a single-family residential zoning district, the effected setback shall be increased by one foot for each foot in height beyond 50 up to 80 feet.

**C. TYPICAL BUILDING FORMS**

[placeholder]

[placeholder]

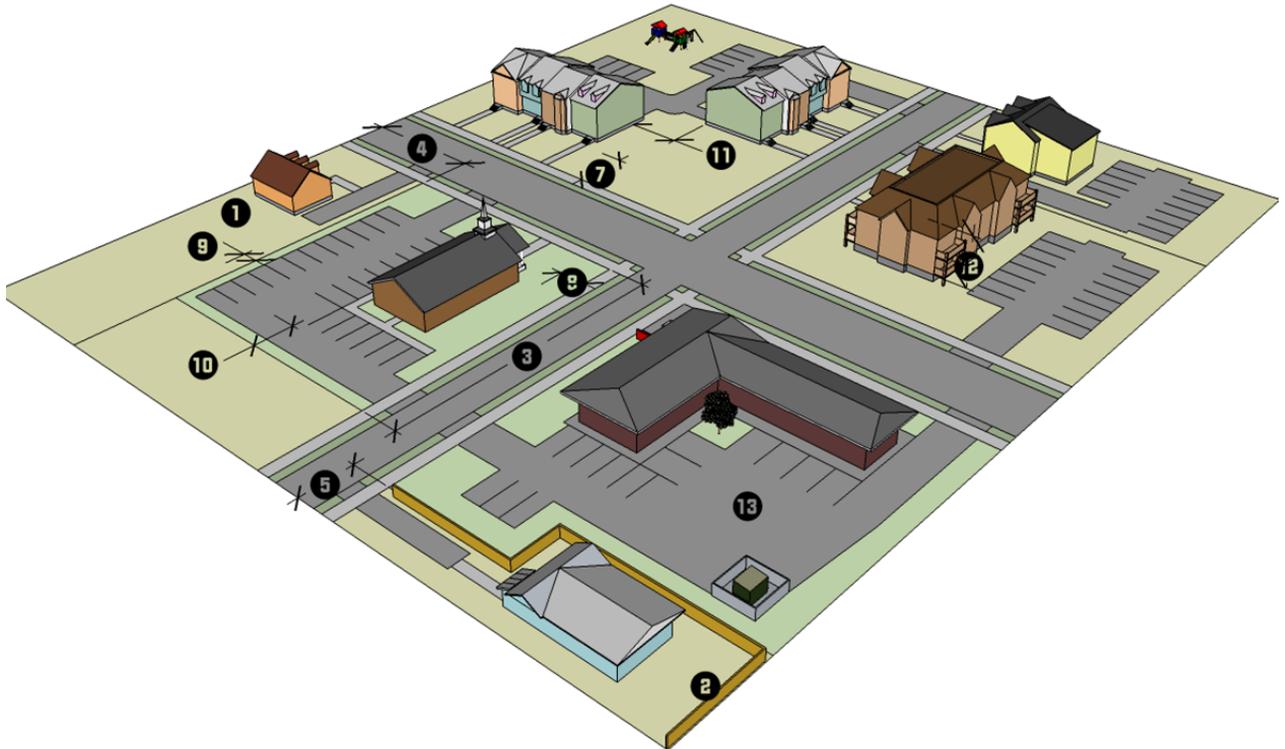
**D. TYPICAL LOT PATTERNS**



**E. DISTRICT DIMENSIONS**

[placeholder]

**F. TYPICAL BUILDING CONFIGURATION**



**3.3.7. RESIDENTIAL MULTIFAMILY – 26 (RM-26)<sup>vi</sup>**

<h1 style="margin: 0;">RM-26</h1> <h2 style="margin: 0;">RESIDENTIAL</h2> <h2 style="margin: 0;">DISTRICT</h2>	<b>A. DISTRICT PURPOSE</b>
	<p>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.</p>

**B. DIMENSIONAL STANDARDS**

STANDARD	REFERENCE #	OUTSIDE CORE CITY AREA				INSIDE CORE CITY AREA			
		SF Detached	Two-Family	SF Attached & Multi-family	All Other Uses	SF Detached	Two-Family	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	5,000 [2]	9,000	8,000 [3]	10,000	5,000 [4]	7,000 [4]	8,000 [3]	10,000
Minimum Lot Width (feet) [5]	2	50		60 + [6]	50	50 [4]		60 + [6]	50
	3	65			65	65 [4]			65
Minimum Street Setback (feet)	4	20		20	20 [4]		20 [4]		
	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)	8	n/a		10 [7]	n/a		10 [4] [7]	10 [7]	
	9								
Maximum Building Height (feet)	10	50		n/a [8]		50		n/a [9]	

[1] Applies to mixed-use development.  
 [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] 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] In a group development, applied only to buildings along the perimeter of the development.  
 [8] For each additional foot of height beyond 50 feet up to 80 feet, the side and rear setbacks shall be increased by one foot  
 [9] When a side or rear setback abuts a single-family residential zoning district, the effected setback shall be increased by one foot for each foot in height beyond 50 up to 80 feet.

**C. TYPICAL BUILDING FORMS**

[placeholder]

[placeholder]

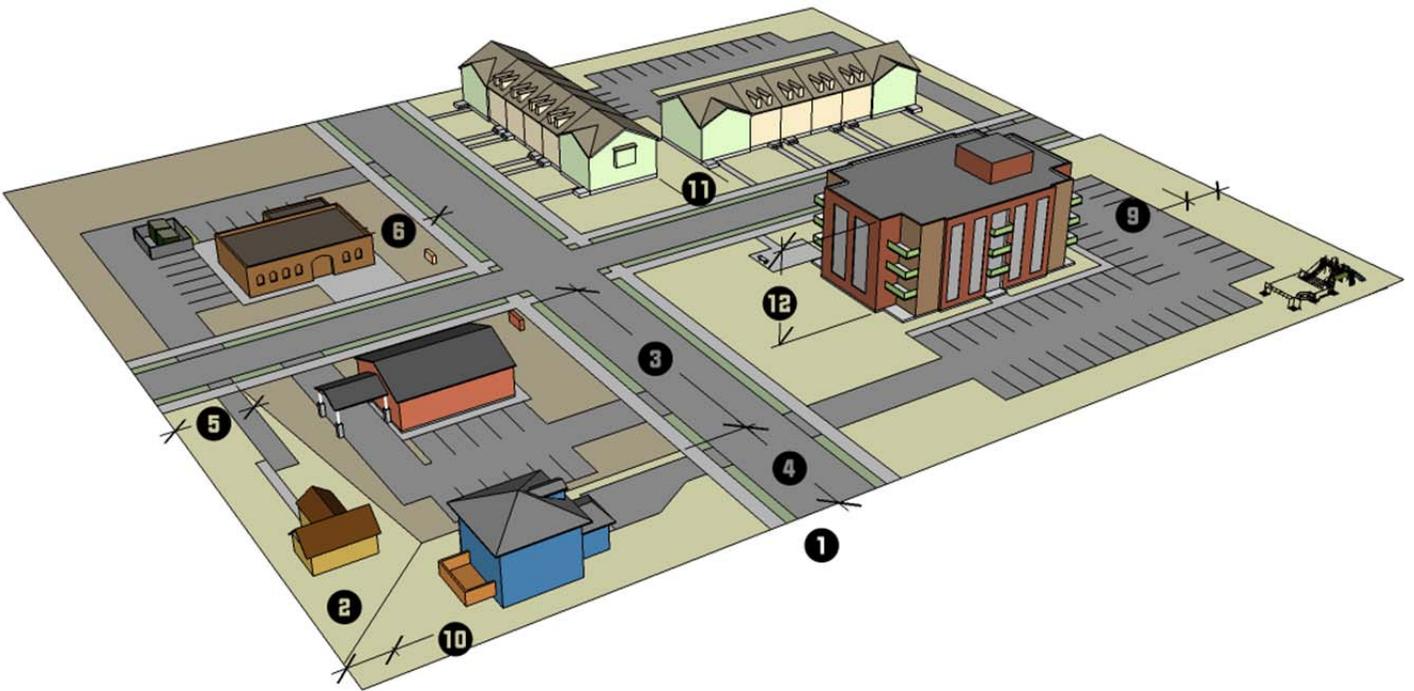
**D. TYPICAL LOT PATTERNS**

**E. DISTRICT DIMENSIONS**



[placeholder]

**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)<sup>vii</sup>**

<h1 style="margin: 0;">TO</h1> <h2 style="margin: 0;">TRANSITIONAL OFFICE DISTRICT</h2>	<b>A. DISTRICT PURPOSE</b>
	<p>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.</p>

**B. DIMENSIONAL STANDARDS**

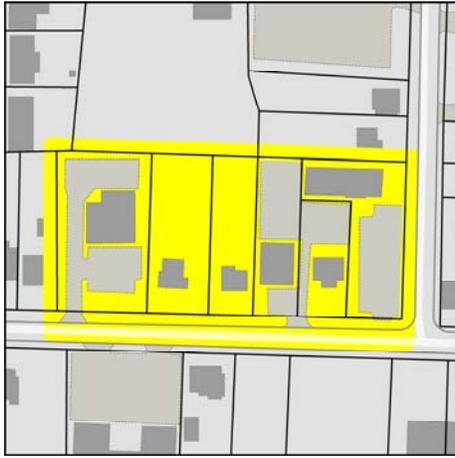
STANDARD	REFERENCE #	OUTSIDE CORE CITY AREA				INSIDE CORE CITY AREA			
		SF Detached	Two-Family	SF Attached & Multi-family	All Other Uses	SF Detached	Two-Family	SF Attached & Multi-family	All Other Uses
Maximum Density (units/acre)		n/a		5	5 [1]	n/a		5.5	5.5 [1]
Minimum Lot Area (square feet)	①	7,000 [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	50		75 + [6]	50	50 [4]		75 + [6]	50
	Corner lot	70			70	70 [4]			70
Minimum Street Setback (feet)	Front	25		25	25 [4]		15 [4]		
	Side	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	n/a		20 [7]		n/a		15 [7]	
	Adjacent to Non-residential District			0/5 [7] [8]				0/5 [7] [8]	
Maximum Building Height (feet)	⑩	50		50		50			

- [1] Includes mixed-use development.
- [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] 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] In a group development, applied only to buildings along the perimeter of the development.
- [8] No setback is required, but if provided, it shall be at least 5 feet.

**C. TYPICAL BUILDING FORMS**

[placeholder]	[placeholder]
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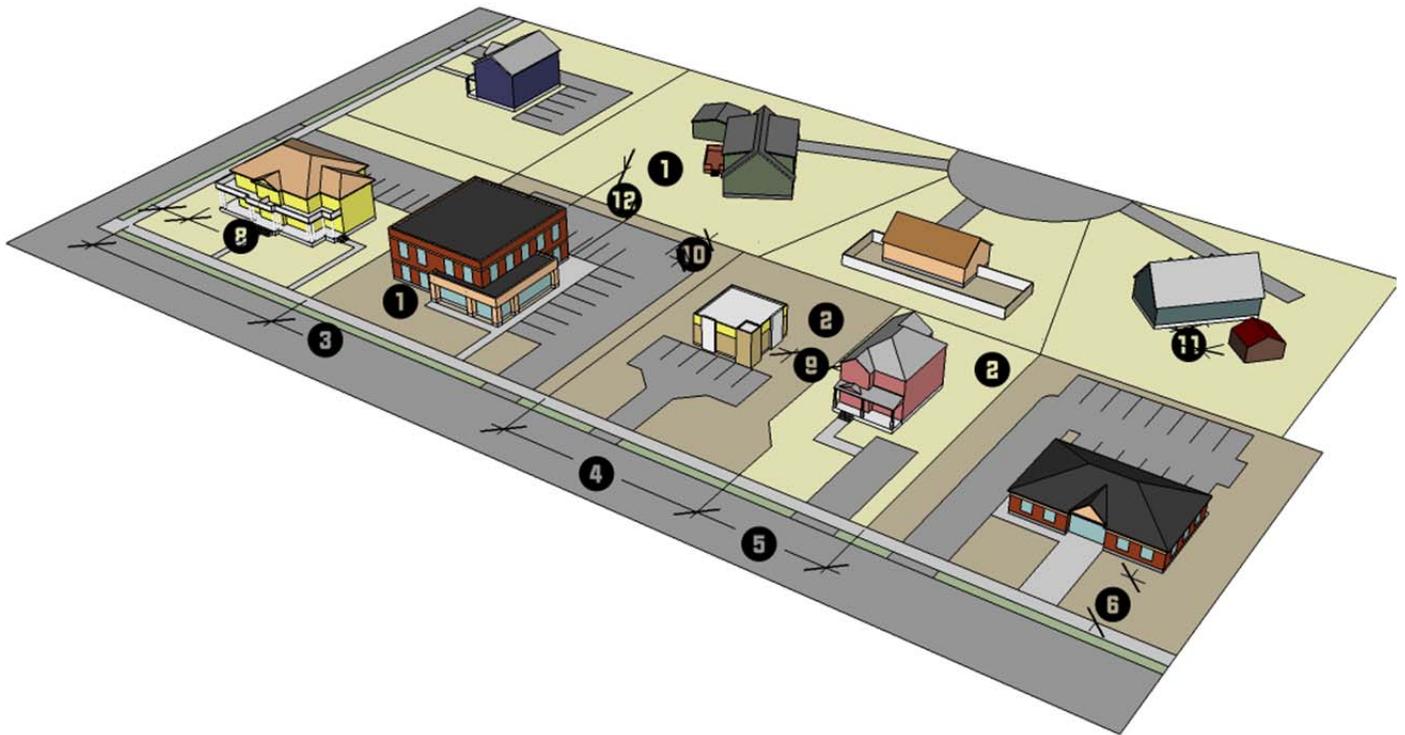
D. TYPICAL LOT PATTERNS



E. DISTRICT DIMENSIONS

[placeholder]

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)<sup>viii</sup>

STANDARD		REFERENCE #	OUTSIDE CORE CITY AREA				INSIDE CORE CITY AREA			
			SF Detached	Two-Family	SF Attached & Multi-family	All Other Uses	SF Detached	Two-Family	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]	9,000	10,000 [3]	n/a	5,000 [4]	7,000 [4]	10,000 [3]	n/a
Minimum Lot Width (feet) [5]	Interior lot	2	50		75 + [6]	60	50 [4]		75 + [6]	60
	Corner lot	3	65				65 [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 [7]		n/a		15 [7]	
	Adjacent to Non-residential District	9			10 [7]				5 [7]	
Maximum Building Height (feet)		10	50		50/80 [8]		50		80 [9]	

[1] Applies to mixed-use development.  
 [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] 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] In a group development, applied only to buildings along the perimeter of the development.  
 [8] For each additional foot of height beyond 50 feet up to 80 feet, the side and rear setbacks shall be increased by one foot.  
 [9] When a side or rear setback abuts a single-family residential district, the setback shall be increased by one foot for each foot in height beyond 50 feet up to 80 feet.

C. TYPICAL BUILDING FORMS

[placeholder]

[placeholder]

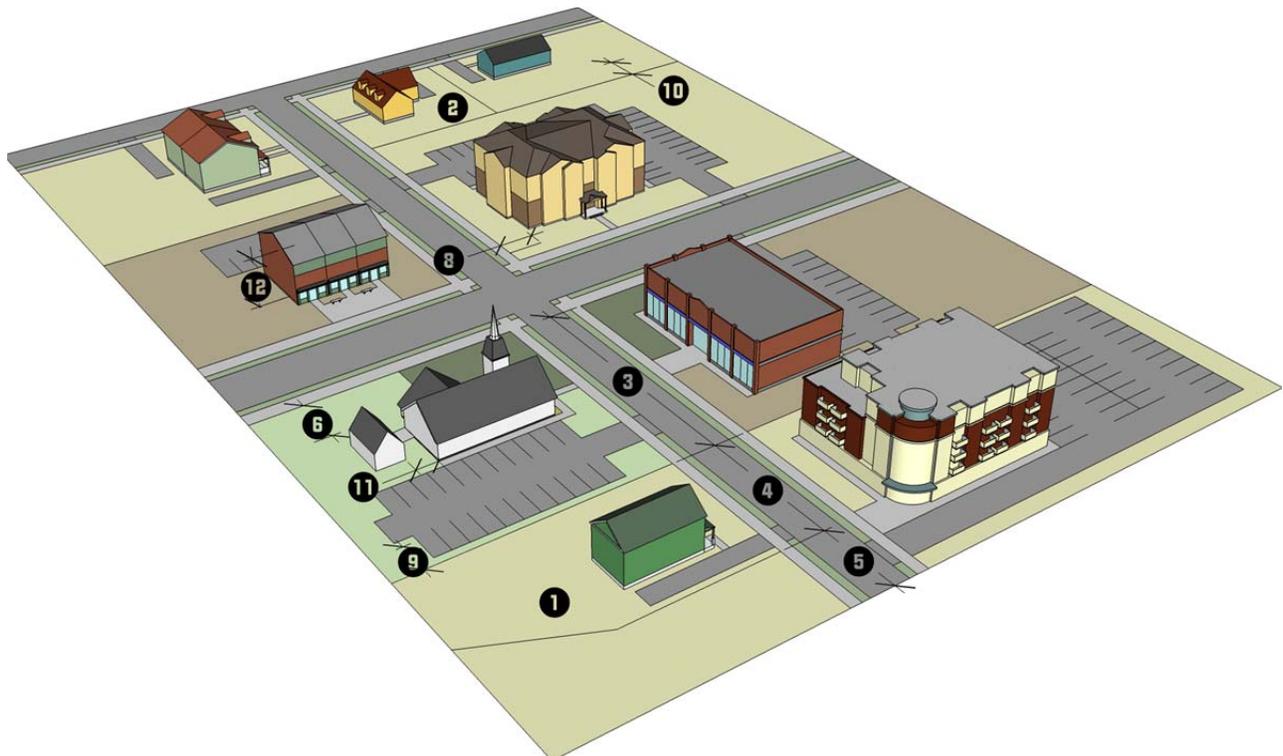
D. TYPICAL LOT PATTERNS



E. DISTRICT DIMENSIONS

[placeholder]

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. LIMITED BUSINESS (LB)<sup>ix</sup>**

<b>LB LIMITED BUSINESS DISTRICT</b>		<b>A. DISTRICT PURPOSE</b>							
		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>B. DIMENSIONAL STANDARDS</b>									
<b>STANDARD</b>	<b>REFERENCE #</b>	<b>OUTSIDE CORE CITY AREA</b>				<b>INSIDE CORE CITY AREA</b>			
		SF Detached	Two-Family	SF Attached & Multi-family	All Other Uses	SF Detached	Two-Family	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]	9,000	10,000 [3]	n/a	5,000 [4]	7,000 [4]	10,000 [3]	n/a
Minimum Lot Width (feet) [5]	2	50		75 + [6]	60	50 [4]		75 + [6]	60
	3	65				65 [4]			
Minimum Street Setback (feet)	4	20		20		15 [4]			
	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)	8	n/a		20 [7]		n/a		15 [7]	
	9			10 [7]				5 [7]	
Maximum Building Height (feet)	10	50		50/80 [8]		50		80 [9]	

[1] Applies to mixed-use development.  
 [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] 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] In a group development, applied only to buildings along the perimeter of the development.  
 [8] For each additional foot of height beyond 50 feet up to 80 feet, the side and rear setbacks shall be increased by one foot.  
 [9] When a side or rear setback abuts a single-family residential district, the setback shall be increased by one foot for each foot in height beyond 50 feet up to 80 feet.

**C. TYPICAL BUILDING FORMS**

[placeholder]

[placeholder]

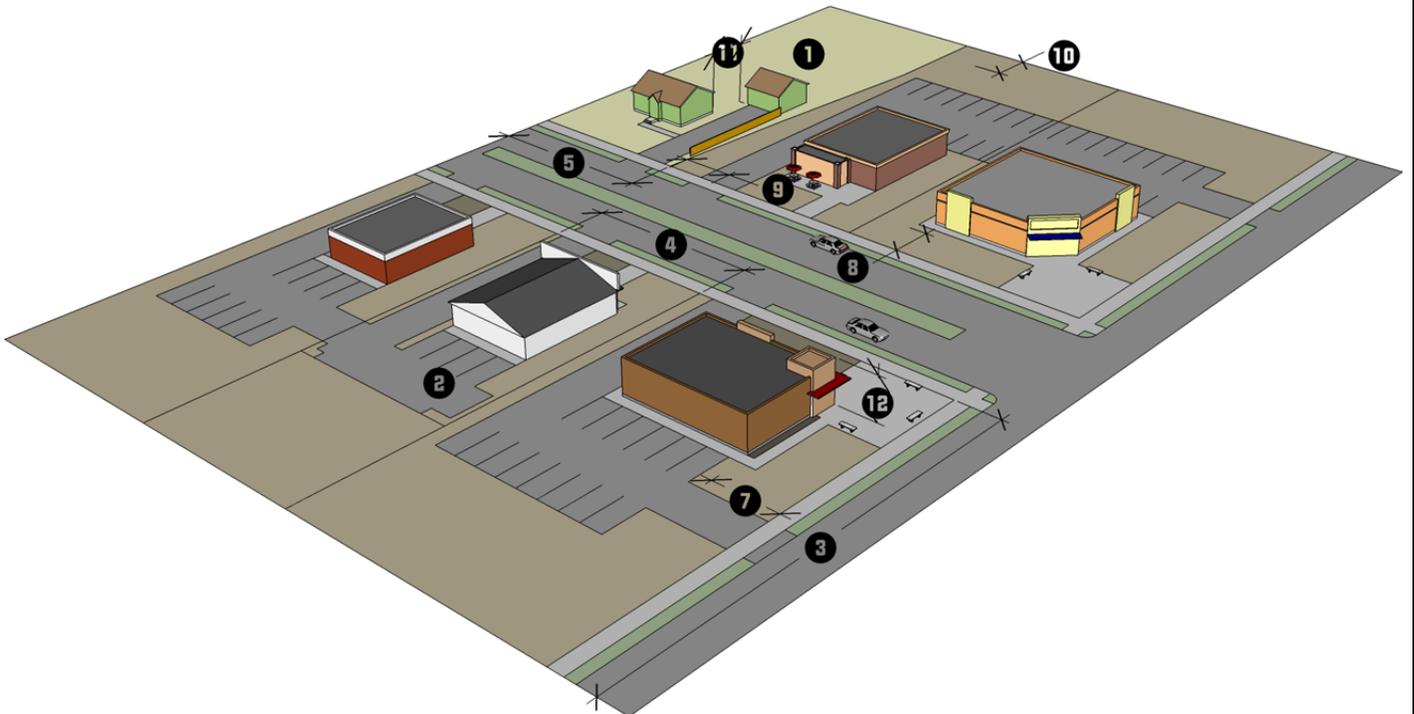
**D. TYPICAL LOT PATTERNS**



**E. DISTRICT DIMENSIONS**

[placeholder]

**F. TYPICAL BUILDING CONFIGURATION**



**G. DISTRICT STANDARDS<sup>99</sup>****1. Drive-Throughs**

- (a) Drive-throughs shall be limited to one per building. They shall be located to the side or rear of the principal building.
- (b) Outdoor speakers associated with a drive-through shall be located at least 50 feet from a residential district.
- (c) Drive-through windows, menu boards, and speakers shall not be located on the front or street facing façade of any building they serve.

**2. Nonresidential Development**

Nonresidential development shall not exceed 50,000 square feet of gross floor area of buildings in the aggregate.

**3. Outdoor Storage**

- (a) 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.

<sup>99</sup> The LB district consolidates the current NB and LB districts. Section 9-4-7(c)(2)(c) & (d) of the current ordinance sets out the district-specific standards for these two districts. Staff comments on the first review of Module 2 indicate to use the LB district standards from Section 9-4-7(c)(2)(d) of the current ordinance.

**3.4.5. GENERAL BUSINESS (GB)<sup>x</sup>**

<p><b>GB</b></p> <p><b>GENERAL BUSINESS DISTRICT</b></p>	<b>A. DISTRICT PURPOSE</b>				
	<p>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.</p>				
<b>B. DIMENSIONAL STANDARDS</b>					
<b>STANDARD</b>	<b>REFERENCE #</b>	<b>OUTSIDE CORE CITY AREA</b>		<b>INSIDE CORE CITY AREA</b>	
		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]	2	60 + [4]	75	60 + [4]	75
	3				
Minimum Street Setback (feet)	4	25		15 [5]	
Minimum Perimeter Setback (feet)	5	25 [6]		10 [6]	
	6	10 [6]		0/5 [6] [7]	
Maximum Building Height (feet)	7	n/a [8]		n/a [9]	
<p>[1] Applies to mixed-use development.                  [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] 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] In a group development, applied only to buildings along the perimeter of the development.                  [7] No setback is required, but if provided, it shall be at least 5 feet.                  [8] For each additional foot of height beyond 50 feet up to 80 feet, the side and rear setbacks shall be increased by one foot.                  [9] When a side or rear setback abuts a single-family residential district, the setback shall be increased by one foot for each foot in height beyond 50 feet up to 80 feet.</p>					
<b>C. TYPICAL BUILDING FORMS</b>					
[placeholder]			[placeholder]		

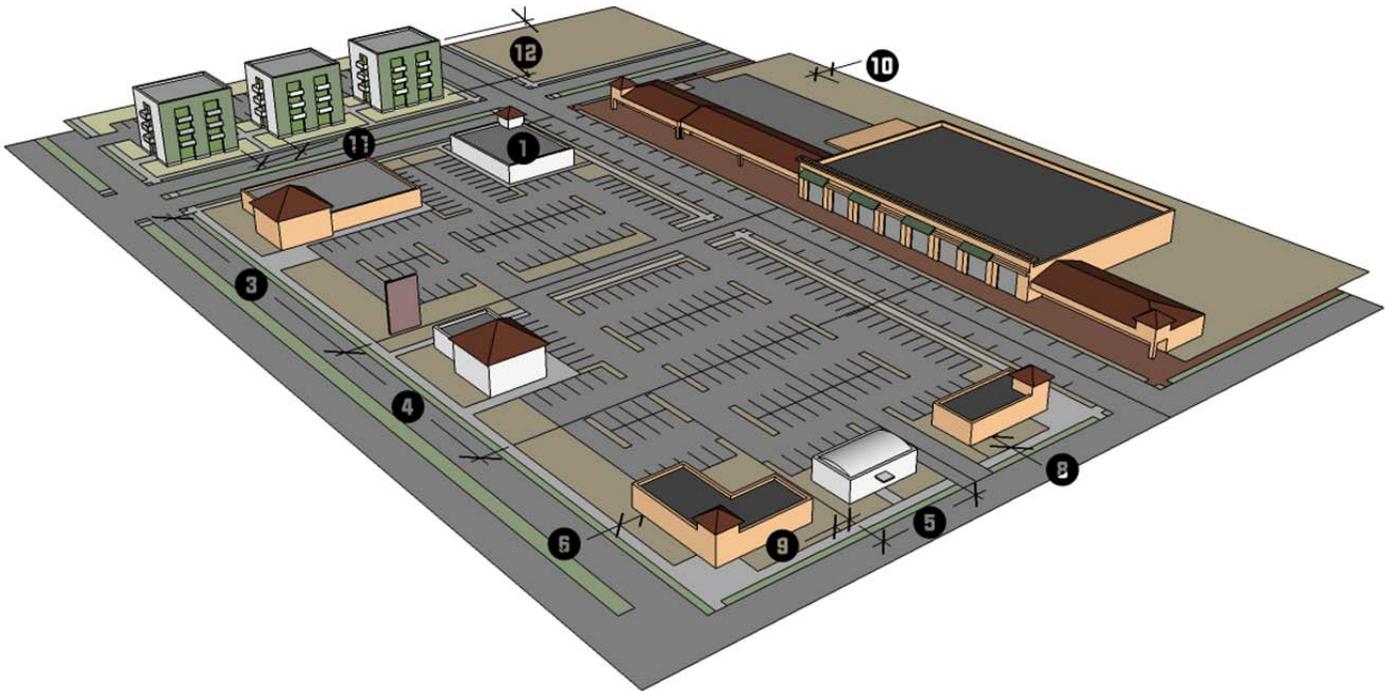
D. TYPICAL LOT PATTERNS



E. DISTRICT DIMENSIONS

[placeholder]

F. TYPICAL BUILDING CONFIGURATION



G. DISTRICT STANDARDS<sup>100</sup>

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 on the front or street facing façade of any building they serve.

2. Outdoor Storage

<sup>100</sup> Section 9-4-7(c)(2)(e) & (f) of the current ordinance set out the district-specific standards for these two districts.

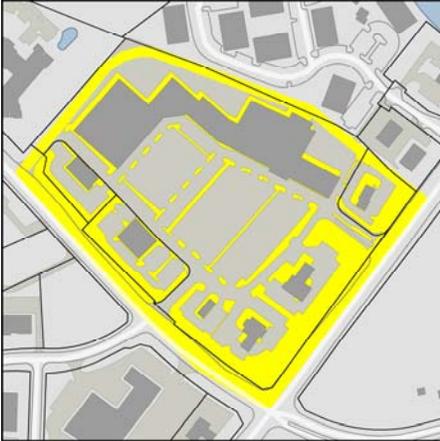
Outdoor storage shall:

- (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 building line of the principal building and any street;
- (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 six feet above grade level, provided the screen shall not be allowed in any required landscape yard.

**3.4.6. RETAIL CENTER (RC)<sup>xi</sup>**

<h1 style="margin: 0;">RC</h1> <h2 style="margin: 0;">RETAIL CENTER DISTRICT</h2>		<b>A. DISTRICT PURPOSE</b>			
		<p>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.</p>			
<b>B. DIMENSIONAL STANDARDS</b>					
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)	❶	8,000 [2]	n/a	8,000 [2]	n/a
Minimum Lot Width (feet) [3]	❷	60 + [4]	100	60 + [4]	100
	❸				
Minimum Street Setback (feet)	❹	30		30 [5]	
Minimum Perimeter Setback (feet)	❺	30 [6]		15 [6]	
Maximum Building Height (feet)	❻	n/a [7]		n/a [8]	
<p>[1] Applies to mixed-use development.                  [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] 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] In a group development, applied only to buildings along the perimeter of the development.                  [7] For each additional foot of height beyond 50 feet up to 80 feet, the side and rear setbacks shall be increased by one foot.                  [8] When a side or rear setback abuts a single-family residential district, the setback shall be increased by one foot for each foot in height beyond 50 feet up to 80 feet.</p>					
<b>C. TYPICAL BUILDING FORMS</b>					
[placeholder]			[placeholder]		

**D. TYPICAL LOT PATTERNS**



**E. DISTRICT DIMENSIONS**

[placeholder]

**F. TYPICAL BUILDING CONFIGURATION**



**G. DISTRICT STANDARDS**

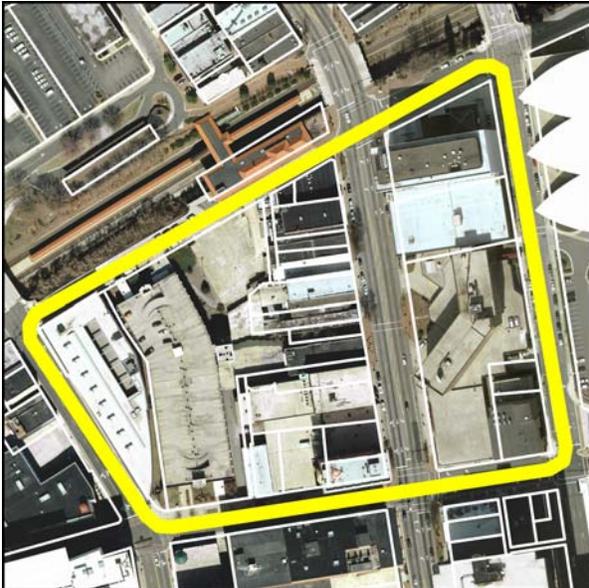
**1. Drive-Throughs**

- (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 on the front or street facing façade of any building they serve.

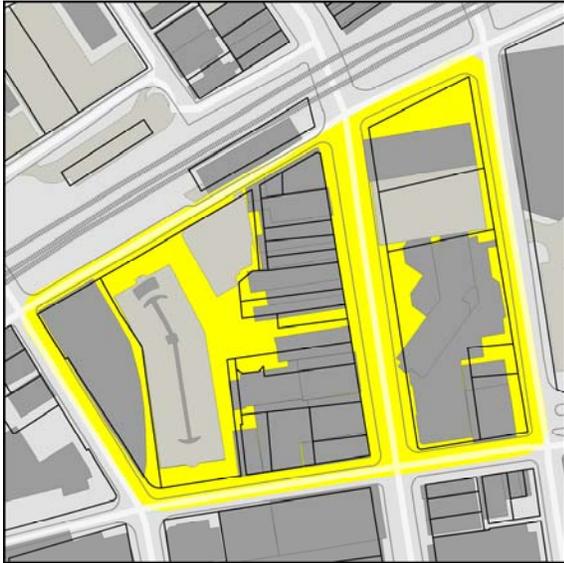
**2. Outdoor Storage**

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.

**3.4.7. CENTRAL BUSINESS (CB)<sup>xii</sup>**

<p><b>CB</b></p> <p><b>CENTRAL BUSINESS DISTRICT</b></p>	<p><b>A. DISTRICT PURPOSE</b></p>	
	<p>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 and standards intended to support a mixed use urban context.</p>	
<p><b>B. DIMENSIONAL STANDARDS</b></p>		
<p><b>STANDARD</b></p>	<p><b>REFERENCE #</b></p>	<p><b>ALL USES</b></p>
Maximum Density (units/acre)		n/a
Minimum Lot Area (square feet)	<b>1</b>	n/a
Minimum Lot Width (feet)	Interior lot	<b>2</b>
	Corner lot	<b>3</b>
Minimum Street Setback (feet)	<b>4</b>	10 from back of curb
Minimum Side Setback (feet)	<b>5</b>	0; 5 if provided, 10 from single-family residential zoning district
Minimum Rear Setback (feet)	<b>6</b>	
Maximum Building Height (feet)	<b>7</b>	n/a
<p><b>C. TYPICAL BUILDING FORMS</b></p>		
	<p>[Placeholder]</p>	

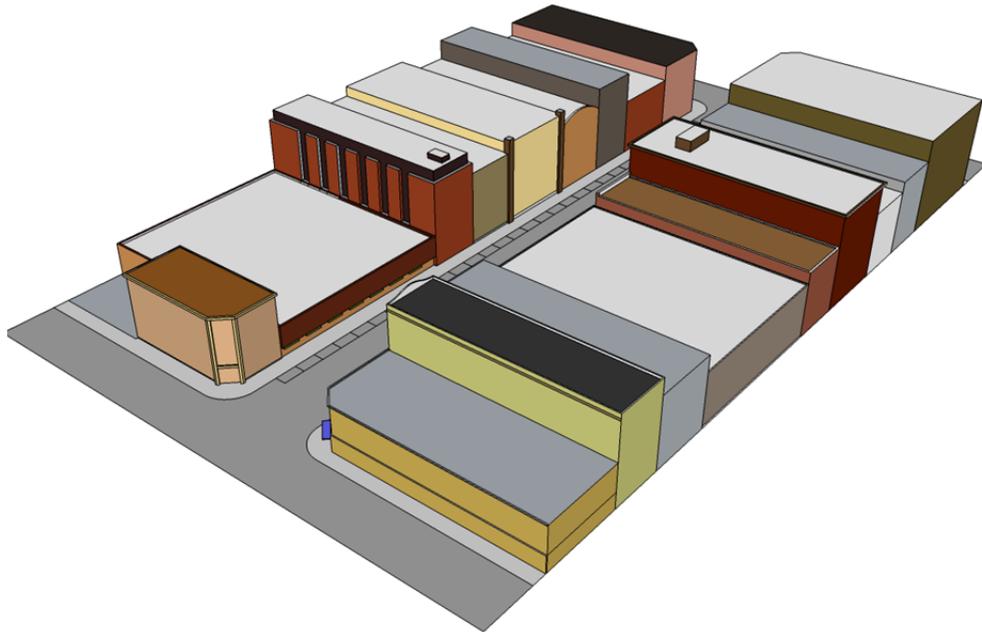
**D. TYPICAL LOT PATTERNS**



**E. DISTRICT DIMENSIONS**

[Placeholder]

**F. TYPICAL BUILDING CONFIGURATION**



**G. DISTRICT STANDARDS**

**1. Drive-Throughs**

Drive through lanes and windows are prohibited.

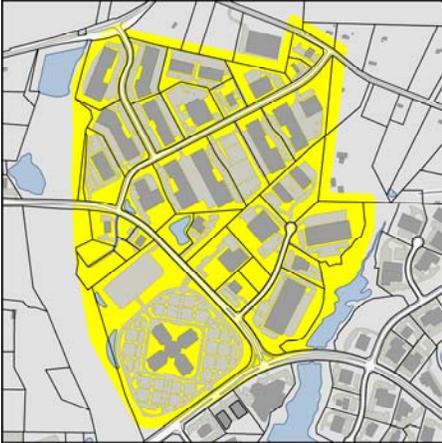
**2. Outdoor Storage**

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 4.34.4.5.K, Outdoor Display.

### 3.4.8. EMPLOYMENT CENTER (EC)<sup>xiii</sup>

<h1 style="margin: 0;">EC</h1> <h2 style="margin: 0;">EMPLOYMENT CENTER DISTRICT</h2>		A. DISTRICT PURPOSE			
		<p>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.</p>			
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)	❶	40,000 [2]	n/a	40,000 [2]	n/a
Minimum Lot Width (feet) [3]	❷	150		150 [4]	
Interior lot	❸				
Corner lot	❹	15		15 [4]	
Minimum Street Setback (feet)	❺	40 [5]		25 [5]	
Minimum Perimeter Setback (feet)	❻	20 [5]		10 [5]	
Max. Building Height (feet)	❼	n/a [6]		n/a [7]	
<p>[1] Applies to mixed-use development.                  [2] Minimum development size.                  [3] All development shall comply with the City’s Driveway Ordinance requirements.                  [4] 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] In a group development, applied only to buildings along the perimeter of the development.                  [6] For each additional foot of height beyond 50 feet up to 80 feet, the side and rear setbacks shall be increased by one foot.                  [7] When a side or rear setback abuts a single-family residential district, the setback shall be increased by one foot for each foot in height beyond 50 feet up to 80 feet.</p>					
C. TYPICAL BUILDING FORMS					
[placeholder]			[placeholder]		

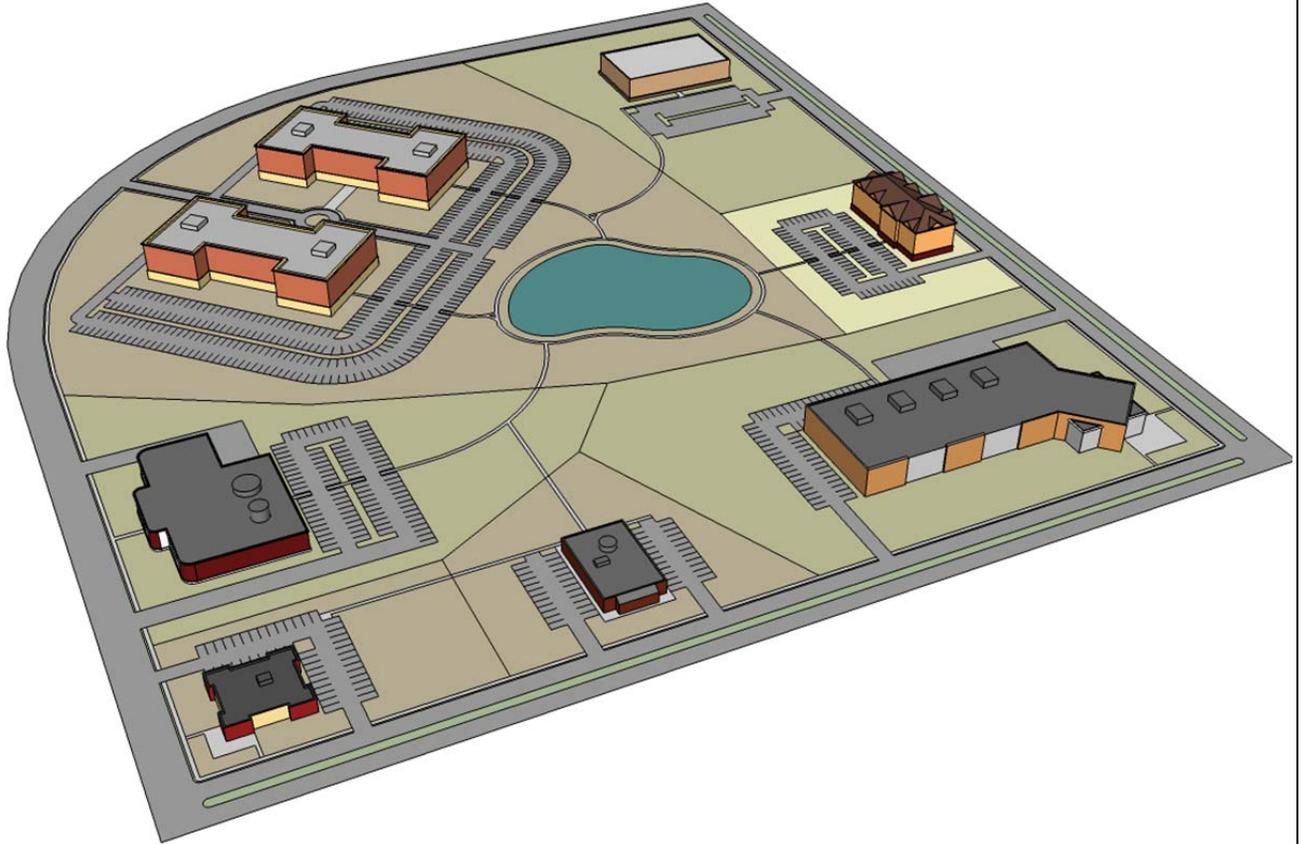
**D. TYPICAL LOT PATTERNS**



**E. DISTRICT DIMENSIONS**

[placeholder]

**F. TYPICAL BUILDING CONFIGURATION**



**G. DISTRICT STANDARDS**

**1. Site Standards**

**(a) Building Orientation**

Single-building developments shall be oriented so that the primary façade faces the street from which the building derives its street address.

**(b) Drive-Throughs**

Drive-through lanes and windows are prohibited.

**(c) Fences**

Chain link fencing shall not be located between the primary façade of a building and the street it faces.

**(d) Ground-based Equipment Screening**

Ground-based equipment shall be located to the side or rear of the building and be screened from public view, to the maximum extent practicable.

**(e) Loading**

- (1)** Loading areas 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 from view by a wall or landscaping, or combination thereof and shall not face or be adjacent to public streets.

**(f) Sidewalks**

- (1)** Sidewalks and marked pedestrian crosswalks in parking areas shall connect all principal buildings in a development.
- (2)** Sidewalks shall link adjacent greenway trails, pedestrian amenities, and planned transit stops.

**(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 façade and the street it faces.

**(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 six 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****(a) Facades**

Building facades facing public streets shall not consist of long uninterrupted

monolithic walls, but instead shall include architectural features that create visual interest and façade articulation such as but not limited to: offsets or projections interspersed throughout the length of the façade, changes in material, roof form, windows or wall treatments intended to simulate window openings, awnings, canopies, roof overhangs, or eaves.

**(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 on any building façade is prohibited.

**(c) Roof-Mounted Equipment**

Roof-mounted equipment shall be screened from view of the primary street fronting a development. In cases where screening is not practicable, equipment shall be camouflaged through the use of paint or architectural techniques to minimize its appearance.

**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.

**3.4.9. LIGHT INDUSTRIAL (LI)<sup>xiv</sup>**

**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.

**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	100	100
	Corner lot		
Minimum Street Setback (feet)	4	25	15 [2]
Minimum Perimeter Setback (feet)	Adjacent to Residential District	40 [4]	25 [4]
	Adjacent to Nonresidential District	0/5 [3] [4]	0/5 [3] [4]
Maximum Building Height (feet)	7	n/a [5]	n/a [6]

- [1] All development shall comply with the City’s Driveway Ordinance requirements.
- [2] 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] In a group development, applied only to buildings along the perimeter of the development.
- [5] For each additional foot of height beyond 50 feet up to 80 feet, the side and rear setbacks shall be increased by one foot.
- [6] When a side or rear setback abuts a single-family residential district, the setback shall be increased by one foot for each foot in height beyond 50 feet up to 80 feet.

**C. TYPICAL BUILDING FORMS**

[placeholder]	[placeholder]
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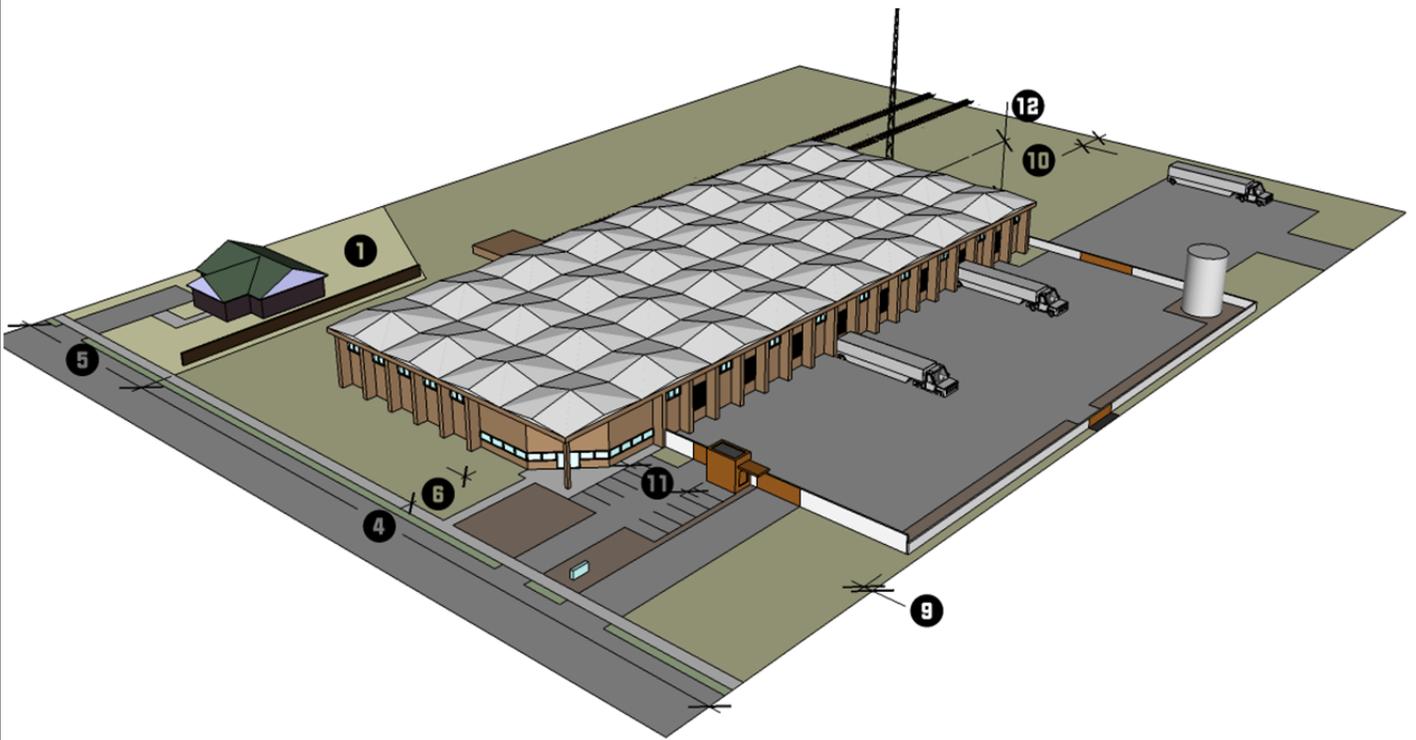
D. TYPICAL LOT PATTERNS



E. DISTRICT DIMENSIONS

[placeholder]

F. TYPICAL BUILDING CONFIGURATION



G. DISTRICT STANDARDS<sup>101</sup>

- 1. Drive-Throughs**  
Drive-through lanes and windows are prohibited.
- 2. Screening from Residential Uses**

<sup>101</sup> These standards build on those in Section 9-4-7(c)(2)(i) of the current ordinance.

In cases where industrial uses abut a residential use, buffering is required in accordance with Section 5.2.5.F, Perimeter Landscaping Standards.

**3. Loading Area Screening**

- (a) Except where exempted, loading areas facing a public street or a residential district shall be screened with an opaque wall, fence, or other approved means to a height six feet above grade level.
- (b) Loading areas facing an industrial street are exempt from these screening requirements.

**4. 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 six feet above grade level.

**5. Outdoor Manufacturing, Processing, or Assembly**

Outdoor manufacturing, processing, or assembly is prohibited.

### 3.4.10. HEAVY INDUSTRIAL (HI)<sup>xv</sup>

<h1>HI HEAVY INDUSTRIAL DISTRICT</h1>		A. DISTRICT PURPOSE		
		<p>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.</p>		
B. DIMENSIONAL STANDARDS				
STANDARD		REFERENCE #	OUTSIDE CORE CITY AREA	INSIDE CORE CITY AREA
Minimum Lot Area (square feet)		❶	n/a	n/a
Minimum Lot Width (feet) [1]	Interior lot	❷	100	100
	Corner lot	❸		
Minimum Street Setback (feet)		❹	25	15 [2]
Minimum Perimeter Setback (feet) [3]	Adjacent to Residential District	❺	50 [4]	35 [4]
	Adjacent to Nonresidential District	❻	0/5 [3] [4]	0/5 [3] [4]
Maximum Building Height (feet)		❼	n/a [5]	n/a [6]
<p>[1] All development shall comply with the City’s Driveway Ordinance requirements.                  [2] 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] In a group development, applied only to buildings along the perimeter of the development.                  [5] For each additional foot of height beyond 50 feet up to 80 feet, the side and rear setbacks shall be increased by one foot.                  [6] When a side or rear setback abuts a single-family residential district, the setback shall be increased by one foot for each foot in height beyond 50 feet up to 80 feet.</p>				
C. TYPICAL BUILDING FORMS				
[placeholder]		[placeholder]		

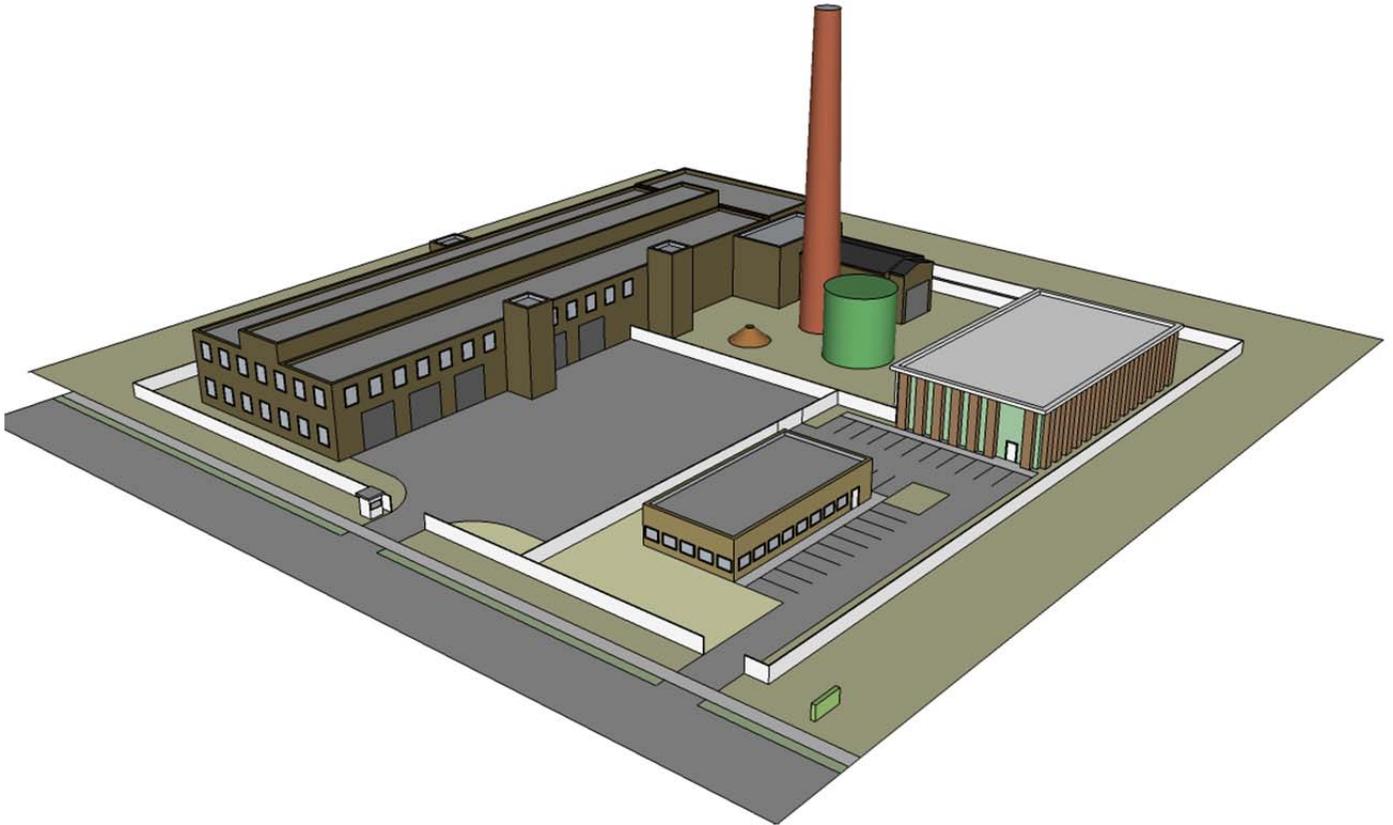
D. TYPICAL LOT PATTERNS



E. DISTRICT DIMENSIONS

[placeholder]

F. TYPICAL BUILDING CONFIGURATION



G. DISTRICT STANDARDS

1. Drive-Throughs

Drive-through lanes and windows are prohibited.

## **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 Rural (RU) 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. RURAL (RU)<sup>xvi</sup>

# RU RURAL DISTRICT

#### A. DISTRICT PURPOSE

The RU 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	CONSERVATION SUBDIVISION [1]
Maximum Density (units/acre)		n/a	[Placeholder]
Minimum Lot Area (acres)	1	5	
Minimum Lot Width (feet) [2]	Interior lot	150	
	Corner lot		
Minimum Street Setback (feet)	Front	30	
	Side	15	
Minimum Side Setback (feet)	6	15	
Minimum Rear Setback (feet)	7	30	
Maximum Building Height (feet)	8	50 [3]	

[1] See Section 7.5, Conservation Subdivision.

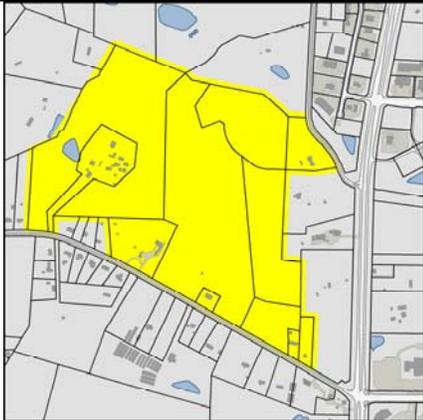
[2] All development shall comply with the City’s Driveway Ordinance requirements.

[3] Not applied to farm-related accessory structures.

#### C. TYPICAL BUILDING FORMS

[placeholder]	[placeholder]
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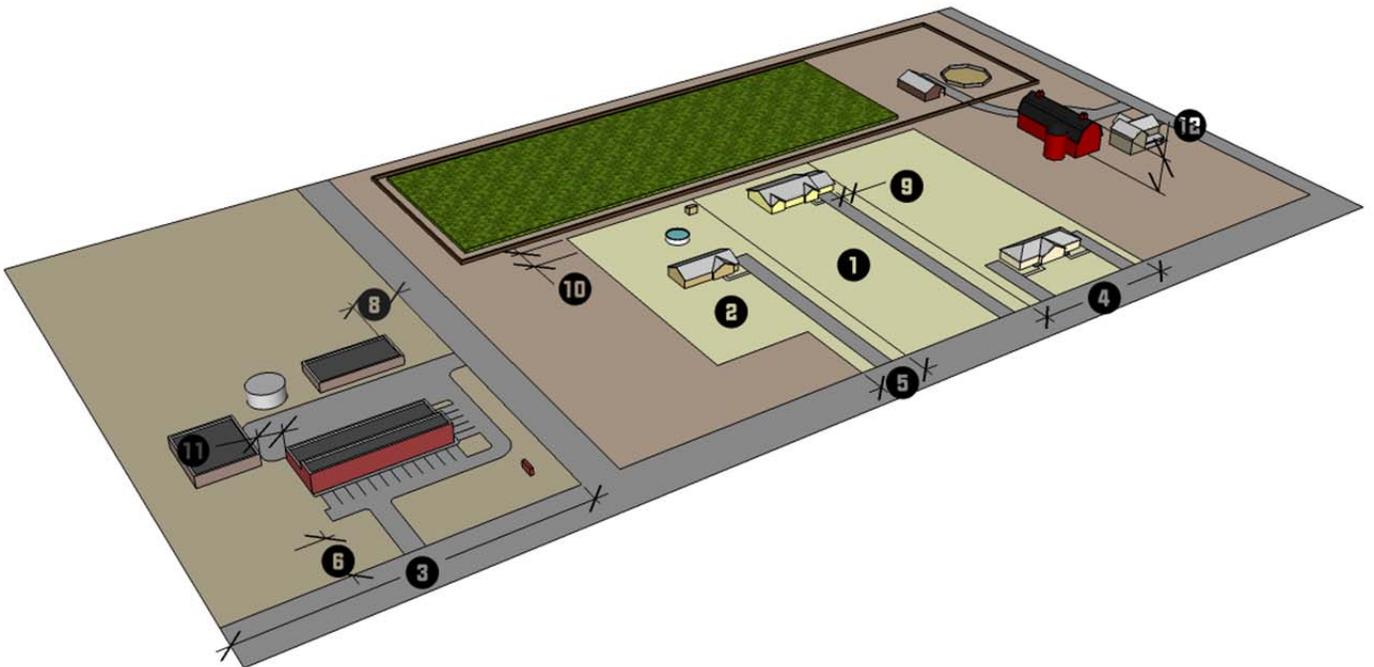
**D. TYPICAL LOT PATTERNS**



**E. DISTRICT DIMENSIONS**

[placeholder]

**F. TYPICAL BUILDING CONFIGURATION**



**3.5.3. INSTITUTIONAL (I)<sup>xvii</sup>**

<h1 style="margin: 0;">I</h1> <h2 style="margin: 0;">INSTITUTIONAL DISTRICT</h2>	A. DISTRICT PURPOSE		
	<p>The I district is established to accommodate mid- and 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, and do not usually include the range of uses typically considered as public and institutional uses found in residential areas. The district allows a limited range of residential and institutional development as support uses, as well as some neighborhood serving commercial and personal service uses.</p>		
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)	1	16 [1]	17.6 [1]
Minimum Lot Area (square feet)	2	n/a	n/a
Minimum Lot Width (feet) [2]	3	100	100
	4		
Minimum Street Setback (feet)	5	30	30 [3]
Minimum Perimeter Setback (feet)	6	30	15
Maximum Building Height (feet)	7	n/a [4]	n/a [5]
<p>[1] Applies to mixed-use development.                  [2] All development shall comply with the City’s Driveway Ordinance requirements.                  [3] 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 side and rear setbacks shall be increased by one foot.                  [5] When a side or rear setback abuts a single-family residential district, the setback shall be increased by one foot for each foot in height beyond 50 feet up to 80 feet..</p>			
C. TYPICAL BUILDING FORMS			
[placeholder]	[placeholder]		

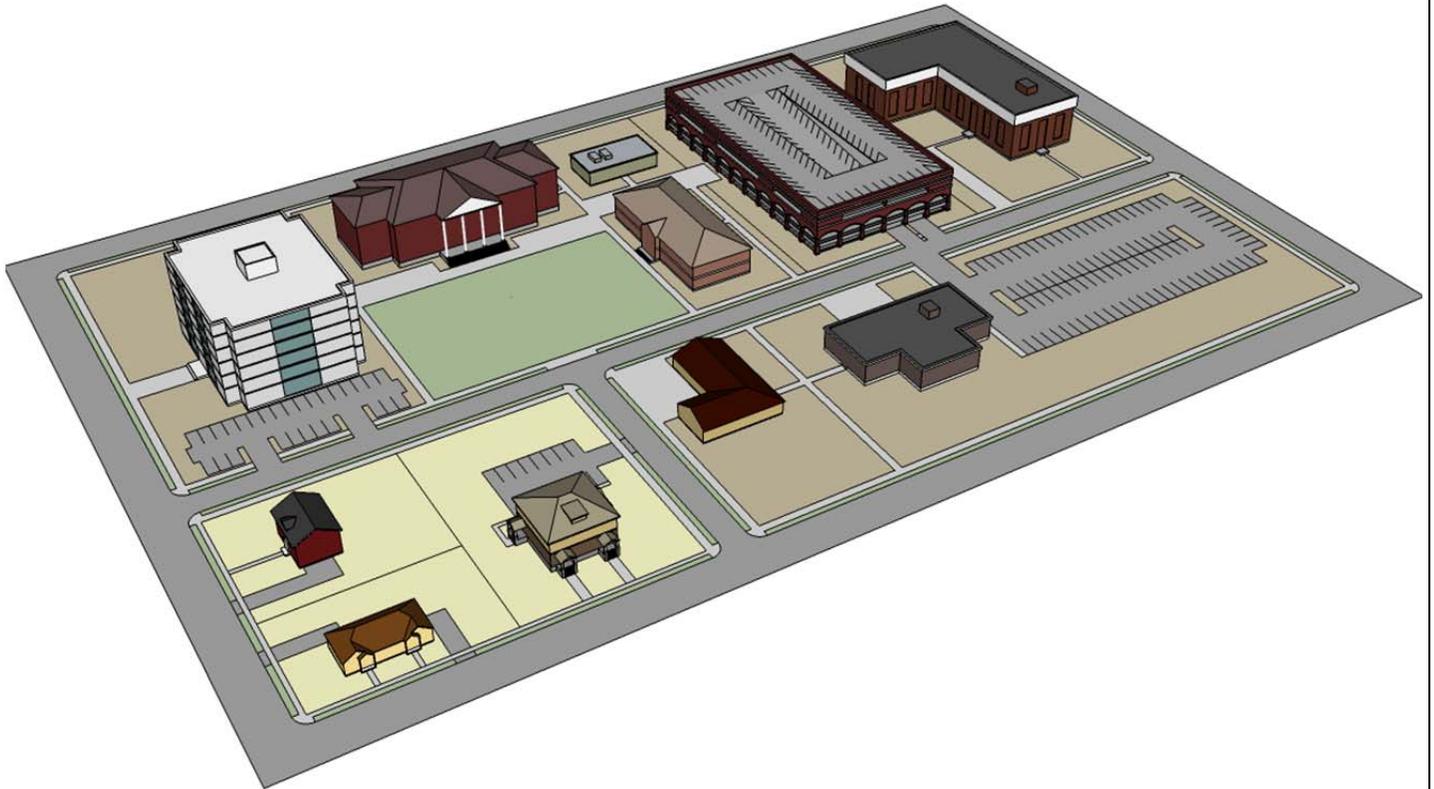
**D. TYPICAL LOT PATTERNS**



**E. DISTRICT DIMENSIONS**

[placeholder]

**F. TYPICAL BUILDING CONFIGURATION**



**3.5.4. PARKS AND CONSERVATION (PC)<sup>xviii</sup>**

<p><b>PC</b></p> <p><b>PARKS &amp; CONSERVATION DISTRICT</b></p>	<p><b>A. DISTRICT PURPOSE</b></p>		
	<p>The PC 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).</p>		
<p><b>B. DIMENSIONAL STANDARDS</b></p>			
<p><b>STANDARD</b></p>	<p><b>REFERENCE #</b></p>	<p><b>OUTSIDE CORE CITY AREA</b></p>	<p><b>INSIDE CORE CITY AREA</b></p>
		<p>All Uses</p>	<p>All Uses</p>
Minimum Lot Area (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]
<p>[1] All development shall comply with the City’s Driveway Ordinance requirements.                  [2] The side and rear setbacks shall be increased by one foot in height for each additional foot in height beyond 50.                  [3] When abutting a single-family residential zoning district, the side and rear setbacks shall be increased one foot for each foot in height beyond 50 feet.</p>			
<p><b>C. TYPICAL BUILDING FORMS</b></p>			
<p>[placeholder]</p>		<p>[placeholder]</p>	

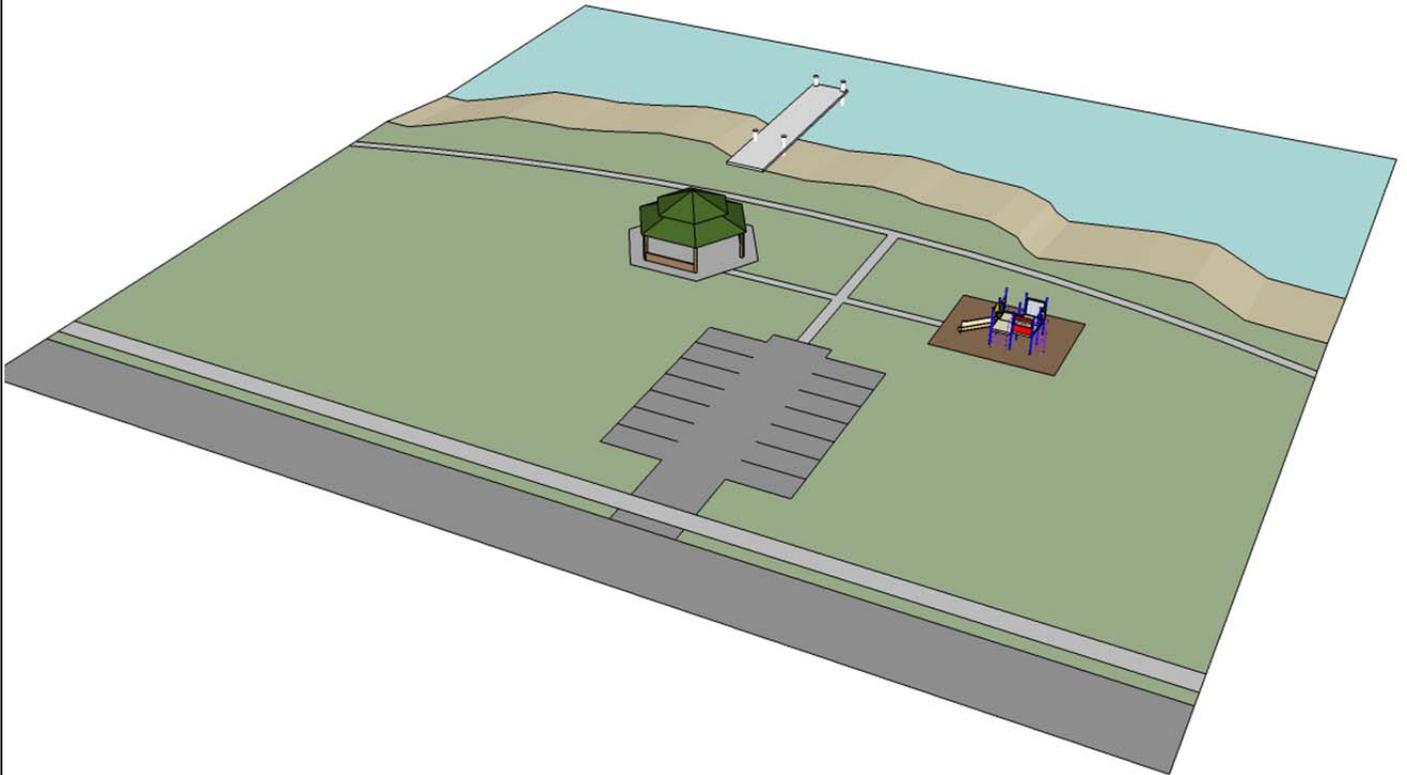
**D. DISTRICT DIMENSIONS**



**E. LOT DIMENSIONS**

[placeholder]

**F. TYPICAL BUILDING CONFIGURATION**



**3.5.5. MAIN STREET (MS)<sup>xix</sup>**

<h1 style="margin: 0;">MS</h1> <h2 style="margin: 0;">MAIN STREET DISTRICT</h2>		<b>A. DISTRICT PURPOSE</b>			
		<p>The Main Street (MS) district is proposed 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.</p>			
<b>B. DIMENSIONAL STANDARDS</b>					
STANDARD	SUB-DISTRICT A	SUB-DISTRICT B	SUB-DISTRICT C	SUB-DISTRICT D	
Maximum Density (units/acre)	26 [1]				
Minimum Lot Area (square feet) <b>1</b>	6,000	4,000		6,000	
Minimum Lot Width (feet) [2]	60	40		60	
Interior lot <b>2</b>					
Corner lot <b>3</b>					
Minimum Street Setback (feet) [3] <sup>102</sup> <b>4</b>	5	0		5	
Maximum Street Setback (feet) [4] [5] [6] <b>5</b>	25	20		25	
Minimum Interior Setback (feet) <sup>103</sup> <b>6</b>		0/5 [7]			
Maximum Building Height (feet) <b>7</b>		n/a [8]			
<p>[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 façade 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 side or rear setback abuts a single-family residential district, the setback shall be increased by one foot for each foot in height beyond 50 feet up to 80 feet.</p>					
<b>C. TYPICAL BUILDING FORMS</b>					
[placeholder]			[placeholder]		

<sup>102</sup> The street setback provisions in this table are intended to replace the build to line provisions in Section 9-4-5(a)(3)(a)(1-7) of the current ordinance. Table note 5 deals with the 60% rule for building facades in the "build-to" zone. The minimum and maximum street setbacks deal with the build to line standards in 9-4-5(a)(3)(a)(1)&(2). The exemption for buildings on corner lots in Section 9-4-5(a)(3)(a)(3) is addressed by Table note 4. Table note 5 addresses the curb spacing standard in 9-4-5(a)(3)(a)(4). Table note 7 simplifies the range of uses exempted from the build to line in Section 9-4-5(a)(3)(a)(7). The group development standards in Section 9-4-5(a)(3)(a)(6) do not need to be addressed as long as the buildings along Main street are built to the street. The front building façade parallel to the street in Section 9-4-5(a)(3)(a)(5) is relocated to the provisions of building orientation. The gathering space provisions in the following subsection are intended to replace the civic space and wall standards in Section 9-4-5(a)(3)(a)(7)(ii & iii) and (8).

<sup>103</sup> The side and rear setback standards in the table are intended to replace the standards in Section 9-4-5(a)(3)(b) related to interior building setbacks.

D. TYPICAL LOT PATTERNS	E. DISTRICT DIMENSIONS
[placeholder]	[placeholder]

**F. TYPICAL BUILDING CONFIGURATION**



**G. DISTRICT STANDARDS**

**1. Sub-districts Established**

The MS district is organized into a series of four 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 four sub-districts.

**2. Site Compliance due to Expansion**

In addition to the standards in Section 8.6, Nonconforming Sites, when an existing building is expanded or enlarged by more than 1,000 square feet of gross floor area, or open air uses or off-street parking areas on a site are expanded by 3,000 square feet or more, the site shall be brought into full compliance with the following requirements:

- (a) Sidewalk standards in Section 3.5.5.G.5(k), Sidewalks; and
- (b) Cross access requirements in Section 5.1.4.J, Cross Access.

**3. 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 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.

#### 4. Site Standards

##### (a) Building Orientation<sup>104</sup>

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) Drive-Throughs

Drive-through lanes and windows are prohibited in sub-district B. In sub-district C drive-throughs shall be limited to one per building, and shall be located to the side or the rear of the principal building.

##### (c) 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.

##### (d) Fences and Walls

Fences and walls shall comply with the standards in Section 5.4, Fences and Walls, 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 or walls located between the minimum and maximum street setback shall be limited to four feet in height or less and may not be fully opaque.
- (4) Fences or walls shall be provided along all lot lines abutting a residential zoning district and shall consist of an opaque wall, fence, or other approved means to a height six feet above grade level.

##### (e) Gathering Spaces

Development required to provide an open space set-aside in Section 5.3, Open Space Set-Asides, shall configure the open space set-aside as a gathering space.

##### (f) Ground-based Equipment Screening

Ground-based equipment should be located to the rear of the principal building(s), and shall be screened from public view, to the maximum extent practicable.

<sup>104</sup> This standard will include an illustration.

**(g) Landscaping**

Landscaping shall comply with the standards in Section 5.2, 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**

Off-street loading areas are not required for any use, but if provided they shall be located to the rear of the principal building.

**(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<sup>105</sup>**

In addition to the applicable standards in Section 5.1, Off-Street Parking and Loading, development in the MS district shall comply with the following standards:

- (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 one 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 5.1.3.D, Table of Minimum Off-Street Parking Standards /.

**(k) Sidewalks**

Sidewalks shall be installed along the abutting public street frontage and shall be constructed in accordance with the standards in Section 7.1.6.E, 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 façade 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 one principal building located on the site with a front façade that meets the street setback requirements and covers a minimum of 50 percent of the lot width.

**5. Building Standards**

**(a) Façade Articulation<sup>106</sup>**

- (1) Front and side building facades shall include at least two or more of the

<sup>105</sup> This standard will include an illustration.

<sup>106</sup> These standards (including sub-section (3)) will include an illustration.

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 façade offsets, to create vertically oriented bays, or divisions of space that are approximately 30 feet wide or less. The rhythm within a building façade should be maintained by making each vertically oriented bay the same width.
- (3) Buildings of two 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 three-dimensional cornice that provides architectural detail.

#### (b) Façade Materials

- (1) Where two 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 façade plane.
- (3) Smooth face concrete block shall not be used on a building façade 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) Façade Transparency<sup>107</sup>

- (1) Front building facades facing a street shall maintain non-reflective, transparent windows on at least 50 percent of the façade area between two and eight feet above average grade.
- (2) Upper stories on front and side facades facing a street shall maintain non-

<sup>107</sup> This standard has an illustration in the current Ordinance.

reflective, transparent windows on at least 20 percent of the upper story façade 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 façade 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 <>, Façade Transparency Alternatives, below shows some alternative designs that comply the purpose and intent of this standard.

**FIGURE <>: FAÇADE 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 façade 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.
- (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**

Roof-mounted equipment shall be screened from view along Main Street through use of a parapet wall on flat roof buildings or through placement of equipment behind the roof ridge on buildings with a sloped roof.

**(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.

**6. 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.

**7. Multi-family Residential Uses**

In addition the standards in Section 5.11.3, Multi-Family Development Standards, multi-family development shall comply with the following standards.

- (a) The finished floor of the ground floor shall be at least three feet above the grade of the adjacent street or sidewalk unless the unit is intended for occupancy by persons with physical disabilities.
- (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.

**8. Uses Prohibited**

Table 4.1.9, Principal Use Table, sets out the use types prohibited in the MS district.

### **3.5.6. MIXED-USE (MX)<sup>108xx</sup>**

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#### **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 2.4.18, Zoning Map Amendment, and Section 2.4.13, 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 3.5.6.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. Site Compliance due to Expansion**

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<sup>108</sup> As described in the Code Assessment, the MX district is a new framework district that will include a set of general standards applicable to all areas designated as MX as well as several sets of unique standards applied to different portions of the City identified as mixed-use centers in the Core City Plan. The current MX district is limited to a portion of Washington Street and is organized as an overlay district in the CB district. The new Ordinance establishes the MX district as a general zoning district instead of an overlay. This district has been revised to address staff comments from the first round of comments on Module 2.

In addition to the standards in Section 8.6, Nonconforming Sites, when an existing building is expanded or enlarged by more than 1,000 square feet of gross floor area, or open air uses or off-street parking areas on a site are expanded by 3,000 square feet or more, the site shall be brought into full compliance with the following requirements:

- (a) Sidewalk standards in Section 3.5.6.C.3(i), Sidewalks; and
- (b) Cross access requirements in Section 5.1.4.J, Cross Access.

## 2. 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 3.5.6.C.4, 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 3.5.6.C.4, 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.

## 3. Site Standards

### (a) Building Orientation<sup>109</sup>

- (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 three sides.

### (b) Drive-Throughs

Drive-through lanes and windows are prohibited.

### (c) Fences and Walls

Fences and walls shall comply with the standards in Section 5.4, Fences and Walls, 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

<sup>109</sup> These standards have an illustration in the current Ordinance. The new Ordinance will also include an illustration for group developments.

line of lots without a principal building.

- (3) Fences or walls located between the minimum and maximum street setback shall be limited to four feet in height or less and may not be fully opaque.
- (4) Fences or walls shall be provided along all lot lines abutting a residential zoning district and shall consist of an opaque wall, fence, or other approved means to a height six feet above grade level.

**(d) Gathering Spaces**

Development required to provide an open space set-aside in Section 5.3, Open Space Set-Asides, shall configure the open space set-aside as a gathering space.

**(e) Ground-based Equipment Screening**

Ground-based equipment should be located to the rear of the principal building(s), and shall be screened from public view, to the maximum extent practicable.

**(f) Off-Street Loading**

Off-street loading areas are not required for any use, but if provided, they shall be located to the rear of the principal building.

**(g) 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.

**(h) Off-Street Parking**

In addition to the applicable standards in Section 5.1, Off-Street Parking and Loading, development in the MX district shall comply with the following standards:

- (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 one 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 5.1.3.D, Table of Minimum Off-Street Parking Standards /.

**(i) Sidewalks<sup>110</sup>**

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 7.1.6.E, 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 eight feet. A width of twelve feet is strongly encouraged.
- (3) Sidewalks shall be configured into two zones of at least four feet

<sup>110</sup> These standards will include an illustration.

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.

**(j) 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.

**(k) Group Developments**

Additional principal buildings may be built on a site beyond the maximum street setback if there is at least one 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.

**4. Building Standards**

**(a) Facade Articulation**

- (1) Front and side building facades shall include at least two 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 two 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.<sup>111</sup>

- (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 three-dimensional cornice that provides architectural detail.

**(b) Facade Materials**

- (1) Where two 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 two and eight 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 <>, Façade Transparency Alternatives, below shows some alternative designs that meet the intent of this standard.

<sup>111</sup> These standards will include an illustration.

**FIGURE <>, FAÇADE 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**

Roof-mounted equipment shall be screened from view along the primary street through use of a parapet wall on flat roof buildings or through placement of equipment behind the roof ridge on buildings with a sloped roof.

**(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.

**5. Multi-family Residential Uses**

In addition the standards in Section 5.11.3, Multi-Family Development Standards, multi-family development shall comply with the following standards:

- (a) The finished floor of the ground floor shall be at least three feet above the grade of the adjacent street or sidewalk unless the unit is intended for occupancy by persons with physical disabilities.
- (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.

**6. 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 two 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.

**7. 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 three 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 MX-W district is established in accordance with the mixed-use area plan for the area effective on March 31, 2008. 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 3.5.6.D, Dimensional Requirements in MX-W District, shall apply to all development in the MX-W district.

<b>TABLE 3.5.6.D, DIMENSIONAL REQUIREMENTS IN THE MX-W DISTRICT</b>	
REQUIREMENT	STANDARD
Maximum Density (units/acre)	n/a

**TABLE 3.5.6.D, DIMENSIONAL REQUIREMENTS IN THE MX-W DISTRICT**

REQUIREMENT	STANDARD
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) [2]	Adjacent to Residential District Adjacent to a Nonresidential District
	10 0/5 [3]
Maximum Building Height (feet)	50

## NOTES:

[1] All development shall comply with the City's Driveway Ordinance requirements.

[2] In a group development applied only to buildings along the perimeter of the development.

[3] No setback is required, but if provided, shall be at least 5 feet.

### 3. Landscaping Standards

Development within the MX-W district is exempt from the standards in Section 5.2, Landscaping Standards.

## **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**

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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

## Subsection 3.7.3 Standards Applied to All Planned Development Districts

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, describe the proposed modification, and 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 two of the following four use classifications or at least two different use types from the use types listed in the Residential Use Classification:

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. Generally**

- (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

## Subsection 3.7.3 Standards Applied to All Planned Development Districts

is needed.

## 2. Open Space Set-Asides

All development within a PD district shall comply with the standards in Section 5.3, Open Space Set-Asides, which shall not be modified as part of the approval of a PD district.

## 3. Fences and Walls

In no instance shall a PD master plan modify compliance with the standards in Section 5.4.3, 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, which shall not be modified as part of the approval of a PD district.

## 5. Neighborhood Compatibility Standards

All development along the perimeter of a PD district shall comply with the standards in Section 5.8, Neighborhood Compatibility Standards, which shall not be reduced as part of the approval of a PD district.

## 6. Refuse Collection Facilities

Development in a PD district shall comply with the standards in Section 5.6, Refuse Collection Facilities, which shall not be modified as part of the approval of a PD district.

## 7. 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. Neighborhood Compatibility Standards

All development along the perimeter of a PD district shall comply with the standards in Section 5.8, Neighborhood Compatibility Standards, which shall not be reduced as part of the approval of a PD district.

## J. Signs

1. All signs in any PD district shall meet the requirements of Section 5.12, Signage, except as otherwise provided in this subsection.
2. A common signage plan, prepared in accordance with Section 5.12.14, Master or Common Signage Plan, and the Procedures Manual 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.

<b>TABLE 3.7.3.I: PLANNED DEVELOPMENT SIGNAGE STANDARDS</b>	
<b>PREDOMINANT USE TYPE</b>	<b>SIGNAGE STANDARDS NO LESS RESTRICTIVE THAN THOSE IN:</b>
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 5.12.8, 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.

**K. 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)<sup>xxi</sup>**

**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 5.1.4, General Standards for Vehicular Use Areas, Stacking, and Loading Areas.

#### **2. Landscaping**

A PD-CC district shall comply with the standards in Section 5.2, 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 5.2.8, 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)<sup>xxii</sup>**

### **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**

- (a) Development in a PD-P district shall comply with the following Section 5.1.4.F, Dimensional Standards for Parking Spaces and Aisles, Section 5.1.3.C, Maximum Number of Spaces Permitted, or the standards in Section 5.1.4.K, Stacking Spaces.
- (b) Development in a PD-P may reduce the amount of required off-street parking in Table 5.1.3.D, Table of Minimum Off-Street Parking Standards, by up to 30 percent. Nothing shall limit additional use of the parking flexibility provisions in Section 5.1.5, Parking Alternatives.
- (c) All other standards in 5.1, 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 5.2, 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

**4. Community Form Standards**

Development in the PD-P district shall comply with the standards in Section 5.7, Community Form Standards, which shall not be modified as part of a PD-P district.

## 3.8. OVERLAY ZONING DISTRICTS<sup>112</sup>

### 3.8.1. PURPOSE

Overlay zoning districts are superimposed over either all or a portion of one 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<sup>113</sup>

DISTRICT NAME	ABBREVIATION
Local Historic Overlay	LHO
Gateway Corridor Overlay	GCO
Airport Overlay	ARO
Manufactured Housing Overlay	MHO
Watershed Overlay	WSO
Neighborhood Conservation Overlay	NCO

### 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 2.4.18, 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.

<sup>112</sup> This section replaces Section 9-4-4, Overlay District Requirements, in the current ordinance. Each of the overlay districts includes a new district abbreviation. The LHO is carried forward with only minor formatting changes. The GCO district is renamed and revised into a "framework" district that includes a series of general standards and a procedure for the establishment of different subdistricts (such as the current Eastchester/Highway 68 subdistrict), as well as additional changes as described on Page 2-37 of the Code Assessment. The ARO district is largely carried forward with minor changes to allow for review and comment on proposed development by the Piedmont Triad International Airport in cases where development is located within an approach zone. The MHO is carried forward with only minor modifications to make the provisions easier to understand. The WSO is relocated from Chapter 7 of the current ordinance and included with the other overlay districts (most of the other watershed protection provisions are relocated to Chapter 6: Environmental Standards.) The NCO district is new and drafted in accordance with the recommendations on Page 2-37 of the Code Assessment.

<sup>113</sup> This section carries forward 9-4-4(a), Overlay District Requirement, from the current ordinance, with clarification of language.

- 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. LOCAL HISTORIC OVERLAY (LHO)**

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#### **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 (NCDRCR) for its review and comment.

###### **(b) NCDRCR**

- (1)** Based on the local designation report, the NCDRCR, 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 NCDRCR 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 NCDRCR, 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, NCDRC – 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 2.4.18, 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.

### **C. Certificate of Appropriateness Required**

- 1.** A certificate of appropriateness shall be required for all activities specified in this section, whether a building permit is required or not.
- 2.** After land is approved as a LHO District, no exterior feature or portion of any building or structure (including, but not limited to masonry walls, fences, light fixtures, steps and pavement or other appurtenant feature), above ground utility structure, landscaping or tree shall be constructed, erected, altered, restored, moved, removed or demolished without approval of a certificate of appropriateness in accordance with Section 2.4.4, Certificate of Appropriateness.
- 3.** A certificate of appropriateness is required before the issuance of a building permit. Any building permit issued out of conformity with this section and 2.4.4, Certificate of Appropriateness, shall be invalid.
- 4.** The City and all public utilities, except as provided in Section 2.4.4.C, Exemptions, shall be required to obtain a certificate of appropriateness prior to initiating in a LHO district 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 it has a fee or other interest.

### **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 2.5.15, Type I/Type II 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.

**3.8.6. GATEWAY CORRIDOR OVERLAY (GCO)<sup>114</sup>**

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**A. Purpose<sup>115</sup>**

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**

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<sup>114</sup> This section builds on Section 9-4-4(c), Scenic Corridor Overlay District, of the current ordinance. It includes additional provisions that outline the elements that should be included in a GCO district, and carries forward (clarifying language) the Eastchester/N.C. Highway 68 Scenic Corridor Overlay District.

<sup>115</sup> This section carries forward the purpose statements in Section 9-1-3(g) of the current ordinance.

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 2.4.18, Zoning Map Amendment, and Section 2.4.13, Text Amendment (as appropriate), and included as a district in this section.

#### **E. General Standards<sup>116</sup>**

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<sup>117</sup>**

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**

<sup>116</sup> These standards are general by intention to enable an appropriate level of flexibility in recognition that the contents of future plans are currently unknown.

<sup>117</sup> This section carries forward the standards for the Eastchester GCO from the current ordinance with a few revisions. The mandatory tree retention requirements within perimeter buffers are replaced with incentives for retention of existing trees. The "Option B" standards for building setbacks, landscaping, and signage for the three roadway segments in Table 4-4-1 of the current ordinance are not carried forward.

**(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 3.8.6.F.2(b), Exemptions.

**(b) Exemptions<sup>118</sup>**

The following development is exempt from the requirements of the Eastchester GCO district regulations:

- (1)** A single-family detached dwelling or a two-family 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.

**(c) Expansion or Renovation of Existing Uses<sup>119</sup>**

An existing building, accessory use, off-street parking area, or vehicular storage area in place prior to November 5, 1986, or the effective date of the district upon the land, that is expanded in excess of 10 percent of its floor area, use area, or pavement area, or which is renovated in an amount exceeding 10 percent of the building’s pre-renovation assessed value shall comply with the following requirements:

- (1)** To the maximum extent practicable, required landscape yards shall be provided as part of the expansion.
- (2)** Only the expanded portion of an off-street parking lot or vehicular storage area shall comply with the full planting requirement for parking and vehicular surface areas.

**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 3.8.6.F.3, Minimum Building Setbacks.

<b>TABLE 3.8.6.F.3, MINIMUM BUILDING SETBACKS</b>	
<b>STREET SEGMENT OF EASTCHESTER DRIVE / N.C. HIGHWAY 68</b>	<b>MINIMUM BUILDING SETBACK FROM ROW EDGE (FEET)</b>
North Main Street North to Johnson Street	50
Johnson Street North to Penny Road	50
Penny Road North to Gallimore Dairy Road	75

<sup>118</sup> These standards are modified to remove the exemption for changes in use and minor expansions of less than 25 percent in accordance with the recommendations on Page 2-38 of the Code Assessment.

<sup>119</sup> These standards are modified to decrease the threshold of compliance with sub-district overlay requirements from a 25 percent expansion to a 10 percent or more expansion of floor or use area. The standards also include a maximum increase in assessed value of up to 10 percent as a trigger for attempting to reach compliance with the overlay standards. These changes are recommended on Page 2-38 of the Code Assessment.

#### 4. Site Standards

##### (a) Drive-Through

Drive-through windows and menu boards shall be located to the side or the rear of the principal building.

##### (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 Equipment Screening

Ground-based equipment should be located to the rear of the principal building(s), and shall be screened from public view, to the maximum extent practicable.

##### (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<sup>120</sup>

Landscaping in the Eastchester GCO shall be in accordance with the provisions of Table 3.8.6.F.5, Eastchester GCO Landscaping Standards, and the following requirements:

- (a) A landscape yard, for lot boundaries other than those abutting streets, shall be as required by Section 5.2.5.F, Perimeter Landscaping Standards.
- (b) Areas abutting streets shall be configured as landscape yards in accordance with the applicable standards in Table 3.8.6.F.5, Eastchester GCO Landscaping Standards.
- (c) Signage, crosswalks, pools, fountains and other amenities, may be located within a landscape yard, provided no more than 15 percent of the yard is covered with impervious surface.
- (d) Retention of existing trees to meet planting requirements within landscape yards is strongly encouraged. Existing trees of six inches in DBH or larger and maintained in required landscape yards shall be credited towards landscaping requirements at a rate of 1.5 times the existing DBH. For example, three existing trees, each with a DBH of seven inches would count as 31.5 inches of trees for the purpose of determining compliance with the applicable landscaping requirements.
- (e) Retained trees shall comply with the requirements for retained trees in Section 5.2.5.F.6, Credit Towards Other Requirements.
- (f) Stormwater detention ponds shall be screened with landscaping so as to obscure, to the maximum extent practicable, the view from public right-of-way.
- (g) The landscaping design and maintenance standards of Section 5.2, Landscaping Standards, shall apply in the GCO district, except as otherwise provided in this section.
- (h) Prior to obtaining a land disturbance permit or building permit, an applicant shall receive approval from the Planning and Development Director of a

<sup>120</sup> These proposed standards do not carry forward the current requirements for preparing a tree survey and mandatory retention of existing trees within buffer areas. Rather, they provide an incentive, in the form of accelerated credited towards landscaping requirements, for the retention of existing trees within perimeter buffer areas.

landscape plan, prepared in accordance with Section 5.2, Landscaping Standards. The landscape plan shall depict all existing trees proposed to be preserved.

**TABLE 3.8.6.F.5: EASTCHESTER GCO LANDSCAPING REQUIREMENTS**

REQUIREMENT	NORTH MAIN ST. TO JOHNSON ST.	JOHNSON ST. NORTH TO PENNY RD.	PENNY RD NORTH TO GALLIMORE DAIRY RD.
Minimum landscape yard width (feet)	20 average; 10 minimum		40 average; 30 minimum
Minimum number of canopy trees required per 25 linear feet of landscape yard [1]	1 [2]		
Minimum number of shrubs required per 100 linear feet of landscape yard [1]	17 [3]	25 [3]	17 [3]
Interior parking lot landscaping requirements	1 tree in island per 12 parking spaces [4]		

**NOTES:**

[1] At least 50 percent of required plantings shall be planted within the required landscape yard, unless subject to an alternative landscape plan in accordance with Section 5.2.9, Alternative Landscape Plan. A berm of two feet in height may be used, in conjunction with smaller plant material subject to approval of the Planning and Development Director, provided the combined height meets the intent of this Ordinance regarding screening.

[2] Trees shall be at least 2.5 inches in DBH at time of planting.

[3] Shrubs shall be at least 30 inches at time of planting.

[4] Landscaping islands shall be at least 200 square feet in area.

**6. Signage**

Signage shall be in accordance with Table 3.8.6.F.6, Eastchester GCO Signage Requirements, and the following requirements. In case of conflict with the signage requirements of the underlying zoning district, the stricter standard shall apply.

- (a)** In addition to signage prohibited by Section 5.12.6, 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 3.8.6.F.5.d & e 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;
  - (3)** Ground surface signs; and
  - (4)** Posters.
- (b)** All freestanding signs shall be monument signs.<sup>121</sup>
- (c)** Freestanding signs shall display only the name, trademark, and a registered logo.
- (d)** Freestanding fuel pricing signs shall display only the name, trademark,

<sup>121</sup> This is a new standard as suggested on Page 2-38 of the Code Assessment.

- (e) registered logo, and the vehicular fuel product and prices.
- (e) Religious institution identification signs shall display only the institution name, service hours, and related events.
- (f) In the business districts, illumination of all signage shall be limited to cut-out letter and indirect lighting, except for wall signage in the business districts. In the business districts, back lit wall signage shall be permitted; however, signs with panels over fluorescent lighting shall be opaque.

**TABLE 3.8.6.F.6: EASTCHESTER GCO SIGNAGE REQUIREMENTS**

REQUIREMENT	NORTH MAIN ST. TO JOHNSON ST.	JOHNSON ST. NORTH TO PENNY RD.	PENNY RD NORTH TO GALLIMORE DAIRY RD.
<b>ATTACHED (WALL)</b>			
Number permitted (# per wall)	1/wall		
Maximum area (signs may be grouped on the same wall)	7.5 percent of wall area not to exceed 100 sq. ft. [1]	7.5 percent of wall area not to exceed 100 sq. ft.	
Maximum height	top of wall		
<b>FREESTANDING</b>			
Number permitted (# per frontage)	1/frontage		
Setback [2]	Same as right-of-way setback		
Maximum height (feet)	6 for lots with less than 200' of street frontage; See Table 5.12.9, for lots exceeding 200' of frontage [3]		
Maximum area (square feet) [4]	50 for single businesses; 90 for group developments less than 25,000 square feet in floor area; 135 for group developments larger than 25,000 square feet in floor area		

NOTES:

- [1] 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 six feet in height.
- [2] Signs must be located outside public street right-of-way and outside any sight distance area.
- [3] The maximum height above the average finished grade of any earthen berm, mound or similar elevated earthen form upon which a sign is erected shall be included when determining the maximum height of a sign. Any sign greater than six feet in height shall not be located within 100 feet of a residential zoning district.
- [4] For multiple franchised businesses, the number signs, per wall and maximum area may be increased in accordance with Section 5.12.10.A.3, Multiple Franchised Businesses in a Single Building.

**7. Building Standards**

**(a) Roof Mounted Equipment**

Roof-mounted equipment shall be screened from view through use of a parapet wall on flat roof buildings or through placement of equipment behind the roof ridge on buildings with a sloped roof, to the maximum extent practicable.

**(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) 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) Generally**

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)** Façade 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 Development Located at Entrances to Existing Residential Subdivisions**

- (a) Exterior modifications, alterations, additions, or construction of a new 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 two-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.

**3.8.7. AIRPORT OVERLAY (ARO)<sup>122</sup>****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.

<sup>122</sup> This section carries forward Section 9-4-4(d) of the current ordinance. The language is clarified, and the table of prohibited uses is conformed to the framework used in Table 4.1.10, Principal Use Table, in this draft of the Ordinance. The overlay district also includes for a cross reference to the review of structure height by the Airport Authority when it is located within a certain distance of the airport (this section is located in the rules of measurement for height in Chapter 10 of the draft ordinance).

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 three 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 3.8.7.D, Aircraft Noise Mitigation Requirements.

<b>TABLE 3.8.7.D: AIRCRAFT NOISE MITIGATION REQUIREMENTS</b>				
x = Applicable				
<b>ZONE</b>	<b>PUBLIC NOTIFICATION (SEC. 3.8.7.E)</b>	<b>WAIVER OF CLAIM (SEC. 3.8.7.F)</b>	<b>PROHIBITED USES (SEC. 3.8.7.G)</b>	<b>NLR DESIGN STANDARD (30 DB NLR) (SEC. 3.8.7.H)</b>
1	x	x	x	.
2	x	x	x	.
3	x	x	x	x

**TABLE 3.8.7.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)
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.

## **3.8.8. MANUFACTURED HOUSING OVERLAY (MHO) DISTRICT<sup>123</sup>**

### **A. Purpose and Intent<sup>124</sup>**

The Manufactured Housing Overlay (MHO) district is established as a means of providing reasonable opportunities for the placement of manufactured homes 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 homes to meet the minimum requirements for

<sup>123</sup> This section is proposed to replace the Manufactured Housing Overlay District standards in Section 9-4-4(e) of the current ordinance. The current regulations require approval of a zoning map amendment to establish manufactured homes in the RS-20, RS-15, RS-12, RS-9, RS-7, RS-5, RM-5, and PD-TN districts. A special use permit is required in the RS-40, RM-8, RM-12, RM-18, RM-26, LI, and HI districts. Manufactured homes are permitted by right in the AG district. These proposed standards clarify that each individual manufactured home must be on its own lot. The special use requirement is removed, but applications for the establishment of a manufactured home require establishment of a MHO district. In addition, the requirements for manufactured homes are relocated from the definitions into new use-specific standards for all manufactured homes in Chapter 4: Use Standards.

<sup>124</sup> This section carries forward the purpose statements in section 9-1-3(i) of the current ordinance.

manufactured homes in Section 4.3.2.B.3, 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 2.4.18, 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. Ten 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.3, 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.

### **3.8.9. WATERSHED OVERLAY (WSO) DISTRICT<sup>125</sup>**

#### **A. Purpose<sup>126</sup>**

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

<sup>125</sup> The WSO district standards are included in the stormwater management section of Chapter 6.

<sup>126</sup> This section carries forward the applicable purpose and intent statements in Section 9-1-3(n) of the current ordinance.

- 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.

**3.8.10. NEIGHBORHOOD CONSERVATION OVERLAY (NCO)**

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**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 one block (two 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 2.4.18, Zoning Map Amendment; and
- (b) Section 2.4.13, Text Amendment.

## C. District Development Standards

The text amendment for each area designated as an individual NCO district shall identify, with specificity, the standards to be applied to all new construction and expansion of existing structures. 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:

- 1. Dimensional standards such as lot area, lot width, and setbacks;
- 2. Location of proposed buildings or additions;
- 3. Building size (for principal and accessory structures), and orientation;
- 4. Exterior building materials;
- 5. Building roof line and pitch;
- 6. Building foundation treatment;
- 7. Required features on a front façade;
- 8. Landscaping and screening;
- 9. Paving requirements or limitations;
- 10. Exterior lighting;
- 11. Uses; and
- 12. Views of or from specific locations.

## 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. 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.

# CHAPTER 4: USE STANDARDS

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## **KEY CHANGES FROM THE CURRENT ORDINANCE**

Chapter 4: Use Standards, includes the provisions related to use classifications, procedures for review of uses by zoning district, use standards, and the provisions for accessory and temporary uses. The changes from the current ordinance include:

- Consolidation of most of the use-related standards into a single chapter.
- A summary principal use table that indicates if a use is prohibited in a particular overlay district or if there are additional use standards that apply to the use (pg. 4-4 to 4-15).
- A new procedure to determine how unlisted uses will be addressed (pg. 4- 2).
- Replacement of the current SIC code-based use classification system with a three-tier system of use classifications, use categories, and use types. Definitions, characteristics, and rules governing the use classifications and use categories are included in a series of use classification tables (pg. 4-16 to 4-37).
- Consolidation of many principal uses into simplified major and minor use types.
- Inclusion of a wide variety of new use types.

Footnotes are included in the document that identify, as appropriate, new code sections, changes in existing code provisions, changes based on recommendations from the Code Assessment, and changes made based on comments from UPDATE Advisory Committee members. These footnotes will remain in the draft version of the document but will be removed prior to its adoption.

# CHAPTER 4: USE STANDARDS

## 4.1. PRINCIPAL USE TABLE<sup>127</sup>

### 4.1.1. USE TABLE STRUCTURE

#### A. General

Table 4.1.9, Principal Use Table, lists use types and indicates for each zoning district whether the 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 2.4.10, 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.

<sup>127</sup> This is a new section established in accordance with Page 3-13 of the Code Assessment. The new principal use table replaces Table 4-7-1 in the current ordinance. It uses a three-tiered use classification system to organize the range of allowable uses instead of the SIC code-based system used in the current ordinance. Many of the use categories are reorganized into "major" or "minor" use types as a means of simplifying the table and removing the need to list large numbers of different, but similar, uses. For example, Table 4-7-1 lists eight different types of day care uses, while the principal use table in this draft ordinance lists only two: day care, major and day care, minor. The distinctions between major and minor uses, like day care, are set out in Section 4.2, Use Classifications, Use Categories, and Use Types, of this article. In addition to the simplification in the number of use types, the proposed use table no longer makes a distinction between those uses permitted by right versus those permitted subject to development standards (those shown with a "D" in Table 4-7-11). If a use is subject to additional standards, the standards are applied to the use regardless of the district where it is located, unless expressly stated otherwise.

- B.** The following 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.

**4.1.6. DISTRICT USE PROHIBITION**

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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**

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- 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**

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For land uses not listed in the principal use table and not listed as a part of a use category or use type, the Planning and Development Director shall determine which use category or use type to which the land use belongs in accordance with provisions of this Section.

**A. Procedure for Determining Unlisted Uses**

Requests for an unlisted use determination shall be submitted to the Planning and Development Director in writing and shall provide information describing the land use and its activities. Furthermore, the Planning and Development Director may request additional information or documentation as deemed necessary to make a determination. Based upon the information provided and obtained, the Planning and Development Director shall determine which use category or use type the unlisted land use is best classified.

**B. Standards for Determining Unlisted Uses**

In making such determinations, the Planning and Development Director shall consider all relevant characteristics of the unlisted use and be directed by the following standards:

- 1.** The function, product, or physical characteristics of the use;
- 2.** The impact on adjacent lands created by the use;
- 3.** The type, size, and nature of buildings and structures associated with the use;
- 4.** The type of sales (retail, wholesale), and the size and type of items sold and displayed on the premises;
- 5.** The types of items stored (such as vehicles, inventory, merchandise, chemicals, construction materials, scrap and junk, and raw materials including liquids and powders);
- 6.** The volume and type of vehicle traffic generated by the use, and the parking demands of the use;
- 7.** Any processing associated with the use, including assembly, manufacturing, warehousing, shipping, distribution, and whether it occurs inside or outside a

building;

8. Any dangerous, hazardous, toxic, or explosive materials associated with the use;
9. 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
10. Any prior determinations made by the Planning and Development Director or decisions made by the BOA.

**C. Effect of Approval of Unlisted Use**

1. After the Planning and Development Director determines which use category or use type the unlisted use is best classified, then the unlisted use is subject to any and all requirements of that use category or use type, such as additional standards or special use review.
2. 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 to address the uncertainty and confusion. Until final action is taken on the text amendment application, the Planning and Development Director's determination shall be binding in accordance with Section 2.5.4.E, Effect.
3. 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 in accordance with Section 2.5.4.E, Effect, without further action or amendment of this Ordinance.
4. The Planning and Development Director shall maintain a record of each unlisted use determination in the Procedures Manual.
5. The Planning and Development Director's determination may be appealed in accordance with Section 2.4.2, Appeal.

4.1.9. PRINCIPAL USE TABLE<sup>128</sup>

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	RS-40	RS-20	RS-15	RS-12	RS-9	RS-7	RS-5	RM-5	RM-8	RM-12	RM-18	RM-26	LO	GO-M	GO-H	NB	LB	GB	HB	SC	CB	CP	LI	HI	AG	PI		MS		DISTRICT USE PROHIBITION	ADDITIONAL STANDARDS
		R-3		R-5		R-7		RM-5		RM-16		RM-26		TO	OI	LB		GB		RC	CB	EC	LI	HI	RU	I	PC	MS	MX			
		RESIDENTIAL												BUSINESS									SPECIAL									
<b>AGRICULTURAL USE CLASSIFICATION</b>																																
Agriculture	Agriculture production (crops)	P	P	P	P	P	P	P	P	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)	
<b>RESIDENTIAL USE CLASSIFICATION</b>																																
Common elements recreation	Common Elements Recreation	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	4.3.2. A.1

<sup>128</sup> This is the summary table of principal uses proposed to replace Table 4-7-1 in the current ordinance. Accessory and temporary uses are addressed in subsequent sections of this chapter instead of being included with the principal uses (as is the case with Table 4-7-1). Tables 4.2.3 through 4.2.7 of the draft ordinance set out the definitions and distinctions between major and minor use types. This table does not make a distinction between uses permitted by right versus a use permitted subject to development standards (listed as a "D" in the current use table). Instead, all uses are listed as permitted by right, as a special use, or permitted in an overlay district. If a use is subject to additional standards, they apply regardless of the district where located. Unless stated otherwise, the last column in the table includes a cross reference to any additional standards. Finally, the land use classification system (used in the current ordinance for the purpose of determining landscape buffers) is not carried forward in the updated Development Ordinance in favor of a zoning district-based approach.



**Chapter 4: Use Standards**

**Section 4.1 Principal Use Table**

Subsection 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	RS-40	RS-20	RS-15	RS-12	RS-9	RS-7	RS-5	RM-5	RM-8	RM-12	RM-18	RM-26	LO	GO-M	GO-H	NB	LB	GB	HB	SC	CB	CP	LI	HI	AG	PI		MS		DISTRICT USE PROHIBITION	ADDITIONAL STANDARDS	
		R-3			R-5		R-7		RM-5		RM-16		RM-26		TO	OI	LB	GB	RC	CB	EC	LI	HI	RU	I	PC	MS	MX					
		RESIDENTIAL													BUSINESS										SPECIAL								
Household Living	Family care home	P				P	P	P	P	P	P	P	P	P	P	P											P					ARO Zone 1-2	4.3.2. B.1
	Live/work dwelling									P	P			P	P	P	P	P	P	P	P	P							P	P	ARO Zone 1-2	4.3.2. B.2	
	Manufactured dwelling	O				O	O	O	O																	P					ARO Zone 1-3	4.3.2. B.3	
	Multi-family dwelling, major								P	P	P	P	P	P	P	P	P	P	P	P	P	P	P				P		P	P	ARO Zone 1-2	5.11	
	Multi-family dwelling, minor						P*	P*	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P				P		P	P	ARO Zone 1-2	4.3.2. B.4, 5.11	
	Single-family attached dwelling, major								P	P	P	P	P	P	P	P	P	P	P	P	P	P	P				P		P	P	ARO Zone 1-2	5.11	
	Single-family attached dwelling, minor						P*	P*	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P				P		P	P	ARO Zone 1-2	5.11	
	Single-family detached dwelling	P				P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P				P				ARO Zone 1-2		

**TABLE 4.1.9: PRINCIPAL USE TABLE**

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		R-3		R-5		R-7		RM-5		RM-16		RM-26		TO	OI	LB	GB	RC	CB	EC	LI	HI	RU	I	PC	MS	MX					
		RESIDENTIAL												BUSINESS										SPECIAL								
	Two-family dwelling					P*	P	P	P	P	P	P	P	P	P	P															ARO Zone 1-2	4.3.2. B.5
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	

**Chapter 4: Use Standards**

**Section 4.1 Principal Use Table**

Subsection 4.1.9 Principal Use Table

**TABLE 4.1.9: PRINCIPAL USE TABLE**

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		R-3			R-5		R-7		RM-5		RM-16		RM-26		TO	OI	LB	GB	RC	CB	EC	LI	HI	RU	I	PC	MS	MX					
		RESIDENTIAL													BUSINESS										SPECIAL								
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	
<b>INSTITUTIONAL USE CLASSIFICATION</b>																																	
Civic	Assembly, major																		P	P	P	P						P		P	P	ARO Zone 1	4.3.3. A.1
	Assembly, minor	S		S	S	S	S	S	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P		4.3.3. A.1
	Cemetery, columbarium, mausoleum	P		P	P	P	P	P	P	P	P	P	P	P	P	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	

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		R-3		R-5	R-7	RM-5	RM-16	RM-26	TO	OI	LB	GB	RC	CB	EC	LI	HI	RU	I	PC	MS	MX												
		RESIDENTIAL							BUSINESS									SPECIAL																
Cultural facility, minor	Cultural facility, minor													P	P	P	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	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	P	P	P	P	P		4.3.3. A.3		
	Public safety facility, major															P	P	P	P	P	P	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	P	P	P	P	P				
Day Care	Day care center	S					S	S	S	S	S	S	S	P	P	P	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		P		ARO Zone 1	4.3.3. C.1	
	School, major	S					S	S	S	S	S	S	S														S	P				ARO Zone	4.3.3. C.2	

**Chapter 4: Use Standards**

**Section 4.1 Principal Use Table**

Subsection 4.1.9 Principal Use Table

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		R-3			R-5		R-7		RM-5		RM-16		RM-26		TO	OI	LB	GB	RC	CB	EC	LI	HI	RU	I	PC	MS	MX					
		RESIDENTIAL													BUSINESS										SPECIAL								
																															1		
	School, minor	S				S	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	
Religious Institution	Religious institution	P				P	P	P	P	P	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

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		R-3		R-5		R-7		RM-5		RM-16		RM-26		TO	OI	LB	GB	RC	CB	EC	LI	HI	RU	I	PC	MS	MX						
		RESIDENTIAL						BUSINESS										SPECIAL															
Transportation	Airport																								S	S						WSO (WCA)	
	Park and ride facility											P		P	P	P	P	P	P	P	P	P	P	P	P	P	P	P					4.3.2. E.1
	Passenger terminal, surface transportation																	P	P	P	P	P	P	P	P				P	P		WSO (WCA)	
	Taxi or limousine service facility																		P		P	P	P	P	P							WSO (WCA)	
Utilities	Communication or broadcasting facilities														P				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	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	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	P	P	P	P	P	P	P	P	P		4.3.3. F.3



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		R-3		R-5		R-7		RM-5		RM-16		RM-26		TO	OI	LB	GB	RC	CB	EC	LI	HI	RU	I	PC	MS	MX							
		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		MS (B)		
	Personal service, minor														P	P	P	P	P	P	P									P	P			
	Repair establishment																P	P	P	P	P	P	P							P	P		4.3.4. D.1	
	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	

**Chapter 4: Use Standards**

**Section 4.1 Principal Use Table**

Subsection 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	RS-40	RS-20	RS-15	RS-12	RS-9	RS-7	RS-5	RM-5	RM-8	RM-12	RM-18	RM-26	LO	GO-M	GO-H	NB	LB	GB	HB	SC	CB	CP	LI	HI	AG	PI		MS		DISTRICT USE PROHIBITION	ADDITIONAL STANDARDS		
		R-3			R-5		R-7		RM-5		RM-16		RM-26		TO	OI	LB		GB		RC	CB	EC	LI	HI	RU	I	PC	MS	MX				
		RESIDENTIAL													BUSINESS										SPECIAL									
Retail Sales	Bulky item sales																			P														4.3.4. F.1
	Convenience store with fuel sales																			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												5.10.5
	Retail sales, major																		P	P	P	P									P	P		4.3.4. F.3
	Retail sales, minor																P	P	P	P	P	P									P	P		
Vehicle Establishments	Vehicle establishment, major																			P				P	P					P			MS-B, WSO (WCA)	4.3.4. G.1
	Vehicle establishment, minor																			P	P				P	P					P			MS-B, WSO (WCA)

**TABLE 4.1.9: PRINCIPAL USE TABLE**

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		R-3		R-5	R-7	RM-5	RM-16	RM-26	TO	OI	LB	GB	RC	CB	EC	LI	HI	RU	I	PC	MS	MX												
		RESIDENTIAL							BUSINESS							SPECIAL																		
Visitor Accommodation	Bed & breakfast	S				S	S	S	S	P	P	P	P	P	P												P				P	P		4.3.4. H.1
	Hotels or motels																			P	P	P	P	P							P	P	ARO Zone 1	
<b>INDUSTRIAL USE CLASSIFICATION</b>																																		
Extractive Industry	Extractive industry																															ARO Zone 1, WSO (WCA)	4.3.5. A.1	
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)		



**Chapter 4: Use Standards**

**Section 4.1 Principal Use Table**

Subsection 4.1.9 Principal Use Table

**TABLE 4.1.9: PRINCIPAL USE TABLE**

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USE CATEGORY	USE TYPE	RS-40	RS-20	RS-15	RS-12	RS-9	RS-7	RS-5	RM-5	RM-8	RM-12	RM-18	RM-26	LO	GO-M	GO-H	NB	LB	GB	HB	SC	CB	CP	LI	HI	AG	PI		MS		DISTRICT USE PROHIBITION	ADDITIONAL STANDARDS			
		R-3			R-5			R-7			RM-5			RM-16			RM-26			TO	OI	LB	GB	RC	CB	EC	LI	HI	RU	I			PC	MS	MX
		RESIDENTIAL												BUSINESS										SPECIAL											
Manufacturing, minor	Manufacturing, minor																							P	P	P							WSO (WCA)		
	Microbrewery or winery																										S								
	Motion picture production																		P					P	P	P									
Warehousing and Freight Movement	Freight movement																								P	P								WSO (WCA)	
	Self-storage																			P					P	P								4.3.5. C.1	
	Warehouse and distribution																		P				P	P	P	P							WSO (WCA)	4.3.5. C.2	
Waste Related Service	Hazardous waste disposal																									S								ARO Zone 1, WSO (WCA & GWA)	
	Landfill, major																									S								ARO Zone 1, WSO	4.3.5. D.1

**TABLE 4.1.9: PRINCIPAL USE TABLE**

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		R-3		R-5		R-7		RM-5		RM-16		RM-26		TO	OI	LB	GB	RC	CB	EC	LI	HI	RU	I	PC	MS	MX							
		RESIDENTIAL												BUSINESS										SPECIAL										
																																(WCA & GWA)		
	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)

**Chapter 4: Use Standards**

**Section 4.1 Principal Use Table**

Subsection 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  
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		R-3		R-5		R-7		RM-5		RM-16		RM-26		TO	OI	LB	GB	RC	CB	EC	LI	HI	RU	I	PC	MS	MX							
		RESIDENTIAL						BUSINESS						SPECIAL																				
	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, & 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, & 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 two-family 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.

<b>TABLE 4.2.2.E: USE CLASSIFICATION</b>		
<b>A. USE CATEGORY</b>	<b>1. CHARACTERISTICS:</b>	
	Listing of use category characteristics	
	<b>2. USE TYPES:</b>	
	(a) Use type	Use type description 1) Major/minor use type description
	<b>3. EXCEPTIONS:</b>	
	Listing of uses that are not included in the use category	

### 4.2.3. AGRICULTURAL USE CLASSIFICATION <sup>129</sup>

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.

<b>TABLE 4.2.3: AGRICULTURAL USE CLASSIFICATION</b>		
<b>A. AGRICULTURE</b>	<b>1. CHARACTERISTICS:</b>	
	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.	
	<b>2. USE TYPES:</b>	
	(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.
	<b>3. EXCEPTIONS:</b>	
	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.	

<sup>129</sup> This table sets out the use category characteristics and definitions for each of the use types in the agricultural use classification. One significant change between this draft and the Code Assessment is the inclusion of use definitions within these use classification tables instead of in Section 10.5, Definitions.

#### 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**

<b>TABLE 4.2.4: RESIDENTIAL USE CLASSIFICATION</b>	
<b>A. COMMON ELEMENTS RECREATION</b>	<b>1. CHARACTERISTICS:</b> 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.
	<b>2. USE TYPES:</b>
	(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>B. HOUSEHOLD LIVING</b>	<b>1. CHARACTERISTICS:</b> 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.
	<b>2. USE TYPES:</b>
	(a) Family care home A home for six 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.
	(b) Live/work dwelling A structure or portion of a structure combining a dwelling unit with an integrated nonresidential work space typically used by one or more of the residents. The nonresidential work space is found on the building's ground floor.
	(c) 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.
(d) Multi-family dwelling A dwelling comprised of 3 or more dwelling units that share common vertical walls or horizontal floors/ceilings (or both) that are not on individual lots. Examples include triplexes, quadplexes, apartments, and condominiums.	

**TABLE 4.2.4: RESIDENTIAL USE CLASSIFICATION**

		1) Major – A dwelling containing more than four individual dwelling units.
		Minor – A dwelling containing three or four individual dwelling units.
	(e) Single-family attached dwelling	A dwelling containing one dwelling unit that is physically attached to one 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.
		1) Major - Development containing more than 4 single-family attached dwelling units.
		2) Minor - Development containing between two and four single-family attached dwelling units.
(f) Single-family detached dwelling	A dwelling containing one dwelling unit that is occupied by one 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. A manufactured building constructed for use as a single-family dwelling (manufactured dwelling) is treated similar to a single-family detached dwelling, but must be located within the Manufactured Housing Overlay (MHO) district.	
(g) Two-family dwelling	Two dwelling units that are attached to one another in either a side-by-side configuration or one unit above the other. Both dwelling units are on the same lot.	
<b>C. GROUP LIVING</b>	<b>1. CHARACTERISTICS:</b>	
	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.	
	<b>2. USE TYPES:</b>	
	(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.

**TABLE 4.2.4: RESIDENTIAL USE CLASSIFICATION**

	(c) Rooming house	A dwelling that provides rental accommodations to tenants in up to 5 individual rooms for periods of one week or longer. The dwelling is accessed by a shared entry with a common kitchen. Meals may be provided to the tenants.
	(d) Single room occupancy (SRO)	A building that provides rental accommodations to tenants in more than 5 individual rooms for periods of one 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 seven or more patrons.
		2) Minor - Social service facilities that provide assistance for six or fewer patrons.
<b>3. EXCEPTIONS:</b>		
(a) Extended stay hotels are considered Visitor Accommodations. (b) Family care homes are considered Household Living.		
<b>D. LIFE CARE</b>	<b>1. CHARACTERISTICS:</b>	
	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.	
	<b>2. USE TYPES:</b>	
	(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	An institution that is licensed or approved to provide health care	

**TABLE 4.2.4: RESIDENTIAL USE CLASSIFICATION**

	care/skilled nursing facility	under skilled medical supervision for 24 or more consecutive hours. Examples include restorative services, nursing homes, and hospice homes.
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### 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**

<b>A. CIVIC</b>	<b>1. CHARACTERISTICS:</b>	
	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.	
	<b>2. USE TYPES:</b>	
	(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

**TABLE 4.2.5: INSTITUTIONAL USE CLASSIFICATION**

		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 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.
	<b>3. EXCEPTIONS:</b>	
	(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>B. DAY CARE</b>	<b>1. CHARACTERISTICS:</b>	
	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.	
	<b>2. USE TYPES:</b>	

**TABLE 4.2.5: INSTITUTIONAL USE CLASSIFICATION**

	(a) Day care center	A facility, other than an occupied dwelling, that provides for the care of more than five preschool age, or a combination of preschool and school age children under 13 years of age totaling nine or more, or nine 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.
	<b>3. EXCEPTIONS:</b>	
	(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.	
<b>C. EDUCATION</b>	<b>1. CHARACTERISTICS:</b>	
	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.	
	<b>2. USE TYPES:</b>	
	(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.	
<b>D. HEALTH CARE</b>	<b>1. CHARACTERISTICS:</b>	
	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,	

**TABLE 4.2.5: INSTITUTIONAL USE CLASSIFICATION**

	parking, maintenance facilities, housing for staff or trainees, and limited accommodations for family members.	
	<b>2. USE TYPES:</b>	
	(a) Hospital	An in patient 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.
	(b) Medical care facility	An outpatient facility where patients are admitted for examination and treatment by one 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.
	<b>3. EXCEPTIONS:</b>	
	(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.	
<b>E. RELIGIOUS INSTITUTIONS</b>	<b>1. CHARACTERISTICS:</b>	
	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.	
	<b>2. USE TYPES:</b>	
	(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

**TABLE 4.2.5: INSTITUTIONAL USE CLASSIFICATION**

		convents.
<b>F. TRANSPORTATION</b>	<b>1. CHARACTERISTICS:</b>	
	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.	
	<b>2. USE TYPES:</b>	
	(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.
	(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.
	<b>3. EXCEPTIONS:</b>	
Transit route facilities such as bus stops and bus shelters are exempt from this Ordinance.		
<b>G. UTILITIES</b>	<b>1. CHARACTERISTICS:</b>	
	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.	
	<b>2. USE TYPES:</b>	
	(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,

**TABLE 4.2.5: INSTITUTIONAL USE CLASSIFICATION**

		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 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.
		<p>1) Major - Any application for wireless facilities and/or wireless support structures other than those meeting the definition of a minor wireless telecommunications facility.</p> <p>2) Minor - Any application for a wireless facility and/or wireless support structure that:</p> <p>(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</p> <p>(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</p> <p>(c) Is a concealed wireless facility that is 80 feet or less, in any residential zoning district, or</p> <p>(d) Is a concealed wireless facility that is 150 feet or less in height in any zoning district except residential, or</p> <p>(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</p> <p>(f) Is considered a substantial modification, as defined in this ordinance, of an existing wireless facility or support structure.</p>
<b>3. EXCEPTIONS:</b>		
(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**

<b>A. ADULT ENTERTAINMENT</b>	<b>1. CHARACTERISTICS:</b>	
	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.	
	<b>2. USE TYPES:</b>	
	(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>B. ANIMAL CARE</b>	<b>1. CHARACTERISTICS:</b>	
	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.	
	<b>2. USE TYPES:</b>	
		(a) Animal care
		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.
<b>C. EATING ESTABLISHMENTS</b>	<b>1. CHARACTERISTICS:</b>	
	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, 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.	
	<b>2. USE TYPES:</b>	
	(a) Bar or nightclub	An establishment primarily devoted to the sale of alcoholic

**TABLE 4.2.6: COMMERCIAL USE CLASSIFICATION**

		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.	
<b>3. EXCEPTIONS:</b>			
Banquet halls and dinner theatres are considered Civic.			
<b>D. OFFICES</b>	<b>1. CHARACTERISTICS:</b>		
	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.		
	<b>2. USE TYPES:</b>		
	(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.	
	<b>3. EXCEPTIONS:</b>		
	(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.			
<b>E. PARKING, COMMERCIAL</b>	<b>1. CHARACTERISTICS:</b>		
	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.		

**TABLE 4.2.6: COMMERCIAL USE CLASSIFICATION**

	<b>2. USE TYPES:</b>		
	(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.	
	<b>3. EXCEPTIONS:</b>		
	(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.		
<b>F. PERSONAL SERVICES</b>	<b>1. CHARACTERISTICS:</b>		
	The Personal Service Use Category is characterized by use types related to the provision of services or product repair for consumers.		
	<b>2. USE TYPES:</b>		
	(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.	
	<b>3. EXCEPTIONS:</b>		
	(a) Travel agencies are considered Offices.		
(b) Repair of heavy equipment is considered Industrial Services.			
<b>G. RECREATION AND LEISURE</b>	<b>1. CHARACTERISTICS:</b>		
	The Recreation and Leisure Use Category is characterized by use types that provide recreational, amusement, and entertainment opportunities that are commercial in nature.		
	<b>2. USE TYPES:</b>		

**TABLE 4.2.6: COMMERCIAL USE CLASSIFICATION**

	(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.
<b>H. RETAIL SALES</b>	<b>1. CHARACTERISTICS:</b>	
	The Retail Sales Use Category includes use types involved in the sale, lease, or rent of new or used products to 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.	
	<b>2. USE TYPES:</b>	
	(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, 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	

**TABLE 4.2.6: COMMERCIAL USE CLASSIFICATION**

		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.
		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.
<b>3. EXCEPTIONS:</b>		
<p>(a) Laundry and dry-cleaning plants are considered Industrial Services.</p> <p>(b) Building trade contractors with on-site storage that sell primarily to contractors and do not have a retail orientation are considered Industrial Services.</p> <p>(c) Repair and service of automobiles, motorcycles, and light and medium trucks are considered as Vehicle Establishments.</p> <p>(d) Bars, nightclubs, and similar establishments, as well as bakeries are considered Eating Establishments.</p> <p>(e) An establishment that provides financial, professional or business services in an office setting are considered Office.</p> <p>(f) An establishment that involves the sale, distribution, or presentation of materials or activities emphasizing sexually explicit content are considered Adult Entertainment.</p>		
<b>I. VEHICLE ESTABLISHMENTS</b>	<b>1. CHARACTERISTICS:</b>	
	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.	
	<b>2. USE TYPES:</b>	
		Uses involving the direct sales and service of motorized vehicles.
	(a) Vehicle establishments	<p>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.</p> <p>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.</p>
<b>3. EXCEPTIONS:</b>		
<p>(a) Auto parts and supply sales are considered Retail Sales.</p> <p>(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.</p> <p>(c) Storage of salvaged or junk vehicles or parts is considered a Waste-Related Service.</p>		
<b>J. VISITOR ACCOMMODATIONS</b>	<b>1. CHARACTERISTICS:</b>	
	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,	

**TABLE 4.2.6: COMMERCIAL USE CLASSIFICATION**

	supporting commercial, meeting facilities, offices, and parking.	
	<b>2. USE TYPES:</b>	
(a) Bed and breakfast	A private residence, typically a single-family detached structure engaged in the renting of one 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**

<b>A. EXTRACTIVE INDUSTRY</b>	<b>1. CHARACTERISTICS:</b>	
	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.	
	<b>2. USE TYPES:</b>	
	(a) Extractive industry	A use involving the extraction, removal, or basic processing of minerals, liquids, gases, or other natural resources.
<b>B. INDUSTRIAL SERVICE</b>	<b>1. CHARACTERISTICS:</b>	
	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.	
	<b>2. USE TYPES:</b>	
	(a) Industrial service	Establishments engaged in the repair or servicing of agriculture, industrial, business, or consumer machinery,

**TABLE 4.2.7: INDUSTRIAL USE CLASSIFICATION**

		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 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.
	<b>3. EXCEPTIONS:</b>	
	(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.	
<b>C. MANUFACTURING AND PRODUCTION</b>	<b>1. CHARACTERISTICS:</b>	
	The Manufacturing and Production Use Category includes use types involving in 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 the 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.	
	<b>2. USE TYPES:</b>	
	(a) Asphalt plants	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

**TABLE 4.2.7: INDUSTRIAL USE CLASSIFICATION**

		adhesives, coatings, or paint manufacturing.
		(2) Minor - Uses that involve indoor processing or assembly of finished or partially finished goods and do not 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 or winery	An establishment engaged in the production and packaging of malt beverages or wine 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. 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.
	<b>3. EXCEPTIONS:</b>	
	Manufacturing and production of goods from salvage or composting material is classified as Waste-Related Services.	
<b>D. WAREHOUSE AND FREIGHT MOVEMENT</b>	<b>1. CHARACTERISTICS:</b>	
	The Warehouse and Freight Movement Use Category includes use types that involve 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.	
	<b>2. USE TYPES:</b>	
	(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	A storage building or buildings divided into sections or compartments for the storage of business or personal items on a temporary or long-term basis only.
	(c) 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.

**TABLE 4.2.7: INDUSTRIAL USE CLASSIFICATION**

<b>E. WASTE-RELATED SERVICE</b>	<b>3. EXCEPTIONS:</b>	
	(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.	
	<b>1. CHARACTERISTICS:</b>	
	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.	
	<b>2. USE TYPES:</b>	
	(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.
		<ol style="list-style-type: none"> <li>1) Major - A solid waste or sanitary landfill designed to collect and store nonhazardous household waste.</li> <li>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.</li> </ol>
	(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 junkyard	An establishment where junk, waste, discarded, salvaged, or 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	

**TABLE 4.2.7: INDUSTRIAL USE CLASSIFICATION**

		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
<b>3. EXCEPTIONS:</b>		
(a) Wastewater treatment plants and potable water treatment plants are considered Utilities.		
(b) Temporary LCID landfills are considered a temporary use.		
<b>F. WHOLESALE TRADE</b>	<b>1. CHARACTERISTICS:</b>	
	The Wholesale Trade Use Category includes use types involving the sale, lease, or rent of products primarily intended for industrial, institutional, 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.	
	<b>2. USE TYPES:</b>	
	(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.
	<b>3. EXCEPTIONS:</b>	
	(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<sup>130</sup>

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. Family Care Home

A family care home shall not be located within one-half mile (2,640 feet) of an existing family care home.

##### 2. 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 must be allowed as a permitted principal use in the zoning district where located.
- (c) Drive-through facilities are prohibited.
- (d) The use shall comply with the parking, landscaping, and open space standards for mixed uses in Chapter 5: Development Standards.
- (e) Signage for the nonresidential portion of the building is allowed in accordance with the standards in Section 5.12, Signage.

##### 3. 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

<sup>130</sup> This section builds on the standards in Section 9-5-2 of the current ordinance. Provisions related to accessory uses are relocated to the accessory use standards in the subsequent section of this draft ordinance.

- 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 three 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 six inches, which may include a gutter.

#### 4. Multi-Family Dwelling

A minor multi-family dwelling in the R-5 and R-7 districts shall comply with the following standards:

- (a) Be limited to one dwelling per lot;
- (b) Not be served by more than one driveway on the same block face, excluding circular driveways.
- (c) Be served by a single entrance on an individual building façade.

#### 5. Two-Family Dwelling

Two-family dwellings in the R-5 and R-7 districts shall comply with the following standards:

- (a) Have a shared primary entryway or be configured so that each individual primary entryway is located on a different façade of the structure.
- (b) Have a shared driveway unless they access different streets.

### 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, : two bedrooms shall be equivalent to one 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 five 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 one-half (1/2) a dwelling unit; and a rooming unit of 150 square feet or more shall be equivalent one 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 set-aside.
- (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: two bedrooms shall be equivalent to one 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 standards in Section 5.8, Neighborhood Compatibility Standards, shall apply to development along the perimeter of a CCRC.
  - (2) The landscaping requirements in Section 5.2, Landscaping Standards,

shall apply to portions of a CCRC within 50 linear feet of the edge of the development.

- (3) For developments outside the Core City area, the internal street connectivity standards in Section 5.7.3.F, Internal Street Connectivity, shall apply to a CCRC, but the standards in Section 5.7.3.G, External Street Connectivity, shall not apply.
  - (4) A CCRC shall comply with the applicable open space set-aside standards for residential development in Section 5.3, Open Space Set-Asides, 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: two bedrooms shall be equivalent to one 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 two acres.
- (d) Assembly uses with permanent seating for 1,000 or more shall require a special use in accordance with Section 2.4.10, 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 three 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 four 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 six feet above grade.

- (e) If located in a residential district, limit signage to one monument sign with a maximum area of 24 square feet and a maximum height of six 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 three 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 one 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 or wall of at least six 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 one foot of additional setback is provided from all property lines for every two 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 three 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 2.4.10, 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 two additional telecommunications providers.
- (ii) Support structures greater than 100 feet and less than 150 feet in height shall support at least three additional telecommunications providers.
- (iii) Support structures greater than 150 feet in height shall support at least four 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 six months 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 omnidirectional, 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% 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 eight 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 from the public street and from adjacent land in a residential district in accordance with Section 5.2.8, 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 2.4.3 Stealth Wireless Telecommunications Facilities).

**FIGURE 2.4.3 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) **Generally**
    - (i) An existing wireless facility or support structure that was legally permitted on or before [insert 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

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##### 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 one 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 or wall at least six 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.

(b) Not orient the primary entrance toward an abutting lot in a residential district.

(c) Have a six-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 six-foot high opaque fence or masonry wall along all lot lines abutting a residential district.

## D. Personal Services

**1. 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**

**(a) Major**

In the MS district, a use primarily engaged in the sale of used merchandise shall:

(1) Not front on Main Street; and

(2) 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.

**G. Vehicle Establishments**

**1. Vehicle Establishments**

**(a) Generally**

(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 six 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 six 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 ten 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 six feet above grade 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 six sleeping rooms;
- (c) Have only one 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 5.12.8, 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 edges of a pit where an extraction operation is located, any equipment used in the processing of rock and gravel, any asphalt plant, or other industrial use operated in conjunction with the extraction use shall be located at least 50 feet from any property line; and
- (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 six feet in height, shall be provided around the perimeter of both an existing and abandoned extraction operation.

**(c) Rehabilitation**

- (1) Within one 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 Plants**

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 six feet in height, shall be provided around the use.

**(c) Rehabilitation**

- (1)** Within one 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 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.

**(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**

A self-storage establishment in the GB district shall comply with the following standards:

**(a) Use Area**

- (1)** A self-storage use shall be located on a lot or site between two and five acres in area.
- (2)** No more than 50 percent of the total site may be occupied by buildings.

**(b) Maximum Height**

Self-storage buildings shall not exceed 20 feet or one story in height.

**(c) Prohibited Storage**

Outdoor storage and storage of hazardous, toxic, or explosive substances shall be prohibited.

**(d) Operation**

No activity other than storage shall take place within a storage unit.

**2. Warehouse and Distribution**

A warehouse in the GB and CB districts shall comply with the following standards:

- (a)** In the GB district, the warehouse shall not exceed 10,000 square feet of gross floor area.
- (b)** In the CB District:
  - (1)** The warehouse shall not exceed 30,000 square feet of gross floor area.

- (2) Building additions up to 50 percent of the floor area in existence as of January 1, 1999, are permitted for warehouse or wholesale operations if the total gross floor area does not exceed 30,000 square feet.
  - (3) If expansion occurs, the establishment shall provide at least one off-street loading area in accordance with Section 5.1, Off-Street Parking and Loading.
  - (4) 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.
  - (5) Windows shall not be boarded or paneled over from the outside or the inside.
- (c) Outdoor storage shall be prohibited.

**D. Waste-Related Service**

**1. Landfill**

A landfill shall comply with the following standards:

**(a) Generally**

- (1) Provide a Type A landscape yard around its perimeter (see Section 5.2.6, Perimeter Landscape Buffers).
- (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) Generally**

- (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 eight 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 five 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 eight 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) Generally**

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 two weeks prior to the official opening of the market, and be removed within two 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 one 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;
- (iii) Not be in place for more than 120 days in a calendar year;
- (iv) Have an HVAC system; and
- (v) Be engineered to have a clear span tension construction, no internal support poles, and no external guy wires.

**(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 six feet in height, shall be provided around all outdoor storage areas.

**3. Wholesale (Major and Minor)**

Wholesale establishments shall comply with the following standard:

- (a) Vehicular access 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 for residential accessory structures in this section and in Section 10.2.4.G, Setback Encroachments, for allowable encroachments into setbacks for specific accessory structures.

#### 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 two-family dwelling shall meet the following:

**1. Setbacks**

**(a) Rear and Side**

Accessory structures must setback five feet from side and rear lots lines, except for accessory buildings greater than 600 square feet where the setback shall be 10 feet from side and rear lot 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 two acres in area, for which one 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. Generally**

- (a) No more than one ADU shall be located on a lot with a single-family detached dwelling.
- (b) An ADU shall have a maximum of two 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, façade 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 5.5, Exterior Lighting, for the applicable standards.

**E. Fences and Walls**

See Section 5.4, Fences and Walls, 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, of between three and eight children less than 13 years of age, not more than five of which are preschool age, or up to eight 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 one 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 one commercial vehicle with one 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 five 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 one sign that complies with the standards in Section 5.12.8, Signs not Requiring a Sign Permit.

## I. Livestock

The keeping of livestock is allowed as accessory to a single-family detached or two-family dwelling if it complies with the following standards:

1. In the RU 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 five 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 four feet in height.
5. For horses, cows and similar large animals, no more than one animal over six months in age shall be maintained for every 20,000 square feet of fenced area.
6. For sheep, goats and similar-sized animals, no more than one animal over six months in age shall be maintained for every 10,000 square feet of fenced area.

## J. Off-Street Parking and Loading

See Section 5.1, 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 five 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 any use allowed in this Ordinance if 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.
- (b) No more than 2 portable storage containers may be located on a lot with a single-family or two family dwelling.
- (c) The gross square footage of a portable storage container on a lot with a single-family or two family 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.
- (e) Portable storage containers shall not be used for retail sales or any other principal use.

**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 RU, 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 two tenants.
- 2. The renting of rooms to more than two 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 one 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 six consecutive months, 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, Refuse Collection Facilities, for the applicable standards.

## **Q. Signage**

See Section 5.12, 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 NC 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 two-family 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 two-family 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 six feet above grade level.

**2. Improved Parking Area**

- (a)** Any vehicle located on a lot with a single-family or a two-family 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 two occurrences per dwelling unit per calendar year, and no more than two 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

#### A. Generally

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 2.5.16, Zoning Compliance Permit.

#### B. Exemption from Zoning Compliance Permit Issuance

The following temporary uses are exempt from the requirement to obtain a zoning compliance permit, but shall comply with all other applicable requirements in this section.

1. A mobile food vendor operating two or fewer days within a 180-day period on a lot with an established principal use.
2. A special event of two or fewer days within a 180-day period on a lot with an established principal use.
3. A special event sponsored by the City, a county, or the State.

### 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;
3. Comply with the requirements for temporary signs in Section 5.12, 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; and
8. Not remain in place for more than three months if located within a special flood hazard area.

#### B. Conditions of Approval

In approving a temporary use permit, the Planning and Development Director is authorized to impose such 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

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##### 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 building permit is issued for a principal structure.
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 three itinerant merchant sales on a lot per calendar year.

**C. Mobile Food Vendors**

Mobile food vendors are permitted on a lot in a business, special, or planned development district, subject to the following standards:

1. Mobile food vendors operating in the public right-of-way are exempt from this subsection and are subject to the applicable provisions of the City Code of Ordinances. Also, exempt from this subsection are mobile food vendors for special events allowed by this section and mobile food vendors for private events where food is not sold to the general public.
2. The sale of food must be a permitted principal use in the zoning district where the mobile food vendor is temporally located.
3. Mobile food vendors 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.
4. No signage is permitted other than signage that is affixed to the vehicle, trailer, cart or stand.
5. 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.
6. 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.
7. 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 5.5, 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 three 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

A special event is permitted on a lot in a business, special, or planned development district, subject to the following standards:

1. 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.
2. Circuses, carnivals and similar amusements may be subject to the applicable provisions of the City Code of Ordinances.
3. 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.
4. 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 one 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 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 one 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 one 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 two 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 two 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 5.12, 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.

# CHAPTER 10: MEASUREMENT AND DEFINITIONS

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## **KEY CHANGES FROM CURRENT ORDINANCE**

Chapter 10, Measurement and Definitions, includes the rules of language construction, the rules of measurement, a table of abbreviations, and the definitions used in the ordinance. It also includes the end notes summarizing the zoning district changes. Each module includes additional provisions and definitions that are added to the chapter. Key changes from the current standards include:

- A consolidated rules of measurement section that specifies measurement-based definitions and related provisions with illustrations (to be added in the public hearing draft version).
- New definitions.

Footnotes are included in the document that identify, as appropriate, new code sections, changes in existing code provisions, changes based on recommendations from the Code Assessment, and changes made based on comments from UPDATE Advisory Committee members. These footnotes will remain in the draft version of the document but will be removed prior to its adoption.

# CHAPTER 10: MEASUREMENT AND DEFINITIONS

## 10.1. GENERAL RULES FOR INTERPRETATION<sup>343</sup>

The following rules shall apply for construing or interpreting the terms and provisions of this Ordinance.

### A. Meanings and Intent

1. 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.
2. 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.
3. Terms that are not defined are subject to their common or customary meaning.

### B. 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.

### C. 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.

### D. 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.

### E. 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.

### F. 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.

### G. Delegation of Authority

Any act authorized by this Ordinance to be carried out by the Planning and Development Director, the Engineering Services Director, or the Public Services Director may be delegated by the Planning and Development Director, the Engineering Services Director, or the Public Services Director, as appropriate, to a professional-level subordinate.

<sup>343</sup> This section replaces Section 9-1-8 in the current ordinance.

**H. 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.

**I. 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.

**J. 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 permissive in nature.

**K. Conjunctions**

Unless the context clearly suggests the contrary, conjunctions shall be interpreted as follows:

1. "And" indicates that all connected items, conditions, provisions or events apply; and
2. "Or" indicates that one or more of the connected items, conditions, provisions, or events apply.

**L. 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.

**M. 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<sup>344</sup>

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 two 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. Use Separation

##### 1. Lot to Lot

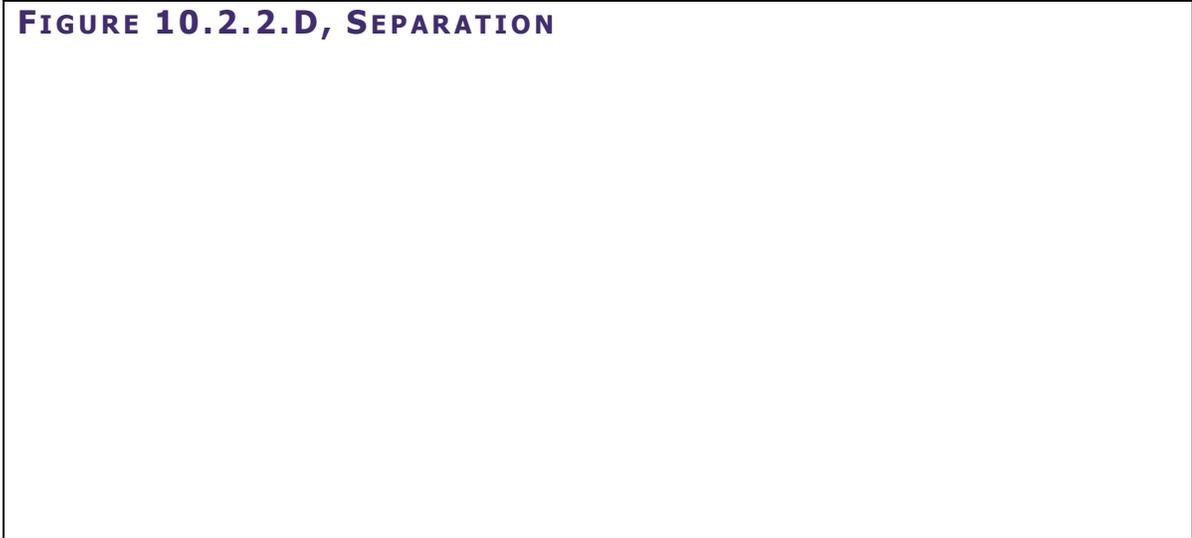
When the provisions of this Ordinance require separation between two or more lots, or a lot and another feature, separation shall be measured by drawing straight lines from the nearest point of one lot line to the nearest point of the lot line subject to the separation requirement.

##### 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.

<sup>344</sup> This is a new section that consolidates the standards related to how measurements are derived. It includes the standards from Section 9-1-7(c), Rounding of Numbers; Section 9-1-7(d), Density Calculations; and 9-5-2(b) General Rules. The section sets out the definitions for lots and setbacks, and explains how these features are determined. In addition, the section sets out the techniques for measuring height, contextual setbacks, parking space configuration, signs, and other measurement-related aspects. It also sets out the standards for how encroachments into required yards are addressed.

**FIGURE 10.2.2.D, SEPARATION**



### **10.2.3. LOT DIMENSIONS**

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**A. Lot Lines<sup>345</sup>**

**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 two side lot lines along the edge of the street that provides a lot's street address or that opposes the primary entrance of a building.

**3. Rear Lot Line**

The rear lot line is the line connecting the two 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.

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<sup>345</sup> The section on lot line measurement is included to establish how different lot lines are determined.

**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 located at the intersection of two or more streets (other than alleys), regardless of whether or not such streets intersect at right angles.

**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 one 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 one 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 one 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 three dwelling units. Beyond the first three 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-sacs, lot width is measured at a point of tangency to the curve of the street.

**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 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. For example, a proposed development in the Core City is proposed on a vacant lot. There are five homes, each on their own lot, along the same block face as the vacant lot. According to the zoning district where the lot is located, the street setback is 10 feet. Each of the five existing homes have a different setback from the street they face. Two are set back ten feet, two are set back five feet, and one is set back 15 feet from the street. To determine the average setback for the block face, an applicant adds up all the front setbacks on the block face ( $10 + 10 + 5 + 5 + 15 = 45$ ). This sum is then divided by the number of homes along the block face to derive the average setback ( $45 / 5 = 9$ ). The average setback for the block face is 9 feet. The proposed development has several options in terms of the setback requirement it will follow. The home could be set back by 10 feet and comply with the district standard. The home could be set back by 6.75 feet ( $9 \times 75\%$ ). The home could be set back 10.125 feet ( $9 \times 125\%$ ). Finally because the setback is a minimum setback, the home could be further than 10.125 feet from the street.
2. This is the same process used for contextual lot width, contextual lot area, contextual side or contextual rear setbacks as well.

**FIGURE 10.<>, DETERMINATION OF DIMENSIONAL STANDARDS IN THE CORE CITY**

### 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 and group developments. When applied to group developments it applies only to the outermost buildings along the perimeter of a development. A perimeter setback does not apply along streets.

**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 two 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, SETBACKS**



**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<sup>346</sup>**

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 there is no interference with a sight distance easement.

<b>TABLE 10.2.4.G: ALLOWABLE ENCROACHMENTS INTO SETBACKS</b>	
<b>FEATURE</b>	<b>ALLOWABLE ENCROACHMENT</b>
Accessory structures other than those listed below	May be located in a required minimum side or rear setback, subject to the limitations in Section 4.4.4, Standards for Accessory Structures
Bay windows	May extend up to three feet into any required setback, if no more than nine feet wide, but in no case shall be closer than three feet to any lot line
Bus shelters and gatehouses	May be located in any required setback
Chimneys or fireplaces	May extend up to three feet into any required setback, but in no case shall be closer than three 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 5.4, Fences and Walls
Handicapped ramps	May be located within any required setback

<sup>346</sup> This is a table of new encroachment provisions for the city’s consideration. It is based on best practices in similar communities.

<b>TABLE 10.2.4.G: ALLOWABLE ENCROACHMENTS INTO SETBACKS</b>	
<b>FEATURE</b>	<b>ALLOWABLE ENCROACHMENT</b>
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 three feet into any required setback, but in no case shall be closer than three 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 three feet into any required setback, but in no case shall be closer than three feet to any lot line
Signs, projecting or free-standing	May extend into or be located in any required setback in accordance with Section 5.12, 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 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.B, 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. Density Equivalence<sup>347</sup>**

1. When calculating the density for a life care use or private dormitory, two bedrooms in a life care or private dormitory shall be equivalent to one 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 one-half ( $\frac{1}{2}$ ) a dwelling unit and a rooming unit of 150 square feet or more shall be equivalent to one dwelling unit.

**C. Rounding**

When computation of density results in a fraction, the fraction shall be rounded down to the next lowest whole number.

**D. Built-Upon Area**

1. The portion of a development that is covered by impervious or partially impervious cover including buildings, pavement, gravel (for pedestrian or vehicular facilities), 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.

**E. 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 two buildings.

<sup>347</sup> This section carries forward the standards in section 9-1-7(d)92) of the current ordinance.

## **10.2.6. HEIGHT**

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### **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.

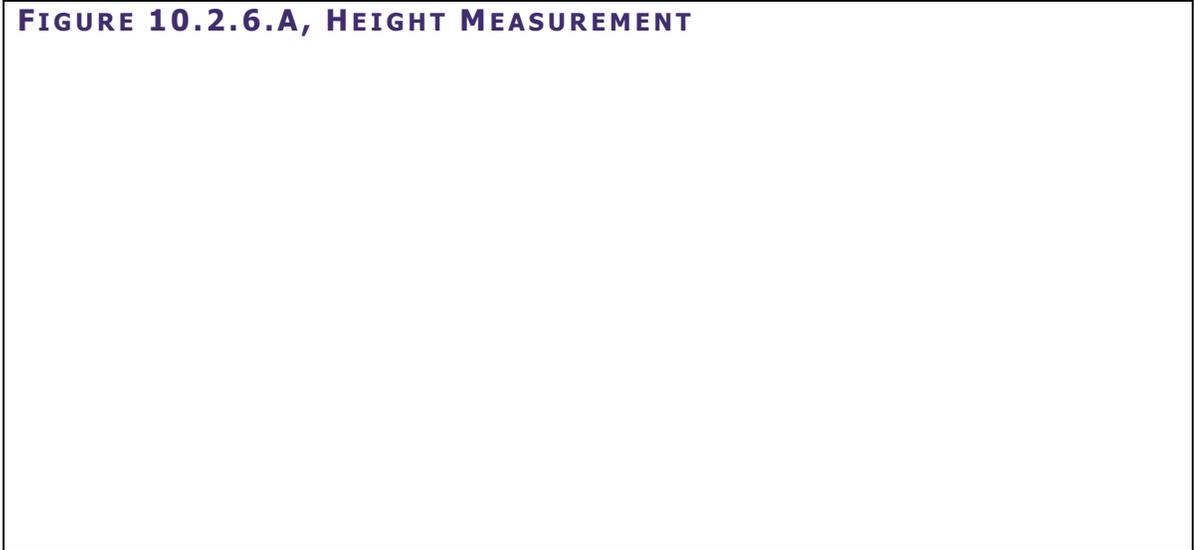
**4.** Lighting or electronic signals that interfere with air traffic communications or navigational aids are prohibited as determined by the FAA.

### **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, HEIGHT MEASUREMENT**



## **10.2.7. SLOPE AND ELEVATION**

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### **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. SIGHT DISTANCE EASEMENT**

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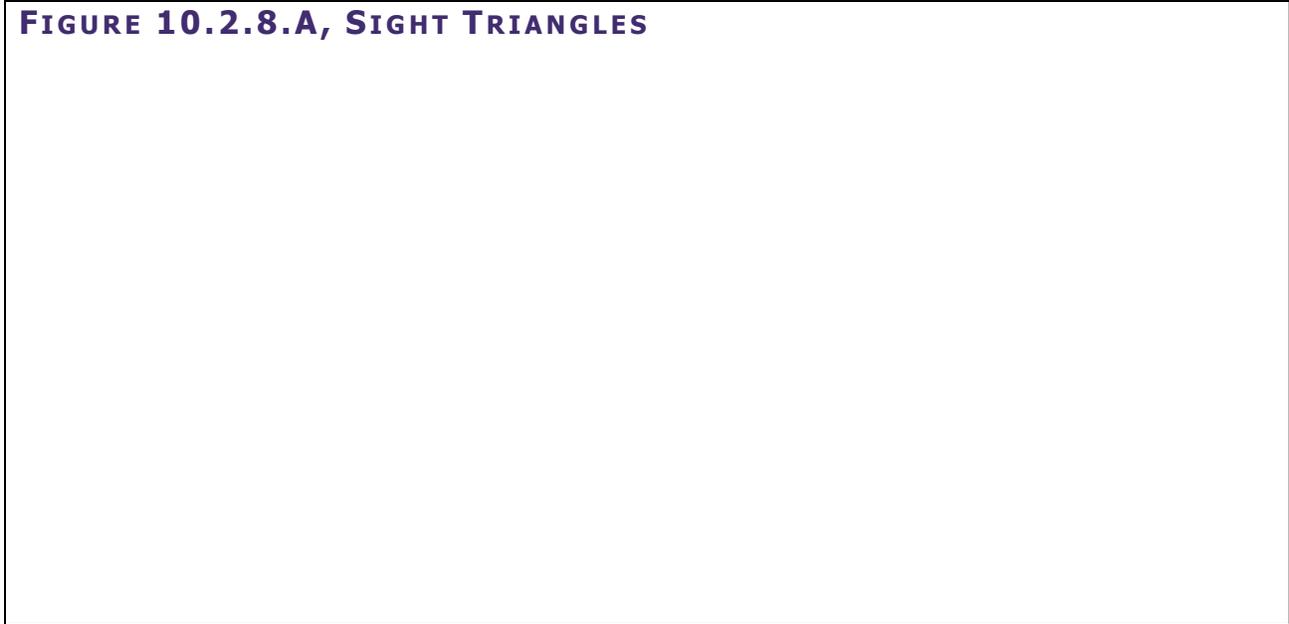
### **A. General Requirements**

- 1.** Minimum sight distance for stopping conditions when connecting new streets to existing streets is 70 feet along the existing right-of-way and ten feet along the new right of way.
- 2.** Minimum sight distance for stopping conditions when connecting alleys or driveways to existing streets is 20 feet along streets, driveways, or alleys.
- 3.** Regardless of the setbacks applied in a district, no obstruction shall be permitted within a required sight distance easement.

### **B. Exemptions**

Columns, sign posts, and utility poles, owned by the City, State, or public utility corporations, trees, and natural topography shall not be considered obstructions to vision within the meaning of this subsection.

**FIGURE 10.2.8.A, SIGHT TRIANGLES**



## **10.2.9. PARKING SPACE COMPUTATION**

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**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 one 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 two-family dwellings, provided sufficient space is available to satisfy the standards of this Ordinance.

### 10.2.10. LANDSCAPING

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#### 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.

### 10.2.11. SIGNAGE<sup>348</sup>

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#### 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 or wall.

#### 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 two 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 one 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 two 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)<sup>349</sup>

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<sup>348</sup> These standards are taken from Section 9-5-16(h) of the current ordinance.

<sup>349</sup> These standards are from Text Amendment 13-05.

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 one 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.

### **10.2.12. EXTERIOR LIGHTING**

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- A.** 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.** 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 five percent.
- C.** Measurements shall be taken with a light meter that has been calibrated within two years.

### **10.2.13. FENCES AND WALLS<sup>350</sup>**

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Fence or wall height shall be measured in accordance with the following standards:

- A.** Fence height shall be measured at the highest point above grade (not including columns or fence posts) on the portion of the fence or wall nearest an abutting or adjacent lot or street right-of-way.
- B.** Columns or posts shall not exceed a height 18 inches above the built height of the fence or wall.
- C.** Any retaining wall or berm below a fence or wall shall be included within the fence or wall height.
- D.** Safety railings required by the NC State Building Code shall not be included in fence height measurements.

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<sup>350</sup> These standards carry forward the provisions in Section 9-4-14(f)(4) of the current ordinance.

## 10.3. ABBREVIATIONS

Table 10.3, Abbreviations, includes the abbreviations and their corresponding terms as used in this Ordinance.

<b>TABLE 10.3: ABBREVIATIONS</b>	
<b>ABBREVIATION</b>	<b>ASSOCIATED TERM</b>
ADU	Accessory Dwelling Unit
ARO	Airport Overlay District
ATM	Automatic Teller Machine
BFE	Base Flood Elevation
BMP	Best Management Practice
BOA	Board of Adjustment
CZ	Conditional Zoning
dB	Decibel
DENR	North Carolina Department of Environment and Natural Resources
DO	Development Ordinance
DWQ	North Carolina Department of Water Quality
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
LCID	Land Clearing and Inert Debris
Ldn	Day-Night Average Sound Level

<b>TABLE 10.3: ABBREVIATIONS</b>	
<b>ABBREVIATION</b>	<b>ASSOCIATED TERM</b>
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).

<b>ABUTTING</b>	The condition of two parcels of land having a common property line or boundary, including cases where two or more parcels of land adjoin at a corner, but not including cases where parcels of land are separated by a street or alley.
<b>ACCESS</b>	The right or ability of pedestrians, vehicles, and boats to enter and leave property.
<b>ACCESS EASEMENT</b>	An easement which grants the right to cross land.
<b>ACCESSORY BUILDING</b>	A detached building, the use of which is customarily incidental to that of the principal building and which is located on the same lot as the principal building.
<b>ACCESSORY DWELLING</b>	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.
<b>ACCESSORY STRUCTURE</b>	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.
<b>ACCESSORY USE</b>	A use that is customarily incidental, appropriate, and subordinate to the principal use of land or buildings and located on the same lot.
<b>ACTIVE RECREATION USE</b>	Uses or structures intended for specific active recreational uses such as play grounds, ballfields, tennis courts and other similar uses typically located in open space set-aside areas or parks.
<b>ADDITION</b>	As used in flood damage prevention standards, an extension or increase in the floor area or height of a building or structure.
<b>ADJACENT</b>	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.
<b>ADOPTED POLICY GUIDANCE</b>	The combined future land-use policy guidance provided by the adopted <i>Community Growth Vision</i> , the comprehensive plan (also referred to as the <i>Land Use Plan</i> ), area plans prepared for specific parts of the city, and system plans related to the city's infrastructure systems.
<b>ADULT ENTERTAINMENT</b>	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 one 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, video cassettes, 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, video cassettes, 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, video cassettes, 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 three days in advance of the class; and 3) where no more than one 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,

	<p>buttocks, anus, or female breasts; or</p> <p>2) sex acts, normal or perverted, actual or simulated, including intercourse, oral copulation, or sodomy; or</p> <p>3) masturbation, actual or simulated; or</p> <p>4) excretory functions as part of or in connection with any of the activities set forth in 1. through 3. above.</p>
<b>AFFECTED PARTY</b>	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.
<b>AFFILIATE</b>	A person that directly or indirectly, through one or more intermediaries, controls, is controlled by, or is under common control of another person.
<b>AGGRIEVED PARTY</b>	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.
<b>ALLEY</b>	A roadway set aside primarily for vehicular service access to the back or side of lands otherwise abutting a street or open space.
<b>ALTERNATIVE LANDSCAPE PLAN</b>	A plan or other proposal to deviate from the basic landscaping or tree planting standards in this Ordinance.
<b>ALTERNATIVE PARKING PLAN</b>	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.
<b>APPLICANT</b>	A person who has submitted a development application for review under applicable provisions of this Ordinance.
<b>APPLICATION</b>	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.
<b>ARBOR</b>	A structure with an open roof system providing partial shading and which may also have non-opaque fencing on the outside perimeter.
<b>ARCADE</b>	A series of arches supported by piers or columns.
<b>ARCH</b>	A curved, semicircular opening in a wall.
<b>ARCHITECTURAL LIGHTING</b>	Exterior lighting that is designed to highlight structures, plantings, or significant architectural features in a direct or indirect fashion.
<b>AREA OF SHALLOW FLOODING</b>	A designated AO zone on the Flood Insurance Rate Map (FIRM) with base flood depths from one to three feet where a clearly defined channel does not exist, the path of flooding is unpredictable and indeterminate, and velocity flow may be evident.
<b>AS-BUILT PLANS</b>	A set of engineering or site drawings that delineate the specific permitted development as actually constructed.
<b>ASSESSED VALUE</b>	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.
<b>AUTHORIZED AGENT</b>	A person with express written consent to act upon another's behalf.
<b>AWNING</b>	A plastic, canvas, or metal porch or shade supported by a frame and often foldable that is placed over a storefront, doorway, or window.
<b>BASE FLOOD</b>	The flood having a one percent chance of being equaled or exceeded in any given year.
<b>BASE FLOOD ELEVATION</b>	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".
<b>BASEMENT</b>	As part of the flood damage prevention standards, an area of a building with a floor located below ground level on all sides.
<b>BERM</b>	An elongated earthen mound typically designed or constructed on a site to separate, screen, or buffer adjacent uses.
<b>BEST MANAGEMENT</b>	A structural or non-structural management-based practice used singularly or in

## Chapter 10: Measurement and Definitions

### Best Management Practice

<b>PRACTICE</b>	combination to reduce nonpoint source inputs to receiving waters in order to achieve water quality protection goals.
<b>BIO-RETENTION DEVICE</b>	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.
<b>BLOCK</b>	The land lying within an area bounded on all sides by streets.
<b>BLOCK FACE</b>	A specific side of a block referenced in relationship to the setback, bulk, height, or uses on the block.
<b>BLOCK LENGTH</b>	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.
<b>BREAKAWAY WALL</b>	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.
<b>BREW PUB</b>	An eating and drinking establishment that produces less than 15,000 barrels of malt beverage per year.
<b>BORROW</b>	Fill material which is required for on-site construction and is obtained from other locations.
<b>BUFFER</b>	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.
<b>BUFFER, PERIMETER LANDSCAPING</b>	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.
<b>BUILDING</b>	A structure having a roof supported by walls or columns constructed or used for residence, business, industry, or other public or private purposes.
<b>BUILDING ELEVATION</b>	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.
<b>BUILDING MARKER</b>	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.
<b>BUILDING MASS</b>	The visual form of a building that includes the exterior walls, projections, recesses, roof features, and any attachments.
<b>BY RIGHT</b>	Land uses that are permitted in a zoning district without requiring special use review.
<b>CALIPER</b>	Quantity in inches of the diameter of trees measured at six inches above the ground for trees four inches or less in trunk diameter and 12 inches above the ground for trees over four inches in trunk diameter.
<b>CANOPY</b>	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.
<b>CANOPY TREE</b>	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.
<b>CHANGE OF USE</b>	The change in the use of a structure or land. Change of use includes a change from one use type to another use type.
<b>CHANNEL</b>	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.
<b>CHANNELIZATION</b>	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

	pipng or any other manmade storm drainage structures.
<b>CITIZEN INFORMATION MEETING</b>	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.
<b>CITY</b>	The City of High Point, North Carolina.
<b>COLLECTOR STREET</b>	A street whose principal function is to carry traffic between cul-de-sac, local, and subcollector streets and streets of higher classification but which may also provide direct access to abutting lands.
<b>COMMERCIAL MESSAGE</b>	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.
<b>CONDOMINIUM</b>	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).
<b>CONNECTIVITY</b>	The relative degree of connection between streets, sidewalks, or other means of travel.
<b>CONSERVATION SUBDIVISION</b>	The division of a tract of land into two or more lots, building sites, or other divisions along with additional land area set aside as open space for conservation and/or recreation purposes.
<b>CONSTRUCTION</b>	The erection of any building or structure or any preparations (including land disturbing activities) for the same.
<b>CONTIGUOUS</b>	Abutting directly or immediately adjacent to a boundary or separated only by a street, railroad, or public utility right-of-way.
<b>CORE CITY</b>	The area subject to the Core City Plan provisions and delineated on the Official Zoning Map.
<b>CORNICE</b>	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.
<b>CROSS-ACCESS</b>	Vehicular access provided between the vehicular use areas of two or more development sites or parcels of land intended to allow travel between the sites without the use of a public or private street.
<b>CROSSWALK</b>	A right-of-way dedicated to public use which cuts across a block to facilitate pedestrian access to adjacent streets and properties.
<b>CUL-DE-SAC STREET</b>	A short local street having one end open to traffic and the other end permanently terminated by a vehicular turnaround.
<b>CUPOLA</b>	A domelike structure on top of a roof or dome, often used as a lookout or to admit light and air.
<b>CUT-OUT LETTER LIGHTING</b>	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.
<b>DECK</b>	A structure, without a roof, directly adjacent to a principal building which has an average elevation above finished grade.
<b>DENSITY CREDIT</b>	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.
<b>DETERMINATION</b>	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.
<b>DEVELOPER</b>	A person engaging in land, site, or building development.
<b>DEVELOPMENT</b>	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.
<b>DIAMETER AT</b>	The measurement of the diameter of a tree trunk over ten inches in diameter taken

## Chapter 10: Measurement and Definitions

### Diameter at breast Height

<b>BREAST HEIGHT</b>	at a height of four-and-one-half 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.
<b>DISABLED MOTOR VEHICLE</b>	A motor vehicle that meets one of more of the following criteria: <ul style="list-style-type: none"><li>- It does not display a current license plate;</li><li>- It is partially dismantled or wrecked;</li><li>- It cannot be self-propelled or moved in the manner originally intended; or</li><li>- It is more than four years old and appears to be worth less than \$500.00.</li></ul> 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.
<b>DISCHARGE POINT</b>	The point at which stormwater runoff leaves a tract of land.
<b>DITCH</b>	A manmade, open drainageway into which surface water or groundwater from land, stormwater runoff, or floodwaters flows either continuously or intermittently.
<b>DRAINAGEWAY</b>	A natural or manmade channel that carries surface runoff from precipitation.
<b>DRAINAGE EASEMENT</b>	An easement which grants the right to maintain, relocate, or, utilize land within the easement for the improvement of drainage and stormwater flow.
<b>DRIPLINE</b>	A vertical line extending from the outermost portion of a tree's canopy to the ground.
<b>DRIVEWAY</b>	A private road or vehicular accessway providing access to parking areas, garages, dwellings, drive-up windows, or other similar features on up to two different lots.
<b>DRIVE-THROUGH</b>	A facility designed to enable a person to transact business while remaining in a motor vehicle.
<b>DWELLING</b>	A structure or portion thereof that is used exclusively for human habitation.
<b>DWELLING UNIT</b>	One or more rooms, designed, occupied, or intended for occupancy as separate living quarters, with cooking, sleeping, and sanitary facilities provided therein.
<b>EASEMENT</b>	A grant of one or more property rights by the property landowner to, or for use by, the public, a corporation, or other entity.
<b>EAVE</b>	The projecting lower edges of a roof that overhangs the wall of a building.
<b>EGRESS</b>	An exit from a building or site.
<b>ELEVATION</b>	The front, side, or rear of a structure.
<b>ENCROACHMENT</b>	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.
<b>EPHEMERAL STREAM</b>	A feature that carries only stormwater in direct response to precipitation with water flowing only during and shortly after large precipitation events. An ephemeral stream may or may not have a well-defined channel, the aquatic bed is always above the water table and stormwater runoff is the primary source of water. An ephemeral stream typically lacks the biological, hydrological and physical characteristics commonly associated with the continuous or intermittent conveyance of water.
<b>EROSION</b>	The wearing away of land surface by the action of wind, water, gravity, or any combination thereof.
<b>EROSION CONTROL MEASURE</b>	A device which controls the soil material within the land area under responsible control of the person conducting a land-disturbing activity.
<b>EXPANSION</b>	An increase in the floor area of an existing structure or building, or the increase of area of a use.
<b>EXTENSIVE EROSION CONTROL MEASURE</b>	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.
<b>FACADE</b>	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.
<b>FAMILY</b>	One or more persons occupying a dwelling unit and living as a single household unit.
<b>FENCE</b>	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.
<b>FINANCIAL GUARANTEE</b>	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.
<b>FLOOD OR FLOODING</b>	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.
<b>FLOOD INSURANCE</b>	The insurance coverage provided under the National Flood Insurance Program.
<b>FLOOD INSURANCE RATE MAP (FIRM)</b>	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.
<b>FLOOD INSURANCE STUDY (FIS)</b>	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.
<b>FLOODPROOFING</b>	Any combination of structural and nonstructural additions, changes or adjustments to structures which reduce or eliminate flood damage to land or development.
<b>FLOODWAY</b>	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 one foot.
<b>FLOODWAY FRINGE</b>	The land located between the floodway and maximum elevation subject to inundation by the base flood.
<b>FLOOD ZONE</b>	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.
<b>FLOOR</b>	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.
<b>FOOTCANDLE</b>	The amount of light that falls onto a surface as emitted by an exterior lighting device.
<b>FREEBOARD</b>	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.
<b>FRONT BUILDING LINE</b>	The front façade of a building that is closest to the street it faces.
<b>FRONT (OR PRIMARY) FACADE</b>	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.
<b>FULL CUT-OFF LENS</b>	An artificial outdoor lighting fixture designed to ensure that no light is directly emitted above a horizontal line parallel to the ground.
<b>GABLE</b>	A triangular area of an exterior wall formed by two sloping roofs.
<b>GLARE</b>	The reflection or harsh, bright light and the physical effect resulting from high luminances or insufficiently shielded light sources to cause annoyance, discomfort, or loss in visual performance and visibility.
<b>GLAZING</b>	The portion of an exterior building surface occupied by glass or windows.
<b>GOVERNING BODY</b>	The City Council for the City of High Point.
<b>GRADING</b>	Excavating, filling (including hydraulic fill) or stockpiling of earth material, or any combination thereof, including the land in its excavated or filled condition.

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### Green Roof

<b>GREEN ROOF</b>	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.
<b>GREENWAY</b>	Public open space owned and maintained by 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.
<b>GROUND COVER</b>	Any vegetation, masonry, paving, rip-rap, or other material or materials which render the soil surface stable against accelerated erosion.
<b>GROUP DEVELOPMENT</b>	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 two 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.
<b>HISTORIC STRUCTURE</b>	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.
<b>HOME OCCUPATION</b>	An accessory use conducted entirely within a dwelling and carried on by its occupants.
<b>HUMAN SCALE</b>	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.
<b>IMPERVIOUS SURFACE</b>	Improvements including street pavement, driveways, gravel areas, buildings, and other structures which cover the soil surface and prevent infiltration of water into the soil.
<b>IMPROVEMENT</b>	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.
<b>INFILL</b>	Development, redevelopment, and re-use of existing sites and buildings in the City's existing neighborhoods and commercial corridors.
<b>INGRESS</b>	Access or entry to a building or site.
<b>INTERMITTENT STREAM</b>	A well-defined channel that contains water for only part of the year, typically during winter and spring when the aquatic bed is below the water table and typically lacks the biological and hydrological characteristics commonly associated with the continuous conveyance of water.
<b>JUST CAUSE</b>	Legitimate cause; legal or lawful ground for action.
<b>LAND CLEARING AND INERT DEBRIS (LCID) LANDFILL</b>	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.
<b>LAND DISTURBING ACTIVITY</b>	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.
<b>LANDOWNER</b>	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.
<b>LANDSCAPING</b>	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.
<b>LANDSCAPING STRIP, PERIMETER</b>	Vegetative material associated with the perimeter landscaping required for a vehicular use area.
<b>LARGE RETAIL DEVELOPMENT</b>	A retail establishment consisting of a single tenant in a single building of 60,000 square feet or more in area with 60 percent or more of the total floor area occupied by retail sales activities.
<b>LARGE VEHICLE</b>	A vehicle with a gross vehicle weight of 14,000 or more pounds, a recreational vehicle, or a school or church bus.
<b>LOADING SPACE</b>	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.
<b>LOCAL GOVERNMENT</b>	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.
<b>LOCAL STREET</b>	A street whose primary function is to provide access to abutting lands.
<b>LOCAL RESIDENTIAL STREET</b>	A local street that provides access primarily to lots containing residential uses.
<b>LOT</b>	A legally described piece of contiguous land that has been or may be developed as a unit. This term is synonymous with "parcel."
<b>LOT OF RECORD</b>	A lot that exists and is described and defined as part of a recorded subdivision or a lot otherwise recorded at the Register of Deeds before the date of the city's adoption of subdivision regulations or subsequent to that date and in accordance with city subdivision regulations applicable at the time of recordation.
<b>LOWEST FLOOR</b>	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.
<b>LUMEN</b>	A unit of luminous flux. One foot-candle is one lumen per square foot. Lumen output values shall be the initial lumen output ratings of a lamp.
<b>MAINTENANCE GUARANTEE</b>	Cash or other guarantee provided by an applicant to ensure public infrastructure functions as intended following acceptance by the City.
<b>MAJOR THOROUGHFARE STREET</b>	An interstate, other freeway, expressway, or parkway links, or major street that provides for the expeditious movement of high volumes of traffic within and through urban areas.
<b>MANSARD ROOF</b>	A sloped roof or roof-like facade architecturally comparable to a building wall.
<b>MANUFACTURED DWELLING</b>	A dwelling that: 1) is composed of one or more components, each of which was substantially assembled in a manufacturing plant and designed to be transported to the home site on its own chassis; 2) is a minimum of 40 feet in length and eight feet in width; 3) is constructed in accordance with the National Manufactured Home Construction and Safety Standards; and 4) is not constructed in accordance with the standards of the North Carolina Uniform Residential Building Code for One-and Two-Family Dwellings.
<b>MARQUEE</b>	A permanent roof-like structure projecting beyond a building or building wall generally designed and constructed to provide protection from the weather.
<b>MAXIMUM EXTENT PRACTICABLE</b>	No feasible or practical alternative exists, as determined by the county, and all possible efforts to comply with the standards or regulation to minimize potential

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## Mean Sea Level

	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."
<b>MEAN SEA LEVEL</b>	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.
<b>MEMBRANE STRUCTURE</b>	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.
<b>MINOR THOROUGHFARE STREET</b>	A street designed to collect traffic from collector, subcollector, and local streets and carry it to the major thoroughfare system.
<b>MIXED-USE CENTER</b>	A tract of land or structure developed for two 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.
<b>MIXED-USE DEVELOPMENT</b>	A tract of land or structure developed for two 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.
<b>MOTOR VEHICLE</b>	A vehicle required by the North Carolina Department of Motor Vehicles to be registered under North Carolina State Law.
<b>MULTIPLE-LOT DEVELOPMENT</b>	A development containing two or more lots, buildings, or businesses that is planned, organized, and managed to function as a single development.
<b>NATURAL INFILTRATION AREAS</b>	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.
<b>NEW CONSTRUCTION</b>	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.
<b>NIT</b>	As used in the signage standards, a measurement of a sign's luminance measured in the number of candela per square meter (cd/m <sup>2</sup> ).
<b>NON-ENCROACHMENT AREA</b>	As used in the flood damage prevention standards, 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 one foot as designated in the Flood Insurance Study report.
<b>NONCONFORMING LOT</b>	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.
<b>NONCONFORMING SITE FEATURE</b>	A site feature which was lawful at the date on which it was established, but does not conform to the current standards and regulations of this Ordinance.
<b>NONCONFORMING STRUCTURE</b>	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.
<b>NONCONFORMING USE</b>	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.
<b>NONCONFORMITY</b>	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.
<b>NORTH CAROLINA SEDIMENTATION POLLUTION CONTROL ACT</b>	North Carolina General Statutes Section 113A-50 et seq., and all rules and orders adopted pursuant to it.

<b>NOTICE OF VIOLATION</b>	An initial notice indicating a violation of this Ordinance not associated with a fine.
<b>OFFICIAL ZONING MAP</b>	The Official Zoning Map upon which the boundaries of various zoning districts are drawn and which is an integral part of this Ordinance.
<b>OPACITY</b>	A measurement indicating the degree of obscuration of light or visibility.
<b>OPEN SPACE</b>	Space suitable for passive recreation, gardens, or landscaping which may include areas left in their natural state, trails, ponds, stream banks, recreation areas, areas of excessive slopes, low-lying areas, marshland, environmentally-sensitive areas, required landscaping areas and some governmental facilities.
<b>OPEN SPACE, ACTIVE</b>	Space suitable for active forms of recreation, including athletic fields, playgrounds, swimming pools, courts, tracks, and similar uses that are well served by streets, parking facilities, spectator areas, restroom facilities, and exterior lighting where appropriate.
<b>OPEN SPACE, COMMON</b>	An open space area owned privately or in common for use by all members of the public.
<b>OPEN SPACE, PASSIVE</b>	Required open space areas designated for passive recreation uses including walking trails, pathways, gazebos, picnic areas, fountains and pools, plazas, and similar areas. Such areas may also include undisturbed natural vegetation.
<b>OPEN SPACE, PRIVATE</b>	Space on each building lot that is for the private use of inhabitants.
<b>OPEN SPACE SET-ASIDE</b>	Portion of a proposed development required for reservation as permanent open space.
<b>ORDINANCE</b>	A legislative enactment of the City of High Point, North Carolina.
<b>OUTPARCEL</b>	A subdivided or leased parcel within a group development, multiple-lot development, or shopping center.
<b>OWNERS' ASSOCIATION</b>	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 recreation.
<b>PARAPET</b>	A building façade that rises above the roof level, typically obscuring a gable or flat roof as well as any roof-mounted equipment.
<b>PARCEL</b>	See "Lot."
<b>PARKING BAY</b>	The parking module consisting of one row of parking spaces or stalls and the aisle from which motor vehicles enter and leave the spaces.
<b>PARKING DEMAND STUDY</b>	An analysis of the total number of parking spaces required in order to accommodate the maximum number of vehicles for parking purposes by a particular use or site at any given time, including the parking requirements for all employees, occupants, clients, and visitors.
<b>PARKING LOT DRIVE AISLE</b>	A vehicular accessway located within an off-street parking or vehicular use area which serves individual parking stalls and driveways.
<b>PARKING SPACE, ACCESSIBLE</b>	A space designated for the parking or temporary storage of one 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.
<b>PARKING SPACE, OFF-STREET</b>	A space that is designated for the parking or temporary storage of one motor vehicle located outside of a dedicated street right-of-way, vehicular travel way, or parking aisle.
<b>PARKING, DEFERRED</b>	A portion of the required off-street parking associated with a use that is not installed at the time of construction, but delayed or deferred until a parking demand study can be completed to determine if the additional required parking is needed.
<b>PARKING, OFF-SITE</b>	An off-street parking area provided on a different parcel than the use it is intended to serve.
<b>PARKING, ON-STREET</b>	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

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## Parking, Shared

	signage, striping, or parking meters.
<b>PARKING, SHARED</b>	Off-street parking facilities shared by two 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).
<b>PARKING, TANDEM</b>	A parking space within a group of two or more parking spaces arranged one behind the other.
<b>PATIO</b>	An area, usually paved, adjoining a building - used as an area for outdoor lounging, dining, or gathering.
<b>PEDESTRIAN-ORIENTATION</b>	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.
<b>PEDESTRIAN WAY</b>	A right-of-way or easement dedicated to public use to facilitate pedestrian access to adjacent streets and lands.
<b>PEDESTRIAN PATHWAY</b>	Interconnected paved walkways that provide a pedestrian passage through blocks running from street to street, vehicular use areas, or other locations.
<b>PENNANT</b>	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.
<b>PERENNIAL STREAM</b>	A well-defined channel that contains water year round during a year of normal rainfall with the aquatic bed located below the water table for most of the year that typically exhibits the typical biological, hydrological, and physical characteristics commonly associated with the continuous conveyance of water.
<b>PERSON</b>	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.
<b>PERSON CONDUCTING LAND DISTURBING ACTIVITY</b>	Any person who may be held responsible for a violation unless expressly provided otherwise by this Ordinance or any order adopted pursuant to this Ordinance or the North Carolina Environmental Protection Act.
<b>PERSON RESPONSIBLE FOR LAND DISTURBING VIOLATION</b>	As used in this Ordinance, and North Carolina General Statutes Section 113A-64, a developer or other person who has or holds himself out as having financial or operational control over the land-disturbing activity, the landowner or person in possession or control of the land when he has directly or indirectly allowed the land-disturbing activity or has benefited from it or he has failed to comply with any provision of this Ordinance or any order adopted pursuant to this Ordinance or the North Carolina Environmental Protection Act as imposes a duty upon him.
<b>PHASED DEVELOPMENT PLAN</b>	A plan submitted to the Planning and Development Department for the purpose of establishing a vested right for developments to be constructed in more than one phase and which contain less degree of certainty than a site specific development plan.
<b>PILASTER</b>	A rectangular column with a capital and base that is attached or affixed to a wall as an ornamental design feature.
<b>PLANNED DEVELOPMENT</b>	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.
<b>PLANNING AND DEVELOPMENT DIRECTOR</b>	The Planning and Development Director of the City of High Point or a designee.
<b>PLANTING SEASON</b>	The dormant time of the year for trees beginning with leaf drop and ending with bud break; generally late fall to early spring.
<b>PLANTING STRIP</b>	An area usually within or adjacent to a right-of-way or lot line that contains required vegetation.
<b>PLAT</b>	A surveyed map or plan for a parcel of land which is to be, or has been, subdivided.

<b>PLAYBILL</b>	A sign announcing entertainment offered or to be offered at a business location on the site where the sign is displayed.
<b>PLAZA</b>	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.
<b>PORCH</b>	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.
<b>PORTICO</b>	A large porch usually with a pediment usually associated with an entrance, supported by columns.
<b>POST-FIRM</b>	Construction or other development for which the "start of construction" occurred on or after the effective date of the initial Flood Insurance Rate Map.
<b>PRE-FIRM</b>	Construction or other development for which the "start of construction" occurred before the effective date of the initial Flood Insurance Rate Map.
<b>PRIMARY DRIVE AISLE</b>	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.
<b>PRIMARY ENTRANCE</b>	The place of ingress and egress to a building, parcel, or development used most frequently by the public.
<b>PRINCIPAL BUILDING</b>	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.
<b>PRINCIPAL BUILDING FAÇADE</b>	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. Facades may be on the front, side, or rear elevation of the building.
<b>PRINCIPAL DWELLING</b>	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.
<b>PRINCIPAL STRUCTURE</b>	A structure in which is conducted the principal use(s) of the lot on which it is located.
<b>PRIVATE DRIVE</b>	A vehicular travelway not dedicated or offered for dedication as a public street, providing access to parking lots for two or more principal buildings.
<b>PRIVATE STREET</b>	A vehicular travelway not dedicated or offered for dedication as a public street but resembling a cul-de-sac or a local street by carrying traffic from a series of driveways to the public street system.
<b>PROCEDURES MANUAL</b>	An administrative manual, or "user's guide," that explains to development applicants and the public how the review of development applications is conducted in High Point.
<b>PROFESSIONAL-LEVEL SUBORDINATE</b>	A professional-level staff member designated to fulfill the function of the Planning and Development Director or Engineering Services Director, as appropriate.
<b>PROJECTING BAY</b>	A space projecting outward from the main walls of a building and forming a bay in a room, often incorporating a window.
<b>PROPERTY OWNER</b>	See "Landowner."
<b>PUBLIC HEARING, QUASI-JUDICIAL</b>	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.
<b>PUBLIC INFRASTRUCTURE</b>	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.

**Chapter 10: Measurement and Definitions**

Public Street

<b>PUBLIC STREET</b>	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.
<b>PUBLIC TREE</b>	A tree in the public right of way, in a park, or on land controlled by the City.
<b>QUORUM</b>	The minimum number of board or commission members that must be present in order to conduct official business or take official action.
<b>RAIN GARDEN</b>	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.
<b>RECREATIONAL VEHICLE</b>	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.
<b>REDEVELOPMENT</b>	Any proposed expansion, addition, reduction, or other alteration to an existing building, structure, or other constructed feature on a lot or site. Redevelopment also includes changes in use to existing buildings, as well as modifications to site features such as parking, signage, landscaping, grading, stormwater management devices, or changes to outdoor storage.
<b>REFERENCE LEVEL</b>	The top of the lowest floor for structures within special flood hazard areas designated as zone A1-A30, AE, A, A99 or AO.
<b>REGULATORY FLOODPLAIN ELEVATION</b>	The base flood elevation plus the freeboard. In special flood hazard areas where BFEs have been determined, this elevation is the BFE plus two feet of freeboard. In special flood hazard areas where no BFE has been established, this elevation is at least two feet above the highest adjacent grade.
<b>RESERVATION</b>	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.
<b>RETAINING WALL</b>	A structure, either masonry, metal, or treated wood, designed to prevent the lateral displacement of soil, rock, fill, or other similar material.
<b>RIGHT-OF-WAY</b>	An area dedicated to public or private use for pedestrian and vehicular movement, which may also accommodate public utilities.
<b>ROOF LINE</b>	The top edge of the roof or the top of the parapet, whichever forms the top line of a building.
<b>RURAL CHARACTER</b>	Patterns of land use and development in which open space, the natural landscape, and vegetation predominate over the built environment.
<b>SEDIMENT</b>	Solid particulate matter, both mineral and organic, that is transported by water, air, gravity, or ice from its site of origin.
<b>SEDIMENTATION</b>	The process by which sediment resulting from accelerated erosion is transported off-site by land-disturbing activity.
<b>SEVERE PRUNING</b>	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 one-third of the overall circumference of a tree is exposed by pruning cuts.
<b>SHRUB</b>	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.
<b>SIDEWALK</b>	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.
<b>SIGN</b>	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.
<b>SIGN, A-FRAME</b>	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."
<b>SIGN, ANIMATED</b>	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.
<b>SIGN, AWNING</b>	Any sign which is a part of a fabric or other nonstructural awning.
<b>SIGN, CANOPY</b>	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.
<b>SIGN, CHANGEABLE COPY</b>	A sign which displays messages in which the copy may be arranged or rearranged by hand.
<b>SIGN, CONSTRUCTION</b>	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.
<b>SIGN, DIRECTIONAL</b>	A sign that indicates only the name and/or logo and direction to businesses, churches, hospitals, colleges, or similar campus uses.
<b>SIGN, ELECTRONIC CHANGEABLE COPY</b>	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.
<b>SIGN, FLASHING</b>	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.
<b>SIGN, FREESTANDING</b>	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.
<b>SIGN, GOVERNMENTAL</b>	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.
<b>SIGN, GROUND SURFACE</b>	A sign composed of manmade or organic materials displayed upon the surface of the ground.
<b>SIGN, HISTORICAL OR MEMORIAL</b>	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.
<b>SIGN, IDENTIFICATION</b>	A sign used to display the name, address, logo or other identifying symbol of a 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.
<b>SIGN, ILLUMINATED</b>	A sign which has characters, letters, figures, designs or outline illuminated by electric lights or luminous tubes as a part of the sign.
<b>SIGN, INSTRUCTIONAL</b>	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.
<b>SIGN, MARQUEE</b>	A sign attached to, in any manner, or made a part of a marquee.
<b>SIGN, MONUMENT</b>	A monolithic sign in which the bottom of the sign is flush with the ground.
<b>SIGN,</b>	Any sign that was lawfully established, but does not meet the standards of this

**Chapter 10: Measurement and Definitions**

## Sign, Nonconforming

<b>NONCONFORMING</b>	Ordinance.
<b>SIGN, OFF-SITE</b>	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.
<b>SIGN, ON-SITE</b>	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.
<b>SIGN, OUTDOOR ADVERTISING (BILLBOARD)</b>	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.
<b>SIGN, PORTABLE</b>	A sign not permanently attached to the ground or other permanent structure, or a sign designed to be transported.
<b>SIGN, PROJECTING</b>	A sign end-mounted or otherwise attached to an exterior wall of a building which forms an angle with the wall.
<b>SIGN, REAL ESTATE</b>	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.
<b>SIGN, ROOF</b>	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.
<b>SIGN, SUSPENDED</b>	A sign which is suspended from the underside of a horizontal plan surface and is supported by the surface.
<b>SIGN, TEMPORARY</b>	A sign that is displayed for a limited period of time and/or is not permanently mounted.
<b>SIGN, VIDEO WALL</b>	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.
<b>SIGN, WALL</b>	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 one sign surface.
<b>SIGN, WARNING</b>	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.
<b>SIGN, WINDOW</b>	A sign which is painted on, affixed to, or designed to be visible through a window, excluding displays of merchandise.
<b>SILTATION</b>	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.
<b>SITE</b>	A lot or lots occupied or planned for occupation by a structure or a set of structures.
<b>SITE SPECIFIC DEVELOPMENT PLAN</b>	A plan submitted to the City describing the type and intensity of use for a specific lot or site as well as site boundaries, significant topographical and other natural features, the approximate location of proposed buildings, structures, and other improvements, the approximate dimensions of proposed buildings, the approximate location of all existing and proposed infrastructure on the site (e.g., water, sewer, roads, and pedestrian walkways), and any other features determined by the City to be necessary in order to trigger a vested right.
<b>SKETCH PLAN</b>	A rough sketch or drawing of a proposed subdivision or site, showing streets, lots, and any other information of sufficient accuracy to be used for discussion of the street system and the proposed development pattern.
<b>SMALL WIND ENERGY CONVERSION SYSTEM</b>	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.

<b>SOIL AND WATER CONSERVATION DISTRICT</b>	The Guilford Soil and Water Conservation District created pursuant to Chapter 139 of the North Carolina General Statutes.
<b>SOIL EROSION AND SEDIMENTATION CONTROL PLAN</b>	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.
<b>SPECIAL FLOOD HAZARD AREA</b>	The land in the floodplain subject to a one percent or greater chance of being flooded in any given year.
<b>SPECIAL PROMOTION</b>	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.
<b>SQUARE</b>	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.
<b>STACKING LANE</b>	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.
<b>START OF CONSTRUCTION</b>	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 six months 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.
<b>STATE</b>	The State of North Carolina.
<b>STATE BUILDING CODE</b>	The State Building Code for the State of North Carolina.
<b>STATE HISTORIC PRESERVATION OFFICER</b>	The State Historic Preservation Officer for the State of North Carolina.
<b>STORM, 100 YEAR</b>	The surface runoff resulting from a rainfall of an intensity expected to be equaled or exceeded, on average, once in 100 years.
<b>STORM, 10 YEAR</b>	The surface runoff resulting from a rainfall of an intensity expected to be equaled or exceeded, on average, once in 10 years.
<b>STORM, 25 YEAR</b>	The surface runoff resulting from a rainfall of an intensity expected to be equaled or exceeded, on average, once in 25 years.
<b>STORMWATER OR STORMWATER RUNOFF</b>	The direct runoff of water resulting from precipitation in any form.
<b>STREAM</b>	A watercourse that collects surface runoff.
<b>STREET FRONTAGE</b>	The length of lot abutting a public right-of-way or private street.
<b>STREET NAME AND ADDRESS ASSIGNMENT GUIDELINES AND POLICIES</b>	A set of guidelines and policies to provide the Planning and Zoning Commission with direction when naming and assign street names and addresses.
<b>STREET RIGHT-OF-WAY</b>	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

**Chapter 10: Measurement and Definitions****Street Stub**

	lines, sanitary sewer lines, storm sewer lines, gas lines, power lines, and communication lines.
<b>STREET STUB</b>	A nonpermanent dead end street intended to be extended in conjunction with development on adjacent lots or sites.
<b>STREET TREE</b>	A canopy tree planted or existing within or along either side of a street right-of-way.
<b>STREET, INDUSTRIAL</b>	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.
<b>STREET, RESIDENTIAL LOCAL</b>	A low-traffic volume street used primarily to gain access to the residential lots that border it.
<b>STREETSCAPE</b>	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.
<b>STREETYARD LANDSCAPING</b>	Required landscaping placed proximate to and parallel with adjacent public streets fronting a lot.
<b>STRUCTURE</b>	Any material constructed, erected or placed in or upon the ground located outside the street right-of-way.
<b>SUBCOLLECTOR STREET</b>	A street whose principal function is to provide access to abutting lands but which is also designed to be used or is used to connect local streets with collector or higher classification streets.
<b>SUBSTANTIAL IMPROVEMENT</b>	Any repair, reconstruction, expansion, or improvement of a structure, the cost of which exceeds 50 percent of the assessed value of a structure 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.
<b>SURFACE WATER BUFFER</b>	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.
<b>SUSTAINABLE DEVELOPMENT FEATURES</b>	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.
<b>SUBDIVIDER</b>	A person who subdivides land.
<b>SUBDIVISION</b>	A division of a tract or parcel of land into two 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.
<b>TEMPORARY EVENT</b>	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.
<b>TENANT</b>	A person who alone or jointly or severally with others occupies a building under a lease or holds a legal tenancy.
<b>TRAFFIC CALMING DEVICE</b>	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.
<b>TRAFFIC IMPACT ANALYSIS</b>	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.
<b>TRANSPORTATION</b>	The application of strategies and policies to reduce travel demand of single-

<b>DEMAND MANAGEMENT</b>	occupancy private vehicles, or to redistribute this demand in space or in time.
<b>UNDERSTORY TREE</b>	A species of tree which normally grows to a mature height of 15 to 35 feet.
<b>UTILITY EASEMENT</b>	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.
<b>VEGETATION, NATIVE</b>	Any indigenous tree, shrub, ground cover or other plant adapted to the soil, climatic, and hydrographic conditions occurring on the site.
<b>VEHICULAR USE AREA</b>	Areas used for the parking and circulation of automobiles, trucks, and motorcycles.
<b>VEHICULAR USE AREA LANDSCAPING</b>	Vegetative material, structures (walls or fences), berms, and associated ground cover located around the perimeter of a parking lot, or other vehicular use area.
<b>VELOCITY</b>	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.
<b>VESTED RIGHT</b>	The right to undertake and complete the development and use of property under the terms and conditions of an approved site specific development plan or an approved phased development plan.
<b>WALL PACK</b>	An exterior lighting device that is flush-mounted on a vertical wall surface.
<b>WALL, PARAPET</b>	A low protective or decorative wall or railing along the edge of a raised structure such as a roof or balcony.
<b>WATER DEPENDANT STRUCTURE</b>	Structure which requires access or proximity to surface waters to fulfill its basic purpose, such as boat ramps, boat houses, docks, and bulkheads.
<b>WATER QUALITY CONSERVATION EASEMENT</b>	A permanent easement conveyed to the City for the protection of water quality in which no structures or land-disturbing activities are allowed.
<b>WATER SUPPLY WATERSHED</b>	The entire land area contributing surface drainage to a designated water supply reservoir.
<b>WATER SURFACE ELEVATION</b>	The height, in relation to mean sea level, of floods of various magnitudes and frequencies in the floodplains of riverine areas.
<b>WATERSHED CRITICAL AREA</b>	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 one-half 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 one-half 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).
<b>WETLANDS</b>	Those areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support a prevalence of vegetation typically adapted for life in saturated soil conditions.
<b>WING WALL</b>	Shorter walls that extend outwards from the front façade of a building used to divide the structure into different visual compartments, control pedestrian movement along the structure, or retain slopes.
<b>WIRELESS TELECOM-MUNICATIONS FACILITY</b>	The following definitions relate to wireless telecommunications facilities:
(a) Abandonment	Cessation of use of a wireless support structure for wireless telecommunication activity for at least the minimum period of time prescribed in Section <>
(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: <ul style="list-style-type: none"> <li>(i) Increases the existing vertical height of the wireless support structure by the greater of; <ul style="list-style-type: none"> <li>(a) more than ten percent, or</li> <li>(b) the height of one additional antenna array with separation from the nearest existing antenna not to exceed 20 feet, or</li> </ul> </li> <li>(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</li> <li>(iii) Increases the square footage of the existing equipment compound by more than 2,500 square feet, or</li> <li>(iv) Adds antennae that would increase the girth (width) of the support structure</li> </ul>

		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.
	<b>XERISCAPE</b>	A style of landscape design and type of vegetation requiring little or no irrigation or other maintenance.
	<b>ZONING MAP, OFFICIAL</b>	See "Official Zoning Map".