



UNIFIED DEVELOPMENT ORDINANCE

HOLLY SPRINGS, NC





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ACKNOWLEDGMENTS

This report and plan was prepared for the Town of Holly Springs, NC.



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AMENDMENTS

TABLE TOC-A: AMENDMENTS TO THE UDO

Ordinance Number	Amendment Summary	Chapters/Sections Amended	Date Adopted	Supplement Number
22-04	Duties of Planning Board and Board of Adjustment	11.3.3; 11.3.4; 11.3.5; 11.4; 11.12; 11.13.1	March 1, 2022	1
22-29	Technical Corrections; Neighborhood Meetings; Public Hearing Notifications	1; 2; 3; 4; 5; 6; 7; 8; 9; 10; 11; 13	July 19, 2022	1
23-08	Technical Corrections; Building Height in IVMX; Fence Height; Foundation Landscaping; Utility Allocation	1; 2; 3; 4; 5; 6; 7; 8; 10; 11; 12; 13	March 21, 2023	2
23-15	Reorganization; Sign Standards; Directional Signs	9; 13	May 16, 2023	2
23-34	Density; Building Height in DMX; Building Materials; Quasi-Judicial Findings-of-Fact; Technical Corrections	1; 2; 3; 4; 8; 11; 13	October 17, 2023	3
24-14	Outdoor Advertising Signs	3; 13	May 21, 2024	4
24-27	Commercial & Mixed-Use Districts descriptions; Residential Lot Area; Lot Frontage; Residential Use Typologies; Amusement & Entertainment Uses; Active Recreation Areas Construction Guarantees	2; 3; 4.5; 6; 8; 13 <i>*Republishing corrections and page# updates 5; 7; 9; 10; 11; 12</i>	June 18, 2024	4
24-28	Conditional Zoning Districts	2.4; 11.6; 11.16	June 18, 2024	4
25-06	Setback and Right-of-Way Encroachments; Front, Side, and Rear Yard Allowances; Public Park Land Dedication & Fee-in-Lieu; Technical Corrections	2.3; 2.3; 2.4; 3.3; 3.4; 4; 8.2; 11.10; 11.11; 13 <i>*Page# updates 1; 5; 6; 7; 9; 10; 12</i>	April 15, 2025	5
25-32	Alley Setback; Infill Setback Allowances; Infrastructure/Utilities(Major/Minor); DMX Parking; Home Occupations; Wall Murals; Conservation Subdivisions; Perimeter Buffers; Street Trees; Building Placement and Orientation; Temporary Signs; Neighborhood Meetings	2.2; 2.3; 3.3; 3.4; 4.2; 4.3; 5.3; 5.5; 8.2; 8.5; 9.2; 9.5; 11.5; 13	October 21, 2025	6

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1 PURPOSE AND APPLICABILITY

1.1 TITLE

These regulations shall hereinafter be known and cited as “Town of Holly Springs Unified Development Ordinance,” and hereinafter referred to as the “UDO.”

1.2 AUTHORITY

1.2.1 AUTHORITY

- A. This UDO is adopted pursuant to the authority contained in the General Statutes of North Carolina, Chapter 160D and Chapter 160A, Article 8.
- B. Whenever any provision of this UDO refers to or cites a section of the General Statutes and that section of the General Statutes is later amended or superseded, this UDO shall be deemed amended to refer to the amended section or the section that most nearly corresponds to the superseded section.
- C. According to the provisions of GS §160D-801 et. seq., the Town has the authority to regulate the Subdivision of land within its corporate limits and Extraterritorial Jurisdiction.

1.2.2 PURPOSE

The UDO is a hybrid that combines elements of a Form-Based Code that prescribe walkable, mixed-use development that emphasizes the form of Buildings and their relationship to the Street and conventional regulations that contain conventional Use-based standards that regulate large-scale, vehicle-oriented development.

1.2.3 INTERPRETATION

In their interpretation and application, the provisions of this UDO shall be held to be the minimum requirements for the promotion of the health, safety, comfort, morals, convenience, and the general welfare of the public. In the case of any conflict or inconsistency between two or more provisions of this UDO (e.g., the restrictions set forth in an Overlay District versus the restrictions set forth in a

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Base District) or any other ordinance of the Town, the provision which imposes the more restrictive standard of performance shall control.

1.2.4 SCOPE AND APPLICATION OF UDO

Except as expressly provided otherwise in this UDO:

- A. No person may use or occupy any land, Building, Structure or improvement or authorize or permit the Use or occupancy of any land, Building, Structure or improvement under their control except in accordance with the applicable provisions of this UDO.
- B. No land, Building, Structure or improvement shall be used and no Building, Structure or improvement shall be erected, reconstructed or structurally altered, which is arranged, intended or designed to be used for any purpose other than a Use which is permitted in the District in which such land, Building, Structure or improvement is located.
- C. No Building, Structure or improvement shall be placed, erected, moved or structurally altered with respect to height, area, bulk, or Setback except in compliance with the regulations of this UDO.

1.2.5 COMPLIANCE REQUIRED FOR USE AND DEVELOPMENT OF REAL PROPERTY

Compliance with the terms and provisions of this UDO shall be a prerequisite for the Use and development of real property within the Town and its Extraterritorial Jurisdiction. Failure to comply with the terms and provisions of this UDO shall, unless otherwise provided by the General Statutes of the State of North Carolina, be deemed a noncompliance enforceable by the Town as provided for in Chapter 12 – Noncompliance & Enforcement of this UDO.

1.2.6 EXEMPTIONS

- A. **Utilities and Infrastructure.** Service or subterranean easements, including but not limited to those providing for: roadways; railroad lines; pipelines; electric power lines, conduits or systems; telephone lines, conduits or systems; cable television lines, conduits or systems; water mains, lines valves or fire hydrants; sanitary sewer mains, lines, laterals,

manhole Structures or lift stations; drainage or storm sewer inlets, pipes or roof drains; municipal utility facilities such as municipal wastewater and municipal water treatment facilities; and municipal pump stations shall be exempt from the provisions of this UDO.

Bus stations, park and ride facilities, railway terminals, gas storage tanks, power stations, electricity relay stations, non-municipal water treatment plants, non-municipal pumping stations, water towers, non-municipal sewage treatment plants, wireless telecommunication facilities and other facilities which generate, create or process such transportation, communication, or utility services, shall be subject to all Use and Development Standards regulations of this UDO.

- B. **Bona Fide Farms and Agritourism.** Pursuant to NCGS § 160D-903, property that is located within the Town's Extraterritorial Jurisdiction and is used for Bona Fide Farm purposes as described in NCGS § 160D-903 is exempt from the zoning regulations of this UDO. Property that is located in the Town Extraterritorial Jurisdiction and ceases to be used for Bona Fide Farm purposes shall become subject to the zoning regulations of this UDO. Bona Fide Farm property that is exempt from the zoning regulations of this UDO shall be subject to all applicable floodplain regulations.

A Building or Structure that is used for agritourism is a Bona Fide Farm purpose if the Building or Structure is located on a property that (i) is owned by a person who holds a qualifying farmer sales tax exemption certificate from the Department of Revenue pursuant to G.S. 105 - 164.13E(a) or (ii) is enrolled in the present-use value program pursuant to G.S.105-277.3. Failure to maintain the requirements of this section for a period of 3 years after the date the Building or Structure was originally classified as a Bona Fide Farm purpose pursuant to this UDO shall subject the Building or Structure to applicable zoning and development regulation ordinances of this UDO in effect on the date the property no longer meets the requirements of this section.

C. Subdivision Statutory Exemptions. The following are not included within the definition of Subdivision and are exempt from the Subdivision standards of this UDO.

1. The combination or recombination of portions of previously subdivided and recorded Lots where the total number of Lots is not increased and the resultant Lots are equal to or exceed the standards of this UDO.
2. The division of land into parcels greater than 10 acres where no Street Right-of-Way dedication is involved.
3. The public acquisition by purchase of strips of land for the widening or opening of Streets or for public transportation system corridors.
4. The division of a tract in single ownership whose entire area is no greater than 2 acres into not more than 3 Lots, where no Street Right-of-Way dedication is involved and where the resultant Lots are equal to or exceed the standards of this UDO.
5. The division of a tract into parcels in accordance with the terms of a probated will or in accordance with intestate succession under Chapter 29 of the General Statutes.

1.2.7 TOWN PROJECTS

Town Projects performed or funded in part or in whole by the Town, with or without the use of either federal or state funds, are exempt from the standards of this UDO to the extent permitted by state or federal law. In the public's interest, Town Projects shall adhere to the standards and requirements of this UDO to the greatest extent practical.

1.2.8 STATE LAND IN AN OVERLAY DISTRICT

Pursuant to General Statute 160D-913, all real property owned or occupied by the State of North Carolina or any agency of the State of North Carolina shall be subject to the regulations of Use and Development Standards set forth in this UDO, provided, however, no real property owned by the State of North Carolina, even if so indicated on the official zoning map incorporated into this UDO, shall be deemed to be included in or subject to the regulations of any Overlay District, Special Use District or

Conditional Zoning District (CD) established pursuant to this UDO without the approval of the Council of State.

1.3 JURISDICTION

The UDO applies to both the corporate limits of the Town and its Extraterritorial Jurisdiction. Upon (i) adoption of this UDO by the Town Council and (ii) the effective date of this UDO, the Town Planning Board shall be the duly authorized Planning Board for the incorporated areas of the Town and its Extraterritorial Jurisdiction pursuant to the General Statutes of the State of North Carolina, and this UDO shall apply to all real property located within the corporate boundaries of the Town and its Extraterritorial Jurisdiction.

1.4 PURPOSE & INTENT

1.4.1 PURPOSE

The UDO is the primary implementation mechanism for the Comprehensive Plan. Thus, the UDO is developed consistent with the goals and policies of the Comprehensive Plan. In adopting this UDO, the Town Council has given reasonable consideration to, among other things, the character of the Districts and their peculiar suitability for particular Uses, conserving the value of Buildings, and encouraging the most appropriate Use of land throughout the Town and its Extraterritorial Jurisdiction, and hereby adopts this UDO to:

- A. Lessen congestion in the Streets;
- B. Secure safety from fire, panic and other dangers;
- C. Promote health and the general welfare;
- D. Provide adequate light and air;
- E. Prevent the overcrowding of land;
- F. Avoid undue concentration of population;
- G. Facilitate the adequate provision of transportation, water, sewerage, schools, parks, and other public requirements promoting the public health, safety, comfort, morals, convenience, and general welfare;
- H. Provide for the orderly growth and development of the Town and its Extraterritorial Jurisdiction;
- I. Coordinate Streets and highways within proposed Subdivisions with existing or planned

Streets and highways and with other public facilities;

J. Provide for the dedication, reservation, or construction of:

1. Recreation areas serving residents of the immediate neighborhood within the Subdivision or, alternatively, for provision of funds to be used to acquire recreation areas serving residents of a development or a Subdivision or more than 1 Subdivision or development within the immediate area;
2. Rights-of-way or easements for Street and utility purposes, including the dedication of Rights-of-way pursuant to G.S. 136-66.10 or G.S. 136-66.11;
3. School sites;
4. Recreation and Open Space facilities, Street and utility facilities, or community service facilities; and
5. Payment of a fee-in-lieu of dedication or construction for recreation and Open Space purposes or Street and utility purposes.

K. Distribute population and traffic in a manner that will avoid congestion and overcrowding and will create conditions essential to public health, safety, and the general welfare; and,

L. Otherwise regulate all persons and land Uses within the corporate limits and Extraterritorial Jurisdiction of the Town and incorporates all the available powers to the Town under G.S. 160A and 160D, as well as any environmental regulation delegated to the Town under any other statute or federal law.

1.4.2 PRIVATE PROVISIONS

The provisions of this UDO are not intended to nullify, abolish or repeal any easement, covenant or other private agreement or restriction.

1.5 CONSISTENCY WITH ALL ADOPTED PLANS

1.5.1 IMPLEMENTATION OF ADOPTED PLANS AND POLICIES

In accordance with NCGS 160D-604(b), 160D-605(a), 160D-701 and 160D-703, the UDO is intended to implement the various development-related plans and policies adopted by the Town Council including the Comprehensive Plan. As such, all Development Plans shall be in conformance with such adopted plans and policies. Any amendments to, or actions pursuant to, this ordinance should be consistent with these adopted plans and policies, as amended.

1.5.2 VARIATIONS TO ADOPTED PLANS

Specific alignments, locations, or areas of public facilities noted in any adopted plan may be varied on a site by site basis as requested by the developer or the Administrator, provided the integrity of the proposed network and connections, location, or area shown in the plan are maintained. Such variations are subject to the authority of the appropriate approving agency as described in Chapter 11 - Administration & Decision-Making Bodies.

1.5.3 CONFLICTS WITH ADOPTED PLANS OR POLICIES

In the event of a conflict or inconsistency between this ordinance and any adopted plan or policy, the requirements of this ordinance shall take precedence.

1.6 TRANSITIONAL PROVISIONS

1.6.1 TRANSITION RULES

A. Site Plan Review / Zoning Permits.

Any application for: (i) zoning permit by the Town Council; or, (ii) application for a zoning permit to the Administrator which has been filed with the Development Services Department and which application is full and complete prior to the effective date of this UDO, shall continue to be processed to completion. Upon the issuance of a zoning permit, Construction Drawing approval, and the issuance of a Building permit, construction shall be commenced within 6

months or such zoning permit shall be deemed null and void

B. Zoning Map Amendments.

Any application for zoning map amendment which has been filed with the Development Services Department and which application is full and complete prior to the effective date of this UDO shall be allowed to continue to be processed to completion pursuant to the terms and conditions of this UDO, provided, however, if the proposed Use would no longer be permitted in the proposed District as a result of changes to that District resulting from the adoption of this UDO, such application shall be deemed amended to request the least intense District of this UDO in which the proposed Use is permitted.

C. Conditional Use Permits, Variances.

Any application before the Board of Adjustment (i.e., for a conditional Use permit, or Variance) which has been filed with the Development Services Department and which application is full and complete prior to the effective date of this UDO, shall be allowed to continue to be processed to completion, provided, however:

1. If such application is no longer required by the terms of this UDO, such application shall be considered dismissed for lack of jurisdiction; or,
2. If the proposed Use or development requires additional approvals from the Board of Adjustment, Town Council or Planning Board pursuant to the terms and conditions of this UDO (and which additional approvals were not required by the terms and conditions of Appendix A - Unified Development Ordinance of the Town Code) such application shall be deemed amended to include only those additional approvals which are minimally required and within the jurisdiction of the Board of Adjustment to grant for the proposed Use or site plan for the development.

D. Special Use Permits.

Any application before the Town Council for a Special Use Permit which has been filed with the Development Services Department of the Town and which application is full and complete prior to the effective date of this UDO, shall be allowed to continue to be processed to completion, provided, however:

1. If such application is no longer required by the terms of this UDO, such application shall be considered dismissed for lack of jurisdiction; or,
2. If the proposed Use or development requires additional approvals from the Board of Adjustment, Town Council or Planning Board pursuant to the terms and conditions of this UDO (and which additional approvals were not required by the terms and conditions of Appendix A - Unified Development Ordinance of the Town Code) such application shall be deemed amended to include only those additional approvals which are minimally required and within the jurisdiction of the Town Council to grant for the proposed Use or site plan for the development.

E. Preliminary Plans, Final Plats or Resubdivisions of Land.

Any application for Preliminary Plan approval, Final Plat approval, resubdivision of land which have been filed with the Development Services Department and which application is full and complete prior to the effective date of this UDO, shall continue to be processed to completion, provided that such Preliminary Plans, Final Plats or resubdivisions shall be subject to the duration regulations contained in Section 11.9 of this UDO.

F. Existing Special Use Permits.

In any case where a Special Use Permit has been approved by the Town Council pursuant to a prior existing zoning ordinance, but the Use or development authorized by such approval has not been commenced within 18 months after the effective date of this UDO, said Special Use Permit shall be deemed null and void.

G. Existing PUD Master Plans.

In any case where a PUD Master Plan has been approved by the Town Council pursuant to a prior existing zoning ordinance, but the Use or development authorized by such approval has not been commenced within 18 months of the effective date of this UDO, said PUD Master Plan shall be deemed null and void.

H. Legacy Development Options Projects (DO) and Planned Unit Developments (PUD).

1. Previous Development Options (DO) Process. Previous versions of the UDO allowed Projects to be approved with design flexibility subject to the Development Options (DO) review procedures (a Quasi-Judicial process approved by the Town Council that allowed for modifications of the land Use and Development Standards of the District in exchange for creative development Projects). This UDO does not allow for new Projects to be established with DO allowances, but the Town recognizes past Projects that were approved under those provisions.

a. Permitted Uses. Permitted Uses in the Development Options (DO) Project shall be any Use or range of Uses specified in the Development Options (DO) Development Plan. Accessory Uses, Home Occupations, or Temporary Uses, unless otherwise specified in the Development Options (DO) Development Plan, shall follow the regulations applicable to the Residential Use, Commercial & Mixed-Use, or Employment/Campus Use District where the Permitted Use is first permitted according to the intensity of Base Districts listed in Section 2.1 Base Districts of this UDO.

Residential Accessory Structures, unless specified in the Development Options (DO) Development Plan, shall follow the Accessory Building or Structure Development Standards for the SR Suburban Residential District.

b. Development Standards.

Development Standards applicable to a Development Options (DO) Development Plan shall be either:

- i. The Development Standards specified in the Development Options (DO) Development Plan; or,
- ii. If a Development Standard has not been specified in the Development Options (DO) Development Plan, the applicable Development Standard shall follow the regulations applicable to the Residential Use, Commercial & Mixed-Use, or Employment/Campus Use District where the Permitted Use is first permitted according to the intensity of Base Districts listed in Section 2.1 Base Districts of this UDO.

2. Previous Planned Unit Development (PUD) Process.

This UDO does not allow for the establishment of new Planned Unit Development Projects. However, the Town recognizes past Projects that were approved under this land Use process whether through the Town or through Wake County and later annexed into the corporate limits (e.g., Subdivisions approved under the County's PD, Planned Development District process), subject to the following:

a. Permitted Uses. Permitted Uses in the PUD District shall be any Use or range of Uses specified in the PUD Master Plan. Accessory Uses, Home Occupations, or Temporary Uses, unless otherwise specified in the PUD Master Plan, shall follow the regulations applicable to the Residential Use, Commercial & Mixed-Use, or Employment/Campus Use District where the Permitted Use is first permitted according to the intensity of Base Districts listed in Section 2.1 Base Districts of this UDO.

Residential Accessory Structures, unless specified in the PUD Master Plan, shall follow the Accessory Building or

Structure Development Standards for the SR Suburban Residential District.

b. Development Standards.

Development Standards applicable to a PUD shall be either:

- i. The Development Standards specified in the PUD Master Plan; or,
- ii. If a Development Standard has not been specified in the PUD Master Plan, the applicable Development Standard shall follow the regulations applicable to the Residential Use, Commercial & Mixed-Use, or Employment/Campus Use District where the Permitted Use is first permitted according to the intensity of Base Districts listed in Section 2.1 Base Districts of this UDO.

3. Continuation and Approvals Granted.

Project development may continue pursuant to the Project's prior approval provisions/ conditions and associated permits. Said Projects may include unique land use and Development Standards for those Projects and internal development may occur in accordance with said approvals.

4. Amendments to DO and PUD Approvals.

Applicants may request amendments to previously approved DO Projects as either a Minor Amendment or by application for a new Conditional Zoning District (CD).

Applicants may request amendments to previously approved PUDs as either a Minor Amendment, Major Amendment, or by application for a new Conditional Zoning District (CD).

The following allowances/limitations apply:

- a. Minor Amendments.** Applicants may request minor amendments/ modifications pursuant to the following.
 - i. Reviewing Body and Process. The Administrator may take action as a Type 1 review on Minor Amendment requests. Applications will be

reviewed pursuant to the Town's UDO permit and platting process.

- ii. Eligible Minor Amendments. Minor Amendments include internal changes that do NOT involve any of the following situations:
 - (a) An increase in the maximum allowed density or Building square footage in addition to the Project's original approval or modifications thereto.
 - (b) Reductions in the minimum Lot sizes and Setbacks for Lots and parcels within the Project limits that are less than what was originally approved.
 - (c) Increases in the Maximum Height for Buildings within the Project limits that are more than what was originally approved or major modifications thereof.
 - (d) A net reduction in the size of common Open Space and preservation areas.
 - (e) A change in the location and/ or alignment of an internal Thoroughfare, Collector, or equivalent Street classification.
 - (f) A platted portion of the development where said Lots have been sold to third-party buyers AND said owners are not a part of the application.
 - (g) A change in land use that is inconsistent with the Comprehensive Plan or Future Land Use Map.
 - (h) A change that is in conflict with any condition of approval or development limitation provision from the original approval or major modifications thereof.
- iii. Current UDO Standards. The portions of the property subject to the Minor Amendment,

shall comply with the current UDO standards in terms of tree preservation, landscaping, buffering, environmental protection, roadway design, and parking.

- b. Major Amendments.** Applicants may request Major Amendments/ modifications pursuant to the following:
 - i. **Reviewing Body and Process.** The Town Council shall review and take action on Major Amendment requests as a Type 6 review. The application shall be subject to the Town's notice requirements. Subsequent land development and Subdivision activities will be reviewed pursuant to the Town's UDO permit and platting process.
 - ii. **Eligible Major Modifications.** Major modification requests may include the following activities:
 - (a) A change in density and/or Building area up to the limits established in the Holly Springs Comprehensive Plan and the Future Land Use Map.
 - (b) A change to the Development Standards including minimum Lot sizes, minimum Setbacks, minimum parking ratios, and Maximum Building Height.
 - (c) A change to the internal roadway network in terms of size, location and alignment with the exception of portions of the overall Project has been platted and sold to third parties.
 - (d) A change to the location and net acreage of common Open Space and/or preservation areas.
 - (e) A change to any condition of approval or development limitation provision from the original approval or major modifications thereof.

- c. New Conditional Zoning District (CD).** Applicants may request to convert a DO Project or PUD that was previously approved into a new CD pursuant to the following:
 - i. **Reviewing Body and Process.** The Town Council shall review and take action on applications to convert a DO Project or PUD that was previously approved to a new CD as a Type 6 review. The application shall be subject to the Town's notice requirements. Subsequent land development and Subdivision activities will be reviewed pursuant to the Town's UDO permit and platting process.
 - ii. **CD Conversion Activities.** Applications to convert a DO Project or PUD that was previously approved to a new CD may include the following activities:
 - (a) A change in density and/or Building area up to the limits established in the Comprehensive Plan and Future Land Use Map.
 - (b) A change to the Development Standards including minimum Lot sizes, minimum Setbacks, minimum parking ratios, and Maximum Building Height.
 - (c) A change to the internal roadway network in terms of size, location and alignment with the exception of portions of the overall Project has been platted and sold to third parties.
 - (d) A change to the location and net acreage of common Open Space and/or preservation areas.
 - (e) A change to any condition of approval or development limitation provision from the original approval or major modifications thereof.

5. **Town Initiated Rezoning Option.** The Town may rezone portions or all of Projects that were originally approved under the DO or PUD procedures to a Base District that closely matches the land Uses and development scale that have been developed/platted in the subject area. The Town shall apply a Base District that would result in the least amount of potential nonconforming situations.

I. **Existing Conditional Zoning Districts (CD).**

1. **Prior CD Approvals Recognition.** In any case where a Conditional Zoning District (CD), or Conditional Use District (CU) or equivalent thereof, prior to the effective date of this UDO has been approved by the Town Council pursuant to a prior existing zoning ordinance, internal land Use and development activities may occur in accordance with said approvals and associated permits. Any modifications thereto shall be by application for a new Conditional Zoning District (CD).

J. **Waivers.**

In any case where a Waiver has been granted pursuant to a prior existing ordinance, the Waiver shall run with the Project, not the land. If a new Development Plan is proposed, all previously granted Waivers shall be deemed null and void.

1.7 OFFICIAL ZONING MAP

1.7.1 ZONING MAP

A. **General.** The Town shall adopt and maintain an official zoning map for all real property located within: (i) the corporate limits of the Town and, (ii) the Town's Extraterritorial Jurisdiction. The Zoning Map shall clearly establish and depict each of the individual District boundaries.

B. **Comprehensive Plan Consistency.** The Town shall maintain the official zoning map in both electronic and paper form and shall amend the map pursuant to NCGS 160D-602.

C. **Official Zoning Map Administration.** The official zoning map shall be maintained by the Administrator as a paper hard copy. The official zoning map may be identified by the signature of the Mayor; the attestation of the Town Clerk; and, the signature of the Administrator under the following words: "This is to certify that this is the official zoning map of the Town of Holly Springs, North Carolina and its Extraterritorial Jurisdiction," together with the date of adoption of this UDO.

D. **Retention and Preservation of Record.** Unless the prior official zoning map has been lost or completely destroyed, the prior official zoning map, along with all available records pertaining to its adoption or amendment, shall be retained and preserved by the Administrator.

1.7.2 INTERPRETATION OF THE OFFICIAL ZONING MAP

A. **Interpretation Methods.** Where uncertainty exists with respect to the boundaries of Districts shown on the official zoning map, the following rules shall apply to the interpretation of those boundaries:

1. Boundaries indicated as approximately following the center lines of Thoroughfares, highways, Streets or alleys shall be construed to follow the center lines.
2. Boundaries indicated as approximately following platted Lot Lines shall be construed to follow the platted Lot Lines.
3. Boundaries indicated as approximately following the municipal boundary of the Town or its Extraterritorial Jurisdiction boundary shall be construed as following such corporate boundary of the Town or its Extraterritorial Jurisdictional boundary.
4. Boundaries indicated as approximately following railroad lines shall be construed to be midway between the main tracks.
5. Boundaries indicated as approximately following the center lines of streams, rivers, lakes or other bodies of water shall be construed as following the center lines of such bodies of water.
6. Boundaries indicated as approximately following floodplain lines shall be construed

to follow the floodplain lines. If the floodplain lines are changed, either naturally or as permitted by law, and such floodplain line changes are documented and concurred with by the Administrator, such boundary shall be construed as moving with such change.

7. Boundaries indicated as following the contours of certain elevations or soils of a particular type shall be construed as following the actual height or soil contour as determined by accepted surveying practices.
8. Boundaries indicated as parallel to or extensions of features indicated in the subsections above shall be so controlled.
9. Distances not specifically indicated on the official zoning map shall be determined by the scale of the map.
10. Where a discrepancy exists between the depictions on the official zoning map and the text of a legal description accompanying an ordinance for zoning map change duly adopted by the Town Council, the text of the legal description shall control.
11. Where physical or cultural features existing on the ground do not agree with those shown on the official zoning map, or in other circumstances not covered above, the Administrator shall interpret the boundaries. Any party dissatisfied with the interpretation of the Administrator may appeal such interpretation to the Board of Adjustment.

1.7.3 ZONING MAP CHANGES/AMENDMENTS

A. **Map Changes and Procedures.** Either property owners or the Town may initiate changes or amendments to the official zoning map pursuant to the allowances, limitations, and procedures outlined in 11 - Administration & Decision-Making Bodies.

1.7.4 ZONING OF NEWLY ANNEXED LAND OR LAND ADDED TO THE TOWN'S EXTRATERRITORIAL JURISDICTION

A. **Zoning Assignment.** Properties annexed into the corporate limits or added to the Town's Extraterritorial Jurisdiction shall be assigned

to the Rural Residential District or shall be assigned a new District within 60 days following the change to the Extraterritorial Jurisdiction line. Determination of the District shall be accomplished in accordance with the provisions of Chapter 11 of this UDO.

B. **Standard Zoning Assignment Policy.** The Town shall assign a Base District to all real property annexed into the Town or added to the Extraterritorial Jurisdiction after the effective date of this UDO. In assigning the Base District, the Town shall consider the following:

1. The Comprehensive Plan Future Land Use Map character areas – the assigned District shall be consistent and/or compatible with the Town's land Use policies.
2. The subject property's existing land Uses and development components – the assigned District should limit the number of potential nonconforming situations, and
3. The adjacent Uses and natural resources – the assigned District should minimize potential land Use conflicts with immediately surrounding area and natural systems.

C. **Alternate Zoning Assignment Option.** As an alternative to the District assignment policies/procedures outlined in B. above, the property owner may file a petition for a Zoning Map Change to a Base District of their choice and subject to the Town's review procedures and review criteria.

1.8 LAND SUITABILITY

Land which has been determined, on the basis of engineering or other expert surveys, to pose an ascertainable danger to life or property by reason of such land's unsuitability for construction or development shall not be subdivided for the purpose of such construction or development, until or unless the Subdivider has taken the necessary measures to correct said conditions and to eliminate said dangers. Flood plains; wetlands; conservation areas; buffer areas; and other areas of special designation or development restriction related to a specific geographic area shall be clearly delineated on all Final Plats, site plans, Subdivision plans, Development Plans or other applications submitted to the Town for any form of development or improvement approval.

Conditions which may affect land suitability include, but are not limited to:

- A. Land areas which have been used for the disposal of solid waste, including but not limited to construction/demolition debris sites and sanitary land fill sites*
- B. Flood Hazard Areas as determined by Federal Emergency Management Agency (FEMA) and the Town Flood Damage Prevention Ordinance
- C. Wetlands regulated by the North Carolina Division of Water Resources (DWR) and the Army Corps of Engineers
- D. Tiger Salamander Preserve areas
- E. Riparian buffers as regulated by Town and State regulations
- F. Cemeteries

* These sites may not be subdivided unless the site is certified as suitable for the proposed construction or development by the Wake County Health Department; a structural engineer licensed in the State of North Carolina; and /or a soils expert.

penalty accruing or about to accrue under, or by virtue of, any prior UDO, zoning, or Subdivision control ordinance; (iii) affect the liability of any person, firm, or corporation under, or by virtue of, any prior UDO, zoning, or Subdivision control ordinance; (iv) waive any right of the Town under any section or provision of any prior zoning or Subdivision control ordinance; or, (v) vacate or annul any rights obtained by any person, firm, or corporation by lawful action of the Town under, or by virtue of, any prior UDO, zoning, or Subdivision control ordinance.

1.10 EFFECTIVE DATE

1.10.1 EFFECTIVE DATE

This Ordinance shall be effective on March 1, 2022.

1.10.2 REPEALER

This Unified Development Ordinance hereby repeals and replaces the existing Unified Development Ordinances and all its amendments.

1.9 CONFLICTS & SEVERABILITY

1.9.1 SEVERABILITY

It is hereby declared to be the intention of the Town Council that the sections, paragraphs, sentences, clauses, and phrases of this UDO are severable and, if any such section, paragraph, sentence, clause, or phrase is declared unconstitutional or otherwise invalid by any court of competent jurisdiction in a valid judgment or decree, such unconstitutionality or invalidity shall not affect any remaining sections, paragraphs, sentences, clauses or phrases of this UDO because the same would have been enacted without the incorporation into this UDO of such unconstitutional or invalid section, paragraph, sentence, clause, or phrase.

1.9.2 SAVING PROVISION FOR PENDING ENFORCEMENT ACTIONS

Except as shall be expressly provided for in this UDO, the adoption of this UDO shall not: (i) nullify and make void any action pending under, or by virtue of, any prior UDO, zoning, or Subdivision control ordinance; (ii) discontinue, nullify, void, abate, modify or alter any





2 DISTRICTS

2.1 BASE DISTRICTS

- A. **Base Districts Established.** The properties within the Corporate Limits and Extraterritorial Jurisdiction (ETJ) of the Town are divided into Zoning Districts (i) to apply the goals, objectives, and policies of the Town's Comprehensive Plan and (ii) to recognize, promote, and protect the planned land Uses and character of specific areas, corridors, and neighborhoods. The districts and their boundaries are depicted on the Town's Zoning Map (See Section 1.7).
- B. **Base Districts by Use Categories.** The Town's Base Zoning Districts are established and characterized by individual Use categories including Residential Use, Commercial & Mixed-Use, and Employment/Campus Use. Each Use category includes multiple Base Districts that allow for land Use and property development at various scales and intensities – these are controlled through the allowable land Uses, Development Standards, and density limitations.
- C. **Base District Descriptions.** The following subsections establish the descriptions including the intended land Use and character for each Base District.
- D. **Land Use Allowance and District Standards for Base Districts.** Chapter 3 – Table 3.2 – Table of Permitted Uses lists the allowable land Uses and activities that may occur within each Base District. Section 2.2. establishes the Development Standards for each Base District in terms of Maximum Building Height, minimum (and maximum) Building Setbacks, and minimum Lot configurations.
- E. **Base Districts Corresponding to Land Use Designations.** Each Base District corresponds to particular character area designation(s) on the Future Land Use Map as shown in Table 2.1. The Future Land Use Map provides guidance on where a particular Base Zoning District may be appropriate in the Town.

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TABLE 2.1 ZONING - FUTURE LAND USE DESIGNATIONS (N1)

ZONING DISTRICT		CHARACTER AREA & FUTURE LAND USE MAP DESIGNATIONS										
		Natural Area (N2)	Conservation Neighborhood (N3)	Residential Neighborhood	Mixed Residential Neighborhood	Neighborhood Center	N. Main Street District	Downtown Village District	Mixed-Use Center	Regional Center	Innovation Village	Business & Industrial
	RR - Rural Residential	X	X									
	SR - Suburban Residential	X	X									
	NR - Neighborhood Residential	X	X	X								
	NCR - Neighborhood Center Res.			X	X	X						
	MXR - Mixed-Use Residential				X	X						
	NMX - Neighborhood Mixed-Use				X	X		X				
	DMX - Downtown Mixed-Use							X				
	RMX - Regional Mixed-Use								X	X		
	CB - Community Business					X			X			
	SP - Special District									X	X	X
	IVMX - Innovation Village Mixed-Use									X		
	BRT - Business & Research Technology										X	
	HI - Heavy Industrial										X	X

TABLE 2.1 - NOTES

N1	The Future Land Use Map provides general guidance on where particular Base Zoning Districts are appropriate in the Town, however in some cases Base Zoning Districts may differ from the character area designation identified in this table.
N2	All Districts may have natural areas, but they are not required.
N3	Subdivisions in the SR and NR Districts when using Conservation Subdivision option.

2.1.1 RESIDENTIAL USE DISTRICTS

Each of the Residential Use Districts described below are created to implement the character areas in the Comprehensive Plan.

RR RURAL RESIDENTIAL

The Rural Residential District is established to allow agricultural Uses; rural residential Uses; preserve prime agriculture land; and, protect open areas and other rural areas from the encroachment of scattered urban-type Uses that may inhibit the overall development of the community in accordance with the Comprehensive Plan. The RR District is not expected to be supported with public water and sewer in the short-term and may accommodate very low-density residential land Use including conservation subdivisions and limited public and institutional Uses. The RR District should be located near the periphery of the jurisdictional boundary and is not expected to develop in the short term, as locations appropriate for this district are located in the Town's Extraterritorial Jurisdiction.

SR SUBURBAN RESIDENTIAL

The Suburban Residential District is established to protect, promote and maintain the development of low-to-medium density Detached Dwellings on different Lot sizes that vary enough to provide a range of home choices in the same neighborhood and to provide for limited public and institutional Uses that are compatible with those neighborhoods. For those properties in walking and biking distance to Commercial & Mixed-Use Districts, this district is expected to be compact in form with densities that support the development of traditional style neighborhoods.

NR NEIGHBORHOOD RESIDENTIAL

The Neighborhood Residential District is established to protect, promote, and maintain the development of Detached and Attached Dwellings on different Lot sizes that vary enough to provide a range of home choices in the same neighborhood and to provide for limited public and institutional Uses that are compatible with a medium density residential neighborhood. These districts are expected to be compact in form and utilize a connected Street and Open Space network and a variety of Lot and house sizes within the block. For those properties in walking and biking distance to Commercial & Mixed-

Use Districts, this district is expected to orient its highest densities towards those areas.

NCR NEIGHBORHOOD CENTER RESIDENTIAL

The Neighborhood Center Residential District encourages the creation of highly walkable neighborhoods in proximity to Commercial & Mixed-Use Districts with a range of predominately residential types including Detached and Attached Dwellings, small-scale Apartment Dwellings, and limited public and institutional Uses. When adjacent to lower density neighborhoods the intensity of development should be compatible with the edge conditions. The Neighborhood Center Residential District also supports infill Dwellings on small pockets of previously undeveloped land adjacent to existing development. In these cases, the types of housing introduced should be compatible with the adjacent neighborhoods, and appropriate transitions should be provided between different housing types. These districts are expected to be compact in form and utilize a connected Street and Open Space network and provide a variety of housing options.

MXR MIXED-USE RESIDENTIAL

The Mixed-Use Residential District encourages the creation of highly walkable neighborhoods in proximity to Commercial & Mixed-Use Districts with a range of predominately residential Uses including Detached and Attached Dwellings, small-scale Apartment Dwellings, larger scale Apartment Dwellings, limited public and institutional Uses, and limited commercial Uses. When adjacent to lower density neighborhoods the intensity of development should be compatible with the edge conditions. These districts are expected to be compact in form and utilize a connected Street and Open Space network.

2.1.2 COMMERCIAL & MIXED-USE DISTRICTS

Each of the Commercial & Mixed-Use Districts described below are created to implement the character areas in the Comprehensive Plan.

NMX NEIGHBORHOOD MIXED-USE

The Neighborhood Mixed-Use District is established to promote a pedestrian-friendly environment for the provision of a full range of convenience goods and services, which are necessary to meet the daily needs of nearby neighborhoods. Their proximity requires that operations be low-intensity, unobtrusive, and at a scale and design compatible with nearby residential development. Housing is encouraged in mixed-use Buildings and on adjacent blocks and circulation should encourage connectivity while minimizing the impact of cut-through traffic.

DMX DOWNTOWN MIXED-USE

The Downtown Mixed-Use District serves as the central core of Holly Springs and includes the traditional downtown area along Main Street. This district supports a compact, pedestrian-friendly development pattern with a mix of land Uses (horizontal and vertical), compatible architecture, Plazas and public spaces, and civic spaces that promote social interaction and celebrate the Holly Springs community. Buildings are located on small blocks with pedestrian-oriented Streets and housing is encouraged in mixed-use Buildings and on adjacent blocks.

RMX REGIONAL MIXED-USE

The Regional Mixed-Use District offers the opportunity to serve broader economic, entertainment, and housing needs in the community within or near areas designated as Regional Center on the Future Land Use Map. The compact, walkable environment and mix of residential and non-residential Uses in the District supports multiple modes of transportation, including the potential for future transit-supportive development. In addition to new Projects, RMX Districts also allow for the transformation of existing suburban, single-Use, auto-oriented centers into mixed-use Districts that encompass a wide array of Uses including shopping, Office, entertainment, lodging and housing on an interconnected network of walkable Streets and high-quality Open Spaces.

CB COMMUNITY BUSINESS

The Community Business District accommodates locations along major corridors for moderate to high volume and intensity commercial and mixed-use centers. Activities in this District may include large format retail stores and centers with limited amounts of outdoor sales or outdoor operations. Developments within the CB District shall be coordinated to facilitate pedestrian, bicycle, and vehicular access from nearby Residential Use Districts. In addition to new Projects, CB Districts also allow for the transformation of existing suburban, single-Use, auto-oriented centers into mixed-use Districts that encompass a wide array of Uses including shopping, Office, entertainment, lodging and housing on an interconnected network of walkable Streets and high-quality Open Spaces.

2.1.3 EMPLOYMENT/CAMPUS USE DISTRICTS

Each of the Employment/Campus Use Districts described below are created to implement the character areas in the Comprehensive Plan.

SP SPECIAL DISTRICT (CONDITIONAL ZONING DISTRICT ONLY)

Special Districts are established to promote the development of major community employment centers and other large-scale, non-retail facilities, including medical facilities; major office Campuses; compatible office type businesses, limited public and semi-public Uses; schools and institutional Campuses; and research facilities, testing facilities, and development laboratories which are generally compatible in physical appearance and service requirements to Office Uses. The SP District is intended for areas with easy access and high visibility from primary transportation routes and represents the development of a major regional focal point and may include high-rise Buildings as a secondary Use. Special Districts may only be established or expanded using the Conditional Zoning District (CD) process.

IVMX INNOVATION VILLAGE MIXED-USE

The Innovation Village Mixed-Use District is the next generation business park for business owners, entrepreneurs, artists and manufacturers. The design, scale, character, and intensity of development in the IVMX emphasizes technology, creativity, and innovation. It combines elements of the innovation economy including light manufacturing and creative offices with housing and a mixed-use core on a network of walkable Streets and connected Open Spaces that transition seamlessly into surrounding neighborhoods. The design, scale, character, and intensity of development in the district emphasizes technology, creativity, and innovation, and may support a corporate headquarters, research and development Campus, manufacturing center, or other similar facilities along with nearby retail businesses and housing options.

BRT BUSINESS AND RESEARCH TECHNOLOGY

The Business and Research Technology District provides opportunities to concentrate employment clusters throughout the town. They support both large-scale, single tenant office and industrial Buildings, warehousing and distribution, smaller, multi-tenant flex Buildings, and some outside operations and storage which are otherwise compatible with nearby neighborhoods. These districts are

separated from adjacent Uses by large Tree Preservation Areas or planted buffers but maintain great flexibility in internal operations within the district.

HI HEAVY INDUSTRIAL (CONDITIONAL ZONING DISTRICT ONLY)

Heavy Industrial Districts may only be established or expanded using the Conditional Zoning District (CD) process. The Heavy Industrial District accommodates the development of manufacturing and processing facilities or facilities which may require substantial amounts of outdoor storage or outdoor operations including both large-scale, single tenant office and industrial Buildings and smaller, multi-tenant office and industrial Buildings. Permitted Uses in this district tend to generate heavy traffic and require extensive community facilities. These districts are heavily separated from adjacent Uses by large Tree Preservation Areas or planted buffers but maintain great flexibility in internal operations within the district.

2.2 DISTRICT STANDARDS

2.2.1 DEVELOPMENT STANDARDS FOR RESIDENTIAL USE DISTRICTS

A. Applicability. All development and land Use activity on properties within the Residential Use Districts is subject to the Development Standards outlined in Table 2.2.1-A below. Exceptions may apply where the property obtained separate Town approvals related to Planned Unit Developments (PUDs) or Conditional Zoning Districts (CD) – in those instances, the associated approvals/ permits may establish the Development Standards

for said properties (Refer to Chapter 1 relating to those instances).

The numbers shown in the tables are minimums or maximums depending on the item (row). In the case of maximums, developments can be compliant with a lower number; with minimums, developments can be compliant with a higher number. In the chart “--” means the Use is not permitted in the district and “n/a” means the Development Standard does not apply in the District.

TABLE 2.2.1-A - DEVELOPMENT STANDARDS FOR RESIDENTIAL USE DISTRICTS

	RR	SR	NR	NCR	MXR
Development Intensity					
Development Density (N1)					
Maximum Gross Density (units/acre)	0.5	3	5	8	15
Maximum Gross Density (Conservation Subdivision) (units/acre) (N2)	0.5	3	5	--	--
Maximum Gross Density with Conditional Zoning District (CD) (units/acres)	1	4	8	12	N3
Open Space and Conservation Area (N4)	See Chapter 4				
Attached Dwelling Unit and Apartment Dwelling Unit Allocation (N5)					
Minimum Dwelling Units	--	--	10%	10%	10%
Maximum Dwelling Units	--	--	50%	100%	100%
Non-Residential Use Allocation (in New Subdivisions Only by Total Project Area) (N5)					
< 300 acres (maximum total area)	--	--	5%	5%	5%
< 300 acres (maximum contiguous area)	--	--	3 acres	3 acres	3 acres
≥ 300 acres (minimum total area)	--	--	3 acres	3 acres	3 acres
Lot Configuration					
Minimum Lot Area (sf)					
Detached Dwellings (Standard Subdivision) (N2)	2 acres	15,000	10,000	5,000	none
Detached Dwellings (Conservation Subdivision) (N2)	none	none	none	--	--
Detached Dwellings with Conditional Zoning District (CD)	1 acre	7,500 and average ≥ 10,000	average ≥ 5,000	none	none
Attached Dwellings (N5)	--	--	none	none	none

TABLE 2.2.1-A - DEVELOPMENT STANDARDS FOR RESIDENTIAL USE DISTRICTS

	RR	SR	NR	NCR	MXR
<i>Apartment Dwellings (N5)</i>	--	--	--	none	none
<i>Manufactured Dwellings (N5)</i>	2 acres	--	--	--	--
<i>Other Buildings/Uses</i>	2 acres	15,000	10,000	5,000	none
Minimum Lot Width at the Setback Line (ft)					
<i>Detached Dwellings</i>	100	60	26	26	26
<i>Attached Dwellings</i>	--	--	18	18	18
<i>Apartment Dwellings</i>	--	--	--	50	50
<i>Manufactured Dwellings</i>	100	--	--	--	--
<i>Other Buildings/Uses</i>	100	60	60	60	60
Minimum Lot Frontage (ft) (N6)					
<i>All Buildings/Uses</i>	50	20	18	18	18
<i>All Buildings/Uses (Conservation Subdivision) (N7)</i>	20	20	20	--	--
Minimum Lot Frontage for a Driveway (ft)					
<i>Detached/Attached Dwellings Permitted by Right (N8)</i>	60	60	60	60	60
Building Placement (N9)					
Thoroughfare Setbacks (ft)					
<i>Freeway - NC 540/US 1</i>	100	100	100	100	100
<i>Freeway - NC 55</i>	100	100	100	100	100
<i>Thoroughfare</i>	50	50	25	25	25
Primary Building Setbacks (ft) (N10)					
<i>Front Setback (minimum)</i>	20	20	5	5	5
<i>Front Setback (maximum) (N11)</i>	n/a	n/a	20	15	15
<i>Side - Corner Setback (minimum)</i>	20	20	5	5	5
<i>Side - Interior Setback (minimum) (N12)</i>	10	10	5	5	5
<i>Rear Setback (minimum)</i>	25	25	20	20	30
<i>Rear Setback from Alley Right-of-Way (minimum) (N13)</i>	15	15	15	15	15
Accessory Building/Structure Setbacks (ft)					
<i>Accessory Building/Structure(s) < 144 sf</i>	5	5	3	3	3
<i>Accessory Building/Structure(s) ≥ 144 sf</i>	10	6	5	5	5
<i>Accessory Building/Structure(s) ≥ 144 sf Setback from Alley Right of Way (minimum) (N13)</i>	5	5	5	5	5

TABLE 2.2.1-A - DEVELOPMENT STANDARDS FOR RESIDENTIAL USE DISTRICTS

	RR	SR	NR	NCR	MXR
Building Height (ft)					
Primary Building(s) (maximum)	35	35	35	35	35
Primary Building(s) (maximum with Conditional Zoning District (CD))	50	50	50	50	60
Accessory Building/Structure(s) (maximum) (N14)	25	25	25	25	30
Residential Primary Building(s) Finished Floor Elevation Above Sidewalk Grade (ft)	n/a	n/a	1.5	1.5	1.5

TABLE 2.2.1-A - NOTES

N1	For individual Lots or Projects containing multiple Districts, calculated based on the District in which a majority (50% of buildable area or greater) of the buildable area of a Lot is located. The Total Allowable Units shall be equal to the Gross Site Area X Maximum Units Per Acre.
N2	Reference Chapter 8 Building, Site & Subdivision Lot Design Standards.
N3	Maximum Gross Density shall be established with a Conditional Zoning District (CD). Maximum Gross Density that exceeds 15 units/acre may be considered if the Project is: <ol style="list-style-type: none"> 1. Designated on the Future Land Use Map as N. Main Street District, Downtown Village District, Mixed-Use Center, or Regional Center, or, within the boundary of the Northeast Gateway Master Plan; and, 2. The Project includes either a Parking Garage, or, a minimum of 40% of Dwelling Units located within a vertically integrated mixed-use Building with Office and Service Uses or Retail, Dining, and Entertainment Uses located on the ground floor story.
N4	Common Open Space and/or conversation areas are required for all Residential Major Subdivisions where the resulting plat/Subdivision action results in 5 or more Lots and Site Plans that include Apartment Dwellings and Attached Dwellings.
N5	Reference Uses in Chapter 3.
N6	The Lot Frontage is measured along the Front Lot Line abutting a Public Street. Where no Public Street exists and the Lot fronts a Private Street or common Open Space, the Frontage shall be measured along the Lot Line abutting the Private Street or Alley and each Lot shall gain access to and from a Public Street across a perpetual recorded public access easement.
N7	The minimum shared easement width as measured at Right-of-Way.
N8	For Lots existing prior to the effective date of this UDO, the UDO Permit review process may consider alternate methods of providing Lot access if the provision of an alley or rear lane is not feasible in the following priority order: shared driveway between 2 or more Lots; 1 single driveway a maximum of 12 feet in width. For new Lots or for Lots existing prior to the effective date of this UDO, flexibility is available through the Conditional Zoning District (CD) process.
N9	The Building Placement standards shall apply to all Buildings and Structures, unless specifically permitted otherwise. Refer to Sections 2.3.4 Setbacks for Infill Lots, 2.3.6 Setback Encroachment Allowances, 3.3 Additional Use Provisions, and 3.4 Accessory Uses, Buildings, and Structures for additional standards.
N10	Residential Uses in certain locations may be eligible for modified Setbacks. See Section 2.3.4 for allowances.
N11	Not applicable to Detached Dwellings with front-loaded driveways. Exceptions may be granted by the Administrator to accommodate Tree Preservation Area, steep topographic conditions, or similar environmental features.
N12	Attached Dwelling Units are allowed a 0-ft Side Setback where the unit shares a common wall with another Dwelling Unit.
N13	A minimum Driveway length of 25 ft shall be provided between any Building or Structure and the Right-of-Way line of the Alley.
N14	Accessory Buildings/Structures shall not exceed the height of the primary Building on the Lot/property.

2.2.2 DEVELOPMENT STANDARDS FOR COMMERCIAL & MIXED-USE DISTRICTS

A. Applicability. All development and land Use activity on properties within the Commercial & Mixed-Use Districts is subject to the Development Standards outlined in Table 2.2.2-A below. Exceptions may apply where the property obtained separate Town approvals related to Planned Unit Developments (PUDs) or Conditional Zoning Districts (CD) – in those instances, the associated approvals/permits may establish the Development Standards for said

properties (Refer to Chapter 1 relating to those instances).

The numbers shown in the tables are minimums or maximums depending on the item (row). In the case of maximums, developments can be compliant with a lower number; with minimums, developments can be compliant with a higher number. In the chart “--” means the Use is not permitted in the District and “n/a” means the Development Standard does not apply in the District.

TABLE 2.2.2-A - COMMERCIAL & MIXED-USE DISTRICTS DEVELOPMENT STANDARDS

	NMX	DMX	RMX	CB
Development Intensity				
Minimum Development Area (acres) (N1)	0	0	10	0
Development Density (N2)				
Maximum Gross Density (units/acre)	8	15	15	15
Maximum Gross Density with Conditional Zoning District (CD) (units/acre)	15	N3	N3	N3
Maximum Gross Main Floor Area (sf) per Building				
Single Use Site	16,000	50,000	none	none
Integrated Center (N4)	24,000	none	none	none
Integrated Center (Maximum with Conditional Zoning District (CD)) (N4)	125,000	none	none	none
Open Space and Conservation Area (N5)	See Chapter 4			
Lot Configuration				
Minimum Lot Frontage (N6)	50	50	50	50
Minimum Frontage for a Driveway (ft)				
Detached/Attached Dwellings Permitted by Right (N7)	60	60	60	--
Building Placement (N8)				
Thoroughfare Setbacks (ft)				
Freeway - NC 540/US 1	100	100	100	100
Freeway - NC 55	50	50	50	50
Thoroughfare	25	--	25	25
Building Setbacks - All Buildings/Structures (ft)				
Front Setback (minimum)	5	0	5	30
Front Setback (maximum)	20	20	20	n/a
Side - Corner Setback (minimum)	5	0	5	30
All other setbacks (Side and Rear) (N9)	5	0	0	5
Setback to Adjacent RR/SR/NR Districts (minimum)	20	10	50	50

TABLE 2.2.2-A - COMMERCIAL & MIXED-USE DISTRICTS DEVELOPMENT STANDARDS

	NMX	DMX	RMX	CB
Building Height (ft)				
Primary Building(s) (minimum) (N10)	20	25 and 2 stories	25 and 2 stories	25
Primary Building(s) (minimum -ground floor story nonresidential)	n/a	14	14	14
All Building/Structure(s) (maximum)	45 and 3 stories	45 and 3 stories	55 and 5 stories	60
All Building/Structure(s) additional story maximum with recess (12-20 ft) (N11)	4 stories	--	6 stories	--
All Building/Structure(s) (maximum subject to Conditional Zoning District (CD))	--	60 and 4 stories (N12)	110 and 10 stories	--
Residential Primary Building(s) Finished Floor Elevation Above Sidewalk Grade	1.5	1.5	1.5	1.5

TABLE 2.2.2-A - NOTES

N1	Applicable to sites that are greater than 5 acres.
N2	For individual Lots or Projects containing multiple Districts, calculated based on the District in which a majority (50% of buildable area or greater) of the buildable area of a Lot is located. The Total Allowable Units shall be equal to the Gross Site Area X Maximum Units Per Acre.
N3	Maximum Gross Density shall be established with a Conditional Zoning District (CD). Maximum Gross Density that exceeds 15 units/acre may be considered if the Project is: <ol style="list-style-type: none"> 1. Designated on the Future Land Use Map as N. Main Street District, Downtown Village District, Mixed-Use Center, or Regional Center, or, within the boundary of the Northeast Gateway Master Plan; and, 2. The Project includes either a Parking Garage, or, a minimum of 40% of Dwelling Units located within a vertically integrated mixed-use Building with Office and Service Uses or Retail, Dining, and Entertainment Uses located on the ground floor story.
N4	Integrated Centers include multiple Buildings or multiple Uses within one Building.
N5	Common Open Space and/or conservation areas are required for all Residential Major Subdivisions where the resulting plat/subdivision action results in 5 or more Lots and Site Plans that include Apartment Dwellings and Attached Dwellings. Required Tree Preservation Areas may also be used to satisfy other requirements including conservation areas, floodplains, Perimeter Buffers, Open Space, etc.
N6	Each Single Use Site, Subdivision, or Integrated Center, Business Park or Industrial Park shall have the minimum Lot Frontage on a Public Street, measured along the front property lot line abutting the Public Street. Where an Outlot fronts a Private Street or common Open Space, the Frontage shall be measured along the Outlot Lot Line abutting the Private Street or Alley and each Outlot shall gain access to and from a Public Street across a perpetual recorded public access easement.
N7	For Lots existing prior to the effective date of this UDO, the UDO Permit review process may consider alternate methods of providing Lot access if the provision of an alley or rear lane is not feasible in the following priority order: shared driveway between 2 or more Lots; 1 single driveway a maximum of 12 feet in width. For new Lots or for Lots existing prior to the effective date of this UDO, flexibility is available through the Conditional Zoning District (CD) process.
N8	The Building Placement standards shall apply to all Buildings and Structures, unless specifically permitted otherwise. Refer to Sections 2.3.6 Setback Encroachment Allowances, 3.3 Additional Use Provisions, and 3.4 Accessory Uses, Buildings, and Structures for additional standards.
N9	Attached Dwelling Units are allowed a 0-ft Side Setback where the unit shared a common wall with another Dwelling Unit - end units shall provide a 5-ft Side Setback for the side that does not share a common wall or a minimum of 10 feet between Buildings.
N10	Accessory Building/Structures have no minimum.

TABLE 2.2.2-A - NOTES

N11	<p>Example of upper story recess / Building step-back.</p> 
N12	<p>For Lots with multiple Street Frontages, maximum Stories greater than 4 may be considered provided that the Building does not exceed 4 stories as measured from the proposed finished Grade at the Front of the Building along Main Street.</p>

2.2.3 DEVELOPMENT STANDARDS FOR EMPLOYMENT/CAMPUS USE DISTRICTS

A. Applicability. All development and land Use activity on properties within the Employment/Campus Use Districts is subject to the Development Standards outlined in Table 2.2.3-A below. Exceptions may apply where the property obtained separate Town approvals related to Planned Unit Developments (PUDs) or Conditional Zoning Districts (CD) – in those instances, the associated approvals/permits may establish the Development Standards for said properties (See other sections within Chapter 1 relating to those instances).

The numbers shown in the tables are minimums or maximums depending on the item (row). In the case of maximums, developments can be compliant with a lower number; with minimums, developments can be compliant with a higher number. In the chart “--” means the Use is not permitted in the District and “n/a” means the Development Standard does not apply in the District.

TABLE 2.2.3-A EMPLOYMENT/CAMPUS USE DISTRICTS DEVELOPMENT STANDARDS

	SP	IVMX	BRT	HI
Development Intensity				
Development Density (N1)				
Maximum Gross Density (units/acre)	--	15	--	--
Maximum Gross Density with Conditional Zoning District (CD) (units/acre)	--	N2	--	--
Open Space and Conservation Area (N3)		See Chapter 4		
Lot Configuration				
Minimum Lot Frontage (ft) (N4)	100	50	100	150
Minimum Lot Frontage for a Driveway (ft)				
Detached/Attached Dwellings Permitted by Right (N5)	--	60	--	--
Building Placement (N6)				
Thoroughfare Setbacks (ft)				
Freeway - NC 540/US 1	100	100	100	100
Freeway - NC 55	50	50	50	50
Thoroughfare	30	30	30	30
Building Setbacks - All Buildings/Structures (ft)				
Front Setback (minimum)	5	5	30	30
Front Setback (maximum)	n/a	20 (N7)	n/a	n/a
Side - Corner Setback (minimum)	5	5	30	30
All other setbacks (Side and Rear)	5	5	5	5
Perimeter Buffer (ft) (N8)				
Adjacent to Residential Use Districts	50	50	50	150
Adjacent to Commercial & Mixed-Use Districts	50	25	50	150
Adjacent to Employment/Campus Use Districts	50	0	0	100

TABLE 2.2.3-A EMPLOYMENT/CAMPUS USE DISTRICTS DEVELOPMENT STANDARDS

	SP	IVMX	BRT	HI
Building Height (ft)				
<i>All Building/Structure(s)</i>	N9	45	100	N9
<i>All Building/Structure(s) (maximum with Conditional Zoning District (CD))</i>	N9	100	--	N9
<i>Residential Primary Building(s) Finished Floor Elevation Above Grade (ft)</i>	n/a	1.5	n/a	n/a

TABLE 2.2.3-A - NOTES

N1	For individual Lots or Projects containing multiple Districts, Development Density is calculated based on the District in which a majority (50% of buildable area or greater) of the buildable area of a Lot is located. The Total Allowable Units shall be equal to the Gross Site Area X Maximum Units Per Acre.
N2	Maximum Gross Density shall be established with a Conditional Zoning District (CD). Maximum Gross Density that exceeds 15 units/acre may be considered if the Project is: <ol style="list-style-type: none"> 1. Designated on the Future Land Use Map as N. Main Street District, Downtown Village District, Mixed-Use Center, or Regional Center, or, within the boundary of the Northeast Gateway Master Plan; and, 2. The Project includes either a Parking Garage, or, a minimum of 40% of Dwelling Units located within a vertically integrated mixed-use Building with Office and Service Uses or Retail, Dining, and Entertainment Uses located on the ground floor story.
N3	Common Open Space and/or conservation areas are required for all Residential Major Subdivisions where the resulting plat/Subdivision action results in 5 or more Lots and Site Plans that include Apartment Dwellings and Attached Dwellings. Required Tree Preservation Areas may also be used to satisfy other requirements including conservation areas, floodplains, Perimeter Buffers, Open Space, etc.
N4	Each Single Use Site, Subdivision, or Integrated Center, Business Park or Industrial Park shall have the minimum Lot Frontage on a Public Street, measured along the Front Lot Line abutting the Public Street. Where an Outlot fronts a Private Street or common Open Space, the Frontage shall be measured along the Outlot Lot Line abutting the Private Street or alley and each Outlot shall gain access to and from a Public Street across a perpetual recorded public access easement.
N5	For Lots existing prior to the effective date of this UDO, the UDO Permit review process may consider alternate methods of providing Lot access if the provision of an alley or rear lane is not feasible in the following priority order: shared driveway between 2 or more Lots; 1 single driveway a maximum of 12 feet in width. For new Lots or for Lots existing prior to the effective date of this UDO, flexibility is available through the Conditional Zoning District (CD) process.
N6	The Building Placement standards shall apply to all Buildings and Structures, unless specifically permitted otherwise. Refer to Sections 2.3.6 Setback Encroachment Allowances, 3.3 Additional Use Provisions, and 3.4 Accessory Uses, Buildings, and Structures for additional standards.
N7	Maximum Setback not applicable to Agriculture, Manufacturing and Distribution Uses.
N8	External buffer around the entire development; Setbacks apply to internal Lots. Where existing vegetation exists, this Perimeter Buffer shall be left undisturbed and supplemented to meet the minimum landscape buffer opacity.
N9	Maximum Building Height shall be established with a Conditional Zoning District (CD).

2.3 APPLICATION AND INTERPRETATION OF DEVELOPMENT STANDARDS

2.3.1 OTHER TOWN, STATE, AND FEDERAL STANDARDS

- A. **Town Building and Fire Codes.** In addition to the provisions of this Chapter standards for Lots, Buildings, and other site components are subject to other provisions of this UDO and the Town's Building and fire codes.
- B. **State and Federal Requirements.** Applicable state and federal development and Use-related standards apply in addition to the provisions of this Chapter.

2.3.2 FRACTIONS OF MEASUREMENT CALCULATIONS

- A. **Unit Measurements.** Unless specifically stated otherwise elsewhere in this UDO, when any dimensional requirement (measurements of space or distance) results in a fraction of a measurement unit, a fraction of $\frac{1}{2}$ or more shall be considered a whole unit and a fraction of less than $\frac{1}{2}$ shall be disregarded. (e.g., 12.6-feet shall equal 13 feet, whereas 12.1 feet shall equal 12 feet).
- B. **Density Calculations.** When the determination of the number of Dwelling Units permitted on a Lot/property results in a fraction of a Dwelling Unit, any fractional component shall be disregarded and rounded down to the nearest whole number. (e.g., Where a Lot/property's density calculation results in 20.7, the maximum allowed units shall be 20).

2.3.3 LOT/BUILDING SETBACKS

- A. **Setback Reduction.** No Building shall hereafter be erected, altered or moved to create narrower or smaller Front Setback, Side Setback, Rear Setback or other Open Spaces than required by the Base District or associated permit (e.g., previously approved Planned Unit Development, Conditional Zoning District (CD), or Projects utilizing the Town's Development Options provisions).

- B. **Side Lot Lines.** Side Lot lines shall be perpendicular to straight Street lines and radial to curved Street lines beginning at the Front Setback Line (Front Building Line) and extending to the rear property line.
- C. **Irregular Lots.** The location of required Setbacks on irregularly shaped Lots shall be determined by the Administrator in accordance with the purpose and intent of this UDO.
- D. **Setbacks from Designated Corridors/Functional Classification of Streets.** Setbacks shall be measured from the future planned Right-of-Way line of the adjacent Street based on its Functional Classification pursuant to the Comprehensive Plan, adopted design documents, and/or an approved small area plan. Lots located along substandard Streets may be subject to Setback measurements from a future Right-of-Way line location based on its Functional Classification not the current Right-of-Way location.
- E. **Setbacks from Mid-block Pedestrian Ways.** Mid-block pedestrian pathways shall be treated as Side Yards for the purposes of determining the minimum (and maximum) required Setbacks.
- F. **Easements.** Structures, Buildings, and other site development components are subject to any associated easement restriction that may be present on or adjacent to the subject Lot/property. The applicant shall provide known easement documentation with all land Use and Building permit applications. In some cases, the easement location may extend beyond the required Setbacks and restricted from structural encroachments; the Town may restrict development within said easements.

2.3.4 SETBACKS FOR INFILL LOTS

- A. **Purpose and Applicability.** The Town recognizes that certain older and historic neighborhoods may have developed prior to the Lot and Development Standards of the UDO and zoning in general. Lots within said neighborhoods may have been developed with smaller Setbacks, thus establishing a unique character with regard to Building placement. The provisions of this subsection allow (but

do not require) the Administrator to approve reduced Setbacks for infill Buildings/ additions that align with neighborhood character and the Comprehensive Plan.

B. Infill Setback Allowance.

1. In any block in any Residential Use District contained in this UDO in which an existing Front Setback is established by existing, legally established Buildings or Structures on more than 60% of the total number of Lots within the same block face fronting on the same Street, the Minimum Front Setback for any new Building, Structure or addition may be the average of the established Front Setbacks if that dimension is less than the minimum Front Setback established by this UDO.
2. Any Lot within the SR Use District located within the Downtown Village District Future Land Use category from the Comprehensive Plan that does not meet the minimum Lot Width or minimum Lot Area established by this UDO may use the modified Building placement standards outlined in Table 2.3.4-A.

TABLE 2.3.4-A – DOWNTOWN VILLAGE DISTRICT INFILL SETBACK ALLOWANCE FOR RESIDENTIAL USES (N1)

	SR
Building Placement	
Thoroughfare Setbacks (ft)	
Thoroughfare	25
Primary Building Setbacks (ft)	
Front Setback (minimum)	15
Front Setback (maximum)	n/a
Side - Corner Setback (minimum)	10
Side - Interior Setback (minimum)	5
Rear Setback (minimum)	20
N1	Reference Uses in Chapter 3. Applicable only to Permitted Uses (P).

2.3.5 STANDARDS FOR OUTLOTS

- A. Outlots or multi-tenant Buildings within an Integrated Center may provide a Minimum Setback of 0 feet along all Lot Lines in common

with other Outlots or in common with the main portion of the Integrated Center.

- If any portion of an Outlot abuts the perimeter of the Project, that portion of the Outlot shall comply with the applicable Thoroughfare, Front, Side or Rear Setback requirements established in this Chapter.
- The main portion of the Integrated Center is not required to provide a Minimum Setback along the Lot Line in common with an Outlot.
- If an Outlot is for an individual tenant space within a multitenant Building, there shall be no minimum setbacks required.
- A Type A Perimeter Buffer is required for Outlots along all Lot lines in common with other Outlots or the main portion of the Integrated Center. Vehicle parking areas, loading areas, interior drives, or Interior Access Drives may be within Perimeter Buffers between Outlots if the landscape material that would have been required to be installed is provided elsewhere on each of the affected Outlots as either additional Foundation Landscaping are or additional interior Parking Area landscaping.

2.3.6 SETBACK AND RIGHT-OF-WAY ENCROACHMENT ALLOWANCES

- Encroachment Allowances.** Certain Structures and Building elements are permitted to encroach within the minimum required Setbacks or Rights-of-Way if permitted by the Right-of-Way Owner as specified below in Table 2.3.6-A. Additional standards may apply to the type of Structures or Building elements listed in the table.

2.3.7 BUILDING/STRUCTURE HEIGHT MEASUREMENT

- Measurement Method.** Building/Structure height shall be measured from the average elevation of the proposed finished Grade at the front of the Building or Structure to the uppermost Eave Line.
- Height Exemptions.** Appurtenances/features such as parapet walls, chimneys, spires, cupolas, steeples, Antenna attached to a Building or Structure shall not be included in the calculation of Building Height and compliance with the limitations of the Base District.

TABLE 2.3.6-A - PERMITTED SETBACK AND RIGHT-OF-WAY ENCROACHMENTS

Type of Encroachment	Standards	Additional Standards (N1)
Accessory ground-mounted solar energy system	No closer than 1/2 of the Setback that would otherwise apply from the Front, Side, or Rear Lot Line.	Section 3.3.9.A.2.
ADA Ramps and Fire Escapes	3 ft Setback from any Side/Rear Lot Line.	
Awnings, Canopies, and Marquees (without signage) (N2) (N3)	Up to a maximum of 8 ft from the Building into the Right-of-Way up to the back of the curb. Awnings may be made of fabric, but high gloss and plasticized fabrics are prohibited.	
Balconies (N2) (N3)	3 ft encroachment into Front Setback or Right-of-Way. May have roofs but cannot be screened or glassed.	
Bollards (N2)	Within the Right-of-Way but must be painted either black or match the color scheme of the Building.	
Building Stairs	5 ft into any Setback, or more in a Front Setback if needed to meet Building code requirements. May not encroach into the Right-of-Way.	
Colonnades/Arcades (N2) (N3)	Into the Right-of-Way. Support Structures must be at least 8 ft from the Building to allow for pedestrian Sidewalk clearance.	
Fences & Walls in Residential Use Districts	Up to Lot Line, unless restricted by additional standards.	Section 3.4.2.H
Fences & Walls in Commercial & Mixed-Use Districts and Employment/Campus Use Districts	Up to Lot line, unless restricted by additional standards.	Section 3.4.3.C.
Grade Level Improvements (e.g. walkways, driveways, uncovered patios and stoops) in Residential Use Districts	Up to the Lot line, unless restricted by additional standards.	Section 3.4.2.J.
Laterally-supported extensions (e.g., eaves, cornices, bay windows, roof overhangs)	Up to 3 ft into any required Setback.	
Mechanical Equipment (e.g., utility boxes, HVAC equipment, swimming pool filtration)	5 ft Setback from any Side/ Rear Lot Line.	
Outdoor Light Fixtures	Within a required Front, Side, or Rear Setback, or required Perimeter Buffer, provided that the outdoor light fixture is located adjacent to the interior edge of such Setback or Perimeter Buffer.	Section 8.4.E.2.
Swimming Pools in Residential Use Districts	5 ft Setback from any Side - Interior or Rear Lot Line. 5 ft Setback from any Side -Corner Lot Line between the Rear Building Line and Rear Lot Line.	Section 3.4.2.Q.
Porches	Within the Minimum Front Setback but shall not extend into the Right-of-Way.	
Temporary Outdoor Storage of Personal Property (short-term)	See additional standards.	Table 3.5-A.
Uncovered Residential Decks & Patios (maximum of 5 ft in height above finished Grade) and Pools	5 ft Setback from any Side or Rear Lot Line.	

NOTES:

N1: Additional standards are found in the referenced section.

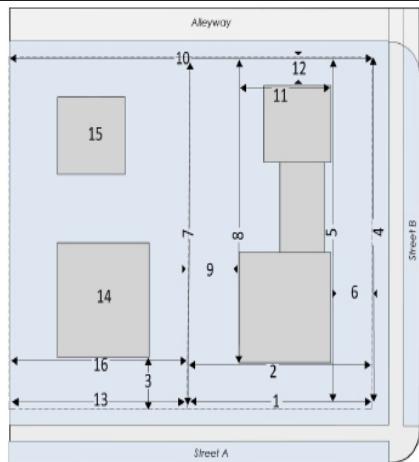
N2: Encroachment into the Right-of-Way requires an encroachment agreement with the jurisdiction.

N3: Minimum Vertical Clearances

a. Minimum 10 feet of vertical clearance must be maintained from Sidewalk Grade.

b. Minimum of 15 feet of vertical clearance must be provided over a Driveway, interior Access Drive, or alley.

FIGURE 2.A. BUILDING PLACEMENT AND SETBACKS



- 1. Front Lot Line
- 2. Front Building Line
- 3. Front Setback
- 4. Side-Corner Lot Line
- 5. Side-Corner Building Line
- 6. Side-Corner Setback
- 7. Side-Interior Lot Line
- 8. Side-Interior Building Line
- 9. Side-Interior Setback
- 10. Rear Lot Line
- 11. Rear Building Line
- 12. Rear Setback
- 13. Lot Frontage
- 14. Primary Structure
- 15. Accessory Structure
- 16. Lot Width

FIGURE 2.B. BUILDING/STRUCTURE HEIGHT

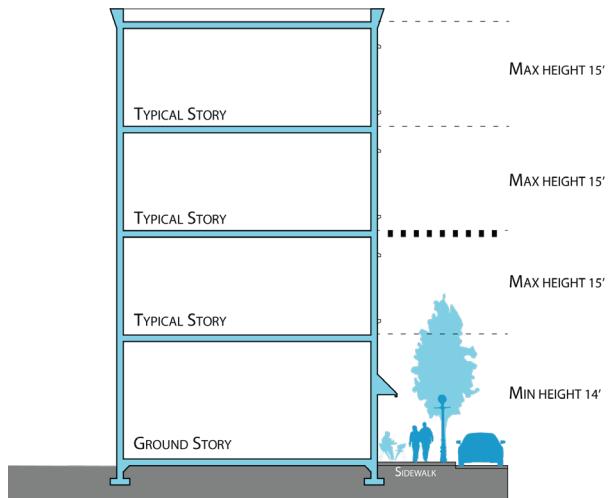


FIGURE 2.B. BUILDING/STRUCTURE HEIGHT CONT'D

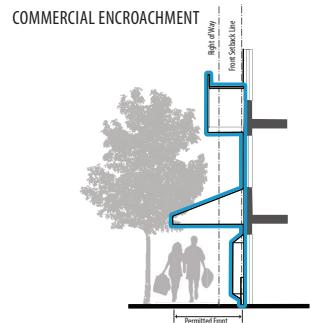
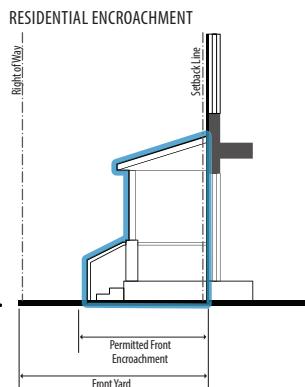


FIGURE 2.C. INFILL LOT SETBACKS

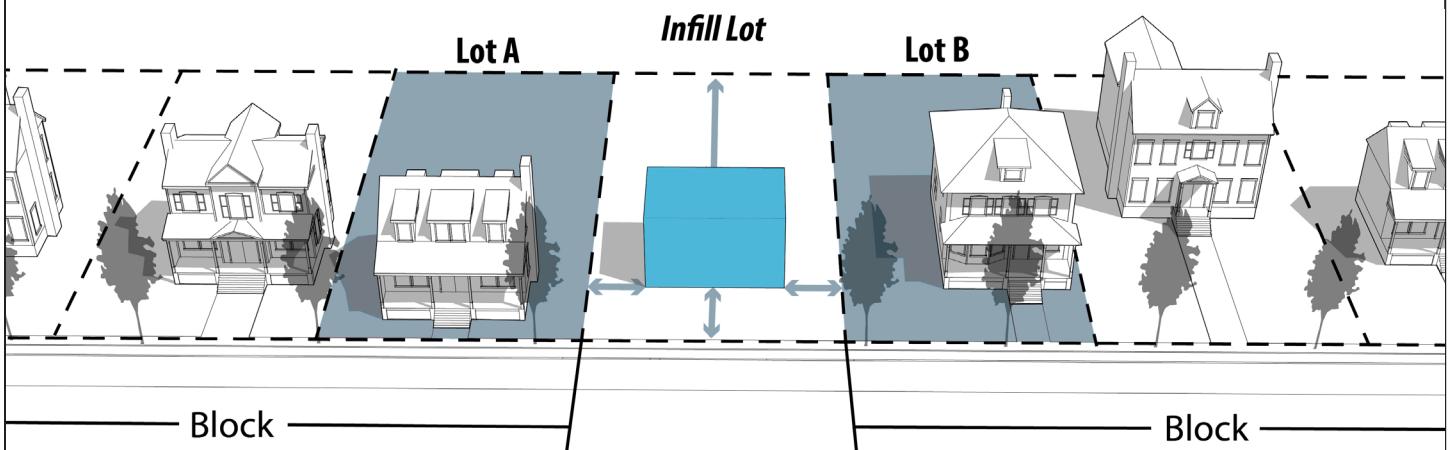


FIGURE 2.D. ENCROACHMENT - COLONNADE/ARCADE

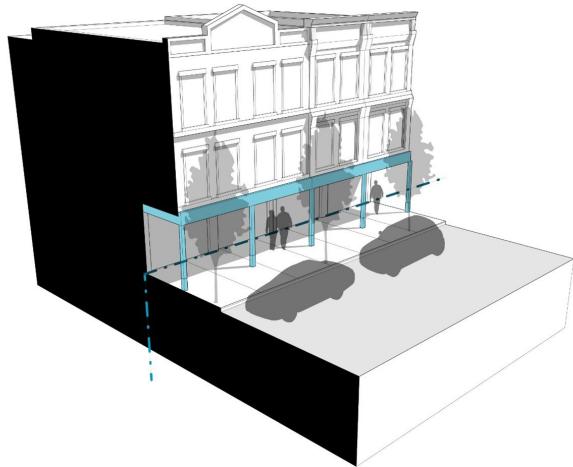


FIGURE 2.E. ENCROACHMENT - BALCONIES INTO THE RIGHT-OF-WAY

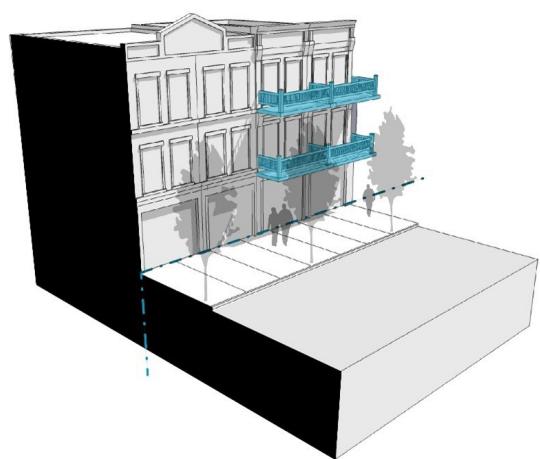
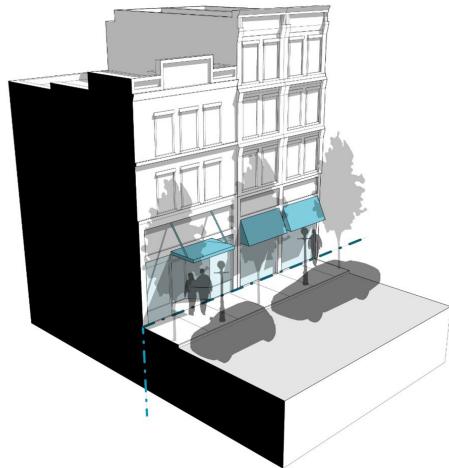


FIGURE 2.F. ENCROACHMENT – AWNINGS



2.4 CONDITIONAL ZONING DISTRICTS (CD)

2.4.1 CONDITIONAL ZONING DISTRICTS (CD)

- A. **Purpose and Intent.** There are certain development proposals which – because of their nature, scale, or location – have particular impacts on their immediate surrounding areas and the community as a whole. In some instances, such development proposals may not be adequately accommodated by the Base Districts. In accordance with NCGS 160D-703 (b) the provisions set forth in this section establish a one-step, legislative, Conditional Zoning District (CD) process to provide flexibility within the planning and development process, while creating additional standards to ensure quality development.
- B. Conditional Zoning Districts (CD) Districts may be established in any Base District for the following purposes:
 - 1. To implement the Character Areas of the Comprehensive Plan when Projects cannot be adequately accommodated by the Base District.
 - 2. To allow innovative planning or design ideas for development in any Base District.
 - 3. To afford flexibility, amend, expand, or restrict the Development Standards and land Use provisions of the Base Districts and other UDO provisions.
 - 4. To impose special limitations and/or conditions on the Use of the property.
- C. Conditional Zoning Districts (CD) are established on an individualized basis, at the request of all owners of the property included in the application. The application must be made by the owners of the property or their authorized agents.
- D. A Conditional Zoning District (CD) is not intended for securing early or speculative rezoning of property. It is expected that, in most cases, the standards of the Base Districts appropriately regulate the site-specific

impacts of Permitted Uses and Structures on surrounding areas.

E. Limitations.

- 1. All Development Standards or land Use provisions that apply to the corresponding Base District which are not modified as part of the Conditional Zoning District (CD) shall also apply to the Conditional Zoning District (CD).
- 2. Conditional Zoning Districts (CD) shall not allow Permitted Uses which are not expressly permitted in the underlying Base District.
- 3. Conditional Zoning Districts (CD) shall not propose modified Development Standards or land Use provisions, nor propose special limitations and/or conditions, which are less restrictive than the requirements of this UDO, other town requirements, or other applicable state or federal laws, unless otherwise expressly permitted by this Section. Development Standards, land Use provisions, special limitations, and/or conditions may be more restrictive than the requirements of this UDO.
- 4. Conditional Zoning Districts (CD) shall not propose Development Standards, land Use provisions, special limitations, and/or conditions that are a repetition of an already applicable requirement of this UDO.
- 5. Conditional Zoning Districts (CD) are not intended to relieve hardships that would otherwise be handled using a Variance procedure.

2.4.2 CONDITIONAL ZONING DISTRICT (CD) PROCEDURE

- A. An application for Conditional Zoning District (CD) shall be tied to a Development Plan or Subdivision Plan (Preliminary Plat), or master plan, and made in accordance with the procedures established in Chapter 11 of this UDO.

2.4.3 STANDARDS AND ALLOWANCES FOR CONDITIONAL ZONING DISTRICTS (CD)

A. Design Goals. The application for Conditional Zoning District (CD) shall demonstrate how the Project achieves the following design goals:

1. The incorporation of existing natural features such as wooded areas and slopes into the design of new development in such a manner as to preserve the site's natural character;
2. The preservation of significant view corridors; development of out-lying areas of the Town and its Extraterritorial Jurisdiction in a manner which retains elements of traditional historical land Use patterns;
3. Development of pedestrian oriented communities; development of traditional style neighborhoods;
4. Development of communities that are visually and functionally connected to one another;
5. Protection of significant watershed areas in order to preserve water quality;
6. Creativity and imagination in the process of development;
7. Unique architecture or sustainable design;
8. Efficient, aesthetic and desirable Use of Open Space;
9. Variety in housing types and physical development patterns; and,
10. Special considerations for property with a unique history or outstanding physical features.

B. Public Benefits. The application for Conditional Zoning District (CD) shall demonstrate that the proposed Project provides sufficient benefits to the general public. Public benefit may include:

1. Infrastructure improvements such as improvements to existing Streets, intersections, medians, Sidewalks, greenways, sidepaths, pedestrian crossings, and public utilities.
2. Publicly accessible Open Space such as Parks and Playgrounds, dog parks, Urban Civic Spaces, Plazas, Squares, public art, and similar outdoor amenities.

3. Sustainable design and/or architecture such as adaptive reuse of existing Buildings, preservation of significant on-site environmental features, on-site renewable energy generation, compliance with established standards such as Leadership in Energy and Environmental Design (LEED), Energy Star, Earthcraft, etc., or other actions that further sustainability of the Project.
4. Additional public benefits not listed above may be considered by the decision-making body.

C. Development Standards and Land Use

Provisions. Conditional Zoning Districts (CD) may modify the Development Standards and land Use provisions to be less restrictive than the Base District that apply to all future development within the Project boundaries subject to the allowances of Table 2.4.3-A. and the limitations identified in each Chapter.

TABLE 2.4.3-A – ELIGIBLE DEVELOPMENT STANDARDS AND LAND USE PROVISIONS

UDO Chapter	Eligible Base District Standard
Chapter 2 Development Standards	Maximum Gross Density. Minimum Lot Area. Minimum Lot Width. Minimum Lot Frontage for a Driveway. Building Placement. Perimeter Buffer. Building Height/Stories. Maximum Gross Floor Area.
Chapter 3 Use Provisions	Permitted Uses when designated as CD in Table 3.2-A - Table of Permitted Uses.

TABLE 2.4.3-A – ELIGIBLE DEVELOPMENT STANDARDS AND LAND USE PROVISIONS

UDO Chapter	Eligible Base District Standard
Chapter 3 Use Provisions	<p>Permitted Uses designated in Table 3.2-A - Table of Permitted Uses for the establishment or expansion of a SP Special District or HI Heavy Industrial District.</p> <p>Apartment Dwelling locations and configurations when designated as PS in Table 3.2-A - Table of Permitted Uses.</p> <p>Permitted Uses when designated as SUP in Table 3.2-A - Table of Permitted Uses may be converted to CD when submitted with an Option 1 Conditional Zoning District (CD) application in accordance with Section 11.6.1.</p>
Chapter 4 Open Space and Conservation	No Base District standards may be modified.
Chapter 5 Landscaping	Landscaping and buffering standards.
Chapter 6 Parking	<p>Permitted Vehicle Parking locations.</p> <p>Minimum and Maximum Vehicle Parking ratios.</p>
Chapter 7 Streets, Utilities and Other Infrastructure	No Base District standards may be modified.
Chapter 8 Building, Site & Subdivision Lot Design Standards	Building Design Standards, when the resulting Building design aligns with the Town's Land Use and Character goals and provides for exceptional design equal or greater to the Base District requirements.

TABLE 2.4.3-A – ELIGIBLE DEVELOPMENT STANDARDS AND LAND USE PROVISIONS

UDO Chapter	Eligible Base District Standard
Chapter 9 Signs	Sign standards subject to the Waiver of Sign Regulations established in Section 9.2.B.





3 USE PROVISIONS

3.1 PURPOSE AND APPLICABILITY

3.1.1 APPLICABILITY OF USE STANDARDS

The Use Table (3.2-A) assigns 1 of 5 permissions to each Use in each District as follows:

- A. **Permitted Use (P).** The Use is permitted by right with no additional requirements and is subject only to the other general standards throughout this Ordinance.
- B. **Permitted Use with Additional Standards (PS).** The Use is permitted by right, provided that the additional Use standards set forth in this Chapter are met. The specified standards are intended to insure that these Uses are compatible with other development permitted within the Districts.
- C. **Accessory Use (A).** The Use is permitted only as an Accessory to another permitted Use in that District.
- D. **Special Use Permit (SUP).** The Use is permitted only when a Special Use Permit has been approved in accordance with Section 11.12.
 - 1. Special Use Permits are required for Uses which are generally compatible with other Uses permitted in a District but which, because of their unique characteristics or potential impacts on the surrounding neighborhood and/or the Town as a whole, require individual consideration in their location, design, configuration, and/or operation at the particular location proposed.

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- 2. All applications for Special Use Permits shall, at a minimum, meet the standards for the District in which they are located and the additional standards set forth in this chapter for that Use.
- E. **Conditional Zoning District (CD).** The Use is permitted only subject to a Conditional Zoning District (CD) rezoning or is otherwise permitted in a previously rezoned Conditional Zoning District (CD). The Use shall meet the additional standards set forth in this Chapter for that Use.
- F. **Prohibited Uses (—).** The Use is prohibited in the specified District.

3.1.2 USE CATEGORIES

All Uses permitted in this ordinance have been divided into 9 categories and are generally defined as follows:

- A. **Residential.** Premises available for long-term human habitation by means of ownership and rental, but excluding short-term leasing or rental of less than 1 month's duration.
- B. **Lodging.** Premises available for short-term human habitation, including daily and weekly rental. These are measured in terms of lodging units: a lodging unit is a furnished room that includes access to sanitary facilities, and that may include limited kitchen facilities.
- C. **Office & Service.** Premises available for the transaction of general business and the provision of services, but excluding retail sales and manufacturing, except as a minority component (less than 50% of the gross square footage).
- D. **Retail, Dining, and Entertainment.** Premises available for the commercial sale of merchandise, prepared foods, and food and drink consumption, but excluding manufacturing.
- E. **Public and Institutional.** Uses and premises dedicated to religion, government, arts and culture, and other similar areas of public assembly, social service, health care, and other similar functions.
- F. **Recreation.** Premises available for Uses or facilities for passive and active recreation.
- G. **Agriculture, Manufacturing, and Distribution.** Premises available for the growing, creation,

assemblage, storage, distribution, and repair of items including their wholesale or retail sale.

- H. **Infrastructure.** Uses and Structures dedicated to transportation, communication, information, parking, and utilities.

3.1.3 INTERPRETATION OF USE MATRICES

- A. **Permitted Uses.** Permitted Uses shall be allowed within the Base Zoning Districts in accordance with the Use Table (3.2-A) in this section. Where multiple principal Uses are proposed to be located on a single parcel, all applicable conditions must be met for each proposed Use. For example, if the proposed Use is a Fueling Station with a convenience store and a car wash, all requirements and conditions for Fueling Station, Drive In/Drive Through Facility, and Retail Uses must be met.
- B. **Uses Not Listed.** The Administrator shall make the determination whenever there is a question regarding a Use not specifically listed in the Use Table. This determination shall be based on the definitions contained in this UDO, the purpose and intent of the respective Zoning District, and any commonly accepted Use-based guides (e.g., North American Industrial Classification System (NAICS), Institute of Transportation Engineers (ITS) Trip Generation Guide). This determination may be appealed using the process identified in Section 11.3.4.

3.2 PERMITTED USES

Uses are permitted subject to Table 3.2-A.

TABLE 3.2-A - TABLE OF PERMITTED USES

DISTRICTS	RESIDENTIAL USE DISTRICTS					COMMERCIAL & MIXED-USE DISTRICTS				EMPLOYMENT / CAMPUS USE DISTRICTS				ADDITIONAL STANDARDS
	RR	SR	NR	NCR	MXR	NMX	DMX	RMX	CB	SP (CD ONLY)	IVMX	BRT	HI (CD ONLY)	
Residential Uses														3.3.2
Apartment Dwelling	--	--	--	CD	PS	PS	PS	PS	--	PS	--	--	--	
Apartment Dwelling – Upper Story Unit	--	--	--	CD	PS	PS	PS	PS	--	PS	--	--	--	
Attached Dwelling – Duplex	--	--	CD	PS	PS	CD	CD	CD	--	--	CD	--	--	
Attached Dwelling – Triplex	--	--	CD	PS	PS	CD	CD	CD	--	--	CD	--	--	
Attached Dwelling – Quadruplex	--	--	CD	PS	PS	CD	CD	CD	--	--	CD	--	--	
Attached Dwelling – Townhome	--	--	CD	PS	PS	CD	CD	CD	--	--	CD	--	--	
Detached Dwelling	P	P	P	P	P	CD	--	CD	--	--	--	--	--	
Detached Dwelling – Cottage Dwelling	P	P	P	P	P	CD	--	CD	--	--	--	--	--	
Family Care Home	P	P	P	P	P	--	--	--	--	--	--	--	--	
Group Home	--	--	--	--	--	PS	--	SUP	--	--	--	--	--	
Manufactured Dwelling	PS	--	--	--	--	--	--	--	--	--	--	--	--	
Residential Care Facilities	--	--	--	P	P	P	--	P	P	P	P	--	--	
Lodging Uses														3.3.3
Bed and Breakfast	PS	PS	PS	PS	PS	PS	PS	PS	--	--	PS	--	--	
Hotel	--	--	--	--	--	CD	P	P	P	P	P	--	--	
Inn	--	--	--	CD	CD	P	P	P	--	--	P	--	--	
Motel	--	--	--	--	--	--	--	--	CD	--	--	--	--	
Office and Service Uses														3.3.4
Animal Boarding and Outdoor Kennel	PS	--	--	--	--	--	--	--	PS	--	--	PS	--	
Business Services	--	--	CD	CD	CD	P	P	P	P	P	P	P	P	
Child Care Center	SUP	SUP	SUP	SUP	PS	PS	PS	PS	PS	PS	PS	PS	--	
Hospital	--	--	--	--	--	--	--	--	--	P	P	--	--	
Laundry, Self-Service	--	--	--	--	--	P	--	P	P	--	--	--	--	
Medical Office	--	--	--	--	--	P	P	P	P	P	P	--	--	
Mortuary/Funeral Home/Crematory	PS	--	--	--	--	PS	--	P	--	P	P	--	--	

KEY: P - Permitted Use; PS - Permitted Use with Additional Standards; A - Accessory Use; SUP - Special Use Permit

CD - Conditional Zoning District Only

TABLE 3.2-A - TABLE OF PERMITTED USES

DISTRICTS	RESIDENTIAL USE DISTRICTS					COMMERCIAL & MIXED-USE DISTRICTS				EMPLOYMENT / CAMPUS USE DISTRICTS				ADDITIONAL STANDARDS
	RR	SR	NR	NCR	MXR	NMX	DMX	RMX	CB	SP (CD ONLY)	IVMX	BRT	HI (CD ONLY)	
Office Use	--	--	CD	CD	CD	P	P	P	P	P	P	P	P	
Personal Services	--	--	CD	CD	CD	P	P	P	P	--	P	P	--	
Tattoo Studios	--	--	--	--	--	--	--	P	P	--	P	--	--	
Vehicle Service (Major)	--	--	--	--	--	--	--	--	CD	--	--	P	P	
Vehicle Service (Minor)	--	--	--	--	--	PS	--	PS	PS	--	PS	PS	PS	
Veterinary Clinic/Hospital	P	--	--	--	--	P	P	P	P	--	P	P	--	
Retail, Dining, and Entertainment Uses														3.3.5
Adult Establishments	--	--	--	--	--	--	--	--	--	--	--	--	PS	
Amusement & Entertainment, Indoor	--	--	--	--	--	PS	PS	P	P	--	--	P	--	
Amusement & Entertainment, Outdoor	CD	--	--	--	--	--	CD	--	CD	--	--	--	--	
Bar/Nightclub/Tasting Room	--	--	--	--	--	CD	PS	PS	PS	--	PS	PS	--	
Drive In/Drive Through	--	--	--	--	--	SUP	--	PS	PS	PS	--	--	--	
Electronic Gaming Operations	--	--	--	--	--	--	--	--	--	--	--	--	SUP	
Food/Restaurant Uses	--	--	CD	CD	CD	P	P	P	P	--	P	A	--	
Fueling Station	--	--	--	--	--	--	--	PS	PS	--	PS	PS	PS	
Large Vehicle and Heavy Equipment Sales and Service	--	--	--	--	--	--	--	--	--	--	--	P	P	
Manufactured Home Sales	--	--	--	--	--	--	--	--	CD	--	--	--	--	
Retail Uses	--	--	CD	CD	P	P	P	P	P	--	P	A	--	
Theater	--	--	--	--	--	--	P	P	P	--	P	--	--	
Tobacco Stores	--	--	--	--	--	--	--	--	--	--	--	CD	--	
Vehicle Leasing and Rental	--	--	--	--	--	--	--	--	CD	--	--	--	--	
Vehicle Sales	--	--	--	--	--	--	--	--	CD	--	--	--	--	
Public and Institutional Uses														3.3.6
Assembly Use	--	--	--	--	--	--	P	P	P	--	P	--	--	
Cemetery	PS	--	--	--	--	--	PS	--	--	PS	--	--	--	
Civic Building	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	
Community Support Facility	SUP	SUP	SUP	SUP	SUP	P	P	P	P	P	P	P	P	
Penal or Correctional Institution	--	--	--	--	--	--	--	--	--	--	--	--	SUP	

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TABLE 3.2-A - TABLE OF PERMITTED USES

DISTRICTS	RESIDENTIAL USE DISTRICTS					COMMERCIAL & MIXED-USE DISTRICTS				EMPLOYMENT / CAMPUS USE DISTRICTS				ADDITIONAL STANDARDS
	RR	SR	NR	NCR	MXR	NMX	DMX	RMX	CB	SP (CD ONLY)	IVMX	BRT	HI (CD ONLY)	
Religious Use	PS	PS	PS	PS	PS	P	P	P	P	--	P	--	--	
School (Commercial, Trade or Business)	--	--	--	--	--	P	P	P	P	P	P	P	P	
School (K-12)	CD	CD	CD	CD	CD	--	--	--	--	--	--	--	--	
Recreation Uses														3.3.7
Campground	SUP	--	--	--	--	--	--	--	--	--	--	--	--	
Fitness Facilities/Studios	--	--	--	--	P	P	P	P	P	--	P	--	--	
Golf Course	CD	CD	CD	CD	CD	--	--	--	--	--	--	--	--	
Recreation Facility, Indoor	PS	PS	PS	PS	PS	PS	PS	PS	P	PS	--	--	--	
Recreation Facility, Outdoor (<50 acres)	PS	PS	PS	PS	PS	PS	PS	PS	PS	--	PS	--	--	
Recreation Facility, Outdoor (>50 acres)	CD	CD	CD	CD	CD	CD	CD	CD	P	CD	--	--	--	
Shooting Range, Outdoor	SUP	--	--	--	--	--	--	--	--	--	--	--	--	
Agriculture, Manufacturing, and Distribution Uses														3.3.8
Agricultural Uses (General)	P	--	--	--	--	--	--	--	--	--	--	--	--	
Agricultural Uses (Intensive)	SUP	--	--	--	--	--	--	--	--	--	--	--	--	
Data Centers	--	--	--	--	--	--	--	--	--	--	P	P		
Distribution and Logistics	--	--	--	--	--	--	--	--	--	--	PS	PS	PS	
Heavy Manufacturing	--	--	--	--	--	--	--	--	--	--	--	--	P	
Landfill	--	--	--	--	--	--	--	--	--	--	--	--	CD	
Light Manufacturing and Warehousing	--	--	--	--	--	--	--	--	--	--	P	P	P	
Neighborhood Manufacturing	--	--	--	--	--	PS	PS	PS	PS	--	P	P	P	
Research and Development Facilities	--	--	--	--	--	--	--	--	--	P	P	P	P	
Resource Extraction	--	--	--	--	--	--	--	--	--	--	--	--	CD	
Storage, Self-Service	--	--	--	--	--	--	--	--	--	--	--	--	PS	
Infrastructure Uses														3.3.9
Airport, Public or Private	SUP	--	--	--	--	--	--	--	--	--	--	--	--	
Infrastructure/Utilities (Major)	SUP	SUP	SUP	SUP	SUP	SUP	SUP	SUP	P	SUP	P	P		
Infrastructure/Utilities (Minor)	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	
Neighborhood Recycling Collection Point	--	--	--	--	--	P	--	P	P	P	P	P	P	

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TABLE 3.2-A - TABLE OF PERMITTED USES

DISTRICTS	RESIDENTIAL USE DISTRICTS					COMMERCIAL & MIXED-USE DISTRICTS				EMPLOYMENT / CAMPUS USE DISTRICTS				ADDITIONAL STANDARDS
	RR	SR	NR	NCR	MXR	NMX	DMX	RMX	CB	SP (CD ONLY)	IVMX	BRT	HI (CD ONLY)	
Parking Garage	--	--	--	--	A	A	PS	PS	PS	A/PS	PS	A/PS	--	
Parking Lot - Principal Use	--	--	--	--	--	--	SUP	PS	P	--	PS	--	--	
Solar Energy Systems - Small	A	A	A	A	A	A	A	A	A	A	A	A	A	
Solar Energy Systems - Large	SUP	--	--	--	--	--	--	--	--	SUP	SUP	SUP	SUP	
Transit Station / Terminal	--	--	--	--	--	--	P	P	P	--	P	P	--	
Wireless Telecommunications Equipment	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	
Wireless Telecommunications Tower	SUP	--	--	--	--	SUP	--	--	SUP	SUP	--	SUP	SUP	
Other Uses														3.3.10
Outdoor Advertising Sign	--	--	--	--	--	--	--	CD	--	--	--	--	PS	

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3.3 ADDITIONAL USE PROVISIONS

3.3.1 GENERAL PURPOSE AND APPLICABILITY PROVISIONS

A. Purpose and Intent.

1. The purpose of this section is to establish additional Use and design standards to ensure compatibility amongst adjacent properties, protect and strengthen neighborhood character, and to achieve quality urban design within the Town.
2. The provisions of this section are intended to support a mixed-use character throughout the Town by allowing land Use variety yet limiting development intensities at certain locations.
3. The provisions of this section are also intended to guide the decision-making body's decisions and Project review so that land Use/development proposals are compatible to the scale, character, and urban design of the neighborhood in which they are located. These provisions will support the Town's decision to approve, approve with conditions, or deny a particular proposal.

B. Applicability.

1. **Specific Uses.** The provisions of this Section are applicable to those Uses listed as "PS – Permitted Uses with Additional Standards," "SUP – Special Use Permit," and/or "CD – Conditional Zoning District" pursuant to Table 3.2-A.

2. **New Uses and Expansions of Existing.** These provisions are applicable to new Uses and expansions of existing Uses. Where an existing Use exists, these provisions shall only apply to the new Building elements. Where the existing portions of the Use do not comply with the provisions of this section, the nonconforming provisions/allowances of Chapter 10 shall apply.

3. **Conflict.** Where there are potential regulatory conflicts between the District (or zone) standards of Chapter 2, the Building, Site & Subdivision Lot Design Standards of

Chapter 8, and the provisions of this section, the provisions herein shall apply.

4. Additional Conditions of Approval.

The decision-making body may impose additional conditions of approval for Special Use Permits which may be in addition to the provisions of this Section. In doing so, the conditions of approval may further limit development scale, size, and intensity to ensure compatibility with neighboring properties.

3.3.2 RESIDENTIAL USES – ADDITIONAL USE PROVISIONS

A. Apartment Dwelling.

1. **Residential Use Districts.** Apartment Dwellings are permitted only in new Projects or Subdivisions in accordance with the minimum and maximum allocation allowances in Table 2.2.1-A - Development Standards for Residential Use Districts, Attached Dwelling Unit and Apartment Dwelling Unit Allocation.
2. **Non-residential Use Districts.** Apartment Dwellings are only permitted when located on upper stories within a vertically integrated mixed-use Building with non-residential Uses permitted in the District on the ground floor story. Alternate locations and configurations are permitted by Conditional Zoning District (CD).

B. Attached Dwelling.

1. **Residential Use Districts.** Attached Dwellings are permitted only in new Subdivisions in accordance with the minimum and maximum allocation allowances in Table 2.2.1-A - Development Standards for Residential Use Districts, Attached Dwelling Unit and Apartment Dwelling Unit Allocation.
2. **Non-residential Use Districts.** Attached Dwellings are not permitted to front on Main Street between Earp Street and Elm Street, but are allowed to front on side Streets in the case of sites with multiple Frontages.

C. Group Home.

- 1. Location.** A Group Home may not be located within a 1/2 mile radius of an existing Group Home, as measured between Lot Lines.

D. Manufactured Dwelling.

- 1. Location.** A Manufactured Dwelling is permitted only on Lots greater than 1 acre or in previously existing mobile home parks.
- 2. Design.** All Manufactured Dwellings located or relocated in any Residential Use District after the effective date of this UDO shall comply with the following design criteria:

a. Roof:

- Minimum Roof Pitch.** The minimum roof pitch shall not be less than a 3 foot vertical rise for each 12 foot horizontal run.
- Roofing Material and Design.** The roof shall be covered with shingles, standing seam metal, shakes, or tile; and eaves from the roof shall extend at least 1 foot from the intersection of the roof and the exterior walls.

- Siding Material.** All Manufactured Dwellings shall utilize 1 of the following exterior siding materials over at least 60% of each façade, exclusive of windows or doors: brick; vinyl horizontal lap siding; aluminum horizontal lap siding; wood siding; or, hardboard siding.

- Foundation.** All Manufactured Dwellings shall be set on a permanent foundation. A continuous, permanent perimeter enclosure specifically fabricated for foundation use, shall be installed to enclose the area under the Manufactured Dwelling. The permanent perimeter enclosure shall be unpierced except for air vents and 1 entry. The area around the permanent perimeter enclosure shall be back-filled so that the Manufactured Dwelling sits no more than 12 inches above grade. Foundation plantings shall be required along the front façade of each Manufactured Dwelling.

- Entry.** The entry to each Manufactured Dwelling shall be accompanied by a Deck or stoop located adjacent to the entry and placed at substantially the same elevation as the entry threshold. The Deck or stoop shall be made of treated wood or masonry materials. The Deck or stoop, along with any stairs, shall include handrails. An improved Walkway surface (i.e., concrete, asphalt, treated wood, bark or gravel) shall be provided from the Driveway or interior Access Drive to the Deck or stoop located adjacent to the entry. If bark or gravel is used, the Walkway shall include a border capable of containing the bark or gravel.

- Hauling Mechanisms.** The transportation mechanisms including the wheels, tongue, axles, hitch or other towing apparatus, and transportation lights shall be removed prior to the issuance of a Certificate of Occupancy.

3.3.3 LODGING USES – ADDITIONAL USE PROVISIONS**A. Bed and Breakfast.**

- Guest Room Limitations.** Bed and Breakfast establishments are permitted up to 10 guest rooms.
- Manager/Caretaker.** Each Bed and Breakfast establishment shall maintain an on-site manager and/or caretaker during all times of operation.
- Special Events.** Bed and Breakfast establishments may host invitation-only special events (e.g., weddings, family reunions, etc.) for their guests and associated parties. Special Events are limited to a maximum of 50 attendees, at least 1 of which must be a guest of the Bed and Breakfast. Special Events that require Off-site Parking and/or have amplified sound are subject to a Temporary Use - UDO Permit.
- Food Service.** Bed and Breakfast establishments may provide prepared on-site food service for their guests. In Residential Use Districts, food service shall not be

advertised, promoted, or offered to non-guests.

5. **Common Outdoor Areas.** In Residential Use Districts, common outdoor areas (e.g., guest Patio, pool, and lounging area) shall be enclosed by a minimum 6 feet high opaque fence or similar feature to mitigate potential visual and/or audible impacts to adjacent properties.

3.3.4 OFFICE AND SERVICES USES – ADDITIONAL USE PROVISIONS

A. Animal Boarding and Outdoor Kennel.

1. **Noxious Impacts.** Animal boarding establishments and kennels shall not cause external effects such as increased noise, lighting or glare on nearby properties, or animal-related odors that are readily detectable at any point beyond the property line of the facility. These establishments must have an appropriate system for the disposal of animal waste. Animal waste must not be allowed to collect in areas where it could result in direct discharge into the public stormwater systems and/or open waterbodies.
2. **Buffer requirements.** Animal runs, and cages shall be at least 50 feet from an adjacent Residential Use District and 25 feet from any other Use District. A Type C Buffer shall surround said activities.
3. **Fencing.** All pens and kennels must be surrounded by a fence at least 6 feet in height, and enclosed on top with a roof, or be located in an enclosed Structure, and compliant with the standards in Section 3.4.2.H.

B. Child Care Center.

1. **Location.** No outdoor Uses associated with a Child Care Center (play areas, storage, etc.) shall be located between the Building and the Public Street.
2. **Playground Areas.** All Playground areas shall be fenced and shall be an appropriate distance away from any vehicle Parking Areas, loading, and service areas to avoid

vehicular conflict. Bollards or other devices to ensure there is no vehicular conflict may be required. When calculating required Foundation Landscaping, the area of a Playground shall be included.

3. **Buffering.** A Type C Buffer shall be provided along any Rear or Side property line adjoining Residential Use Districts.
4. **Parking and Traffic Plan.** In Residential Use Districts, the applicant shall provide and implement a parking and traffic plan that adequately mitigates the potential adverse impacts of increased traffic in the neighborhood.

C. Mortuary/Funeral Home/Crematory.

1. **Parking and Traffic Plan.** In Residential Use Districts, the applicant shall provide and implement a parking and traffic plan that adequately mitigates the potential adverse impacts of increased traffic in the neighborhood.

D. Vehicle Service (Minor).

1. **Storage Restrictions.** Vehicles subject to repair may only be stored overnight on the site within a Building. No vehicle subject to repair shall be parked/stored within any Right-of-Way.
2. **Material Storage.** All materials associated with the repair operation shall be stored within a fully enclosed and secured Building. Tires and combustible materials shall be stored within a Building with a fire suppression system that complies with the Town's Building and fire codes.
3. **Repair Activities.** All vehicle repair activities shall occur within a Building.
4. **Bays.** Repair bay doors shall not face a Street.

3.3.5 RETAIL, DINING, AND ENTERTAINMENT USES – ADDITIONAL USE PROVISIONS

A. Adult Establishments.

1. Limitation on Adult Establishment Activity.

- a. No Building, premises, Structure, or other facility that contains any adult establishment shall contain any other kind of adult establishment.
- b. No Building, premises, Structure, or other facility in which sexually oriented devices are sold, distributed, exhibited, or contained shall contain any adult establishment.
- c. Maximum occupancy of a viewing booth in an adult mini motion picture theater is 1 person.

2. Prohibited Locations for Adult Establishments.

Adult establishments are prohibited within the following areas:

a. Proximity to Adult Establishments.

The establishment, enlargement, reconstruction, resumption or structural alteration of any adult establishment is prohibited within 1,000 feet of another adult establishment. The distance between 1 adult establishment and another adult establishment shall be measured in a straight line, without regard to intervening Structures or objects, from the closest exterior structural wall of each such adult establishment.

b. Proximity to Protected Uses and Protected Districts.

The establishment, enlargement, reconstruction, resumption or structural alteration of any adult establishment is prohibited within 1,000 feet of any existing Religious/Assembly Use, Town Park, School (K-12), Family Child Care Home, Child Care Center or Residential Use District within the Town or its Extraterritorial Jurisdiction. The distance between 1 adult establishment and other protected Uses noted above shall be measured in a straight

line, without regard to intervening Structures or objects, from the closest exterior structural wall of each Use.

3. Exterior Display.

Notwithstanding any other provisions of this UDO to the contrary, all exterior displays for an adult establishment shall comply with the following regulations.

- a. **Display.** No adult establishment shall be conducted in any manner that permits the observation of any material depicting, describing or relating to specified sexual activities or specified anatomical areas by display, decorations, Sign, show window or other opening from any Public Right-of-Way.
- b. **Number of Signs.** Not more than 1 business Wall Sign is permitted for an adult establishment and said business Wall Sign shall be permitted only on the front façade of the Building. All other signs or sign Structures are prohibited.
- c. **Sign Surface Area.** The maximum sign Surface Area of a business Wall Sign for an adult establishment is 3% of the total area of the first 18 feet or actual Building Height, whichever is less, of the front façade of the Building or tenant space occupied by the adult establishment; or 40 square feet, whichever is less.
- d. **Illumination of Signs.** Signs and Sign Structures may be illuminated, provided, however, such illumination does not include exposed neon, outdoor light fixtures (e.g., spot or flood lights) or any flashing or animated lights.

B. Amusement & Entertainment, Indoor.

1. Maximum Area.

5,000 square feet of Gross Floor Area.

C. Amusement & Entertainment, Outdoor.

1. Locational Limitations.

In the RR District, Uses are limited to amphitheater and outdoor theater.

2. Setbacks.

In the RR District, amphitheaters and outdoor theaters shall be set back a

minimum of 200 feet from a Residential Use District.

3. **Buffers.** A Type B Buffer shall be provided along the property boundaries that abut a Residential Use District. Natural and native site vegetation shall be maintained within the required Buffers.
4. **Noise Study.** A noise study may be required to identify the potential audible impacts and best management practices to mitigate said impacts to neighboring properties. A Conditional Zoning District (CD) may include conditions that limit the capacity, hours-of-operation, and spatial arrangement.

D. Bar/Nightclub/Tasting Room.

1. **Licensing Requirements.** All bars, nightclubs, and tasting rooms are subject to state and local licensing requirements.
2. **Tasting rooms.** Tasting Rooms are permitted with a microbrewery (Neighborhood Manufacturing Use) as part of their brewing operations. Tasting rooms are limited to 25% of the Gross Floor Area of the microbrewery.
3. **Locational Limitations.** Bars, nightclubs, and/or tasting rooms shall not be established or expanded within 300 feet of a School (K-12) In the BRT District, Uses are limited to tasting room only.
4. **Outdoor Areas.** When adjacent to Residential Use Districts, outdoor areas (e.g., Patios, Decks, or lounging areas) shall be enclosed by a minimum 6-feet high opaque fence or similar feature to mitigate potential visual and/or audible impacts to adjacent properties. This does not apply to outdoor seating within the public Sidewalk. As part of a Special Use Permit review, the additional standards may be imposed to ensure compatibility.
5. **Prepared Food Service.** Bars, nightclubs and tasting rooms are permitted to serve prepared food (including mobile vendors) in addition to the drinking activities. Mobile vendors are permitted as Temporary Use (Section 3.5).

E. Drive in/Drive Through.

1. **Applicability.** The provisions of this subsection apply to facilities where food or other products/services may be purchased or services may be obtained by motorists without leaving their vehicles and by maneuvering around the site in a dedicated lane. The provisions of this section are not applicable to public voting establishments, medical testing/treatment centers, and/or charity/food bank distribution.
2. **Locational Limitations.** Drive Through windows shall be located on the side or rear Building façades – the service windows shall not be located on the front, Street-facing façade.
3. **Service speakers.** Service speakers shall be oriented away from adjacent Residential Use Districts and their audible impact shall be mitigated through volume control, deflective screens or similar features.
4. **Drive Through Circulation Lanes.**
 - a. Except in the CB District, no circulation lane is permitted between the Building and the Street. All such circulation must occur in the Side – Interior or Rear Yard of the site.
 - b. Where permitted in the CB District, circulation in the Front Yard of the Building is permitted provided that screening is provided a minimum 4 feet in height. The screening must be comprised of a wall that matches the materials of the principal Structure with foundation plantings to Buffer the wall from the Sidewalk.
 - c. At least 6 stacking spaces must be provided per Drive Through lane, beginning behind the first point at which the vehicle must stop (which may be the order board, a pre-order board or payment/pick-up window).
 - d. Door openings for Drive Through Uses that include an overhead door for cars (such as car washes) must not face the Street.

F. Electronic Gaming Operations.

1. **Definitions.** As used in this Section only, the following terms shall be defined as set forth below:
 - a. **Game of Chance:** A game whose outcome is strongly influenced by randomizing device, and upon which, contestants may or may not wager money or anything of monetary value.
 - b. **Establishment of an Electronic Gaming Operation:** any of the following:
 - i. The opening or commencement of an Electronic Gaming operation as a new business;
 - ii. The conversion of an existing business, whether or not an Electronic Gaming operations, to any of the Electronic Gaming operations defined herein;
 - iii. The addition of any of the features of 1 or more of the Electronic Gaming operation defined herein to an existing business;
 - iv. The addition of any of the Electronic Gaming operations defined herein to any other existing Electronic Gaming operation; or
 - v. The relocation of any Electronic Gaming operation.
 - c. **Nonconforming Electronic Gaming Operations:** any Building, Structure or land legally established as an Electronic Gaming operation prior to the effective date of this UDO, but which would be prohibited, regulated or restricted under the provisions of this UDO.
 - d. **Reconstruction of an Electronic Gaming Operation:** the rebuilding or restoration of any nonconforming Electronic Gaming operation Use which was damaged or partially destroyed by an exercise of the power of eminent domain, or by fire, flood, wind, explosion or other calamity or act of God if the damage or destruction

exceeds 50% of the fair market value of the Structure or the facilities affected.

2. Prohibited Locations.

- a. Within 1,000 feet of another Electronic Gaming operation.
- b. Within 1,000 feet of any existing Religious Use, Assembly Use, Town Park, School (K-12), Family Child Care Home, Child Care Center or Residential Use District within the Town or its Extraterritorial Jurisdiction.

3. Permitted Locations.

An Electronic Gaming operation may be established, enlarged, reconstructed, resumed, or structurally altered only on a Lot or Outlot located in the HI District subject to the grant of a Special Use Permit.

4. Measurement of Distances.

- a. The distance between 1 Electronic Gaming operation and another Electronic Gaming operation shall be measured in a straight line, without regard to intervening Structures or objects, from the closest exterior structural wall of each such Electronic Gaming operation.
- b. **Distance to Protected Uses and Protected Districts** – The distance between an Electronic Gaming operation, and any existing Religious/ Assembly Use, Town Park, School (K-12), Family Child Care Home, Child Care Center or Residential Use District shall be measured in a straight line, without regard to intervening Structures or objects, from the closest exterior structural wall of the Electronic Gaming operation to the nearest Lot Line of the Religious/ Assembly Use, Town Park, School K-12, Family Child Care Home, Child Care Center or Residential Use District.

5. Exterior Display.

- a. **Number of Signs** – Not more than 1 business Wall Sign shall be permitted for an Electronic Gaming operation and said business Wall Sign shall be permitted only on the front façade of the Building. All other Signs or Sign Structures shall be prohibited.
- b. **Sign Surface Area** – The Sign Surface Area of a business Wall Sign for an Electronic Gaming operation shall not exceed the lesser of:
 - i. 3% of the total area of the lower 18 feet or actual Building Height, whichever is less, of the front façade of the Building or tenant space occupied by the Electronic Gaming operation; or,
 - ii. 40 square feet.
- c. **Illumination of Signs** – Signs and Sign Structures may be illuminated, provided, however, such illumination shall not be by way of exposed neon, outdoor light fixtures (e.g., spot or flood lights) or any flashing or animated lights either: interior to the Sign; on the exterior of the Sign; or, as a border to the Sign).

6. Findings Required.

A petition requesting the approval of a Special Use Permit for an Electronic Gaming operation shall be reviewed at a public hearing per the requirements of Chapter 11.

G. Fueling Stations.

- 1. **Applicability.** The provisions of this subsection shall apply to all retail vehicle fueling stations and the associated components thereof. These provisions shall not apply to accessory fuel pumps that are a part of industrial Uses that does not provide retail fuel sales to the general public. This section shall not apply to facilities with less than 2 electric vehicle DC fast charging stations (or the successor technology), or similar facilities. This Section is intended to supplement the requirements for EV stations found in Chapter 6.

2. Canopies.

- a. Canopies are considered an Accessory Structure to the Fueling Station and shall not be located in the Front or Side – Corner Yard.
- b. All fueling pumps shall be covered with a Canopy or roof Structure.
- c. Canopies and related elements, including fuel dispensers, support columns, planters, etc., shall be constructed of the same Building materials, colors, and textures as the primary Structure.
- d. Canopies/roof Structures shall be Setback a minimum of 15 feet from the Right-of-Way and shall be outside of all required Setbacks. Canopies shall be designed to only cover the pump islands and drive up lanes for fueling.
- e. Interest shall be added to the Canopy through the use of: roof line variations; separation of roof pitches; varying the direction of roof pitches; use of mansard roofs, hip roofs, gambrel roofs; inclusion of dormers; or, other variation in roof design.

3. On-site Circulation.

New fueling stations shall provide for on-site circulation for fuel dispensing trucks and similar vehicles. Tank refueling and delivery shall not be staged from or within the Right-of-Way.

4. Underground Facilities.

Underground facilities (including septic tanks and finger systems, cisterns, cellars, basements, underground storage tanks, etc.) shall not be located in or under any required Setback or Perimeter Buffer.

5. Residential Buffering/Mitigation.

When adjacent to a Residential Use District the following standards shall apply:

- a. A Type C Buffer shall be provided along the property boundaries that abut a Residential Use District.
- b. All fueling pump islands, fuel storage apparatus, and Canopy elements shall be set back at least 30 feet from any Residential Use District.

6. Siting and Design. In all Use Districts where fueling stations are permitted, the following standards shall apply:

- Fueling pumps shall only be permitted when in conjunction with a retail sales and service Use (e.g., convenience store, retail store).
- Fueling pumps shall be provided/sited interior to the site and screened from the public Right-of-Way by a Building, wall, or similar site element.
- When subject to a Special Use Permit, additional limitations on the number of and the location of fueling stations on a given site to protect adjacent Uses and to strengthen the planned urban character of the corridor may be considered, among other criteria.

3.3.6 PUBLIC AND INSTITUTIONAL USES – ADDITIONAL USE PROVISIONS

A. Airport, Public or Private.

- Special Submittal Requirements.** In addition to the other requirements of this UDO, applicants for new and/or expanded airports shall submit the following items with their applications.
 - Proof of compliance with all county, state and federal laws, regulations and requirements. The applicant shall submit copies to the Town of any applicable/associated permitting materials to state and federal aviation agencies.
 - Complete plans for all airport facilities, including approach zones, horizontal zones and conical zones.
 - A plan/survey depicting trees and/or Structures which extend into any existing/planned approach zone, horizontal zone or conical zone. Said materials shall include the dimensions of trees or Structures.
- Airport, Airfield, and Runway Design – FAA Standards.** All new airport facilities including the airport terminal Building,

airfield and runway shall comply with FAA design standards.

- Clear space.** In order to reduce danger from low-flying planes approaching and taking off from the airfield, designated clear space shall be provided at the end of a runway pursuant to the following:
 - 750 feet for airstrips.
 - 1,000 feet for class I airfields.
 - 2,000 feet for class II or class III airfields.
 - 2,500 feet for class IV airfields.
- Aprons and ramps.** Aprons and ramps shall be perpendicular to runways and taxiways.

5. Construction within the airfield

- Structures within the airfield shall be constructed of material which will provide not less than two hours' fire-resistant construction according to the standards established by the American Society of Testing Materials or the requirements of the National Fire Protection Association.
- All airports shall be fenced; such fences shall be a minimum of 8 feet in height.
- Storage of gasoline shall be underground and in accordance with the requirements of all applicable state and local laws and ordinances.

B. Cemetery.

- Locational Limitations.** Tombstones, crypts, monuments, and mausoleums shall be located a minimum of 20 feet from any side or Rear Lot Line and at least 30 feet from a Street Right-of-Way.
- Perimeter Fencing.** A brick wall or an ornamental fence made of wood or vinyl picket or wrought iron a maximum of 4 feet in height shall be installed along the perimeter of the Cemetery.

C. Civic Building.

- All civic Buildings and their associated site improvements shall be subject to Development Plan review as described in Chapter 11.

D. Penal or Correctional Institution.

1. **Locational Restrictions.** Penal and Correctional Institutions may not be established within $\frac{1}{2}$ mile of a Residential Use District or School (K-12).

E. Religious Use.

1. **Applicability.** The provisions of this subsection shall apply to new or modifications to religious institutions, places of worship, and their Accessory Uses. This subsection does not apply to individual religious practices.
2. **Permitted Accessory Uses.** Permitted Accessory Uses include but are not limited to Cemeteries, Child Care Center, residential care facilities, retail Uses, and similar facilities
3. **Private Schools and Colleges.** K-12 schools and/or college-equivalent operations which require state/federal certification/permits may be allowed pursuant to the District provisions. These educational Accessory Uses may require a separate review and approval process.

F. Outdoor Event and Recreational Space.

Outdoor event areas (e.g., pavilions) and recreational spaces (e.g., sports fields, Playgrounds) shall be Setback at least 50 feet from a Residential Use District. This does not apply to trails and pathways.

G. School (K-12).

1. **Passenger/Student Loading Zones.** The applicant shall provide a passenger/student loading zone plan that shows the location, circulation, and traffic management provisions. To ensure compatibility with neighboring Uses, the Administrator or the Town Council as appropriate may limit the location, capacity, hours-of-operation, and spatial arrangement of the passenger loading zones.
2. **Special District Required.** All High School Campuses greater than 40 acres in size shall be permitted in Special Districts only.

3. Outdoor Recreational Space.

- Active recreational areas such as sports fields and Playgrounds shall be set back at least 50 feet from a Residential Use District. This does not apply to trails and pathways.
- Outdoor stadiums or similar sports arenas shall be Setback at least 100 feet from a Residential Use District. To ensure compatibility with neighboring Uses, a Conditional Zoning District (CD) may include conditions, among others, to limit the location, capacity, hours-of-operation, and spatial arrangement of the outdoor stadium and similar sports arenas.
- Lighting shall be directed away from neighboring properties.
- Concession services may be allowed as an Accessory Use to provide food, beverage, and school/sports-related merchandise to patrons/students.
- The applicant/school operator may allow the general public to use outdoor recreational amenities.
- A Type C Perimeter Buffer shall be provided along any Rear or Side property line adjoining a Residential Use District.

3.3.7 RECREATION USES – ADDITIONAL USE PROVISIONS**A. Campground.**

1. **Minimum Campground Size.** The minimum size for any new Campground or RV Park size is 20 acres.
2. **Campsite Setback.** Campsites shall be Setback at least 50 feet from the Campground's property boundary.
3. **Utility Requirements for RV Campsites.** Each Recreational Vehicle campsite shall be connected to an approved water supply system which provides an accessible, adequate, safe, and potable supply of water. An adequate and safe sewer system shall be provided in all Campgrounds which allow Recreational Vehicles for overnight use. All electrical utilities shall be underground.

4. **Personal Services.** Each Campground shall provide a central service Building containing toilets, showers, and other plumbing fixtures as specified in the most current edition of the North Carolina State Plumbing Code.
5. **Common Buildings.** Campgrounds are allowed Accessory Buildings to accommodate guest gatherings, periodic events, and administrative operations. Each common Building shall be limited to 20,000 square feet Gross Floor Area.
6. **Trash Service.** The storage, collection, and disposal of trash and refuse shall comply with all applicable Town, County, and State regulations.

B. Recreation Facility, Indoor.

1. **Accessory Use.** An Indoor Recreation Facility less than 10,000 square feet is permitted as an Accessory Use to a residential Subdivision or Development Plan.
2. All Projects are subject to Development Plan Review as described in Chapter 11.

C. Recreation Facility, Outdoor.

1. **Setbacks.** Playgrounds and recreational elements areas shall be subject to the Setbacks for the District. This shall not include picnic Structures/tables, paths, trails, and/or Sidewalks.
2. **Lighting.** Lighting shall be directed away from neighboring properties.
3. **Concession Services.** Concession services shall be limited to the hours of 8:00am and 6:00pm – these hours may be adjusted to coincide with a Town-permitted event (e.g., night-time movie showing, special community event, wedding, and similar activity).

D. Shooting Ranges, Outdoor. Outdoor Shooting Ranges are subject to the following standards.

1. The minimum Lot Area shall be 10 acres.
2. The Use shall include and maintain a projectile-proof backstop, consisting of concrete, steel, earth or a combination thereof, at least 15 feet high behind all target areas.

3. The hours of operation shall be limited to 9:00 a.m. and 7:00 p.m.
4. The noise level shall not exceed 63 dBA as measured at the property boundary.
5. The perimeter of the shooting range activity, including the firearm discharge area and surrounding berms, shall be enclosed by a fence or wall, a minimum of 6 feet in height.

3.3.8

AGRICULTURE, MANUFACTURING, AND DISTRIBUTION USES – ADDITIONAL USE PROVISIONS

A. Agricultural (Intensive).

1. **Setbacks.**
 - a. **Agricultural-related Buildings.** Agricultural-related Buildings such as barns, greenhouses, and processing facilities (but not including living quarters and offices) shall be Setback 500 feet from Residential Use Districts.
 - b. **Livestock Pens and Fowl Coops.** These facilities shall be Setback 500 feet from Residential Use Districts. Livestock grazing areas and pasture lands are not subject to this Setback provision.
 - c. **Food Growing Fields and Orchards.** Food growing fields and orchards shall be Setback 50 feet from Residential Use Districts.

2. Sales Allowances.

- a. Materials produced on-site may be sold to third-party, off-site sales establishments. (Example: selling produce to a retail store is permitted as part of a commercial agricultural activity.)
- b. Accessory retail activities may be sold on-site. These sales activities shall be limited to products and materials that relate to an existing agricultural operation on the site. (Example: a grower may sell produce grown onsite.)

3. Other Accessory Uses/Operations.

Accessory offices and living quarters that relate to the agricultural activity may be

permitted on-site. On-site veterinary services to care for on-site livestock and fowl are also allowed.

4. **Compatibility Conditions.** To ensure compatibility with neighboring Uses, the approving authority may condition a Special Use Permit to limit the location, capacity, hours-of-operation, and spatial arrangement of the agricultural activities.

B. Distribution and Logistics.

1. **Location.** In the IVMX, such Uses are limited to a maximum Building area of 100,000 square feet.
2. **Service and Loading Areas.** Service and loading areas shall be sited on the side or rear of the Building they serve. Said areas shall not be oriented to a Right-of-Way. Where sites abut multiple Rights-of-Way, with the exception of US 1 or NC 540, this standard shall apply to the Right-of-Way with the highest roadway classification. For sites fronting on US 1 or NC 540, the loading and service areas shall be located at least 300 feet from the Right-of-Way and be separated from the Right-of-Way by Type C Buffer.
3. **Lighting.** Lighting shall be directed away from neighboring properties.
4. **Circulation Plan.** The applicant shall provide a circulation plan that shows the site access locations, freight/customer circulation patterns/plans, and staging areas.
5. **Freight Vehicles, Service Vehicles, Storage Trailers, and Material Storage.** Freight/maintenance/service vehicles, shipping trailers, material storage, and related equipment shall be stored within Buildings and/or in compliance with outdoor storage requirements.

C. Landfill.

1. **Buffers.** The landfill shall provide a minimum 100 feet wide Type C Buffer around the property boundaries.
2. **Separation Requirements.** Bio hazardous or hazardous waste storage and treatment facilities shall not be located within 1/2 mile of a Residential Use District.

3. **Remediation Plan.** The applicant shall prepare and submit a remediation plan to define the methods, alterations, and maintenance procedures to manage the property when the landfill operation ceases. The remediation plan shall include design elements and site modifications to improve the property's appearance from off-site view and to guard against potential contamination to surrounding properties.

4. **Other Requirements.** Landfill operations shall comply with all local, state, and federal laws, regulations, orders, consent orders, decrees, permit conditions or judgments. The applicant shall provide copies to the Town of any associated state/federal permits and reporting materials that are in association with the landfill Use.

5. **Circulation Plan.** The applicant shall provide a circulation plan that shows the site access locations, freight/customer circulation patterns/plans, and staging areas.

D. Neighborhood Manufacturing.

1. **Manufacturing Operations.** All manufacturing operations shall occur within an enclosed Building.
2. **Size.** The maximum size for a neighborhood manufacturing operation is 15,000 square feet.
3. **Storage.** Outdoor storage must be in the Rear Yard and completely screened from view with a Type C Buffer and shall not exceed 20% of the total site. No open storage of junk or salvage materials shall occur on the site.
4. **Accessory Use Allowances.** Accessory retail shops, tasting rooms, and similar activities may be allowed in conjunction with a Neighborhood Manufacturing Use subject to the Use Table.
5. **Operations.** Any industrial Use (and incidental operations) that involves manufacturing, processing, assembly, storage operations are permitted, provided that the manufacturing, processing, assembly or storage in no way involves any junk or

salvage operations. Any noise, vibration, smoke, gas, fumes, odor, dust, fire hazard, dangerous radiation or other injurious or obnoxious conditions related to the operation shall not create a nuisance beyond the premises.

E. Resource Extraction.

1. Excavation Setbacks.

- a. Excavations of earth shall be Setback 150 feet of any Right-of-Way.
- b. Excavations of earth shall be Setback 200 feet to an adjoining Lot or parcel.

2. Submittal Requirements. In addition to the other requirements of this UDO, the applicant shall provide the following information with their application.

- a. **Geotechnical Report.** The applicant shall submit a geotechnical report prepared by a licensed geologist. The report shall identify the site soils, soil stability, and ground water location (if applicable). The report shall include best management recommendations, so the extraction activities do not pose a hazard to adjacent properties and natural resources.
- b. **Site Plan.** The applicant shall prepare and submit a site plan depicting the proposed site improvements, extraction activity location, on and off-site circulation, vehicle/equipment staging areas, Buffers, and similar features.
- c. **Circulation Plan.** The applicant shall provide a circulation plan that shows the site access locations, freight/customer circulation patterns/plans, and staging areas.
- d. **Operational Narrative.** The applicant shall submit an operational narrative that describes the intended extraction materials, hours of operation, planned activity duration (e.g., number of years in operation), extraction methods, and hazard mitigation measures.
- e. **Remediation Plan.** The applicant shall submit a remediation plan to

define the methods, alternation, and maintenance procedures to manage and improve the property when the resource extraction operations cease. The remediation plan shall include design elements and site modifications to improve the property's appearance from off-site view and to guard against natural and personal safety hazards.

- 3. **Compatibility Conditions.** To ensure compatibility with neighboring Uses and to protect the natural environment, the Special Use Permit may include conditions to limit the location, capacity, hours-of-operation, spatial arrangement of the extraction activities, and conditions relating to the remediation plan and the components therein subject to state/federal limitations.

F. Storage, Self-Service.

- 1. **Separation.** Self-Service Storage Uses shall have a minimum separation radius from other Self-Service Storage Uses, as measured from property line to property line, of 1,320 feet or 1/4 mile.
- 2. **Climate Control.** All storage units located in a multi-story Building or Structure shall be climate controlled with a working HVAC system.
- 3. **Outdoor Storage and Operations.** Outdoor storage shall be prohibited.
- 4. **Vehicle Rentals.** No more than a total of 6 vehicles and/or trailers for rent shall be parked on site at any time. When parked on-site, they shall be in the Rear Yard screened from view by a fence, wall or Type C Buffer.
- 5. **Interior Colors.** Interior architecture that is visible from the exterior (e.g., elements located within 10 feet and visible through translucent windows), including walls, doors, etc., shall have a color pallet that has been approved in a manner consistent with the exterior of the Building.
- 6. **Front Façade.** There shall be no exterior storage unit access doors on the front façade of any Building facing a Thoroughfare.

3.3.9 INFRASTRUCTURE USES – ADDITIONAL USE PROVISIONS

A. Infrastructure/Utilities (Major).

1. **Major Essential Services Standards and Limitations.** The following provisions apply to major essential services.
 - a. **Fencing and Buffering.** All treatment operations, power generation, and electrical substations shall occur behind a minimum 6 ft high fence. Fencing materials shall be compatible with development in the surrounding area, as determined by the Administrator. A security wire (barbed, razor, etc.) may be located on the top of the fence and angled towards the inside of the fence. Type C screening shall be installed around the perimeter of the fenced area, except for entry gates or doors.
 - b. **Residential Buffering.** All treatment operations shall be Setback 100 feet from a Residential Use District or platted Lots intended for residential purposes.
 - c. **Facilities in the DMX zone.** Treatment facilities, pumps, electrical substations, and similar features shall occur within an enclosed Building and/or behind a wall feature to screen said elements from the public Right-of-Way. These facilities shall be designed/maintained in a manner that preserves the compact, walkable character of the DMX zone.
2. **Solar Energy Systems (Large and Small).**
 - a. **General.** All Solar Energy Systems constructed, reconstructed, installed, moved or maintained within the Town shall comply with all regulations in this section.
 - b. **Purpose and scope.** The Town finds that it is in the public interest to encourage the use and development of Solar Energy Systems as a clean, renewable energy source and to help promote local, clean jobs. The purpose of this section is to facilitate the effective and efficient use of Solar Energy Systems

while protecting the public health, safety and welfare of residents.

- c. **Zoning.** Small-scale Solar Energy Systems are a permitted Accessory Use within all zones, whether as part of a Structure or incidental to 1 or more Structures.
- d. **Height.** Roof-mounted Solar Energy Systems may exceed the height limits applicable to each District by five feet. Ground-mounted Solar Energy Systems may be up to 10 feet in height.
- e. **Setback.**
 - i. **Yard.** Ground-mounted Solar Energy Systems in Residential Use Districts shall be installed either in the Side Yard or Rear Yard to the extent practicable.
 - ii. **Setback.** Ground-mounted Solar Energy Systems Accessory to a principal Use may be located no closer than 1/2 of the Setback that would otherwise apply from the Front, Side, or Rear Lot Line.
- f. **Building permit.** A Building permit is required for the construction of a solar energy system.
- g. **Development Plan Review.** A Development Plan is required for large-scale Solar Energy Systems prior to Building permit approval. Development Plan documents shall include documentation that the owner has submitted notification to the utility company of the customer's intent to install an interconnected customer-owned generator. Off-grid systems are exempt from this requirement.
- h. **Lot coverage and impervious surface.** The area covered by ground-mounted Solar Energy Systems, where the ground beneath is permeable or pervious, shall not be included in calculations for Lot coverage or impervious cover. Wild flower ground coverage is encouraged.

- i. **Emergency access.** Roof-mounted Solar Energy Systems shall be located in such a manner as to ensure emergency access to the roof, provide pathways to specific areas of the roof, provide for smoke ventilation opportunities, and provide emergency egress from the roof. For Buildings with pitched roofs, solar collectors shall be located in a manner that provides a minimum of 1 3-foot wide clear access pathway from the eave to the ridge on each roof slope where Solar Energy Systems are located as well as 1 3-foot smoke ventilation Buffer along the ridge.
- ii. Rooftops that are flat shall have a minimum 3-foot wide clear perimeter between a solar energy system and the roofline, as well as a three-foot wide clear perimeter around roof-mounted equipment such as HVAC units.
- i. **Solar access.**
 - i. No Building permit shall be issued if the proposed Building, wall, fence, or other Structure shall shade more than 10 percent of the absorption area of an existing solar energy system located on any other property between the hours of 10:00 a.m. and 2:00 p.m. The Administrator may modify this requirement if it finds that strict compliance would unduly limit property development, or unduly interfere with the development potential as envisioned for the area in the Comprehensive Plan or UDO.
 - ii. If the owner of the property where the solar energy system is installed is willing to relocate the system, the Town has the discretion to require the property owner whose Structure, fence, wall or vegetation may obstruct the solar energy system to pay the reasonable relocation costs.
- iii. In order to prevent development on a neighboring property under this subsection, a solar energy system shall be functioning as intended to contribute to the energy needs of the property on the date that the city deems the Building permit application complete.
- j. **Historic district.** Solar Energy Systems in a historic district should be designed, sized, and located to minimize their effect on the character of a historic Structure. Examples include:
 - i. Place Solar Energy Systems to avoid obscuring significant features or adversely affecting the perception of the overall character of the property.
 - ii. Minimize visual impacts by locating Solar Energy Systems back from the front façade.
 - iii. Consider installing Solar Energy Systems on an addition or secondary Structure where applicable.
 - iv. Use the least invasive method feasible to attach the solar energy system to a historic roof such that it avoids damage to significant features and historic materials and can be removed and the original character easily restored.
 - v. All Solar Energy Systems within the historic district require a Certificate of Appropriateness from the Historic Preservation Commission
- k. **Abandonment and decommissioning of medium- and large-scale Solar Energy Systems.**
 - i. **Removal Requirements.** Any large-scale ground-mounted solar energy system which has reached the end of its useful life or has been abandoned shall be removed. The owner or operator shall physically remove the installation no more than 150 days after the date of discontinued operations. The owner or operator shall notify

the Town by certified mail of the proposed date of discontinued operations and plans for removal. Decommissioning shall consist of:

- (a) **Disposal of solid and hazardous waste.** Disposal of all solid and hazardous waste in accordance with local, state, and federal waste disposal regulations.
- (b) **Stabilization or re-vegetation of the site as necessary to minimize erosion.** The Town may allow the owner or operator to leave landscaping or designated below-grade foundations in order to minimize erosion and disruption to vegetation.

- ii. **Abandonment.** Absent notice of a proposed date of decommissioning or written notice of extenuating circumstances, the large-scale ground-mounted solar energy system shall be considered abandoned when it fails to operate for more than 1 year without the written consent of the Town. If the owner or operator of the solar energy system fails to remove the installation in accordance with the requirements of this section within 150 days of abandonment or the proposed date of decommissioning, the Town retains the right, after the receipt of an appropriate court order, to enter and remove an abandoned, hazardous, or decommissioned large-scale ground-mounted solar energy system. As a condition of Development Plan approval, the applicant and landowner shall agree to allow entry to remove an abandoned or decommissioned installation.

B. Infrastructure/Utilities (Minor).

- 1. **Fencing and Buffering.** Fencing materials shall be compatible with development in

the surrounding area, as determined by the Administrator. A security wire (barbed, razor, etc.) may be located on the top of the fence and angled towards the inside of the fence.

All above ground Buildings, Structures, operations, or equipment shall be landscaped to provide Type B screening or in accordance with the Engineering Design & Construction Standards.

C. Parking Garage.

- 1. **Development Plan.** All Parking Garages will be subject to Development Plan Review.

D. Parking Lot – Principal Use

- 1. **Setbacks.** A Parking Lot not otherwise associated with a Primary Building shall be subject to the Primary Building for the District but it shall not be less than 20 ft from all Front, Side, and Side-Corner Lot Lines.
- 2. **DMX District.** Parking Lots in the DMX District are subject to the following design standards.
 - a. Parking Lots shall be designed so they can be adaptively reused for future Building pads, event spaces, and similar downtown-oriented Uses/activities.
 - b. Parking Lot surfaces shall be limited in size and segmented into smaller paved areas to reduce their visual impact on the downtown area. Individual Parking Lot surface areas shall be limited to 150 linear feet along Rights-of-Way.
 - c. Vehicle Parking Area screening shall be provided as required by Section 5.3.2.

E. Wireless Telecommunications Equipment and Wireless Telecommunications Towers

- 1. **Purpose and Intent.** In accordance with N.G.G.S. §160D-930 et al this subsection creates the framework for the siting of Wireless Telecommunications Facilities in a manner which protects the public health, safety and general welfare of the community, provides comprehensive service to the community, and implements the Town's Policies for said facilities. The provisions of

this subsection are in addition to, and do not replace, any obligations an applicant may have under any franchises, licenses, encroachments, or other permits issued by the Town.

2. **Town's Policies.** The following policy statements are set forth to provide guidance to wireless communication facility providers in the placement of Wireless Telecommunication Facilities within the Town and its Extraterritorial Jurisdiction.
 - a. Facilitate the comprehensive provision of Wireless Telecommunication services to the residents and businesses of the Town and its Extraterritorial Jurisdiction.
 - b. Maximize the use of existing and approved Telecommunication Towers, Buildings, and Structures to accommodate new Wireless Telecommunication Antennas in order to minimize the number of Telecommunication Towers needed to comprehensively serve the community.
 - c. Minimize the number, height, obtrusiveness, and the visual impacts of Telecommunications Towers, associated equipment, and Buildings.
 - d. Direct and allow Wireless Telecommunication Facilities to areas which are least disruptive to residential, Park, Open Space, and greenway Uses and to be as unobtrusive and invisible as reasonably possible.
 - e. Ensure that the height of Telecommunications Towers has the least visual impact and is no greater than required to achieve service area requirements and potential Co-Location.
 - f. Site Telecommunications Towers to minimize locations which are visually solitary or prominent when viewed from residential areas or any public way.
 - g. Site Telecommunications Towers at locations which are obscured by vegetation, tree cover, topographic features, Buildings or other Structures to the maximum extent feasible.

- h. Protect views of and vistas from architecturally or historically significant Structures and historically significant landscapes so that these architectural or historical resources are not impaired or diminished by the placement of Telecommunications Towers.
- i. Avoid potential damage to adjacent properties from telecommunication towers failure through structural design standards and Setback requirements.

3. **General Applicability.** The provisions, of this subsection shall apply to the following:

- a. Wireless Telecommunication Facilities (towers and associated equipment) that are or will be operated by a licensed Wireless Telecommunication service provider which consists of the equipment and Structures involved in the receiving or transmitting of electromagnetic waves associated with Wireless Telecommunication services.
- b. Small Wireless Telecommunication Towers that meet both of the following characteristics:
 - i. Each Antenna is located inside an enclosure of no more than 6 cubic feet in volume or, in the case of an Antenna that has exposed elements, the Antenna and all of its exposed elements could fit within an imaginary enclosure of no more than 6 cubic feet;
 - ii. All other wireless equipment associated with the facility is cumulatively no more than 28 cubic feet in volume. The following types of associated ancillary equipment are not included in the calculation of equipment volume: electric meter, concealment elements, telecommunications demarcation box, ground-based enclosures, grounding equipment, power transfer switch, cut-off switch, and vertical cable runs for the connection of power and other services; and

- iii. An Antenna Array feature that is attached to a Telecommunications Tower or Building to transmit or receive radio waves. For this subsection, this does not include Antenna Dishes or other Antenna features on individual homes or businesses that are intended to receive radio or television broadcasts, or internet communication for said use.

c. Co-Location of Wireless Telecommunication Facilities and Equipment. Activities that involve the Co-Location of Wireless Telecommunication Facilities and equipment on existing towers, Buildings, and public infrastructure elements shall be deemed a Permitted Use in the Base zones and subject to the associated review and permitting procedures of Chapter 11.

d. New Standalone Wireless Communication Towers (New Towers). New standalone wireless towers may be permitted in a District by Special Use Permit per table 3.2-A. Activities that involve the construction, reconstruction and/or establishment of new, standalone wireless communication towers shall require review pursuant to a Special Use Permit procedure as outlined in Chapter 11.

4. Amateur Radio Exemption. These provisions neither apply to nor shall be construed to apply to Amateur Radio Operators who are licensed to operate a radio or transmitter by the Federal Communications Commission under Part 97 of the Federal Communications Commission's Rules.

5. Interference with Public Safety Telecommunications. No new or existing telecommunications service shall interfere with public safety telecommunications. Before the introduction of new service or changes in existing service,

telecommunication providers shall notify the Town at least 10 calendar days in advance of such changes and allow the Town to monitor interference levels during the testing process.

6. Compliance with Other Laws. A Telecommunications Tower shall be erected and operated in compliance with the most current Federal Communication Commission and Federal Aviation Administration rules and regulations and other applicable federal and state standards. All Telecommunications Towers shall comply with all ordinances of the Town which are not in conflict with this subsection.

7. Wireless Telecommunications Facilities Establishment and Siting Alternatives Analysis.

- a. Co-Location Preference.** The Town shall promote the Co-Location of Wireless Telecommunications Equipment on existing towers, Buildings, or utilities elements. New standalone Wireless Telecommunication facilities (Towers) may only be allowed where co-located of said facilities on existing towers, Buildings, or public infrastructure elements is deemed infeasible through a siting alternatives analysis.
- b. Siting Alternatives Analysis.** For all new, standalone Wireless Telecommunication Towers, the applicant shall provide a siting alternatives analysis to determine whether Co-Location on existing Structures is feasible within the applicant's search ring, as defined by N.G.G.S. §160D-931(17) including information pertaining to the fair market value of similar contracts – this shall be provided as part of the permitting process and submittal requirements pursuant to Chapter 11. The siting alternatives analysis shall determine the feasibility of co-locating the new telecommunications facilities/equipment in the following situations. (i) Co-Location on existing

towers; (ii) Placement on Town-owned Structure or Building; (iii) Placement on Existing Structure or Building; and (iv) Construction of New Tower Structure or Substantial Modification of Existing Structure. The following describes the various Co-Location situations.

- i. **Co-Location Standards.** The Co-Location or placement of new telecommunications Antennas upon existing Telecommunications Towers, light poles, and/or Buildings.
- ii. **Town-owned Structure or Building.** The utilization of existing Town-owned Structures and Buildings for placement of Antenna and associated equipment or Buildings, including surface-mounted and roof-mounted applications of telecommunication Antennas on existing Buildings and Structure-mounted applications of telecommunication Antennas on water towers, electric-line transmission towers, or other existing Structures.
- iii. **Existing Structure or Building Utilization.** The utilization of all other existing Structures and Buildings for placement of Antenna and associated equipment or Buildings, including surface-mounted and roof-mounted applications of telecommunication Antennas on existing Buildings and Structure-mounted applications of telecommunication Antennas on existing Structures.
- c. **Consulting Option.** As part of the review procedures, the Administrator shall determine the sufficiency of the information. The Town may choose to hire an outside consultant to conduct a third-party review of the siting alternatives analysis in the following situations: (i) where there are disputes of the findings between the applicant and the Administrator and/or (ii)

where expert consultation is deemed necessary to reach conclusions of the analysis. Where the Town utilizes a consultant in its application review, the fee for such services shall be fixed in advance as part of the application fee for a new telecommunications facility.

- 8. **Telecommunication Tower and Antenna Array Design Standards.** The following design standards apply to new telecommunication towers and associated Antenna Array facilities. These standards do not apply to Co-Location activities on existing towers, Buildings, or public infrastructure elements.
 - a. **Height.** The maximum height of a Telecommunications Tower, including Antenna Array, shall be less than 200 feet above grade; whereas, Small Wireless Telecommunications Towers shall be limited to 50 feet above grade.
 - b. **Location.** Telecommunication towers and Antenna Arrays shall not be located within 300 feet of a Thoroughfare.
 - c. **Guys and Guy Anchors.** All guys and guy anchors shall be located within the Buildable Area of the Lot and shall not be located within any required Setback, required landscape area, and wetland feature/Buffer.
 - d. **Security Fencing.** Securing fencing shall surround the a Telecommunications Tower base, all guy anchors and equipment. The compound area and all guy anchors shall be secured with a fence of not less than 6 feet in height nor more than 10 feet in height. A security wire (barbed, razor, etc.) may be located on the Telecommunications Tower-side of the fence but shall not extend above the top of the fence. The type of fence selected shall, in the determination of the Administrator, be compatible with development in the surrounding area. A chain link fence, if used, shall be black vinyl coated.

e. Structural Design. A

Telecommunications Tower shall be designed and built so as to:

- i. Be capable of use by at least two wireless communications providers for a Telecommunications Tower less than 80 feet in height;
- ii. Be capable of use by three or more wireless communications providers for a Telecommunications Tower of 80 feet in height or greater;
- iii. Accommodate Antenna Arrays consisting of 9 to 12 Antennas for each Array, provided, however, this regulation shall not apply to Slick Antenna applications;
- iv. Locate such Antenna Arrays within 15 vertical feet of each other;
- v. Have no more than 3 degrees of twist and sway at the top elevation; and,
- vi. Provide internal cable routing for all tapering monopole telecommunication towers.
- vii. Meet or exceed associated State and Federal structural standards relating to telecommunication standards (e.g., EIA-222)

f. Signs Prohibition. No lettering, symbols, images, trademarks, Signs, or advertising shall be placed on or affixed to any part of a Telecommunications Tower, Antenna Array or Antenna, other than as required by Federal Communications Commission regulations regarding tower registration or other applicable law.**g. Falling Safety.** New Wireless Telecommunications Towers shall be designed and located on the property in a manner that would avoid safety hazards on surrounding Uses in the event of a fall. If the Telecommunications Tower should fall along its longest dimension, the tower shall remain within the Lot Lines and avoid Dwelling Units, habitable Structures, Public

Street Rights-of-Way, utility lines and other Telecommunications Towers.

h. Lights. No signals, lights or other illumination shall be permitted on Telecommunications Towers unless required by the Federal Communications Commission, the Federal Aviation Administration, or the Town.**i. Engineering Compliance for Modifications.** If any additions, changes or modifications are to be made to a Telecommunications Tower, the Administrator may require proof, through the submission of engineering and structural data, that the addition, change or modification conforms to structural wind load and all other requirements of the Town's Building Code.**9. Separation and Location.****a. New Wireless Telecommunication Towers.** New Telecommunication Towers are subject to the following minimum separation radius from another Telecommunications Tower - in determining the required separation between telecommunication towers of different heights, the required separation for the taller tower shall apply.

- i. 1/4 mile radius for proposed Telecommunications Towers less than 80 feet in height;
- ii. 1/2 mile radius for proposed Telecommunications Towers of 80 feet in height or greater but less than 120 feet in height; or
- iii. A 1-mile radius for proposed Telecommunications Towers 120 feet in height or greater.

b. Small Wireless Telecommunication Towers. New small Wireless Telecommunication Towers are subject to the following minimum separation radius from another Telecommunications Tower, measured from the bases.

- i. For the same Wireless Telecommunication provider. Each new Small Wireless Telecommunication Facility shall not be located such that the anticipated coverage ring of the Small Wireless Telecommunication Facility substantially overlaps the coverage ring of any other Wireless Telecommunication Facility. Substantial overlap shall be defined as the more than 10% overlap between the anticipated coverage ring of a new Small Wireless Telecommunication Facility and the coverage ring of other existing facilities of the same provider.
 - Coverage Ring shall be defined as the approximate area of coverage that each Small Wireless Telecommunication Facility is able to provide; or in the case of new Small Wireless Telecommunication Facilities, the approximate area the Small Wireless Telecommunication Facility is anticipated to provide.
 - Coverage is defined as the area in which a person or entity can establish an electronic connection with the Small Wireless Telecommunication Facility.
- ii. For different Wireless Telecommunication providers. Each new Small Wireless Telecommunication Facility of different providers shall not be located within three hundred 300 feet of another Small Wireless Telecommunication Facility unless the applicant can show that locating the Small Wireless Telecommunication Facility within the prescribed distance is necessary.
- c. **Deviations.** As part of a Special Use Permit review, the Town may

authorize deviations from these separation standards due to special circumstances relating to natural features, scarcity of available land, and telecommunications operating standards.

10. Wireless Telecommunications Antennas

Mounted on Existing Buildings or Structures.

The following design standards apply to Antennas associated with wireless communication operations and mounted on existing Buildings and Structures.

- a. **Roof-Mount Elements.** Roof-mounted Wireless Telecommunications Antennas are permitted on Buildings and Structures in all Districts, except for Detached Dwellings or Attached Dwellings. Said elements shall be subject to the following standards.
 - i. Whip telecommunication/Antenna features (an Antenna which transmits signals in 360 degrees) shall not exceed the height of the Building by more than 15 feet and shall be no closer than 15 feet to the perimeter of the Building.
 - ii. Non-whip telecommunication/Antenna features shall not exceed the height of the Building by more than 10 feet and shall be no closer than 10 feet to the perimeter of the Building.
 - iii. The telecommunications Antenna and associated equipment located on Buildings within a gateway corridor shall be screened in elevation view with enclosures or façades having an appearance that blends with the Building on which they are located; and be located so they are not overtly visible from an adjacent public Right-of-Way.
- b. **Surface-Mount Elements.** Surface-mounted telecommunications Antennas (an Antenna attached to a Building exterior wall) are permitted on Buildings or Structures in all Districts and subject to the following standards.

- i. Telecommunications/Antenna features shall be mounted flush with the exterior of the Building or Structure so that it projects no more than 30 inches from the surface to which it is attached.
- ii. The telecommunications/Antenna appearance shall blend with the surrounding surface of the Building or Structure in terms of color and materials.
- c. **Elements Attached to Other Existing Structures.** Telecommunications Antennas are permitted on existing utility, lighting, Telecommunications Towers and other Structures in all Districts and subject to the following standards.
 - i. Existing utility, lighting, Telecommunications Towers, and other Structures used to affix telecommunication/Antenna features shall exceed 50 feet in height above grade
 - ii. The telecommunications Antenna shall not exceed the height of the existing Structure by more than 10 feet for a non-whip Antenna or 15 feet for a whip Antenna.
 - iii. Existing Structures may be rebuilt/modified to support the load of the new telecommunications Antenna and subject to the Town's Building permitting standards.
- d. **Separation Standards.** Telecommunications Antennas and associated features located on existing Buildings or Structures are not subject to the separation requirements stated above.
- e. **Photo Simulation Requirements.** As part of the application process, applicants shall provide photo simulations showing the site of the existing Structure with a photo realistic representation of the proposed telecommunications Antenna and the existing Structure or

any proposed reconstruction of the Structure as it would appear viewed from the closest Residential Use District and from adjacent public Right-of-Way. The applicant shall also submit photographs of the same views as in the photo simulations showing the current appearance of the site without the proposed telecommunications Antenna.

11. Abandonment and Removal of Telecommunications Towers, Antenna Arrays, and Associated Equipment.

The following standards apply to all telecommunication features and their associated elements – these standards ensure inoperable features are removed, whereas, habitable Buildings are exempt from these requirements.

- a. **Abandonment.** Telecommunications Towers, Antenna Arrays, and associated equipment which have not been used for a period of 1 year shall be deemed abandoned and shall be removed from the site.
- b. **Notice Required.** The owner of the Telecommunications Tower and the last service provider to use a Telecommunications Tower shall notify the Administrator within 30 days that use of a Telecommunications Tower has been discontinued.
- c. **Security Fund (Cash/Bond).** Every Telecommunications Tower owner and all service providers shall establish a cash security fund, an irrevocable letter of credit, or bond security to secure the payment of removing the Telecommunications Towers, Antenna Arrays, and/or associated equipment that have been determined to be abandoned, or found to be in non-compliance with this UDO, and to provide the Town a fund from which to deduct fines and penalties for non-compliance with this UDO or other applicable laws in the following amounts:

- i. The amount to be provided for each Telecommunications Tower shall be \$25,000.
- ii. The amount for each Antenna Array on the Telecommunications Tower shall be \$5,000.
- d. Security Reduction.** Any reduction in the security fund provided, because of deductions of fines, penalties, or removal costs, shall be replenished to the total of the required amount within 30 days after notice from the Town of the amount deducted and the deficiency created hereby.
- e. Refund.** Within a reasonable period of time, not to exceed 3 months after the Telecommunications Tower and/or Antenna Array is removed, any remaining funds on deposit with the Town pursuant to this subsection, after application and above all expenses provided for herein, shall be refunded to the appropriate owner or provider who created the security fund.

12. Special Requirements for Small Wireless Telecommunications Facilities Located within the Public Right-of-Way. To protect the unique aesthetics of the Town, to minimize new visual, aesthetic, and public safety impacts, and to reduce the need for additional Antenna-supporting Structures, the Town prefers that Small Wireless Telecommunication Facilities be located outside the public Right-of-Way; co-located on existing utility poles or wireless support Structures; concealed; and have their accessory equipment mounted on the utility pole or wireless support Structure. The following requirements are intended to be reasonable for Small Wireless Telecommunication Facilities located within the public Right-of-Way while avoiding the intangible public harm of unsightly or out-of-character deployments and are implemented as requirements for an application for Small Wireless Telecommunication Facilities. Unless

otherwise defined by this UDO, all definitions are the same as defined in North Carolina General Statutes Chapter 160D-931.

a. Siting Hierarchy of Small Wireless Telecommunication Facilities Located within the Public Right-of-way.

Any applicant for a new Small Wireless Telecommunication Facilities shall evaluate the reasonable feasibility of co-locating new Antennas and equipment on existing utility poles, light pole fixtures, or wireless support Structures within the applicant's search ring. Co-Location on existing utility poles, light pole fixtures, or wireless support Structures is not reasonably feasible if Co-Location is technically or commercially impractical or the owner of the existing utility poles, light pole fixtures, or wireless support Structures has refused in writing to the requesting party, after having been offered the fair market fee for Co-Location, to enter into a contract for such use at fair market value. Minor alterations or adjustments to the location or technical specifications of the Small Wireless Telecommunication Facility as a result of co-locating on an existing utility pole, light pole fixture, or wireless support Structure shall not constitute a technical or commercial impracticality. The applicant shall provide to the Town all information necessary to determine whether Co-Location on existing utility poles, light pole fixtures, or wireless support Structures is reasonably feasible, including information pertaining to the fair market value of similar contracts. The Town shall determine the sufficiency of the information and may employ such experts as outside consultants to evaluate the information. In the event that the Town determines outside consultants are necessary, the fee for such consultant shall be fixed in advance as part of the application fee for a new

Small Wireless Telecommunication Facilities. Development of Small Wireless Telecommunication Facilities shall be in accordance with the following siting alternatives hierarchy. The order of ranking, from highest to lowest, shall be from sub-Section i., to sub-Section ii., outlined below. Where a lower ranked alternative is proposed, the applicant must demonstrate by substantial evidence that higher ranked options are not technically feasible or available.

i. **Co-Location.** The Co-Location of Small Wireless Telecommunication Facility on existing utility poles, light pole fixtures, or wireless support Structures and associated equipment or Buildings shall comply with the following regulations:

(a) **Height.** Each new Small Wireless Telecommunication Facility shall not extend more than 10 feet above the existing utility pole, light pole fixture, or wireless support Structure on which it is colocated. No new Small Wireless Telecommunication Facility shall be co-located on any utility pole, light pole fixture, or wireless support Structure that is less than 15 feet above grade.

(b) **Separation.** Co-Location of Small Wireless Telecommunication Facilities on existing utility poles, light pole fixtures, or wireless support Structures are not subject to a separation requirement.

(c) **Objective Design Standards.** Small Wireless Telecommunication Facilities to be co-located on an existing utility pole, light pole fixture, or wireless support Structure shall be designed to match the style and color of the existing

utility pole, light pole fixture, or support Structure and designed such that all cabling is inside the existing utility pole, light pole fixture, or wireless support Structure, provided, however if cabling cannot be located inside the existing utility pole, light pole fixture, or support Structure that cabling is located within a solid enclosure that is designed to match the style and color of the existing utility pole, light pole fixture, or support Structure.

All Small Wireless Telecommunication Facilities shall be Stealth Antenna facilities. Stealth Antenna and accessory equipment must be shrouded or otherwise concealed.

To mitigate the visual impacts of unsightly or out-of-character Small Wireless Telecommunication Facilities, ground equipment shall be screened, to the extent possible as approved by the government body with jurisdiction of the Right-of-Way in which the Small Wireless Telecommunication Facility is to be located.

(d) **Engineer's Certification.** Prior to installation of a Small Wireless Telecommunication Facility or equipment, the Town shall be provided with an engineer's certification that existing utility pole, light pole fixture, or wireless support Structure will support the proposed Small Wireless Telecommunication Facility or Equipment.

ii. **New Small Wireless**

Telecommunication Facilities.

Construction of new Small Wireless Telecommunication Facilities on new utility poles or wireless support Structures and associated equipment or Buildings shall comply with the following regulations:

(a) Height. The maximum height of new utility poles or wireless support Structures shall be 50 feet above grade.

Each new Small Wireless Telecommunication Facility shall not extend more than 10 feet above the utility pole or wireless support Structure on which it is located.

Notwithstanding the above, in no instance in an area zoned for Detached residential Dwellings where the existing utilities are installed underground shall a utility pole or wireless support Structure exceed 40 feet above grade. No new Small Wireless Telecommunication Facility shall be located on any utility pole or wireless support Structure that is less than 15 feet above grade.

(b) Location. No portion of a new utility pole or wireless support Structure associated with a Small Wireless Telecommunication Facility may be placed in the public Right-of-Way in a manner that does any of the following: obstructs pedestrians or vehicular or bicycle access, obstructs sight lines or visibility for traffic, traffic signage, or signals; public art or focal points, or interferes with access by persons with disabilities. An applicant may be required to place equipment in vaults

located underground to avoid obstructions or interference.

To the greatest extent possible, a new utility pole or wireless support Structure associated with a Small Wireless Telecommunication Facility shall align with existing utility poles, light pole fixtures, or wireless support Structures installed in the Right-of-Way.

(c) Separation. New Small Wireless Telecommunication Facilities shall have the following minimum separation radius from another Small Wireless Telecommunication Facility:

For the same Wireless Telecommunication provider:

Each new Small Wireless Telecommunication Facility shall not be located such that the anticipated coverage ring of the Small Wireless Telecommunication Facility substantially overlaps the coverage ring of any other Wireless Telecommunication Facility. Substantial overlap shall be defined as the more than 10 percent overlap between the anticipated coverage ring of a new Small Wireless Telecommunication Facility and the coverage ring of any other existing Wireless Telecommunication Facility of the same provider; this definition shall also apply between the anticipated coverage rings of two or more new Small Wireless Telecommunication Facilities. Coverage Ring shall be defined as the approximate area of

coverage that each Small Wireless Telecommunication Facility is able to provide; or in the case of new Small Wireless Telecommunication Facilities, the approximate area the Small Wireless Telecommunication Facility is anticipated to provide. Coverage is defined as the area in which a person or entity is able to establish an electronic connection with the Small Wireless Telecommunication Facility.

- (d) **Review.** If an applicant desires that a new Small Wireless Telecommunication Facility be located within the prescribed distance and is necessary, such Small Wireless Telecommunication Facility shall be reviewed by the Administrator and approved on a case by case basis.
- (e) **Separation from different provider.** For different Wireless Telecommunication providers, each new Small Wireless Telecommunication Facility of different providers shall not be located within 300 feet of another Small Wireless Telecommunication Facility unless the applicant can show that locating the Small Wireless Telecommunication Facility within the prescribed distance is necessary. Such Small Wireless Telecommunication Facility shall be reviewed by the Administrator and approved on a case by case basis.
- (f) **Objective Design Standards.** Small Wireless Telecommunication Facilities and utility poles and wireless support Structures shall

be compatible with the surrounding area. Where existing Street light fixtures are present, the utility pole or wireless support Structure color shall match that of the Street light fixture pole and shall be located in such a manner as to visually appear to be part of a common scheme of Street light fixture pole placement. Within the adopted Village District Area Plan boundary as indicated in the Comprehensive Plan, utility poles and wireless support Structures shall be black powder coated.

Utility poles and wireless support Structures shall be made of galvanized steel or comparable material except when otherwise required by applicable federal or state regulations. Wood utility poles and wireless support Structures are prohibited.

Small Wireless Telecommunication Facilities shall be located, designed, and/or screened to blend in with the existing natural or built surroundings to reduce the visual impacts as much as possible, and to be compatible with neighboring land Uses and the character of the community.

All Small Wireless Telecommunication Facilities shall be Stealth Antenna facilities. Stealth Antenna and accessory equipment must be shrouded or otherwise concealed.

To mitigate the visual impacts of unsightly or out-

of-character Small Wireless Telecommunication Facilities, ground equipment shall be screened, to the extent possible as approved by the government body with jurisdiction of the Right-of-Way in which the Small Wireless Telecommunication Facility is to be located.

- b. Maintenance.** All Small Wireless Telecommunication Facilities and related equipment, including but not limited to fences, cabinets, poles, and landscaping, shall be maintained in good working condition over the life of the use. This shall include keeping the Structures maintained to the visual standards established at the time of approval. The Small Wireless Telecommunication Facilities shall remain free from trash, debris, litter, graffiti, and other forms of vandalism. Any damage shall be repaired as soon as practicable, and in no instance more than 30 calendar days from the date of notification by the Town. In public Rights-of-Way, damaged or deteriorated components must be corrected within 5 business days of notification.

No lettering, symbols, images, trademarks, Signs, or advertising shall be placed on or affixed to any part of a Small Wireless Telecommunication Facility, other than as required by Federal Communications Commission regulations regarding Small Wireless Telecommunication Facilities registration or other applicable law.

- c. Filing Requirements.** All applications for a Small Wireless Telecommunications Facility shall be required to meet the filing requirements specified in the Development Procedures Manual.

3.3.10 OTHER USES – ADDITIONAL USE PROVISIONS

A.

Outdoor Advertising Sign.

- 1. Purpose and Intent.** The purpose of this section is to establish regulations for Outdoor Advertising Signs that contain off-premise advertising and noncommercial messages to reduce visual clutter, reduce distractions for motorists, and reduce conflicts with traffic control Signs. These regulations are designed to:
 - a. Present and perpetuate uncluttered and natural views for the enjoyment and environmental enrichment of the citizens of Holly Springs, as well as visitors, in a manner that complies with the mandates of N.C.G.S. § 136-127, et. seq.
 - b. Promote economic prosperity, civic pride, quality of life, and the general welfare of citizens.
 - c. Enhance the aesthetic values of the Town.
 - d. Protect property values.
 - e. Promote safety of motorists.
- 2. Regulations.** Outdoor Advertising Signs shall comply with the Sign regulations of Chapter 9 in unless otherwise modified by this Section.
 - a. Location Limitations.** Outdoor Advertising Signs shall only be permitted within 150' of the Right-of-Way along and facing US 1 and NC 540.
 - b. Maximum Number.** A maximum of 1 Outdoor Advertising Sign is permitted per Lot.
 - c. Sign Type and Dimensional Regulations.** Outdoor Advertising Signs shall comply Table 3.3.10-A - Sign Regulations: Outdoor Advertising Signs.

3. Additional Limitations.

a. Prohibited Features.

- i. Moving, rotating, fluttering, blinking, and flashing elements.
- ii. Animation, video, audio, and pyrotechnic components.
- iii. Automatic changeable face Outdoor Advertising Signs.
- iv. Elements or messages delivered to personal electronic devices in the vicinity of the Sign or Structure.

b. Spacing. The distance between Outdoor Advertising Signs shall be measured from the nearest point of the Outdoor Advertising Sign as projected to the centerline of the Street upon which the Outdoor Advertising Sign is intended to be viewed to the nearest point of

the other Outdoor Advertising Sign as measured to its closest centerline point along the same Street.

- i. There shall be at least 2,500 linear feet between Outdoor Advertising Signs on the same side of the Street.
- ii. There shall be at least 1,000 linear feet from any other Outdoor Advertising Sign on the opposite side of the Street.
- iii. There shall be at least 20 linear feet between an Outdoor Advertising Sign Structure and an existing Building.

c. Historic District. No Outdoor Advertising Sign shall be located directly across the Street from, or within, a historic district.

TABLE 3.3.10-A – SIGN REGULATIONS: OUTDOOR ADVERTISING SIGNS

Use Type	Use	Sign Type	Sign Regulations				
			Maximum Number	Sign Zone	Maximum Sign Surface Area (sf)	Maximum Height (ft)	Materials
Other Uses	Outdoor Advertising Signs	Freestanding (Single-Faced)	1	Front, shall not be located within required Setback	24	6	Ornamental metal, stone, brick, masonry, or other permanent material

3.4 ACCESSORY USES, BUILDINGS, OR STRUCTURES

3.4.1 GENERAL APPLICABILITY

- A. Accessory Uses, Buildings or Structures are those which are clearly incidental and subordinate to a primary Use or Structure located on the same Lot.
- B. Accessory Uses, Buildings or Structures are permitted in all Districts, provided that the primary Use is a Permitted Use within the zoning District.
- C. Accessory Uses, Buildings or Structures are not permitted on a Lot without a primary Building.
- D. **Location Restrictions.**

1. **Easements.** Accessory Uses, Buildings or Structures shall not encroach upon any platted or recorded easements unless specifically authorized by the terms of the easement or by written consent of the agency in whose favor the easement is granted, and in the case of a Town Easement or an access easement, authorized by the Administrator.
2. **Septic Areas.** Accessory Buildings or Structures (including fences, Patios, Decks, etc.) shall not be located above a septic system or septic repair area.
3. **Sight Distance Triangles.** Accessory Uses, Buildings or Structures shall not encroach upon any sight distance triangles, as specified in the Town's Engineering Design & Construction Standards.
4. **Perimeter Buffers.** Accessory Uses, Buildings or Structures shall not encroach upon a Perimeter Buffer unless otherwise permitted.
5. **Setbacks.** Accessory Uses, Buildings or Structures shall comply with the required Setbacks of Section 2.2 unless otherwise modified by this Section. Encroachments are allowed as permitted in Table 2.3.6-A.

3.4.2 RESIDENTIAL USE DISTRICTS AND RESIDENTIAL USES IN ALL OTHER DISTRICTS

Applicability. Residential Accessory Uses include but are not limited to: detached garages; carports; Porches; Decks; awnings; canopies; mini barns; storage sheds; Patios; outdoor fireplaces; bathhouses; cabanas; children's playhouses; swings; Game Courts, including tennis or basketball courts; fences; Driveways and Parking Areas; Signs; Swimming Pools; hot tubs; radio sending and receiving Antennas; satellite Dish Antennas; and, storage Buildings.

B. Accessory Building Limitations.

1. **Area.** The total square foot area of all detached Accessory Buildings on a Lot shall not exceed 50% of the Finished Floor Area of the primary Dwelling. For Lots greater than 2 acres in the RR District, the total square foot area of all detached Accessory Buildings on a Lot shall not exceed 100% of the Finished Floor Area of the primary Dwelling.
2. **Maximum Number.** The maximum number of detached Accessory Buildings on a Lot shall not exceed the following:
 - a. **In the RR District:** Not applicable
 - b. **In all other Residential Use Districts:** 2
3. **Location.** Detached Accessory Buildings are permitted in Rear and Side - Interior Yards only.
- C. **Accessory Dwelling Unit (ADU).**
 1. **Density and Quantity Limitations.** ADUs are exempt from the District's density limitations. An ADU shall contain no more than 2 bedrooms.
 2. **Size.** The Gross Floor Area of an ADU shall be no greater than 50% of the Finished Floor Area of the primary Dwelling located on the Lot or 1,000 square feet, whichever is less.
 3. **Location.** An ADU shall be located to the side or rear of the primary Dwelling Unit on the Lot and shall comply with all required Accessory Structure Setbacks.
 4. **Architectural Style.** The Building materials and architectural style of the ADU shall be compatible with the Building materials and

architectural style of the primary Dwelling Unit including siding materials, windows, and roof shape.

5. **Utilities.** ADUs may connect to the water, sewer, and electrical lines of the primary Dwelling on the Lot. The Town shall not require a separate meter for ADUs.
6. **Parking.** 1 Off-Street Vehicle Parking Space is required for each ADU where On-Street Parking is not approved by the agency having jurisdiction.
7. **Structural Type.** Manufactured homes, mobile homes, campers, trailers, or similar vehicles/Structures may not be approved as an Accessory Dwelling Unit except as Temporary Family Health Care Structures as permitted below.
8. **Temporary Family Health Care Structure.** If the ADU is a Temporary Family Health Care Structure used by a caregiver in providing care for a mentally or physically impaired person on property owned or occupied by the caregiver as the caregiver's residence, it shall be considered a permitted Accessory Use in any Residential Use District on Lots zoned for Detached Dwellings subject to the following:
 - a. A Temporary Family Health Care Structure used by an individual who is the named legal guardian of the mentally or physically impaired person shall be considered a permitted Accessory Use in any residential Zoning District on Lots zoned for Detached Dwellings in accordance with this section if the Temporary Family Health Care Structure is placed on the property of the residence of the individual and is used to provide care for the mentally or physically impaired person.
 - b. Only 1 Temporary Family Health Care Structure shall be allowed on a Lot or parcel of land. Such Temporary Family Health Care Structures shall comply with all Setback requirements that apply to the primary Structure.

c. **Annual Permit Renewal Required:** The property owner must renew such Temporary Family Health Care Structure permit annually and provide evidence of compliance with this section on an annual basis as long as the Temporary Family Health Care Structure remains on the property. The Town may request an inspection of the Temporary Family Health Care Structure at reasonable times convenient to the caregiver, to confirm the use of the Structure.

d. **No Signage, advertising, or any other promotion of the existence of the temporary health care Structure shall be permitted either on the exterior of the Temporary Family Health Care Structure or anywhere on the property.**

e. Any Temporary Family Health Care Structure installed pursuant to this section shall be removed within 60 days in which the mentally or physically impaired person is no longer receiving or is no longer in need of the assistance provided for in this section. If the Temporary Family Health Care Structure is needed for another mentally or physically impaired person, the Temporary Family Health Care Structure may continue to be used, or may be reinstated on the property within 60 days of its removal, as applicable.

D. Child Care Center (Accessory).

1. **Buffering.** A Type B Buffer shall be provided along any Rear or Side property line adjoining existing Residential Use Districts.
2. **Parking and Traffic Plan.** In Residential Use Districts, the applicant shall provide and implement a parking and traffic plan that adequately mitigates the potential adverse impacts of increased traffic in the neighborhood.

E. Cluster Mailbox Units.

1. **Location and Parking.** All cluster mailbox units shall be located to accommodate safe, short-term parking for mail delivery vehicles

and resident pick-up. Parking may be On-Street provided there is suitable width so as not obstruct to the flow of traffic, as indicated by Parking Areas on Street cross sections in the Engineering Design & Construction Standards. All such parking shall be out of any utility Rights-of-Way/ easements and sight distance areas.

2. **Appearance Standards (19 or less receptacles).** An individual cluster mailbox unit or combination of cluster mailbox units located within the same area containing 19 or less mail receptacles shall be subject to the follow appearances standards:
 - a. Shall provide a decorative base or pedestal cover; and
 - b. Shall provide a finial, crown, or other similar decorative cap.
3. **Appearance Standards (20 or more receptacles).** An individual cluster mailbox unit or combination of cluster mailbox units located within the same area containing 20 or more mail receptacles shall be subject to the follow appearances standards:
 - a. Shall be built into a wall as part of a Building façade; or
 - b. Shall be freestanding and shall be constructed with the following design and appearance requirements:
 - i. Primary Building material shall be consistent with the style of the development or Project;
 - ii. Sets on a decorative pedestal or is fixed to two decorative posts;
 - iii. Designed as an architectural feature to create identity of the Project or Subdivision; and
 - iv. Provides Foundation Landscaping around the base of the Structure per the requirements of Section 5.3.4 of this UDO.
4. **Signage.** All cluster mailbox units shall remain free and clear of Signs, except for any Sign required by any local law, state or federal governmental agency.

5. **Security Features.** Security lighting shall be provided.

6. **Maintenance.** The owner of the common area or private easement in which the cluster mail box unit or combination of cluster mail box units is located shall be responsible for maintenance of such unit(s).

F. Porches and Decks.

1. Porches and Decks shall comply with all Setback requirements that apply to the primary Structure, except for permitted encroachments in Section 2.3.6.

G. Family Child Care Home.

1. **Play Areas.** All play equipment shall be located in a fenced area away from any parking, loading, or service areas. Front Yards shall not be used as play areas.
2. **Resident Operator Required.** A Family Child Care Home is permitted in a private residence occupied by the authorized operator only.
3. **Buffering.** A Type B Buffer shall be provided along any Rear or Side property line adjoining Residential Use Districts.

H. Fences and Walls.

1. **Applicability.** These provisions are applicable to all fences and walls.
2. **Maximum Heights (as measured above grade)**
 - a. **Front Yard:** 4 feet
 - b. **Side-Corner Yard:** 4 feet, except fences in Side - Corner Yards located behind $\frac{1}{2}$ of the depth of the Building footprint shall not exceed 6 feet
 - c. **Side - Interior and Rear Yards:** 6 feet
 - d. **Perimeter Street Frontage of a Subdivision:** 6 feet
3. **Finished Side to Face Outward.** The finished side of the fence shall face outward from the Lot upon which the fence is placed.
4. **Permitted Materials.**
 - a. **Front Yard, Side-Corner Yard, or Perimeter Street Frontage of a**

Subdivision: Wood or vinyl picket, brick wall or Ornamental Fence only.

b. Side-Interior or Rear Yard:

Wood, vinyl, Ornamental Fence, brick wall, or chain link.

5. Control of Access Fencing. All new or replacement of control of access fencing along the Right-of-Way shall be black Ornamental Fence.

I. Game Courts. Game Courts shall not be located in any primary Structure Front Yard or primary minimum Side or Rear Setback provided, however, a basketball goal may be located in a Driveway in any Residential Use District.

J. Grade Level Improvements. Grade level improvements which do not include a foundation are as follows:

1. Front and Side-Corner Yards. Permitted improvements include:

- a. Stoops;
- b. Walkways with a maximum width of up to 6 feet; and,
- c. Driveways and Parking Areas, provided that Driveways and Parking Areas shall meet the following standards:
 - i. On Lots 60 feet or wider, the width of the Driveway or Parking Area shall not exceed 20 feet or 50% of the Lot Width, whichever is greater, but not to exceed 45 feet; and
 - ii. On Lots narrower than 60 feet, the width of Driveways or Parking Areas constructed after the date of adoption of this UDO shall not exceed 12 feet; and
 - iii. The maximum width at the Right-of-Way is in accordance with the Engineering Design & Construction Standards; and
 - iv. Only 1 Driveway shall be permitted on an individual Lot or sublot.

2. Side-Interior Yards. Permitted improvements include:

- a. General Grade-level improvements, and

- b. Interior Access Drives, provided, however that an interior Access Drive may only be located in 1 Side Yard and shall not exceed 12 feet wide and that the remainder of said Side Yard and any other Side Yard shall otherwise be maintained as Open Space free from Buildings or Structures.

3. Rear Yards. Permitted improvements include:

- a. General Grade-level improvements, and
- b. Driveways and Parking Areas where necessary to provide access to an abutting rear alley provided that Driveways and Parking Areas meet the following standards:
 - i. The width of the Driveway or Parking Area shall not exceed 20 feet or 50% of the Lot Width, whichever is greater, but not to exceed 45 feet; and
 - ii. The maximum width at the property line is in accordance with the Town's Engineering Design & Construction Standards; and
 - iii. Only 1 Driveway shall be permitted on an individual Lot or sublot.
- c. Interior Access Drives, where necessary to provide access to an abutting rear alley with a maximum width of up to 20 feet.

K. Home Occupations.

- 1. Typical permitted Home Occupation activities include office Uses, personal services, education Uses, and retail Uses (online only) including the fabrication of goods and artisanal activities.
- 2. Home Occupations are limited to:
 - a. Family members residing within the Dwelling Unit and who make the Dwelling Unit their primary place of residence;
 - b. A maximum of 1 non-resident employee;
 - c. A maximum of 1 customer/client at the residence at any time, unless otherwise specified; or, a maximum

of 5 students at a time for any classes held in association with the Home Occupation (baking, craft, dance, etc.).

3. The Use of the Dwelling Unit for a Home Occupation shall be incidental and subordinate to the Use for residential purposes by the occupants. No more than 10% of the Gross Floor Area of the Dwelling Unit shall be used in the conduct of the Home Occupation.
4. There shall be no structural additions, enlargements or exterior alterations changing the residential appearance of the Dwelling Unit or the Lot or other visible indications of the conduct of the Home Occupation.
5. There shall be no internal or external alterations, construction features, or use of electrical or mechanical equipment which would change the fire rating of the Structure.
6. There shall be no traffic generated by a Home Occupation which is greater in volume than that which would be normally expected in the residential area.
7. There shall be no equipment or process used in the Home Occupation which creates noise, vibration, glare, smoke, fumes, odors, or electrical interference detectable to the normal senses at any point beyond the Lot Line in such a manner as to annoy, disturb, frighten or otherwise interfere with the use and quiet enjoyment of adjacent properties, or which creates water usage or the production of sewage other than domestic in nature.
8. There shall be no electrical or mechanical equipment utilized in the Home Occupation which will create any visual or audible interference with radio or television reception or which will cause fluctuations in line voltage off the premises.
9. The Home Occupation shall not involve the use of commercial vehicles for delivery of materials to or from the premises other than vehicles normally associated with residential home delivery.

10. There shall be no commercial vehicles and no more than 1 noncommercial vehicle associated with the Home Occupation.

L. Mechanical Equipment and Underground Facilities.

1. Mechanical equipment in a Front Yard shall be screened from view of the Street with landscaping, fencing, or other screening.
2. Underground facilities (including by way of example, septic tanks and finger systems, cisterns, cellars, basements, etc.) shall not be located in any required Front, Side, or Rear Setback.

M. Parking of Commercial and Recreational Vehicles. Long-term parking of a commercial or Recreational Vehicle greater than 1 week shall be in the Side or Rear Yard only.

N. Private Recreation as an Accessory Use.

1. **Applicability.** Private recreation Uses, such as a clubhouse, Swimming Pool, Game Courts, meeting room, and the like, shall be considered a permitted Accessory Use to any residential Subdivision or Project when such private recreation Uses are indicated on a Development Plan or Subdivision Plan.

2. **General Architectural and Site Design Requirements.** All Buildings and Structures associated with the private recreation Use shall be designed to be generally consistent with the colors, Building materials and architectural style of the residential Subdivision or Project.

O. Satellite Dish Antennas.

1. **Intent and Purpose.** These regulations are intended to allow satellite Dish Antennas to be located in a manner that does not unreasonably delay or prevent the installation, maintenance or use of the Antenna; does not unreasonably increase the cost of installation, maintenance or use of the Antenna; or preclude reception of an acceptable quality signal. The following regulations are intended to meet the above objectives without unnecessarily burdening the Federal interests in ensuring the availability of satellite services and in

promoting fair and effective competition among competing communication service providers.

2. General Provisions. In any Residential Use District, satellite Dish Antennas shall be no greater than 1 meter (39.37") in diameter shall be permitted as either ground mounted or roof mounted, provided that:

a. If ground mounted, satellite Dish Antennas shall:

- i. Not be located in any Front or Side Yard, or within the minimum primary Rear Setback; and,
- ii. Not exceed the Maximum Building Height allowed for an Accessory Structure.

b. If roof mounted, satellite Dish Antennas shall:

- i. Not exceed the lesser of 5 feet above the peak of the roof or the Maximum Building Height limit allowed for a primary Building;
- ii. Not extend beyond the horizontal limits of the roof area; and,
- iii. Be installed in accordance with plans certified by a registered engineer that the proposed installation complies with the standards listed in Section 623.0 and 624.0 of the BOCA Basic Building Code. Furthermore, written documentation of such compliance, including load distribution within the Building's support Structure, shall be furnished.

P. Short-Term Rental. It is unlawful to operate a Short Term Rental in any Dwelling Unit if any of the following are true:

1. More than 4 verified complaints for any ordinance violation, including but not limited to, the Town's noise ordinance, are received by the Town within any 12 month period; or
2. The property has been determined by the Chief of Police as being within the top 10% of properties with crime or disorder problems within the Town.

Q. Swimming Pools.

1. A Swimming Pool shall not be located in any Front Yard or in any Side – Corner Yard, except for permitted encroachments in Section 2.3.6.
2. Abandoned or unused Swimming Pools, situated on a premises which are not occupied for periods of 30 days or more, shall be drained or equipped with a cover adequate to prevent persons, children or animals from danger or harm.

R. Trash/Recycling Containers. Any trash/recycling container exceeding 36 cubic feet in capacity shall:

1. Be screened on at least 3 sides by a Building wall or a solid-walled enclosure using the primary masonry Building material of the primary Building, between 6 and 10 feet in height above grade, equipped with an opaque screen gate, excluding wood, and any solid-walled portion of the enclosure shall be provided with Foundation Landscaping;
2. Not be located in the Front Yard and,
3. Not be located in any Side or Rear Setback.

3.4.3 COMMERCIAL & MIXED-USE & EMPLOYMENT/ CAMPUS USE DISTRICTS AND NON-RESIDENTIAL USES IN RESIDENTIAL USE DISTRICTS

A. Accessory Alcohol Sales.

1. Retail establishments that sell alcohol in closed bottles (such as grocery stores, ABC stores, etc.) may also sell alcohol by the glass (open bottle sales) as an Accessory Use.
2. Such sales are not considered a bar or tasting room for the purposes of this Chapter.
3. Accessory Alcohol Sales shall be limited to 25% of the floor area of the Building.

B. ATMs/Vending Machines.

1. **ATMs Location.** Walk-up or Drive Through customer service windows or Automated Teller Machines (ATM's) shall be located so

as to not interfere or conflict with Sidewalks, pedestrian ways, Parking Areas, loading areas, Driveways, interior Access Drives, interior Access Driveways, perimeter landscape yards or foundation plantings. Drive Through ATMs are only permitted in the Zoning Districts listed in Table 3.2-A and must meet the standards in 3.3.5.D.

2. **ATM Design.** ATMs are considered an Accessory Structure and, as such, must meet the design requirements for Accessory Structures in Chapter 8.
3. **Vending Machine Location.** Vending machines shall abut the exterior wall of the Building; shall not be located in a required Setback or perimeter landscape Buffering.
4. **Size.** No individual machine shall exceed 24 cubic square feet.

C. Fences and walls.

1. **Applicability.** These provisions are applicable to all fences and walls.
2. **Maximum Heights (as measured above grade).**
 - a. **Front and Side-Corner Yard:** 6 feet.
 - b. **Side and Rear Yards:** 10 feet.
 - c. **Exceptions:** Front and Side-Corner Yard Fencing in Employment/ Campus Use Districts: 8 feet.
3. **Permitted Materials.**
 - a. **Front and Side-Corner Yard:** Ornamental Fence only.
 - b. **Side or Rear Yard:** Black vinyl coated chain link or black Ornamental Fence.
 - c. **Exceptions:** Fencing in Employment/ Campus Use Districts is exempt from the Permitted Materials requirements if the fencing is not visible from the Right-of-Way or any adjacent Residential Use District.
4. **Control of Access fencing.** All new or replacement of control of access fencing along the Right-of-Way shall be black Ornamental Fence.

D. Wall Murals.

1. **Maximum Area.**
 - a. **Buildings.**
 - i. Primary façade facing Front Lot Line: Subject to the maximum Wall Sign Surface Area allowances for the front façade in the Use District.
 - ii. All other façades: 600 sq ft.
 - b. **Structures.** 600 sq ft.
2. **Maximum Number.** 1 per Building or Structure.
3. **Materials.**
 - a. The materials used to produce the Wall Mural shall be appropriate for outdoor use (i.e., long lasting).
 - b. Paint products shall be safe for masonry use if paint is applied to Type-1 materials. Alternate mediums that can be removed readily from Type 1 Building materials may be utilized (i.e. canvas, tile, metal panels, or similar Building materials with an approved attachment method, or materials such as applied sheet graphics and appliqués). Other new materials can be utilized provided they are found to be non-detrimental to the surface on which applied.
 - c. If a Wall Mural is constructed off-site on moveable panels to be installed on a façade, the attachment must comply with the NC Building Codes, subject to required permits and inspections. Panels must not cover window or door openings or otherwise impede building egress or pedestrian traffic or block/ cover any intake or exhaust openings (maintaining proper clearance), the attached devices must not compromise the structure integrity of the surface to which the panels are attached, and the panels must be securely attached to prevent failure due to high wind conditions, vandalism or age.
 - i. All installation hardware must be rust resistant

- ii. Wooden panels must be sanded, sealed, and waterproofed (with proper primer and topcoat) on the front, sides, and back.

4. Design. Wall Murals shall be integrated with the Building or Structure's façade to enhance the architecture or aesthetics of the Building or Structure.

- a. Colors used should be harmonious with the exterior colors of the Building or Structure. Neon, fluorescent, or reflective colors or materials are not permitted.
- b. Wall Murals shall not project from the wall surface. Electrical or mechanical components or a changing image art display are prohibited.
- c. Wall Murals shall not interrupt major architectural elements or features of a Building or Structure.
- d. Wall Murals located on the wall of a Historic Structure shall comply with any applicable requirement of a Certificate of Appropriateness.

5. Content. Wall Murals shall not:

- a. Contain commercial messages, logos, trademarked materials, universally recognized symbols or advertise or promote any business, product, goods, activity, services or interests; or,
- b. Imitate, copy, purport to be, or may be confused with any authorized official Sign, traffic Sign, traffic signal, or traffic control device; or
- c. Contain statements, words or pictures of an obscene, pornographic, immoral character, or which contain advertising matter which is untruthful.

6. Installation and Maintenance.

- a. All surfaces must be power washed prior to installation.
- b. Anti-graffiti coating (non-sacrificial) is required.
- c. UV ray resistant paint is required.

- d. Wall Murals shall be maintained in good repair, free from peeling paint or damage due to age, weather, vandalism, or the like. If for any reason the Wall Mural is removed, altered, or destroyed, the property owner is responsible for restoring the surface of the Wall Mural to the original condition.

E. Outdoor Display or Sales.

1. Outdoor display or sales of merchandise shall not be located in a required Setback or required landscaped areas except when placed on a Sidewalk in a Commercial & Mixed-Use District subject to the standards below:
2. Outdoor display areas shall be designed and located so as to provide for the safe and efficient maneuvering of motor vehicles and pedestrians and shall maintain 5 feet of Sidewalk clear for pedestrian flow on or around Sidewalks, pedestrian ways; required Parking Areas, loading areas, Driveways, interior Access Drives, interior Access Driveways.
3. For areas greater than 2,500 square feet, they shall only be those areas designated as outdoor display, or sales/rentals on an approved Development Plan; shall not apply to any previously approved site specific Development Plans or be located in any Foundation Landscaping Area or interior Parking Area landscaping.
4. Such areas shall be considered Parking Areas for the purpose of determining and providing interior Parking Area landscaping when such outdoor display is used for the sale or rental of automobiles, trucks, busses, Recreational Vehicles, equipment and the like.
5. **Size.** Such areas shall not exceed 5% of the Gross Floor Area or 10,000 square feet, whichever is less.
6. **Buffering.** A Type C Buffer shall be installed and maintained for portions of the outdoor sales area that abut a Residential Use District or property.

F. Outdoor Seating.

1. Outdoor seating may be located in any Yard;

2. Shall be permitted only along the business' tenant bay or storefront façade;
3. Shall not block the entrance to the business or Building; and,
4. Shall be located so as not to interfere with Sidewalks or pedestrian ways by maintaining 5 feet of Sidewalk clear for pedestrian flow.
5. Shall provide parking bumpers or other separation measures such as bollards, ornamental fencing, seatwalls, or planters as deemed necessary by the Administrator if the outdoor seating area is located adjacent to a vehicle Parking Area or Street.

G. Outdoor Storage.

1. Commercial & Mixed-Use Districts.

Storage of materials not for sale but associated with the primary Use:

- a. Shall be Accessory to the primary Use;
- b. Shall only be located along the rear façade of the Building or those area(s) designated as outdoor storage on an approved Development Plan;
- c. Shall not exceed the lesser of: 5% of the Gross Floor Area; or, 10,000 square feet, for each non-related and separately operated Use;
- d. Shall not be located within any Setback or Buffer;
- e. Shall be enclosed within a chain link, lattice, ornamental fence, solid walled, or similar type fenced area, including entry/exit gates made of materials compatible with the fence. If a solid wall is constructed, the primary masonry Building material of the primary Building shall be used;
- f. The height above grade of said fence shall be at least 6 feet and shall not exceed the lesser of 20 feet or the height of the roofline; and
- g. Materials or products stored within the fenced storage area shall not exceed the height of the fence.

2. Employment/Campus Use Districts.

- a. **Proximity to Residential.** All operations, servicing and processing located either within 100 feet of a Residential Use District (except outside storage, off Street parking and off Street loading) shall be conducted within completely enclosed Buildings.
- b. **General Standards.** All storage of materials or products shall be either within completely enclosed Buildings or, within a defined storage area in compliance with the following:
 - i. Enclosed within a chain link, lattice, ornamental fence, solid walled, or similar type fenced area, including entry/exit gates made of materials compatible with the fence.
 - ii. The height above grade of said fence shall be at least 6 feet and shall not exceed 20 feet.
 - iii. Materials or products stored within the fenced storage area shall not exceed the height of the fence.
 - iv. The fenced storage area shall be surrounded by landscaping installed in compliance with the requirements for a Type C Buffer.

- c. **Amount of Outdoor Storage and Operations.** The total area devoted to outdoor storage and operations shall not exceed 30% of total Lot Area in the BRT District and 50% of total Lot Area in the HI District.

H. Helipads.

1. **Permitted by Right.** Helipads and other similar vertical takeoff and landing areas shall be permitted as an Accessory Use by right in the Employment/Campus Use Districts.

I. Mobile Classrooms.

1. Mobile classrooms shall only be permitted as a Temporary Use by a Religious/Assembly Use or School (K-12);
2. Mobile classrooms shall be permitted only by the grant of a Special Use Permit;

3. Applicants for a mobile classroom shall submit a site plan which indicates a proposed permanent development of the site at the time of filing a petition for a mobile classroom Special Use Permit; and,
4. A mobile classroom Special Use Permit shall be conditioned upon the Applicant making progress towards accomplishing the goals of development indicated the site plan within a reasonable period of time as established in the grant of the Special Use Permit.

J. Parking of Commercial and Recreational Vehicles.

1. **Commercial & Mixed-Use Districts.** The total number of business passenger vehicles shall not exceed 3 passenger vehicles per business with a GVWR \leq 6,000 LBS and shall meet the following requirements:
 - a. The vehicle(s) are used in the normal day-to-day operation of the business Use;
 - b. The vehicle(s) must be parked on the same property as the business location;
 - c. To the greatest extent possible, the vehicle(s) shall be parked beside or behind the Building in which the Use is located, parking in the front of the Building shall only be permitted if side and rear parking is not available.
 - d. Vehicle(s) shall be placed so as to minimize visibility from Right-of-Way to the greatest extent possible.
2. **Employment/Campus Use Districts.** The total number of business passenger vehicles shall not exceed 5 passenger vehicles per business with a GVWR \leq 8,500 lbs.
 - a. Additional business passenger vehicles and non-passenger vehicles may be stored on the same property in compliance with the outdoor storage requirements.
 - b. Business passenger vehicles must be parked on the same property as the business location.

K. Trash/Recycling Containers.

1. **Screening.** Trash/Recycling containers shall be screened on at least 3 sides by a Building

wall or a solid-walled enclosure using the primary masonry Building material of the primary Building, between 6 and 10 feet in height above grade, equipped with an opaque screen gate, excluding wood, and any solid-walled portion of the enclosure shall be provided with Foundation Landscaping.

2. **Location.** Trash/Recycling Containers shall not be located in the Front Yard or in any required Setback or landscape area.

3.5 TEMPORARY USES

3.5.1 APPLICABILITY

- A. **Permits Required.** A Temporary Use, Building or Structure which is in compliance with the provisions of this Section, shall be allowed on a Lot in any District as noted.
- B. **Permitted Temporary Uses, Buildings and Structures.** The Temporary Uses noted in this section are permitted subject to the noted requirements. For Temporary Uses not listed, the Administrator shall determine if there is a similar Use category that can be applied.
- C. **Duration.** Except as specifically identified in this section, a Temporary Use, Building or Structure shall be permitted for a period not to exceed 1 year and may be renewed 1 or more times by the Administrator, for good cause shown, for an additional period(s) not to exceed a total of 1 year beyond the original expiration date.
- D. **Compliance with Development Standards.** All applicable Development Standards and Setback requirements in the District in which the Temporary Use, Building or Structure is located apply unless noted. Temporary construction trailers, freestanding sales offices, and other Temporary Uses which shall not be converted into a permanent primary or Accessory Use, shall be exempt from the requirement to provide a hard surfaced Parking Areas.
- E. **Cessation of Use.** All Buildings, Structures or debris associated with the Temporary Use shall be removed from the site immediately upon completion or cessation of the Temporary Use or expiration of the time period set forth above.

3.5.2 SPECIFIC STANDARDS FOR TEMPORARY USES

TABLE 3.5-A - TABLE OF TEMPORARY USE PROVISIONS

Temporary Use	Permitted District(s)	Permit Required	Maximum Length of Time per Site and Applicant	Other Conditions
Auction/Pre-Priced Sale	All	Not Required	3 days per year	N/A
Seasonal Sales (e.g., Christmas trees, pumpkins, fireworks)	All	Required	45 days per year	All unsold merchandise must be removed within 7 days of the holiday, whichever comes first.
Construction or Sales Office (or other structures associated with the development of a property)	All	Required	Sales offices shall be removed upon the first sale of 90% of the Lots or units in the project; AND Construction offices, and all other Structures associated with the development of the property, shall be removed upon completion of construction, the expiration of an unexpired Building permit, or the issuance of a final certificate of occupancy, whichever occurs first.	Such Uses must be located on the same site as the development/construction they are associated with; All Structures shall meet the required Setbacks for the applicable District to the extent practicable given the location of existing Buildings and improvements on the site and the location of permitted construction areas; Such Structures shall not be regularly occupied by anyone except construction or sales personnel; and Under skirting shall be installed around the entire perimeter of the Building or Structure.
Farmer's Market or Seasonal Market	RR, Commercial & Mixed-Use/ Employment /Campus Use	Required	None, site plan to be resubmitted annually	Limit of 2 days per week.
Mobile Vendors (Food Carts/Trucks, Clothing, Veterinary Services, etc.)	All	Required	30 days - may be renewed up to a maximum of 90 days per year	May not be located on a vacant Lot; Such Uses located on a Sidewalk must maintain at least 5 feet of unobstructed pedestrian space; Such Uses located in a Parking Lot shall not impede vehicular circulation; Shall not be provided a temporary power pole; Such Uses shall not operate between the hours of 10 PM and 6 AM; Such Uses must comply with Article VI, Division 2 of the Town Code of Ordinances related to noise; and These conditions may be waived by the Administrator when such Uses are included as part of a larger Temporary Use.

TABLE 3.5-A - TABLE OF TEMPORARY USE PROVISIONS

Temporary Use	Permitted District(s)	Permit Required	Maximum Length of Time per Site and Applicant	Other Conditions
Outdoor Storage of Personal Property (short-term)	All	Not Required	1 week	Excludes junkyards and any construction-related storage; Such Uses shall only be permitted as an Accessory Use; and Such Uses shall meet all applicable Setback requirements, except that portable, modular storage containers designed to be transported by a private moving company may encroach within the Setback area so long as they are located on a private residential Driveway.
Retail Sales (Non Seasonal)	All	Required	90 days per calendar year	A temporary display or sale of goods for commercial purposes shall take place on a developed Lot where the primary Use is retail sales, or on an immediately adjacent developed Lot of such a project; The hours of operation shall be the same as the hours of operation of the primary Use; and No activities of the Use may encroach into or disturb required landscaping or interrupt the provision of emergency services, traffic circulation, and pedestrian movements (permitting a minimum of five (5) feet of Sidewalk clear for pedestrian flow).
Sale of Vehicles at Place of Residence	All	Not Required	No maximum	Vehicles such as automobiles, motorcycles, Recreational Vehicles and other similar vehicles may be sold provided that they are operational and titled to a resident living on the premises; and No more than 2 items may be sold at a time.
Special Event	Commercial/ Mixed-Use/ Employment /Campus & Lots in Permitted Non- Residential Use	Required	3 days at a time, up to 7 times per year	Activities of the special event shall not encroach into or disturb required landscaping or interrupt the provision of emergency services, traffic circulation, and pedestrian movements (permitting a minimum of 5 feet of Sidewalk clear for pedestrian flow); and Those special events located within common areas or Open Space areas shall not be required to obtain a UDO Permit and will not be counted against the maximum number of special events per calendar year.
Storage of Construction Equipment	All	Required	Duration of construction activity	Such Use must be incidental to construction or development occurring on the site. Must be associated with a valid Building permit.

TABLE 3.5-A - TABLE OF TEMPORARY USE PROVISIONS

Temporary Use	Permitted District(s)	Permit Required	Maximum Length of Time per Site and Applicant	Other Conditions
Vendors (Charitable)	All	Not Required	3 days at a time, up to 2 times per year	Vendors shall not be for commercial purposes, only for charitable and fundraising organizations; Vendors shall provide documentation from the Home Owners Association or Owner of the property stating the dates in which the vendor will be present; Temporary food vendors for charity or fundraising purposes may be conducted by a group or individual twice a calendar year within the common Open Space of a recorded, platted residential Subdivision containing a Parking Lot and shall not exceed three consecutive days in duration; and The temporary food vendors for charity or fundraising purposes shall only be conducted during the hours from sunrise to sunset.
Yard/Garage/Porch Sale	All	Not Required	3 days at a time, up to 2 times per year	Only normal household merchandise may be sold; Sale shall only be conducted during the hours from sunrise to sunset; All personal property exhibited outdoors during a sale shall be placed within a Building or Structure or otherwise removed from the premises immediately following the end of the sale; and More than 1 owner may combine a sale onto 1 Lot.
Any Other Use or Event Not Listed	All	Required	To be determined by the Administrator based upon the nature of the proposed Use and any potential adverse impacts to surrounding properties.	

3.6 PERFORMANCE STANDARDS

3.6.1 APPLICABILITY

All Uses shall comply with the following performance standards.

3.6.2 VIBRATION

No primary Use or Accessory Use or activity shall cause earth vibration or concussions that are detectable beyond the Lot lines without the aid of instruments.

3.6.3 POLLUTANTS OR CONTAMINANTS

No primary Use or Accessory Use shall discharge across Lot lines, in the land, water or air, any noxious, toxic or corrosive matter, fumes or gases, or any other pollutants or contaminants that tend to be injurious to human health or welfare, to animal or plant life or to property, or interfering or tending to interfere with the enjoyment of life or property.

3.6.4 ODOR

No primary Use or Accessory Use shall emit across Lot lines odors in such quantities as to be readily detectable at any point along the Lot lines.

3.6.5 NOISE

No primary Use or Accessory Use shall produce noise in such a manner as to annoy, disturb, frighten or otherwise interfere with the use and quiet enjoyment of adjacent properties or be in violation of the Noise Ordinance. Operational or production noise shall be muffled so as not to become detrimental due to intermittence, beat frequency, shrillness or vibration.

3.6.6 HEAT

No primary Use or Accessory Use shall produce heat perceptible from any point beyond the Lot lines.

3.6.7 GLARE

No primary Use or Accessory Use shall produce glare perceptible from any point beyond the Lot lines.





4 OPEN SPACE AND CONSERVATION

4.1 PURPOSE AND INTENT

4.1.1 PURPOSE AND INTENT

In accordance with the provisions of NCGS 160D-702 (b), the requirements of this Chapter are intended to provide for preservation, improvement, and/or enhancement of Open Spaces for recreational amenities, Tree Preservation Areas, public recreation, and natural resource conservation concurrent with land Use and development activity in the Town and its Extraterritorial Jurisdiction. Pursuant to the standards and limitations of this Chapter, new Subdivision and development Projects may be required to provide some or all of the various Open Space and conservation types listed below.

A. On-Site Private Open Space. The Town requires new development Projects (or expansions thereof) and Major Subdivisions to provide On-Site Private Open Space to serve their tenants, residents, and/or patrons. These provisions are intended to conserve Open Space/natural resources and to create private (or semi-private) Park spaces for passive and active recreational Use. Based on the Zoning District and the proposed land Use, On-Site Private Open Space may be required to include a combination of Tree Preservation Areas, Active Recreation Areas, and in some cases, Urban Civic Space; these components are described below. As an alternative method, Conservation Subdivisions may provide On-Site Private Open Space as general conservation land.

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1. **Tree Preservation Areas.** The Town finds that the presence of trees and the protection of the forest canopy: mitigates the effects of climate change; improves air quality; conserves energy; provides wildlife habitat; reduces soil erosion; enhances storm water detention and drainage; assures the presence of healthy, mature vegetation to comply with the landscape requirements of this UDO; and reduces the environmental and visual impacts of development by preserving Specimen Trees, native hardwood forest stands, and ecologically significant landscapes. Tree preservation is required for all Residential Use Districts and certain Commercial & Mixed-Use Districts. The Town's policy is to balance the private property rights of landowners with the public health, safety, and welfare that is promoted by the existence and maintenance of trees in its jurisdiction. The resulting designated Tree Preservation Areas may warrant tree planting (or replanting) of cleared areas to achieve a canopy at maturity.
2. **Active Recreation Areas.** The Town finds that recreational amenities which are near to residents, tenants, and patrons positively contribute to quality of life and increase physical activity which improves public health. Pursuant to the District, new development Projects and Major Subdivisions shall designate a portion of the subject property as Active Recreation Areas that are improved (at the developer's expense) with Parks and/or recreational amenities that serve the Project's occupants. Said areas are normally dedicated to the associated property owners'/homeowners' association for perpetual ownership and maintenance.
3. **Urban Civic Space.** The Town finds that quality commercial, employment, and civic Uses shall include usable outdoor Open Space amenities for community gathering. Based on the Zoning District, new and expansions of commercial & mixed-use and certain employment/campus Use Projects shall provide Urban Civic Spaces concurrent

with development to allow for outdoor gathering areas for tenants and patrons.

- B. **Public Park Land.** The Town finds that new residential Projects shall provide land and/ or a cash payment to off-set their impact on the public Parks system and to maintain the Town's adopted level of service for Parks. New Projects that contain residential Dwelling Units (including all Subdivisions) shall dedicate public Park land and/or provide a payment in lieu (subject to the limitations of Section 4.7) to the Town for the creation and development of public Parks and recreation serving its residents. Public Park Land is required for Projects that contain new residential units in addition to On-Site Private Open Space standards that may be necessary with said Projects.
- C. **Conservation Areas.** The Town finds that conservation buffers and Use restrictions are warranted along riparian corridors, designated greenways, and other critical environmental features to ensure their perpetual ecological and habitat functions. The conservation buffer standards are intended to protect natural resources (including riparian corridors and wetlands), specific watersheds, and areas along major roadway corridors and are intended to mostly remain in their natural state; where applicable, the buffers shall be enhanced with native trees and vegetation. Conservation Areas may be required in addition to On-Site Private Open Space and Public Park Land requirements.

4.1.2

APPLICABILITY

- A. **General.** All Subdivisions and development Projects (i.e., new construction, Building additions, Parking Area expansions, etc.) shall conform to the requirements of this Chapter subject to the exceptions in this subsection.
- B. **Open Space Allowed.** All required Open Space that may be required pursuant to this Chapter shall be considered a permitted Use in all Zoning Districts. On-site Private Open Space and Conservation Areas shall be considered accessory to the development/Subdivision in which they are a part. The following standards may also apply:

1. The Recreation Uses listed in Table 3.2.A – Table of Permitted Uses shall be subject to the UDO-permits, limitations, and review procedures that may be established therein.
2. In addition to the standards herein, Active Recreation Areas, Urban Civic Space and other related Open Space areas are subject to the additional Use provisions outlined in Section 3.3.7 of this UDO.

C. Exemptions.

1. Projects less than 2 acres in size are exempt from the Tree Preservation Area requirements, except as required in the Downtown Village District (Section 4.1.2). The minimum On-Site Private Open Space requirement may be met by providing additional Active Recreation Area, Urban Open Space, or by voluntarily providing Tree Preservation Areas as required by the Chapter.
2. Minor Residential Subdivisions and individual Buildings not a part of a larger Project or Subdivision (e.g., infill Project on previously subdivided Lot) with 4 or fewer units (i.e., Quadruplex/small multi-family Building) are exempt from all On-Site Private Open Space requirements but remain subject to Public Park Land and Conservation Area standards.
3. Downtown Village District – Land Use & Character Plan Exemption. Subdivisions and/or development Projects located within the Downtown Village District Future Land Use category (from the Comprehensive Plan) are subject to the following modified standards:
 - a. Residential Use Districts: Exempt from the On-Site Private Open Space requirements of this Chapter except for Tree Preservation Area requirements as modified by 4.1.2.C.3.b.
 - b. Non-Residential Use Districts: Subject to all On-Site Private Open Space requirements of this Chapter, but subject to the following modified Tree Preservation Area requirements:

- i. The removal of any tree 20 inches or greater diameter at breast height (DBH) must be approved through a Type 1 review procedure or through a Development Plan. The proposed tree removal activities shall not be in conflict with any condition of approval that may have been imposed on the site/development.
- ii. Existing tree canopies shall be prioritized in meeting the minimum On-Site Private Open Space requirements (e.g. required Active Recreation Areas and/or Urban Civic Spaces).

4.2 CONSOLIDATED OPEN SPACE AND CONSERVATION REQUIREMENTS

4.2.1 MINIMUM OPEN SPACE AREA DEDICATION

- A. **Minimum Dedication.** Subdivisions and development Projects shall provide the minimum dedicated areas for On-Site Private Open Space, Public Park Land, and/or Conservation Areas pursuant to Table 4.2-A for each zone unless specifically exempted in subsection 4.1.2.
- B. **Other Standards.** The subsequent sections of this Chapter provide additional requirements for the various Open Space and conservation types (i.e., On-Site Private Open Space, Public Park Land, and Conservation Areas). Those standards are required in addition to those listed in Table 4.2-A.

TABLE 4.2-A – MINIMUM OPEN SPACE REQUIREMENTS BY USE DISTRICT TABLE

	RESIDENTIAL USE DISTRICTS					COMMERCIAL & MIXED-USE DISTRICTS				EMPLOYMENT/CAMPUS USE DISTRICTS			
	RR	SR	NR	NCR	MXR	NMX	DMX	RMX	CB	SP	IVMX	BRT	HI
ON-SITE PRIVATE OPEN SPACE													
Method 1: Standard Projects (N1, N2 & N3)													
Total Minimum Required (% of total Project Area)	30%	30%	30%	15%	15%	12%	1%	15%	15%	10%	1%	3%	3%
<i>The Total Minimum Required Open Space may include a combination of 3 components: Tree Preservation, Active Recreation, and/or Urban Civic Space in accordance with the minimums listed below, as applicable.</i>													
<i>Component 1. Tree Preservation Area (minimum) (N5)</i>	25%	20%	20%	10%	10%	10%	0%	0%	10%	0%	0%	0%	0%
<i>Component 2. Active Recreation Area (minimum) (N5)</i>	0%	5%	5%	5%	5%	0%	0%	2%	2%	0%	0%	2%	2%
<i>Component 3. Urban Civic Space (minimum)</i>	n/a	n/a	n/a	n/a	n/a	200 sf/0.5% (N4)	200 sf/0.5% (N4)	200 sf/0.5% (N4)	200 sf/0.5% (N4)	200 sf/0.5% (N4)	n/a	n/a	n/a
<i>Flexible Space</i>	5%	5%	5%	0%	0%	1.5%	0.5%	12.5%	2.5%	9.5%	0.5%	1%	1%
Method 2: Conservation Subdivision (N6)													
Total Minimum Required (% of net Project Area)	50%	40%	40%	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
<i>The Total Minimum Required Open Space requires Tree Preservation Area in accordance with the minimum listed below. Flexible space may include Active Recreation Area, Urban Civic Space, or additional Tree Preservation Area.</i>													
<i>Component 1. Tree Preservation Area</i>	40%	30%	30%	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
<i>Flexible Space</i>	10%	10%	10%	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
PUBLIC PARK LAND REQUIREMENT (RESIDENTIAL DWELLING UNITS) (N7)													
Public Park Land (required in addition to On-Site Private Open Space minimum)	Refer to Section 4.7 Public Park Land												
CONSERVATION BUFFER AREA REQUIREMENT (WHERE PRESENT)													
Minimum Conservation Buffer Area	Conservation Buffer Areas shall be provided where natural features (such as riparian corridors and designated greenways) exist on the subject Lot pursuant to subsection 4.8 of this Chapter. Required Conservation Buffer Areas may be used to meet portions of On-Site Private Open Space requirements.												
N1	Non-residential Uses located in a Residential Use District shall follow the requirements listed for the NMX District.												
N2	On-site Private Open Space is required for all Major Subdivisions - Residential where the resulting plat/Subdivision action results in 5 or more Lots and Development Plans that include Attached or Apartment Dwellings												
N3	The total minimum required On-site Private Open Space is inclusive of other requirements including Tree Preservation Areas, Conservation Buffer Areas, floodplains, Perimeter Buffers, landscaping, etc.												
N4	Where 2 standards are listed in the table for a specific Use District and Open Space type, the greater standard shall apply. Infrastructure Uses shall not be required to provide Urban Civic Space.												
N5	For Projects that could be considered in multiple Open Space categories, the most stringent requirements shall apply. Infrastructure Uses shall not be required to provide Active Recreation Area.												
N6	Refer to UDO Section 8.5, Subdivision Lot Design Standards for Conservation Subdivision requirements. Total Minimum Required based on net Project Area after removing constrained land areas (slopes more than 35 percent of at least 5,000 sf contiguous area; the 100-year floodplain; bodies of open water; and wetlands).												
N7	Applicant may pay the Town a payment in lieu of providing Public Park Space pursuant to the limits outlined in this table and the standards outlined in Section 4.7.2.												

4.2.2 PRIORITY OF OPEN SPACE

A. Applicants shall prioritize the following land areas, environmental features, and topographic characteristics on the subject site to meet the minimum Tree Preservation and Active Recreational Area components of On-Site Private Open Space and the Public Park Land requirements for the subject development/Subdivision Project.

1. Specimen Trees
2. Mature native tree canopies
3. Riparian areas and uplands adjacent to wetlands outside of required zones
4. Existing tree canopies surrounding designated greenways (as specified in the Comprehensive Plan)
5. Rock outcroppings
6. Natural viewsheds

4.2.3 DEDICATION AND MAINTENANCE

A. **Documentary Assurances.** Where this Chapter (or other provisions of this UDO) requires dedication of Open Space as part of a Development Plan or Subdivision Plan, the applicant shall provide documentary assurance that said lands will be dedicated and maintained by specific entities and in accordance with the associated Development Plan or Subdivision Plan or other applicable Town approval. These documents shall also include a management plan that specifies that the Open Space will be made available to the residents, owners, and users of the Project at a reasonable and non-discriminatory rate of charge prior to obtaining a UDO Permit or Final Plat approval. Documentary assurance may include, but not limited to, notes on a Final Plat, deed materials, or purchase/sales agreements.

B. **Cost and Responsibility.** Unless accepted for dedication or otherwise agreed to by the Town, another unit of government, or a private non-profit land conservancy, the cost and responsibility of maintaining such Open Space and any associated facilities shall be borne by the property owner.

C. **Land Recordation.** Such documentary assurances shall be recorded with the Wake County Register of Deeds or otherwise provided for through legally binding perpetual agreements as approved by Town Council.

D. **Perpetuity Clause.** Such Open Space shall perpetually run with the Project and shall not be developed or separated from the Project at a later date (unless no development of any portion of the Project which is benefited by or required to provide such Open Space has occurred and the entire area of the Project is presented for a new Development Plan or Subdivision Plan approval, the effect of which will be to nullify the prior approval).

E. Maintenance and Alteration.

1. **Plan Compliance.** Required Open Space areas may be modified to improve their appearance, functionality, or overall condition, but only in a manner that complies with the associated Development Plan or Subdivision Plan.

2. **Tree Preservation and Conservation Areas.** Designated Tree Preservation Areas and Conservation Areas (or Buffer) are expected to remain in a natural, undisturbed state (e.g., Tree Preservation Areas, conservation buffers). Routine management, weeding, and pruning are permitted activities.

a. When not specified in the associated Development Plan or Subdivision Plan, the Administrator may authorize the following activities pursuant to a Type 1 Review: reforestation; woodland management; pasture or cropland management; any Buffer Area landscaping; Stream bank protection; and/or wetlands management.

3. **Significant Changes.** Significant changes, modifications, and/or alterations to required Open Space areas are contingent on a Minor or Major Modification approval pursuant to Table 11.4-A and Section 11.4 of this UDO.

4.3 ON-SITE PRIVATE OPEN SPACE STANDARDS

4.3.1 GENERAL STANDARDS AND METHODOLOGY

- A. **General.** The provisions in this section apply to the required On-Site Private Open Space features within the subject development Project/Subdivision. Additional standards and requirements are established for each component in the subsequent sections of this Chapter.
- B. **Minimum Dedication.** All Projects shall provide On-Site Private Open Space within the subject site pursuant to the minimum percentages listed in Table 4.2-A pursuant to Method 1 or 2 based on the type of Project (i.e., Method 1 is applicable to standard Projects, whereas Method 2 is applied to Conservation Subdivisions).
- C. **Calculation Methodology.** The following standards shall be used to calculate the minimum required On-Site Private Open Space areas for new Subdivisions/development Projects.
 - 1. **Site Percentage.** The minimum required On-Site Private Open Space is calculated as the percentage of the total gross site area. Minimum required On-Site Private Open Space is inclusive of other requirements including tree preservation/conservation areas, floodplains, Perimeter Buffers, landscaping, and other natural resources.
 - 2. **Method 1 – Standard Projects.** Each development/Subdivision Project shall provide the “Total Minimum Required” pursuant to Method 1 in Table 4.2-A. For some Use Districts, a proportion of the minimum On-Site Private Open Space shall be provided as a combination of the following components
 - a. Tree Preservation Area,
 - b. Active Recreation Area, and/or
 - c. Urban Civic Space.
 - d. The minimum percentages for each On-Site Private Open Space component shall be provided pursuant to UDO Table 4.2-A.

3. **Method 2 - Conservation Subdivisions.**

For residential Subdivisions that utilize the Town’s Conservation Option, said Project shall provide the “Minimum Open Space” pursuant to Method 2 in Table 4.2-A – for those Subdivisions, the standards for Method 1 do not apply.

D. **Cumulative Calculations and Credits**

Towards Other Requirements. The minimum required On-Site Private Open Space areas may be combined and are inclusive of other conservation/preservation areas pursuant to the allowances and limitations outlined in this Chapter. It is possible that certain Conservation Areas, because they are based on specific locational criteria (i.e., along creeks and Streams) and not a minimum area, may exceed the minimum On-Site Private Open Space requirements of Table 4.2-A. Conservation and Tree Preservation Areas may also be counted towards the requirements for Chapter 5, Landscaping (e.g., Parking Lot landscaping, Perimeter Buffers).

E. **Waterways and Water Bodies.**

Floodplains, floodways, wetlands, farm ponds, etc. may be credited towards the general Open Space requirements but may not be used to meet the minimum Active Recreational Area components.

4.3.2 CONSIDERATION OF UTILITY AREAS

Utility areas may be considered eligible for contribution to the required On-Site Private Open Space only after all other priority areas have been considered as outlined in subsection 4.2.2 except as noted below:

- A. Above-ground utility easements and Rights-of-Way are ineligible regardless of whether the above ground facilities are in place.
- B. Utility easements and rights-of way for below-ground utilities may be utilized only for those areas where the easement-holder or owner permits public access and/or usage (e.g., trail crossing, recreational field)
- C. Up to 50% of a Stormwater Control Measures (SCMs) may be eligible subject to the following conditions:

1. It is designed for dry weather usage (e.g., dry detention areas) as fields or other active recreation activities; or,
2. The SCM includes 1 or more of the following recreation-related design elements.
 - a. A trail for walking or jogging along the SCM a minimum of 50% of the perimeter length of the SCM; or,
 - b. 1 bench for every 50 linear feet of perimeter length of the SCM; or,
 - c. A decorative water feature, such as aeration or fountain fixture; or,
 - d. A fishing dock/pier; or,
 - e. A minimum of 2 educational signs explaining the function and benefits of the SCM. The minimum Sign Surface Area shall be 6 square feet and the maximum height shall be 4 feet; and,
3. The project is not located within the Conservation Neighborhood Future Land Use category from the Comprehensive Plan.

4.3.3 GENERAL DESIGN STANDARDS

A. Access. Any required On-Site Private Open Space shall be designed and located to be accessible to all residents, owners and users within the Project, and their guests, by way of a Sidewalk, private greenway, and/or multiuse trail. As applicable, the maintenance entity (e.g., homeowners association or conservation entity) may install signage and physical barriers to restrict access in portions of the Open Space lands to protect trees and natural resources.

B. Perimeter Landscaping Required. All required On-Site Private Open Space areas shall include perimeter landscaping pursuant to the following:

1. **All Open Spaces except Tree Preservation Areas, Parkways and Greenbelts.** A Type A Perimeter Buffer is required. The associated landscaping plan shall incorporate existing mature trees.
2. **Tree Preservation Area, Parkways and Greenbelts:** These areas shall be maintained in their natural, vegetative state or enhanced with landscape materials to comply with a Type B Buffer.

3. Existing trees and vegetation may be used to meet these landscaping requirements.

C. Permitted Open Space Configurations. The applicant shall provide and improve (as applicable) the land dedicated to meet the Project's minimum On-Site Private Open Space requirements, pursuant as 1 or more of the configurations listed in Table 4.3-A – Types of Permitted Open Space Configurations below.

TABLE 4.3-A – TYPES OF PERMITTED OPEN SPACE CONFIGURATIONS TABLE

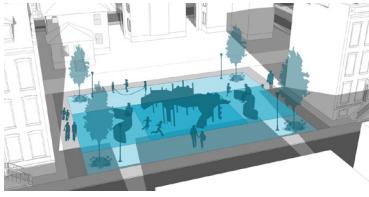
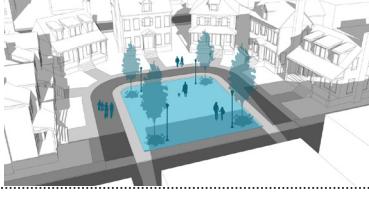
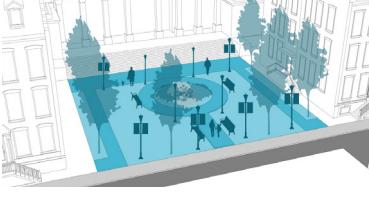
Open Space Type	Illustration	Recommended Size	Description & Key Features	Typical Facilities & Requirements
Mini-Park		Min: 2,000 sq. ft. Max: None	Mini-Parks are small spaces typically designed for small-scale passive recreation (e.g., courtyard seating) and active recreation (e.g., playgrounds).	Playgrounds may be fenced and shall be equipped with playground equipment and/or fountain/splash pad, seating, and an open shelter or other shading structure.
Close		Min: 2,500 sq. ft. Max: None	Closes are alternatives to a paved Cul-de-Sac that are available for informal activities near the fronting residences.	Courtyards are spaces with more than 50% of its perimeter defined by Building edges that is available for informal activities and seating. Courtyards are usually paved.
Plaza		Min: 2,000 sq. ft. Max: 2 acres	A Plaza shall be located adjacent to or as a part of a civic Building or common area facility developed as a Project amenity and shall be spatially defined by Building frontages. A Plaza shall not exceed in horizontal length or width more than 3 times the height of adjacent Buildings.	It shall maintain all surface areas at a slope of less than 3% and may include passive recreation, Accessory Structure, drinking fountains, paths and trails, seating, primary surfaces with brick or other paver materials. Surface areas may be stepped, in a manner approved as being appropriate and necessary to accommodate natural topography.
Square		Min: 2,000 sq. ft. Max: 2 acres	A Square is a defined space available for civic purposes, unstructured, and limited amounts of Structured recreation. Squares are generally spatially defined by Building frontages and located at the intersection of important Streets.	Passive and active unstructured or Structured recreation, Accessory Structure, drinking fountains, community facility <5,000 gross square feet, paths and trails, seating. It may be surfaced in any combination of grass, crushed gravel, brick pavers, or other suitable ground cover.

TABLE 4.3-A – TYPES OF PERMITTED OPEN SPACE CONFIGURATIONS TABLE

Open Space Type	Illustration	Recommended Size	Description & Key Features	Typical Facilities & Requirements
Green		Min: 2,000 sq. ft. Max: 5 acres	Greens are informal spaces typically sited to preserve key natural features and may include passive and limited active recreational amenities.	Passive and active unstructured or Structured recreation, Accessory Structure, drinking fountains, community facility <5,000 gross square feet, paths and trails, seating. The surface is predominately grass or other natural ground cover and tree stand areas.
Park		Min: 1 Acre Max: None	Parks are available for unstructured recreation and a limited amount of Structured recreation including some athletic fields.	Facilities may include, but not be limited to, such passive recreational Use amenities as benches, picnic tables, paths and trails, drinking fountains, Gazebos, playground, stages or band stands as well as active recreational Uses such as athletic fields and their related facilities.
Parkway		Min: 1 acre Max: None	Parkways are areas that share more than 25% of their perimeter along a Street with a minimum depth of 50 feet from the back of curb / edge of pavement. Parkway shall retain, to the greatest extent possible, natural or pre-existing contours, topography, water courses and vegetation.	Parkways often contain trails. If the Parkway is sparsely vegetated, it shall be provided with supplemental interior landscaping of an informal design.
Greenbelt		Min: 20 feet in width	Greenbelts are generally conservation areas that shall retain, to the greatest extent possible, natural or pre-existing contours, topography, water courses and vegetation.	Passive and active recreation, greenways, trails, and seating.

4.4 TREE PRESERVATION AREAS

- A. Applicability.** The provisions in this section apply to all Tree Preservation Areas that may be required for the subject development/Subdivision Project pursuant to Table 4.2-A.
- B. Designation.** The applicant shall designate the minimum Tree Preservation Areas on the subject site as part of the associated Development Plan or Subdivision Plan process. Tree Preservation Areas shall be selected based on the priorities list in subsection 4.4.1. For previously cleared sites or properties that have tree canopy areas that are below the minimum required Tree Preservation Area requirements, the applicant may designate land that will be replanted/reforested to comply with the minimum site percentage.
- C. Permitted Passive Recreational Elements.** Land tracts/parcels designated as Tree Preservation Areas may allow passive recreational elements such as trails, pathways, and gathering areas. Paved surfaces should be minimized and generally located outside the drip line of any specimen and/or protected tree; whereas, the Administrator may allow exceptions to meet Americans with Disabilities (ADA) accessibility standards.
- D. Location Priority.** Where practicable, each Tree Preservation Area shall be located amongst existing tree canopies and along other natural corridors. Said areas shall be safely accessible to its intended population/users in terms of access points and pathways.
- E. Tree Preservation Exemptions.** The following activities are exempt from the tree preservation standards of this Chapter:
 - 1. The removal of dead or naturally-fallen trees, as verified by a Certified Arborist, Registered Landscape Architect or Registered Forester; or
 - 2. The removal of trees that pose an imminent threat of falling onto an existing Structure, are so close to an existing Structure as to endanger the stability of the Structure, or otherwise create on-going safety problems for existing development, as verified by a

- Certified Arborist, Registered Landscape Architect or Registered Forester; or
- 3. The removal of diseased trees posing a threat to adjacent trees, as verified by a Certified Arborist, Registered Landscape Architect or Registered Forester; or
- 4. The removal of invasive species of trees, provided the removal results in the complete removal of the trees (including roots), as verified by a Certified Arborist, Registered Landscape Architect or Registered Forester; or
- 5. The selective and limited removal of trees or vegetation necessary to obtain clear visibility within intersection sight distance regulations of this UDO; or
- 6. The removal of trees that the Administrator or designee determines to be a hazard to traffic or to interfere with the provision of utility lines or public services; or
- 7. The removal of trees as necessary for rescue in an emergency; or
- 8. The removal or replacement of trees outside of an approved Tree Preservation Area or not required by an approved landscape plan; or
- 9. Tree removal associated with normal forestry activity that is conducted on land taxed on the basis of its present-use value as forestland pursuant to NCGS Chapter 105, Article 12, in accordance with a forest management plan prepared or approved by a forester registered in accordance with NCGS Chapter 89B, or not required by an approved landscape plan.

4.4.1 TREE PRESERVATION PRIORITIES

In establishing Tree Preservation Areas, the applicant shall prioritize the site's tree-related features listed in this subsection in the order that follows:

- A. Specimen Tree Preservation.** The applicant shall prioritize designated Tree Preservation Areas around existing Specimen Trees that may exist on the site. Trees that qualify as Specimen Trees are in good health and not showing signs of disease, insect infestation or decay and:
 - 1. Are over 30 inches DBH for Pine species; or

- 2. Are over 24 inches DBH for non-Pine species; or
- 3. For other unique or rare tree species: (1) Flowering Dogwood – over 3 inches DBH; (2) Eastern Redbud – over 3 inches DBH; (3) Longleaf Pine – over 12 inches DBH.
- 4. **Critical Root Zone.** An area equivalent to 2 times the area of the estimated critical root zone of the Specimen Tree may be credited towards the minimum Tree Preservation Area.

B. Significant Tree Stands. The applicant shall prioritize designated Tree Preservation Areas around existing significant tree standards that may exist on the site.

1. **Significant Tree Stand Qualification.** To qualify as a significant tree stand, the Tree Preservation Area must be an area within a contiguous wooded area of at least 10,000 square feet as measured by contiguous hardwood canopy coverage.
2. **Size and Variety.** Significant tree stands must contain mature hardwood forest consisting of greater than 25% hardwood trees native to the region over 20 years old or greater than 10 inches diameter to indicate mature trees.

C. Significant Natural Resource Areas. The applicant shall also prioritize designated Tree Preservation Areas around existing significant natural resource areas that may exist on the site. To qualify as a significant natural resource area, the Project Area must have an observed presence of species of special concern, threatened or endangered species as determined by the North Carolina Wildlife Resources Commission (NCWRC) and North Carolina Plant Conservation Program (NCPCP), or other important ecological or geologic features. Significant Natural Resource Areas may or may not include trees. The following qualifications apply to specific natural resource features:

1. **Riparian Corridors and Jurisdictional and Non-jurisdictional Wetlands.** Delineated wetland/Stream and/or Riparian Buffer Areas otherwise referenced in Section 4.4. may constitute “Natural Resources.”

Conservation Buffer Areas of this UDO may be counted toward the Tree Preservation Area requirement.

2. **Endangered Species Habitat.** Endangered species habitat, as delineated by state and federal agencies for environmental permitting, may constitute “Natural Resources” for the purposes of tree preservation.
3. **Sufficient/Critical Habitat.** Sufficient habitat of State listed wildlife species or federally listed plants may constitute “Natural Resources” for the purposes of tree preservation and includes species designed as Endangered, Threatened, or Special Concern. Said areas shall be as determined by the qualified biologist.
- D. Supplemental Undisturbed Perimeter Buffers.** The applicant may designate Tree Preservation Areas around existing undisturbed Perimeter Buffers that may exist on the site – these areas shall be prioritized where no Specimen Trees, significant tree stands, and/or significant natural resources exist on the site OR when these other features have been designated for protection but the Project necessitates additional designated land areas to meet the minimum Tree Preservation Area of the zone.
 1. **Qualifications.** Where Perimeter Buffers or other Buffer Areas are required, Tree Preservation Area credit may be granted for the full amount provided qualifying vegetation is present.
 2. **Preservation Standards.** Preserved vegetation contains hardwood species, with a mixture of hardwood and evergreen species throughout the Perimeter Buffer.
 3. **Utility Easements.** Utility easement areas that have been cleared of its original trees/vegetation may not be credited towards the minimum Tree Preservation Area.

4.4.2

TREE INVENTORY

A. Preparation of the Tree Inventory. To establish a Tree Preservation Area as required pursuant to Table 4.2-A, the applicant shall provide a tree inventory that is prepared by a Certified Arborist,

Registered Forester, Registered Landscape Architect, or other qualified professional approved by the Administrator and submitted as part of the applicable UDO Application/Permit.

B. Contents of the Tree Inventory. The tree inventory is used to clearly delineate areas of existing tree canopy coverage as well as the location and size of individual Specimen Trees on the site prior to permit approval and development activity. The tree inventory shall contain the following information:

1. **Aerial Photograph(s).** The applicant shall provide the latest available aerial photograph of the Project Area with the Project boundary and at an identifiable scale. All Specimen Trees and tree canopy types must be identified on the aerial photograph; and
2. The applicant must also submit a Sample Area Survey which complies with the following:
 - a. A Sample Area Survey shall include a detailed survey of all trees and other vegetation existing in a twenty foot (20') radius sample area of each tree canopy type found on the site and the location of the sample area.
 - b. A Certified Arborist, Registered Landscape Architect or Registered Forester shall certify that sample areas are representative of the various canopy types found on the site.

4.4.3 TREE PRESERVATION AREA STANDARDS

A. Species Variety and Health. The required Tree Preservation Areas must contain, as determined by the tree inventory, a mixture of healthy and useful canopy and understory trees. Canopy tree species must be predominantly 2.5 inches DBH and a minimum of 12 feet in height.

1. **Replanting Requirements.** For designated Tree Preservation Areas on the site which are devoid of mature tree stands, the developer shall install trees/plantings in a manner that achieves (or exceeds) the ratios listed in subsection 4.4.3.A at maturity.

B. Continuous Canopy. Tree Preservation Areas shall, where possible, be designed as single, contiguous canopy units. Where practicable, Tree Preservation Areas shall also be connected within a Lot and/or between adjacent Lots to create habitat corridors.

C. Critical Root Zone Protection. Applicants (or responsible parties) shall protect the trees' critical root zones during site construction activities with protective fencing and pursuant to the following based on tree size:

1. Up to 8 inches DBH - 12 feet
2. 8-12 inches DBH - 18 feet
3. 12-16 inches DBH - 24 feet
4. Greater than 16 inches DBH - 30 feet

4.4.4 FLEXIBILITY OPTIONS FOR TREE PRESERVATION

A. Allowance. Applicants may seek design flexibility to the required Tree Preservation Area requirements from the decision-making body (as part of the associated UDO Application/Permit and pursuant to Table 11.4-A of this UDO) to encourage innovative tree preservation solutions capable of enhancing the natural form of a Project. Design flexibility may be applied to the location, site elements, and land configuration standards herein where the applicant demonstrates that an alternative design achieves a greater public benefit that would not otherwise be possible through the strict application of said standards.

B. Historical Forested Areas. If priorities A-D of this section cannot achieve the minimum Tree Preservation Area, the applicant may only designate portions of the site that once supported native forests as a Tree Preservation Area to meet the minimum tree preservation requirements of Table 4.2-A under the following conditions.

1. **Limitation.** Historical forested areas should be prioritized over other cleared areas of the site where no Specimen Trees, significant tree stands, and/or significant natural resources exist OR where those features have been designated for protection, but the cumulative areas of those features do not otherwise meet the minimum protection requirements

of Table 4.2-A for said development/Subdivision Project.

2. Replanting Requirement. Where these areas are designated as a Tree Preservation Area, the land shall be replanted/reforested to comply with the standards listed in subsection 4.4.3.A.1.

C. Findings. The decision-making body may grant design flexibility to the required tree preservation requirements herein upon making the following findings:

1. The proposed development represents an innovative solution for tree preservation, which will enhance the Use or value of area properties beyond the enhancement that would otherwise occur under the strict application of the required tree preservation requirements; and,
2. The strict application of the terms of the required tree preservation requirements represents an unusual or unnecessary hardship when applied to the proposed development; and,
3. The granting of design flexibility will not cause negative impacts on the environment; and,
4. The proposed development is consistent with the intent of the Comprehensive Plan; and,
5. The proposed development is consistent with the intent and purpose of this UDO.

4.4.5 REMOVAL OF PROTECTED TREES

A. Removal Allowances. Applicants (or applicable parties) may only remove a tree credited to a Tree Preservation Area pursuant to the provisions of this subsection.

B. Tree Replacement Standards. When a tree credited to a Tree Preservation Area is removed from the site, or dies before or within 1 year following construction or the issuance or the final Certificate of Occupancy for the Project, the owner (or applicable party) shall replace as follows:

1. The replacement tree shall be of a native species planted at least 30 feet from the trunk of any other tree;
2. The replacement tree(s) shall result in an equivalent or greater number of tree caliper inches of the tree removed; and
3. The minimum replacement tree size shall be a 3 inch caliper.

C. Penalties for Unauthorized Tree Removal. The Administrator may apply the following penalties where an applicant/owner removes trees that are otherwise protected pursuant to this section and/or has been protected through a Subdivision/land Use/development permit.

- 1. Stop Work Order.** The Administrator may issue a stop work order which shall be served on the applicant/owner, or other responsible person.
- 2. Withhold Certificate of Occupancy.** The Administrator may withhold a Certificate of Occupancy for the Building or other improvements constructed or being constructed on the site until the applicant/owner, or other responsible person has taken the remedial measures set forth in the notice.
- 3. Fines.** For unauthorized removal of protected trees associated with any Project, the following fines shall apply to the property owner:
 - a. Flat Fine.** The Administrator shall issue a flat civil penalty of \$2,000 for each innocent of unauthorized protected tree removal.
 - b. Tree Fine.** In addition to the flat fine, the Administrator shall issue a fine of \$100 per caliper inch for removed vegetation if not replaced on site.
- 4. Permit/Plan Denial.** The Administrator may deny Building permits and/or UDO Permits for the subject property until all fines are paid pursuant to 4.4.4.C.3.

D. Removal of Penalties. At its sole discretion, the Town Council may authorize the Administrator to remove/reduce any pending penalties where the subject property has been sold/transferred to a non-related individual or business entity, a government agency, or non-profit organization. Under those circumstances, the Town Council may impose certain conditions in exchange

for removing/reducing said penalties (e.g., tree replacement/replanting of the subject areas, reduced fines, completion dates and milestones, etc.)

E. Code Circumvention. Clear-cutting of a site to circumvent the requirements of this section is prohibited. Claiming/using the forestry exemption in subsection 4.4.E, to remove all or substantially all of the trees that would have been protected by this Section is a prohibited activity.

4.5 ACTIVE RECREATIONAL AREAS

A. Applicability. The provisions in this section apply to all Active Recreational Areas that may be required for the subject development/Subdivision Project pursuant to Table 4.2-A.

B. Designation. The applicant shall designate the minimum Active Recreation Area on the subject site as part of the Development Plan or Subdivision Plan.

C. Final Plat/Certificate of Occupancy. The Town shall withhold any approval including but not limited to Final Plat approval or Certificate of Occupancy until such time as all active Recreation Areas required by this ordinance or otherwise approved and shown on a Development Plan or Subdivision Plan have been constructed or the applicant has posted Construction Guarantees for the required improvements of such active Recreation Areas in accordance with Chapter 11.14.

D. Minimum Recreational Elements. Required Active Recreation Areas shall include the following elements:

1. **Tot Lots.** In Residential Use Districts, at least 15% of the required Active Recreational Areas shall include tot lot elements (i.e., areas equipped with imaginative play apparatus oriented to children as well as seating accommodations for adults). Tot lots are not required for age-restricted residential Projects that are deed restricted to only allow residents 55-years of age or older.
2. **Other Elements.** All required Active Recreational Areas shall include 1 or more of the following recreational elements:

athletic fields; outdoor courts; indoor courts; Swimming Pools; greenway trails; exercise rooms; meeting or activity rooms within clubhouses; Community Gardens; tot lots; and/or a play apparatus.

E. General Design Standards. Required Active Recreational Areas shall be subject to the following general design standards.

1. **Location Priority.** Each Active Recreational Area shall be centrally located and safely accessible to its intended population/users in terms of access points and orientation.
2. **Land Suitability.** Each Active Recreational Area shall be constructed on land that is relatively flat, free of routine flooding, and capable of serving the intended purposes of this section.
3. **Configurations.** Active Recreational Areas shall be designed and constructed to coincide with the applicable Open Space Configurations listed in Table 4.3-A in the previous subsection. Applicants may request minor design and size flexibility as an Administrative Adjustment pursuant to Chapter 11 of this UDO.
4. **Perimeter Landscaping Required.** All required On-Site Private Open Space areas shall include perimeter landscaping pursuant to the following:
 - a. All Open Spaces except Parkways and Greenbelts. A Type A Perimeter Buffer is required. The associated landscaping plan shall incorporate existing mature trees.
 - b. Parkways and Greenbelts. These areas shall be maintained in their natural, vegetative state or enhanced with landscape materials to comply with a Type B Buffer.
 - c. Existing trees and vegetation may be used to meet these landscaping requirements

F. Swimming Pools. Swimming Pools constructed in Active Recreation Areas shall be subject to the following additional standards:

1. A fence of at least 5 and no more than 6 feet in height above Grade shall enclose the

Swimming Pool, including but not limited to Decks, Patios and Walkway.

2. All pool facilities shall be Setback a minimum of 100 feet from all Thoroughfares.
3. The facility shall be placed in an area that is convenient to all homes in the neighborhood, preferably within walking distance or via a short bicycle ride.

G. Community Garden. Where established and operated on in an Active Recreation Area, a private Lot (with the owner's written permission), common area, or public parcel that is used primarily for growing and harvesting food and ornamental crops, for consumption, donation or for sale shall be subject to the following standards:

1. **Minimum Standards.** Community Gardens shall provide the following.
 - a. Wood or decorative fences not exceeding 4 feet in height around their perimeter.
 - b. An irrigation source.
2. **Abandonment.** The Community Garden shall be deemed abandoned by the Administrator after 12 months of non-continuous Use if upon inspection of the Community Garden it is deemed overgrown with invasive plants or weeds. If such Community Garden is declared abandoned, the Community Garden shall be converted and maintained as grassed fields by the homeowner's association, property owner's association, or other entity that holds maintenance responsibility of the Community Garden.

4.6 URBAN CIVIC SPACE

A. Applicability. The provisions in this section apply to all Urban Civic Spaces that may be required for the subject development Project pursuant to Table 4.2-A.

B. Designation. The applicant shall designate the minimum Urban Civic Space on the subject site as part of the Development Plan or Subdivision Plan.

C. Minimum Elements. Required Urban Civic Spaces shall include at least two of the following elements: Patio/Plaza space, shelter Structures, benches, tables, landscaped planters, gardens, and/or a play apparatus.

D. General Design Standards. Required Urban Civic Spaces shall be subject to the following general design standards.

1. **Location Priority.** Each Urban Civic Space shall be oriented along a Public Right-of-Way, a main entrance, and/or public Open Space area.
2. **Lighting.** Each Urban Civic Space shall include lighting that illuminates at least half of the space but does not directly cast light onto adjacent properties.
3. **Configurations.** Urban Civic Spaces shall be designed and constructed to coincide with the applicable Open Space Configurations listed in Table 4.3-A in the previous subsection. Applicants may request minor design and size flexibility as an Administrative Adjustment pursuant to Chapter 11 of this UDO.

4.7 PUBLIC PARK LAND

4.7.1 GENERAL STANDARDS & CRITERIA

A. Requirement. Development Projects and Subdivision activities that would result in additional residential Dwelling Units shall provide Public Park Land pursuant to Table 4.7-A and a fee-in-lieu of Improvement Cost pursuant to Table 4.7-C based on the resulting residential Dwelling Units. The applicant may provide its required Public Park Land pursuant to 1 or more of the following options.

1. The applicant may dedicate a portion of the Project site for Public Park Land;
2. The applicant may dedicate other lands (separate from the Project site) for Public Park Land; and/or,
3. The applicant may provide a fee-in-lieu of dedicating physical land to the Town pursuant to Table 4.7-B.

B. Criteria for Land Dedication. All land dedicated to the Town for Public Park Land shall substantially meet the following criteria:

1. **Unit.** The dedicated land shall form a single parcel of land except where the decision-making body determines that multiple parcels would be in the public interest.
2. **Shape.** The shape of the dedicated land shall be sufficiently square or configured to be usable for recreational activities.
3. **Location.** Location should support the Uses specified in the Park Search Area recommendations of the Comprehensive Plan.
4. **Access.** Public Access to the dedicated land shall be provided either by direct Street Frontage or public easement at least 30 feet in width.
5. **Topography.** Generally, dedicated land reserved for Public Park Land shall not exceed a 5% slope for the majority of the land area. The decision-making body may allow for larger slopes where the decision-making body determines the land has recreational value and would meet existing deficiencies in the adopted level of service in the immediate vicinity.
6. **Usableness.** The dedicated land shall be usable for recreation. Lakes and wetlands should not be included in computed dedicated land area.
7. **Plans.** Town and County plans shall be taken into consideration when evaluating proposals for the dedication of land for Public Park Land purposes.

C. Criteria for Fee-in-Lieu. Applicants may provide a fee-in-lieu to the Town for all or portions of the required Public Park Land pursuant to Table 4.7-B. The fee-in-lieu option may be allowed in the following situations:

1. The site topography is not suitable for parkland Use which may include excessive slopes of 5% or greater, devoid of mature tree canopies, specimen trees, and/or solely contains riparian areas and wetlands.
2. The site has topographic features that make publicly accessible parkland impractical.
3. The fee-in-lieu option would provide a greater public benefit in the general site vicinity that could be achieved on the subject site.
4. The immediate vicinity is currently well-served by Public Park Lands and the area exceeds the Town's adopted level of service for Parks and recreation.
5. The proposed development/Subdivision involves fewer than 35 Lots or Dwelling Units.

D. Criteria for Choice Between Land Dedication and Fee-in-Lieu.

1. Whether the Town Council accepts the dedication of land or elects to require payment of a fee-in-lieu thereof, or a combination of both, shall be determined by but not limited to the following:
 - a. An adopted plan of the Town;
 - b. The recommendations of the Planning Board;
 - c. Topography, geology, access and location of land available for dedication; and,
 - d. Size and shape of the land available for dedication.
2. The determination of the Town Council as to whether land shall be dedicated or whether a fee-in-lieu should be charged, or a combination of both, shall be final and conclusive. In development/Subdivision Projects involving fewer than 35 Lots or Dwelling Units, only the payment of fees-in-lieu shall be required.

4.7.2

PUBLIC PARK LAND DEDICATION OR FEE-IN-LIEU CALCULATION.

A.

Calculation Method.

1. **Public Park Land Dedication.** Where it is determined that Public Park Land dedication is appropriate to satisfy the requirements of this UDO, the amount of the Public Park Land to be dedicated shall be calculated as follows:

Table 4.7-A - Public Park Land Dedication Calculation

Number of Dwelling Units (by Residential Use)	X	Required Acres/Unit	=	Total Public Park Land
<hr/>				
Residential Uses		Required Acres/Unit		
Detached Dwelling (except Detached Dwelling – Cottage)		0.0363		
Attached Dwelling - Townhome				
Detached Dwelling - Cottage				
Attached Dwelling (except Attached Dwelling - Townhome)		0.0163		
Apartment Dwelling				

2. Fee-in-Lieu. Where it is determined that a fee-in-lieu is appropriate to satisfy the requirements of this UDO, the amount of the Public Park fee-in-lieu shall be calculated as follows:

Table 4.7-B - Fee-in-Lieu of Public Park Land Dedication Calculation

Total Public Park Land Dedication Required (acres) (N1)	X	Land Value per acre (N2)	=	Total Fee-in-Lieu of Public Park Land Dedication
<hr/>				
Notes:				
N1: Refer to Table 4.7-A				
N2: Applicant shall provide the pre-development appraised land value of the land prior to development Project/Subdivision activity or site construction pursuant to the most current property records from the Wake County Assessor.				

3. Improvement Cost. In addition to the Public Park Land dedication and/or fee-in-lieu requirement, a fee-in-lieu of improvement cost shall be required and shall be calculated as follows:

Table 4.7-C – Improvement Cost Calculation

Total Public Park Land Dedication Required (acres) (N1)	X	\$41,394	=	Total Improvement Cost
<hr/>				
Notes:				
N1: Refer to Table 4.7-A				

B. Disagreements.

1. Public Park Land Dedication.

- In the event that the Town and the applicant or Subdivider of land cannot agree upon the location, terrain, size or shape of the land necessary to be dedicated for Public Park Land, or cannot agree upon the details of provisions for an equitable amount of land in another location or where there is disagreement between the Town and the applicant or Subdivider, such disagreement shall be determined by a special committee.

- Such special committee shall consist of 3 members appointed as follows: 1 member shall be a professional land appraiser appointed by the Town Council; 1 member shall be a professional land appraiser appointed by the Subdivider; and, 1 member shall be a professional land appraiser appointed by the 2 appointed members. The special committee shall view the land and hear the contentions of both the Town and the Subdivider. The findings of the special committee shall be by majority vote and shall be certified to the Town Council within 45 days of the time of appointment of the third member of the special committee. The costs of the professional land appraiser appointed by the Subdivider and 1/2 the cost of the professional land appraiser appointed by the appraisers shall be borne by the Subdivider. The costs of the professional land appraiser appointed by the Town Council and 1/2 the cost of the professional land appraiser appointed by the appraisers shall be borne by the Town Council.

2. Fee-in-Lieu.

- Any disagreement in the amount of required fee-in-lieu shall be resolved by conducting a professional appraisal of the fair market value of the property. The professional appraiser shall be mutually

agreed upon by the applicant and the Town. An appraiser shall be appointed by the Town, at the applicant's expense, should an agreement not be reached.

C. Timing. Land shall be dedicated or a fee-in-lieu shall be remitted to the Town pursuant to the following Project milestones:

1. For Detached and Attached Dwellings, land shall be dedicated or a fee-in-lieu shall be made on or before the submittal date for approval of the Final Plat mylar for signatures to be recorded with the Wake County Register of Deeds, in the amount per Dwelling Unit as required pursuant to Section 4.7.2.
2. For Apartment Dwellings, land shall be dedicated or a fee-in-lieu shall be made prior to the issuance of a Building permit, in the amount per Dwelling Unit as required pursuant to Section 4.7.2.

4.7.3 USE OF LAND BY TOWN; USE OF FEES RECEIVED IN-LIEU OF DEDICATION.

A. The land received by the Town under this Section shall be Used only for the purpose of providing Public Park Land and Park and recreational areas, but shall not be so restricted should the Town decide to sell such land as provided by the following:

1. The Town shall have the right to sell any land dedicated to the Town for Public Park Land or Parks and recreation purposes on finding by the Town Council and the Administrator that a particular piece of property is not feasible or compatible with adopted plans of the Town.
2. Fees collected in-lieu of dedications and any proceeds from such transactions or sales shall be held in a special fund by the Town, and the funds shall be Used by the Town for the purpose of acquiring and developing Public Park Land as shown on the Comprehensive Plan and for no other purpose. The depository for such funds may be the same as permitted for other funds of the Town and, pending their expenditure in accordance with the terms of this Section, such funds may

be invested as other funds of the Town. The Town may, at its discretion, add additional monies to the fund for the purpose of purchasing Public Park Land to be Used for public recreational purposes. On all matters not specifically provided for in this Section, the Local Government Budget and Fiscal Control Act shall be controlling.

B. Service Zones.

1. **West Zone.** When Public Park Land is dedicated and/or fees-in-lieu are collected for Development Projects and Subdivision activities west of NC 55, such land and or fees shall be used for the purpose of providing Public Park Land and Park and recreational areas west of NC 55.
2. **East Zone.** When Public Park Land is dedicated and/or fees-in-lieu are collected for Development Projects and Subdivision activities east of NC 55, such land and or fees shall be used for the purpose of providing Public Park Land and Park and recreational areas east of NC 55.
3. When Public Park Land is dedicated and/or fees-in-lieu are collected for Development Projects and Subdivision activities in close proximity to NC 55, the Town shall have the discretion to determine if acquiring land across the service areas would better align with the established park search areas, and other projects that the Town plans to construct in the future, as outlined in the Vision Holly Springs Comprehensive Plan.

4.8 CONSERVATION BUFFER AREAS

4.8.1 REQUIRED CONSERVATION BUFFER AREAS

Conservation Buffer Areas Required.

Applicants shall provide Conservation Buffer Areas where the following conditions/natural features exist on or adjacent to the subject property. These may contribute to the landscaping requirements listed in Chapter 5 – Landscaping of this UDO.

1. Thoroughfare Conservation Buffers.

Conservation Buffer Areas shall be

established and maintained in development/Subdivision Projects which abut the Right-of-Way of NC 540, US 1, or NC 55.

To recognize the intended future urban character of specific areas of the Town, Thoroughfare Conservation Buffers are not required for properties located within the Downtown Village District (from the Comprehensive Plan).

2. Riparian Conservation Buffers.

Conservation Buffers shall be established and maintained in development/Subdivision Projects that contain and/or abut any drainage way, water body and watercourse, or riparian corridors. Certain watersheds have unique buffer standards that coincide with the habitat function and state/federal conservation standards.

B. Identification of Buffer Areas. Applicants shall clearly identify, delineate, and label Conservation Buffer Areas on all Construction Drawings, Final Plats, Development Plans, or any relevant documentation submitted for a UDO Application/Permit.

C. Regulation. When Conservation Buffer Areas are required, said areas/buffers shall be subject to the following regulations:

1. Ownership and Management Entities.

All required Conservation Buffer Areas shall be either:

- Deeded to the property owners' association (or equivalent thereof) for maintenance as provided for in the covenants and restrictions for the Project or Subdivision; or,
- Covered by appropriate documentary assurances acceptable to the Town Council to provide for continual maintenance and which includes a clear description of the ownership and maintenance responsibilities for such Buffer Areas.

2. Subdivision/Plat Notes. Whenever a Perimeter Buffer or greenbelt is required to be set aside as a Conservation Buffer Area, the Final Plat or other legally binding

instrument shall include a statement that plant materials within such Conservation Buffer Areas shall not be removed unless dead, diseased, threatens to become a danger to human life or property, or with the exceptions stated at the beginning of this chapter.

3. Locational Standards/Allowances.

Required Conservation Buffer Areas shall be subject to the following locational standards based on the Zoning District:

- For properties within the RR, SR, and/or NR Districts, the required Conservation Buffer Area shall be located in a separate tract (or equivalent thereof) and not established as part of an individual residential/development Lot.
- For properties within the NCR, MXR, any Commercial & Mixed-use District, or any Employment/Campus Use District may either:
 - Be part of a common area tract (or equivalent thereof) separate from a Lot; or,
 - Be part of a Lot. In this situation, the associated construction plans shall specify the location and associated restriction for said areas.

4.8.2 MAINTENANCE OF CONSERVATION BUFFER AREAS

Notwithstanding anything in this UDO to the contrary, if any portion of a Lot is required by this chapter to be a Conservation Buffer Area, the following regulations shall apply:

A. Residential Use Districts.

- Any Conservation Buffer Area or landscape easement located on a Lot adjacent to a perimeter Street or a boundary of a Subdivision as established by the Development Plan or Subdivision Plan pursuant to the requirements of this Chapter of the UDO, shall be maintained by the owner of the Lot at all times in compliance with the requirements established by the Development Plan or Subdivision Plan or this chapter, whichever requires the greater

amount of plant material. Dead or diseased trees or shrubs located in such Conservation Buffer Area or landscape easement shall be removed and replaced with appropriate replacement trees or shrubs, subject to the approval of the Administrator. Any removal, relocation, replacement or other alteration to the plant materials located in such Conservation Buffer Area or landscape easement shall be approved, in writing, by the applicable homeowners association, if any, and the Administrator prior to such removal, relocation, replacement or other alteration to the plant materials in the Conservation Buffer Area.

- No fence, pool, hot tub, Patio, porch, Gazebo, Deck, shed, Garage or other accessory Building or Accessory Structure of any kind shall be permitted in any required Conservation Buffer Area.

B. Commercial & Mixed-Use Districts.

- Any Conservation Buffer Area located on a Lot adjacent to a Front, Side or Rear Lot Line, shall be maintained by the owner of the Lot at all times. Dead or diseased trees or shrubs located in the Conservation Buffer Area shall be removed and replaced with appropriate replacement trees or shrubs, subject to the approval of the Administrator. Any removal, relocation, replacement or other alteration to the plant materials located in the Conservation Buffer Area shall be approved, in writing, by the applicable homeowners association, if any, and the Administrator prior to such removal, relocation, replacement or other alteration to the plant materials in the Conservation Buffer Area.
- No accessory Building or Accessory Structure of any kind, other than a Freestanding Sign authorized by Chapter 9 of this UDO, shall be permitted in the required Conservation Buffer Area.

C. Employment / Campus Use Districts.

- Any Conservation Buffer Area located on a Lot adjacent to a Front, Side or Rear Lot Line, shall be maintained by the owner of

the Lot at all times. Dead or diseased trees or shrubs located in the Conservation Buffer Area shall be removed and replaced with appropriate replacement trees or shrubs, subject to the approval of the Administrator. Any removal, relocation, replacement or other alteration to the plant materials located in the Conservation Buffer Area shall be approved, in writing, by the applicable property owners association, if any, and the Administrator prior to such removal, relocation, replacement or other alteration to the plant materials in the Conservation Buffer Area.

- No accessory Building or Accessory Structure of any kind, other than a Freestanding Sign authorized by Chapter 9 of this UDO, shall be permitted in the required Conservation Buffer Area.

4.8.3

THOROUGHFARE CONSERVATION BUFFER AREAS

A.

Thoroughfare Conservation Buffer Areas

Required. Conservation Buffer Areas shall be established and maintained for Subdivision and development Projects areas that abut NC 540, US 1, and NC 55.

B.

Buffer Widths. The minimum Thoroughfare Conservation Buffer width shall be measured from and parallel to such Right-of-Way as indicated below.

TABLE 4.8-A – MINIMUM THOROUGHFARE CONSERVATION BUFFER AREA WIDTH BY ZONING DISTRICT TABLE

N1 and N2	ZONING DISTRICTS				
THOROUGHFARE	RR, SR, NR	NCR, MXR	NMX	DMX	CB, SP, IVMX, BRT, HI
NC 540 and US1	100 feet	100 feet	100 feet	100 feet	100 feet
NC 55	100 feet	100 feet	50 feet	0 feet	50 feet

*NOTE:
N1. When a Setback is reduced in accordance with the provisions set forth in the development standards for each District, the minimum Thoroughfare Conservation Buffer width shall be equal to the reduced Minimum Setback.
N2. Thoroughfare Conservation Buffers are not required for properties located in the Downtown Village District Future Land Use category from the Comprehensive Plan.

C.

Vegetation Retention and Enhancement

Standards. Required Thoroughfare Conservation Buffers shall remain in their natural state to the

greatest extent practicable and/or enhanced with new native plantings to achieve a healthy tree canopy and vegetative environment.

Existing cleared areas within the designated Thoroughfare Conservation Buffer shall be landscaped in accordance with the requirements of Chapter 5 – Landscaping of this UDO.

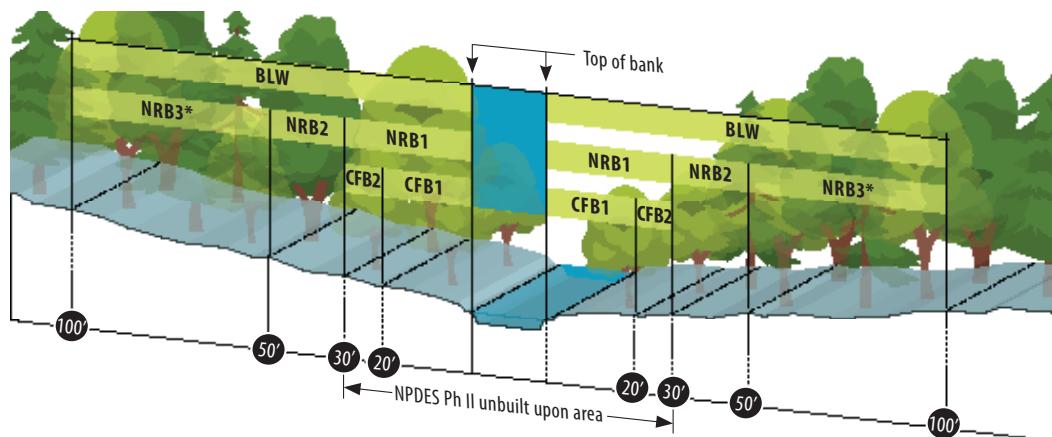
4.8.4 RIPARIAN CONSERVATION BUFFERS

- A. **Applicability.** Certain areas within the Town's jurisdiction may be subject to the Riparian Conservation Buffer regulations where riparian features are present on or adjacent to the subject property and/or where the property is within a protected watershed or basin.
- B. **Specific Watershed/Basin Standards.** Properties within or adjacent to the Bass Lake Watershed, Neuse River Basin, and Cape Fear River Basin are subject to specific Riparian Conservation Buffer standards.

TABLE 4.8-B – MINIMUM RIPARIAN CONSERVATION BUFFER BY WATERSHED TABLE

WATERSHED/AREA	RIPARIAN BUFFER FOR PERENNIAL STREAMS (EXCLUDING WETLANDS)	RIPARIAN BUFFER FOR ALL OTHER WATER FEATURES (EXCLUDING WETLANDS)	ZONE 1	ZONE 2	ZONE 3	SUBSECTION REFERENCE
Bass Lake Watershed (BLW)	100 feet	100 feet	100 feet	n/a	n/a	4.8.5
Neuse River Basin (NRB)	100 feet	50 feet (Zones 1 - 2 only)	30 feet	20 feet	50 feet	4.8.6
Cape Fear River Basin (CFB)	30 feet	30 feet	20 feet	10 feet	n/a	4.8.7

FIGURE 4.8-A RIPARIAN BUFFER ZONES



C. Neuse River and Cape Fear River Basin Buffer Area Table of Approved Uses. The following chart sets forth the allowable Uses in the Neuse River and Cape Fear Basins as Exempt, Allowable, Allowable with Mitigation, and Prohibited consistent with the requirements of 15A NCAC 02B .0233 and .0311. Conditions of Uses in the Town-mandated portion of the buffers (Zones NRB3 and CFB1 & CFB2) are

also described in the chart. All activities must have Construction Drawing approval prior to commencing work and must comply with all other Federal, State, and Town regulations. Applicants may notify the Administrator prior to commencing exempt Uses in any zone of the Riparian Buffer to obtain guidance and limitations on said activities.

TABLE 4.8-C – TABLE OF APPROVED USES

	NEUSE RIVER BASIN SUBJECT TO 15A NCAC 02B	CAPE FEAR RIVER BASIN		
		Zone NRB3	Zone CFB1	Zone CFB2
Airport facilities:				
Airport facilities that impact equal or less than 150 linear feet or 1/3 of an acre of Riparian Buffer	Allowable	Allowable	Allowable	Allowable
Airport facilities that impact greater than 150 linear feet or 1/3 of Riparian Buffer	Allowable with Mitigation	Allowable	Allowable with Mitigation	Allowable
Archaeological activities	Exempt	Exempt	Exempt	Exempt
Bridges	Allowable	Allowable	Allowable	Allowable
Dam maintenance activities	Exempt	Exempt	Exempt	Exempt
Drainage ditches, roadside ditches and storm water outfalls through Riparian Buffers:				
<i>Existing drainage ditches, roadside ditches, and storm water outfalls provided that they are managed to minimize the sediment, nutrients and other pollution that convey to water bodies</i>	Exempt	Exempt	Exempt	Exempt
<i>New drainage ditches, roadside ditches, and storm water outfalls provided that a storm water management facility is installed to control nitrogen and attenuate flow before the conveyance discharges through the Riparian Buffer</i>	Allowable	Allowable	Allowable	Allowable
<i>New drainage ditches, roadside ditches, and storm water outfalls provided that do not provide control for nitrogen before discharging through the Riparian Buffer</i>	Prohibited	Allowable	Prohibited	Prohibited
<i>Excavation of the stream bed to bring it to the same elevation as the invert of a ditch</i>	Prohibited	Prohibited	Prohibited	Prohibited
<i>Drainage of a pond in a natural drainage way provided that a new Riparian Buffer that meets the requirements of Items (4) and (5) of the Neuse Buffer Rules are established adjacent to the new channel</i>	Exempt	Exempt	Exempt	Exempt
Driveway crossings of Streams and other surface waters subject to this Rule:				
<i>Driveway crossing on single family residential Lots that disturb equal or less than 25 linear feet or 2,500 square feet of Riparian Buffer</i>	Exempt	Exempt	Allowable	Allowable
<i>Driveway crossing on single family residential Lots that disturb greater than 25 linear feet or 2,500 square feet of Riparian Buffer</i>	Allowable	Allowable	Allowable	Allowable

TABLE 4.8-C – TABLE OF APPROVED USES

	NEUSE RIVER BASIN SUBJECT TO 15A NCAC 02B	CAPE FEAR RIVER BASIN		
	Zone NRB1 & NRB2*	Zone NRB3	Zone CFB1	Zone CFB2
<i>In a Subdivision that cumulatively disturb equal or less than 150 linear feet or 1/3 of an acre of Riparian Buffer</i>	Allowable	Allowable	Allowable	Allowable
<i>In a Subdivision that cumulatively disturb greater than 150 linear feet or 1/3 of an acre of Riparian Buffer</i>	Allowable with Mitigation	Allowable	Allowable	Allowable
<i>Fences provided that disturbance is minimized and installation does not result in removal of the forest vegetation</i>	Exempt	Exempt	Exempt	Exempt
<i>Forest Harvesting</i>	See Item (11) of the Neuse Buffer Rules and Timbering Chapter 8, Article IV of the Town of Holly Springs' Code of Ordinances	Allowable	Prohibited	Allowable
Fertilizer Application:				
<i>1-time fertilizer application to establish replanted vegetation</i>	Exempt	Exempt	Exempt	Exempt
<i>Ongoing fertilizer application</i>	Prohibited	Prohibited	Prohibited	Prohibited
Grading and re-vegetation in Zone 2 & 3 only provided that diffuse flow and the health of existing vegetation in Zone 1 is not compromised and disturbed areas are stabilized	Exempt	Exempt	Exempt	Exempt
Greenway/hiking trails	Allowable	Allowable	Exempt	Exempt
Historic Preservation	Exempt	Exempt	Exempt	Exempt
Landfills as defined by G.S. 130A-290	Prohibited	Prohibited	Prohibited	Prohibited
Mining Activities:				
<i>Mining activities that are covered by the Mining Act provided that new Riparian Buffers that meeting the requirements of Items (4) and (5) of the Neuse Buffer Rule are established adjacent to the relocated channels</i>	Allowable	Allowable	Allowable	Allowable
<i>Mining activities that are not covered by the Mining Act OR were new Riparian Buffers that meet the requirements or Items (4) and (5) of the Neuse Buffer Rules are not established to the relocated channels</i>	Allowable with Mitigation	Allowable	Allowable	Allowable
<i>Wastewater or mining dewatering wells approved NPDES permit</i>	Exempt	Exempt	Exempt	Exempt
Non-Electric Utility Lines:				
<i>Impacts other than perpendicular crossing in Zone 2 only</i>	Allowable	Allowable	Exempt	Exempt
<i>Impacts other than perpendicular crossings in Zone 1</i>	Allowable with Mitigation	Allowable	Exempt	Exempt
<i>Impacts other than perpendicular crossings in Zone 3</i>		Allowable	Exempt	Exempt

TABLE 4.8-C – TABLE OF APPROVED USES

	NEUSE RIVER BASIN SUBJECT TO 15A NCAC 02B	CAPE FEAR RIVER BASIN		
	Zone NRB1 & NRB2*	Zone NRB3	Zone CFB1	Zone CFB2
<i>Non-electric utility lines perpendicular crossing of Streams and other surface waters subject to the Neuse Buffer Rules:</i>				
<i>Perpendicular crossing that disturb equal or less than 40 linear feet of Riparian Buffer with a maintenance corridor equal to or less than 10 feet in width</i>	Exempt	Allowable	Allowable	Allowable
<i>Perpendicular crossing that disturb greater than 40 linear feet of Riparian Buffer with a maintenance corridor greater than 10 feet in width</i>	Allowable	Allowable	Allowable	Allowable
<i>Perpendicular crossing that disturb greater than 40 linear feet but equal or less than 150 feet of Riparian Buffer with a maintenance corridor equal to or less than 10 feet in width</i>	Allowable	Allowable	Allowable	Allowable
<i>Perpendicular crossing that disturb greater than 40 linear feet but equal or less than 150 feet of Riparian Buffer with a maintenance corridor greater than 10 feet in width</i>	Allowable with Mitigation	Allowable	Allowable	Allowable
<i>Perpendicular crossing that disturb greater than 150 linear feet of Riparian Buffer</i>	Allowable with Mitigation	Allowable	Allowable	Allowable
On-site sanitary sewer sewage systems - new ones that use ground absorption	Prohibited	Prohibited	Prohibited	Prohibited
Overhead electrical utility lines:				
<i>Impacts other than perpendicular crossing in Zone 2 only</i>	Exempt	Exempt	Exempt	Exempt
<i>Impacts other than perpendicular crossing in Zone 1</i>	Exempt	Exempt	Exempt	Exempt
<i>Impacts other than perpendicular crossing in Zone 3 only</i>		Exempt	Exempt	Exempt
Overhead electrical utility line perpendicular crossing of Streams and other surface waters subject to the Neuse Buffer Rules:				
<i>Perpendicular crossing that disturb equal to or less than 150 linear feet of Riparian Buffer</i>	Exempt	Exempt	Exempt	Exempt
<i>Perpendicular crossing that disturb greater than 150 linear feet of Riparian Buffer</i>	Allowable	Allowable	Allowable	Allowable
Periodic maintenance of modified natural Streams such as canals and grasses travel way on 1 side of the surface water when alternative forms of maintenance access are not practical	Allowable	Exempt	Allowable	Allowable
Playground Equipment:				
<i>Playground equipment on single family Lots provided that installation and Use does not result in removal of vegetation</i>	Exempt	Exempt	Exempt	Exempt
<i>Playground equipment installed on lands other than single family Lots or that requires removal of vegetation</i>	Allowable	Allowable	Allowable	Allowable
Ponds in natural drainage ways, excluding dry ponds:				
<i>New Ponds provided that a Riparian Buffer that meets requirements of Items (4) and (5) of the Neuse Buffer Rules</i>	Allowable	Allowable	Allowable	Allowable

TABLE 4.8-C – TABLE OF APPROVED USES

	NEUSE RIVER BASIN SUBJECT TO 15A NCAC 02B	CAPE FEAR RIVER BASIN		
	Zone NRB1 & NRB2*	Zone NRB3	Zone CFB1	Zone CFB2
<i>New Ponds where a Riparian Buffer that meets the requirements of Items (4) and (5) of the Neuse Buffer Rules</i>	Allowable with Mitigation	Allowable	Allowable	Allowable
Protection of existing Structures, facilities and Stream banks when this requires additional disturbance of the Riparian Buffer or the Stream channel	Allowable	Allowable	Allowable	Allowable
Railroad crossing of Streams and other surface waters subject to this Rule:	Allowable with Mitigation	Allowable		
<i>Railroad crossings of Streams and other surface waters subject to the Neuse Buffer Rules</i>	Exempt	Exempt	Allowable	Allowable
<i>Railroad crossings that impact equal to or less than 40 linear feet of Riparian Buffer</i>	Exempt	Exempt	Allowable	Allowable
<i>Railroad crossings that impact greater than 40 linear feet but equal to or less than 150 feet or 1/3 of an acre of Riparian Buffer</i>	Allowable	Allowable	Allowable	Allowable
<i>Railroad crossings that impact greater than 150 linear feet or 1/3 acre of Riparian Buffer</i>	Allowable with Mitigation	Allowable	Allowable	Allowable
Removal of previous fill or debris provided that diffuse flow is maintained and any vegetation removed is restored	Exempt	Exempt	Exempt	Exempt
Road impacts other than crossings of Streams and other surface waters subject to the Neuse Buffer Rules	Allowable with Mitigation	Allowable	Allowable with Mitigation	Allowable with Mitigation
Road crossings of Streams and other surface waters subject to the Neuse Buffer Rules:				
<i>Road Crossings that impact equal or less than 40 linear feet of Riparian Buffer</i>	Exempt	Exempt	Exempt	Allowable
<i>Road crossings that impact greater than 40 linear feet of Riparian Buffer but equal to or less than 150 feet or 1/3 acre of Riparian Buffer</i>	Allowable	Allowable	Allowable	Allowable
<i>Road crossings that impact greater than 150 linear feet or 1/3 acre of Riparian Buffer</i>	Allowable with Mitigation	Allowable	Allowable	Allowable
Scientific Stream Studies and Stream Gauging	Exempt	Exempt	Exempt	Exempt
Storm water management ponds excluding dry ponds:				
<i>New storm water management ponds provided that a Riparian Buffer that meets the requirements of Items (4) and (5) of the Neuse Buffer Rules is established adjacent to the pond</i>	Allowable	Allowable	Allowable	Allowable
<i>New storm water management ponds where a Riparian Buffer that meets the requirements of Items (4) and (5) of the Neuse Buffer Rules is NOT established adjacent to the pond</i>	Allowable with Mitigation	Allowable	Allowable	Allowable
<i>Storm water management ponds located in Zone 3 only</i>		Allowable	Allowable	Allowable
Stream restoration	Exempt	Exempt	Allowable	Allowable
Stream bank stabilization	Allowable	Allowable	Allowable	Allowable

TABLE 4.8-C – TABLE OF APPROVED USES

	NEUSE RIVER BASIN SUBJECT TO 15A NCAC 02B	CAPE FEAR RIVER BASIN		
	Zone NRB1 & NRB2*	Zone NRB3	Zone CFB1	Zone CFB2
Temporary Roads:				
<i>Temporary roads that disturb less than or equal to 2,500 square feet provided that vegetation is restored within 6 months of initial disturbance</i>	Exempt	Exempt	Exempt	Exempt
<i>Temporary roads that disturb greater than 2,500 square feet provided that vegetation is restored within six months of initial disturbance</i>	Allowable	Allowable	Allowable	Allowable
<i>Temporary roads used for bridge construction or replacement provided that restoration activities, such as soil stabilization and re-vegetating, are conducted immediately after construction</i>	Allowable	Allowable	Allowable	Allowable
Temporary sediment and erosion control devices:				
<i>In Zone 2 only provided that the vegetation in Zone 1 is not compromised and that discharge is released as diffuse flow in accordance with Item (5) of the Neuse Buffer Rules</i>	Exempt	Exempt	Allowable	Allowable
<i>In Zones 1 and 2 to control impacts associated with Uses approved by NC DWR or that have receive a Variance provided that sediment and erosion control for upland areas is addressed to the maximum extent practical outside the buffer</i>	Allowable	Allowable	Allowable	Allowable
<i>In-Stream temporary erosion and sediment control measures for work within a Stream channel</i>	Exempt	Exempt	Allowable	Allowable
Underground electric utility lines:				
<i>Impacts other than perpendicular crossings in Zone 3 only</i>		Exempt	Prohibited	Allowable
<i>Impacts other than perpendicular crossings in Zone 2 only</i>	Exempt	Exempt	Prohibited	Allowable
<i>Impacts other than perpendicular crossings in Zone 1</i>	Exempt	Exempt	Prohibited	Allowable
Underground electric utility lines perpendicular crossing of Streams and other surface waters subject to the Neuse Buffer Rules:				
<i>Perpendicular crossings that disturb less than or equal to 40 linear feet of Riparian Buffer</i>	Exempt	Exempt	Prohibited	Allowable
<i>Perpendicular crossings that disturb greater than 40 linear feet of Riparian Buffer</i>	Allowable	Allowable	Allowable with Mitigation	Allowable with Mitigation
Vegetation Management:				
<i>Emergency fire control measures provided that topography is restored</i>	Exempt	Exempt	Exempt	Exempt
<i>Periodic mowing and harvesting of plant products in Zone 3 only</i>	Exempt	Exempt	Prohibited	Exempt
<i>Periodic mowing and harvesting of plant products in Zone 2 only</i>	Exempt	Exempt	Exempt	Exempt
<i>Planting vegetation to enhance the Riparian Buffer</i>	Exempt	Exempt	Exempt	Exempt
<i>Removal of individual trees which are in danger of causing damage to Dwellings, other Structures or human life</i>	Exempt	Exempt	Exempt	Exempt
<i>Removal of Poison Ivy</i>	Exempt	Exempt	Exempt	Exempt

TABLE 4.8-C – TABLE OF APPROVED USES

	NEUSE RIVER BASIN SUBJECT TO 15A NCAC 02B	CAPE FEAR RIVER BASIN		
	Zone NRB1 & NRB2*	Zone NRB3	Zone CFB1	Zone CFB2
<i>Removal of understory nuisance vegetation as defined in: Smith, Cherri L. 1998. Exotic Plant Guidelines. Department of Environment and Natural Resources. Division of Parks and Recreation. Raleigh, NC. Guideline #30</i>	Exempt	Exempt	Exempt	Exempt
Water dependent Structures as defined in 15A NCAC 2B .0202	Allowable	Allowable	Allowable	Allowable
Water supply reservoirs:				
<i>New reservoirs where a Riparian Buffer that meets the requirements of Items (4) and (5) of the Neuse Buffer Rules is established adjacent to the reservoir</i>	Allowable	Allowable	Allowable	Allowable
<i>New reservoirs where a Riparian Buffer that meets the requirements of Items (4) and (5) of the Neuse Buffer Rules is NOT established adjacent to the reservoir</i>	Allowable with Mitigation	Allowable	Allowable	Allowable
Water Wells	Exempt	Exempt	Prohibited	Prohibited
Wetland Restoration	Exempt	Exempt	Allowable	Allowable

D. Homeowners Education Packet Requirements.

The developer of any Subdivision and/or development Project shall provide a Homeowner Education Packet to all property owners of Lots with Riparian Conservation Buffers adjacent to any State or Town-mandated buffer. This shall occur at the time of the sale of the property. Copies of the Homeowners Education Packets shall be provided to the Administrator as part of the permitting process; The Administrator may require potential amendments thereto where the documents do not list the correct standards and limitations. The packet shall include the following information:

1. The location of the Riparian Conservation Buffer.
2. The restrictions/limitations on clearing, pruning, and planting within the Riparian Conservation Buffer. The allowances for addressing dead or dying plant material and responding to emergency events.
3. The restrictions/limitations on development and land Use activities within the Riparian Conservation Buffer.

4. The responsible party for maintaining the lands and vegetation within the Riparian Conservation Buffer.

E. Required Conservation Easement. Required Riparian Conservation Buffers shall be established with a conservation easement.

F. Vested Rights. The establishment of certain vested rights may be allowed to ensure reasonable certainty, stability and fairness to the reasonable expectations of landowners affected by this Ordinance in recognition that approval of land development Projects or Subdivisions typically follows significant landowner investment in site development. The following provisions apply to vested rights situations.

1. Establishment of Vested Rights. A vested right with respect to this section shall be established upon the approval of a site-specific Development Plan, or a PUD plan approval, that is currently valid or has been submitted for formal development review and continues on the current review schedule.

2. Exceptions. The vested rights provisions herein are excepted on property located partially or entirely within Zone 1 or Zone 2

of the Neuse River Basin, as defined by 15A NCAC 02B .022. Vested rights within these Zones shall be determined in accordance with 15A NCAC 02B .022, et seq.

3. **Vested rights shall run with the land.** The right to carry out development in accordance with the site-specific Development Plan or PUD approval shall attach and run with the land, and is not a personal right to the landowner. All successors and heirs to the original landowner shall be entitled to exercise such rights, as long as any development occurs in accordance within the approved plan as noted above.

4. Subsequent Changes Prohibited.

- a. A vested right, once established as provided for in this UDO, precludes any zoning action by the Town which would change, alter, impair, diminish, or otherwise delay the development or Use of the property as set forth in the site-specific Development Plan or approved PUD plan as submitted, except:
 - i. Upon written consent of the Landowner;
 - ii. Upon a finding by the Town Council after notice and public hearing that natural or man-made hazards on or in the immediate vicinity of the property, if uncorrected, would pose a serious threat to the public health, safety and welfare if the Project were to proceed as contemplated in the site-specific Development Plan;
 - iii. To the extent that the landowner receives compensation for all costs, expenses and other losses incurred by the landowner.
 - iv. Where the Town Council finds, after notice and public hearing, that the landowner or his representative supplied intentionally inaccurate information or made material misrepresentations which made a difference in the approval of the site-specific Development Plan or PUD plan;

v. Upon the enactment of a State or federal law or regulation which precludes development as contemplated in the site-specific Development Plan or PUD plan, in which case the Town Council may after notice and public hearing, allow for a modification of the plan so as to comply with the new State or federal law or regulation;

- b. Vested rights under this Ordinance shall not preclude the application of overlay zoning which may impose additional requirements but does not affect the allowable type or Use density, or other ordinances or regulations which are general in nature and are applicable to all property subject to land Use regulation by the Town.

5. **Changes to Site-Specific Development Plan or Approved PUD Plan.** Changes made by the owner of the Project as listed in the development petition to a site-specific Development Plan or an approved PUD plan must be approved by the Administrator as not significantly deviating from the original site-specific Development Plan. Other changes to the plan will terminate the vested rights as they apply to this Section.

G. Modifications and Waivers of Riparian Conservation Buffer Areas.

1. **Riparian Conservation Buffer Areas for Map Inconsistency.** Where obvious conflicts between actual field conditions and USGS and Wake County Soil Survey maps exist, appeals may be made to the North Carolina Division of Water Resources in accordance with the relevant Buffer Rules, 15A NCAC 2B.0233. If an applicant obtains a map revision, permit, or Variance by NC Division of Water Resources or the NC Environmental Management Commission, the applicant shall submit all documentation, including corresponding maps, to the Administrator. The Administrator shall review the information provided by the applicant during the Construction Drawing

review process or earlier if the information required is available. After the review staff will ask for additional documentation or recommend approval of the Construction Drawings provided that the Construction Drawings correspond with all the NC Division of Water Resources requirements. The Administrator shall grant approval of the Construction Drawings consistent with NC Division of Water Resources ruling.

2. **Modifications.** In instances where an alternate Riparian Conservation Buffer Area is requested for the Town-mandated to be consistent with criteria allowable under 401 and 404 Permits of the Federal Clean Water Act, applicants may request an appeal to the Administrator. The applicant must provide documentation to the Administrator prior to the appeal, in the Construction Drawing review process, or as early as the Development Plan or Subdivision Plan review process, if sufficient information exists for review. The Administrator will review the documentation and ask for additional information as needed. Once the review is complete, the Administrator shall recommend approval or disapproval of the modification.
3. In all other instances where a waiver is requested for the Town-mandated Riparian Conservation Buffer applicants may appeal to the Environmental Appeal Committee. The applicant must provide documentation to the Administrator to support the appeal, in the Construction Drawing review process, or as early as the Development Plan or Subdivision Plan review process, if sufficient information exists for review as described in Chapter 11 of this UDO.

H. Mitigation. Required and voluntary mitigation activities to Riparian Conservation Buffers are subject to the following provisions.

1. Persons who wish to undertake or are required to provide mitigation shall be required to meet the requirements of acceptable mitigation practices as outlined in the Town Engineering Design and

Construction Standards to proceed with their proposed Use.

2. Stormwater Control Measures (SCMs) used for mitigation shall be included in a platted drainage easement.

4.8.5

BASS LAKE WATERSHED RIPARIAN BUFFER PROTECTION

A. Applicability. Any proposed Subdivision or development Project which is located within the Bass Lake Watershed and which includes lands lying within 100 feet of any Perennial Stream within the Bass Lake Watershed shall establish a restricted, undisturbed Riparian Buffer. The standards herein shall apply to said Riparian Buffers.

B. Riparian Buffer Width. The Riparian Buffers shall be provided at the following widths and the graphic below.

1. All perennial features indicated on the most recent version of the 1:24,000 scale (7.5 minutes) quadrangle topographic maps prepared by the United States Geological Survey (USGS) and/or on the most recent version of the Soil Survey of Wake County, North Carolina, prepared by the United States Department of Agriculture (USDA) shall provide the 100-foot-wide Riparian Buffers directly adjacent to such surface waters (or features), excluding wetlands. In the event of a discrepancy between these two maps that would affect a required buffer the most restrictive map shall apply.
2. Other perennial surface waters (or features) shall provide the 100-foot-wide undisturbed Riparian Buffers directly adjacent to such surface waters (or features).

C. Access Requirements. All access to the Riparian Buffer and conservation easement area, via abutting Right-of-Way or other form of access easement deemed acceptable by the Town Council, shall be provided on:

1. The Final Plat; or,
2. By separate grant of access easement subject to the approval, by resolution, of the Town Council.

D. Activity within the Riparian Buffer. The Town regulates all activity in the entire Riparian Buffer which shall be maintained as an undisturbed buffer, dedicated as a conservation easement, except for the approved uses described below.

1. All activity in the Riparian Buffer shall comply with the following approved and prohibited Uses listed below and comply with all Town, State and Federal Regulations. All approved Uses must demonstrate that impacts to the undisturbed buffer are designed in a manner to minimize impacts to the maximum extent practicable.
 - a. Sanitary Sewer Main Outfalls contained in a Utility Easement with access to upland areas outside of the Conservation Easement. Residential Sewer Services must be located outside of the Riparian Buffer.
 - b. Greenway trails contained in a Greenway Easement. Asphalt and other trail materials shall be designed in accordance with the Engineering Design and Construction Standards.
 - c. Perpendicular road crossings that have obtained all other Town, State and Federal approvals.
 - d. Post-Construction Storm water Best Management Practices as required by the Engineering Design and Construction Standards.
2. Timbering is prohibited in the Riparian Buffer.

E. Description of Buffer Areas on Development Petition. 100-foot undisturbed Riparian Buffers shall be graphically shown on all Preliminary Plans, Development Plans, Construction Drawings, erosion control plans and Final Plats or any site plan or plot plan submitted for a UDO Permit. The buffers shall be clearly labeled "Undisturbed Bass Lake Watershed Riparian Buffer" and the conservation easement shall be clearly shown and labeled with restrictions noted.

4.8.6**NEUSE RIVER BASIN RIPARIAN BUFFER PROTECTION**

A. Applicability. Any proposed Subdivision or development Project which is located within the Town or its Extraterritorial Jurisdiction in the Neuse River Basin shall provide Riparian Buffer Areas on both sides of all Perennial and Intermittent Streams; including lakes, ponds, and other bodies of water (features).

B. Required Riparian Buffer Width. The Riparian Buffers shall be provided at the following widths and the graphic below.

1. All perennial features indicated on the most recent version of the 1:24,000 scale (7.5 minutes) quadrangle topographic maps prepared by the United States Geological Survey (USGS) and/or on the most recent version of the Soil Survey of Wake County, North Carolina, prepared by the United States Department of Agriculture (USDA) shall provide the 100-foot-wide Riparian Buffers directly adjacent to such surface waters (or features), excluding wetlands. In the event of a discrepancy between these two maps that would affect a required buffer the most restrictive map shall apply.
2. Other surface waters (or features) shall provide the 50-foot-wide Riparian Buffers directly adjacent to such surface waters (or features).

C. Delineation of the Riparian Buffer Zones. The Riparian Buffer shall be further delineated into the following Riparian Buffer Zones - the buffer zones shall be measured horizontally from the edge of the water body (i.e., from top of bank).

1. Zone NRB1 (30 feet landward adjacent to Stream bank) on both sides of the Stream.
2. Zone NRB2 (20 feet landward adjacent to Zone NRB1) on both sides of the Stream.
3. Zone NRB3 (50 feet landward adjacent to Zone NRB2) on both sides of the Perennial Stream.

D. Activity within the Riparian Buffer Zones.

1. The State of North Carolina, Division of Water Resources regulates activity within

Zones NRB1 & NRB2 of the Riparian Buffer in the Neuse River Basin. Activity may take place within any Riparian Buffer zone as defined by Neuse Riparian Buffer Rules, 15A NCAC 2B.0233 as amended. The following documentation will be required by the Town prior to permitting development activity to commence within Zones NRB1 & NRB2. The inner 30-foot zone shall also follow the NPDES Post-construction storm water regulations as described in 15A NCAC 02H .0154.

- a. An authorization certificate that documents that the NC Division of Water Resources has approved an allowable Use.
- b. An opinion from the NC Division of Water Resources that vested rights have been established for that activity.
- c. A letter from the NC Division of Water Resources documenting that a Variance has been granted for the proposed activity.

2. The Town regulates activity in Zone NRB3 of the Riparian Buffer which shall be as defined by Zone 2 requirements established by the Neuse Riparian Buffer Rules, 15A NCAC 2B.0233 as amended. All activity in Zone NRB3 must comply with all other Town, State and Federal regulations.
3. All timbering activity in the buffer must also comply with the Town's Timbering standards pursuant to Section 4.9 of this UDO.

E. Description of Buffer Areas on Development Petition. Stream buffers (Zones NRB1, NRB2 and NRB3) shall be graphically shown on all Preliminary Plans, Development Plans, Construction Drawings, erosion control plans and Final Plats or any site plan or plot plan submitted for a UDO Permit. The buffers shall be clearly labeled "Riparian Buffer" and zones shall be clearly shown and labeled with zone restrictions noted.

F. Lots Containing Riparian Buffer Area. The following standards apply to construction activities on Lots containing a Riparian Buffer

Area and/or the establishment of new Lots in and around riparian corridors.

1. New construction of or substantial improvements to any residential Structure shall be located outside of the Riparian Buffer Area.
2. No proposed Building Lot that is wholly or partly in the Riparian Buffer Area shall be approved unless there is established on the Final Plat a line representing the limits of the Riparian Buffer Area and a minimum usable area as specified below.
 - a. The usable Lot Area is defined by the area of the Lot outside of the Riparian Buffer Area that will contain the Structure and related Setbacks. This area must be contiguous.
 - b. If the minimum Lot size has been reduced to an amount less than the typical Lot size of a Zoning District through a provision in this UDO, the total minimum square footage of any Lot located outside of the Riparian Buffer shall be the total revised minimum Lot size.

4.8.7 CAPE FEAR RIVER BASIN RIPARIAN BUFFER PROTECTION

A. Applicability. Any proposed Subdivision or development Project which is located within the Town or its Extraterritorial Jurisdiction in the Cape Fear River Basin shall provide Riparian Buffers on both sides of all Perennial and Intermittent Streams; including lakes, ponds, and other bodies of water (features).

B. Required Riparian Buffer Width. The Riparian Buffers shall be provided at the following widths and the graphic below.

1. All features indicated on the most recent version of the 1:24,000 scale (7.5 minutes) quadrangle topographic maps prepared by the United States Geological Survey (USGS) and/or the most recent version of the Soil Survey of Wake County, North Carolina prepared by the United States Department of Agriculture (USDA) shall provide the 30-foot-wide Riparian Buffers directly

adjacent to such surface waters (or features), excluding wetlands.

C. Delineation of the Riparian Buffer Zones. The Riparian Buffer shall be further delineated as the following Riparian Buffer Zones.

1. Zone CFB1 (20 feet landward adjacent to Stream bank) on both sides of the Stream.
2. Zone CFB2 (10 feet landward adjacent to Zone 1) on both sides of the Stream.

D. Activity within the Riparian Buffer Zone.

1. All built upon area shall be out of both of the buffer Zones CFB1 and CFB2 (30 feet landward of all perennial and intermittent features) The entire 30-foot Riparian Buffer shall also follow the NPDES Post-construction storm water regulations as described in 15A NCAC 02H .0154.
2. All activity taking place must comply with all other Town, State and Federal regulations.
3. All timbering activity in the buffer must also comply with the Town's Soil Erosion and Sediment Control, Stream and Wetland Protection, Land Disturbance Ordinance 02-06 Section 9-5023.
4. Zone CFB1 shall consist of a vegetated area that is undisturbed except for the Uses outlined in the Cape Fear River Basin Table of Approved Uses.
5. Zone CFB2 shall consist of a stable vegetated area that is undisturbed except for the activities outlined in the Cape Fear River Basin Table of Approved Uses. The Town of Holly Springs recommends keeping natural undisturbed vegetation in this area to the maximum extent practicable.

E. Description of Buffer Areas on Development Petition. Stream buffers (Zones CFB1 and CFB2) shall be graphically shown on all

Development Plans, Preliminary Plans, Construction Drawings, erosion control plans and Final Plats or any site plan or plot plan submitted for a UDO Permit. The Buffer Areas shall be clearly labeled "Riparian Buffer" and zones shall be clearly shown and labeled with zone restrictions noted.

F. Lots Containing Riparian Buffer Area. The following standards apply construction activities on Lots containing a Riparian Buffer Area and/or the establishment of new Lots in and around riparian corridors.

1. New construction of or substantial improvements to any residential Structure shall be located outside of the Riparian Buffer Area.
2. No proposed Building Lot that is wholly or partly in the Riparian Buffer Area shall be approved unless there is established on the Final Plat a line representing the limits of the Riparian Buffer Area and a minimum usable area as specified below.
 - a. The usable Lot Area is defined by the area of the Lot outside of the Riparian Buffer Area that will contain the Structure and related Setbacks. This area must be contiguous.
 - b. If the minimum Lot size has been reduced to an amount less than the typical Lot size of a Zoning District through a provision in this UDO, the total minimum square footage of any Lot located outside of the Riparian Buffer shall be the total revised minimum Lot size.

G. Diffuse Flow Requirements. Diffuse flow of runoff shall be maintained in the Riparian Buffer by dispersing concentrated flow and reestablishing vegetation. Techniques for providing diffuse flow are specified in the ED&CS. The following provisions apply.

1. Concentrated runoff from ditches or man made conveyances shall be converted to diffuse flow before the runoff enters the buffer.
2. Periodic corrective action to restore diffuse flow shall be taken by the property owner as necessary to prevent the formation of erosion gullies.
3. Stormwater Control Measures (SCMs) for obtaining diffuse flow shall be included in a platted drainage easement.

4.9 FORESTRY ACTIVITY, TIMBERING OPERATIONS, AND SITE CLEARING

A. Permit Required. A UDO Permit shall be required for the Use of any Lot for a forestry activity, timbering operation or site clearing which is not being undertaken pursuant to a valid UDO Permit in connection with a proposed development in compliance with the terms of this UDO. The following activities shall be considered exempt from the requirement to obtain a UDO Permit:

1. Removal of trees found to be diseased or insect infested;
2. Removal of trees which have become, or threaten to become, a danger to human life or property;
3. Removal of trees in preparation for development pursuant to an approved and valid Development Plan or UDO Permit;
4. Removal of trees from horticultural properties, such as farms, nurseries or orchards. This exemption shall not include forestry activities;
5. Removal of trees for agricultural purposes authorized in the RR District; and,
6. Removal of trees in connection with approved utility construction within a permanent utility easement.

B. Exempted Forestry Activity. Any site for which a valid permit for a forestry activity has been issued by the State of North Carolina under North Carolina General Statute, and undertaken pursuant to such State permit, shall be exempt from the standards of this UDO. Prior to commencing any forestry activity, the owner shall provide a copy of such State permit to the Administrator so that the Town may monitor State permitted forestry activity within its jurisdiction.

C. Standards for Site Clearing. Any forestry activity, timbering operation or site clearing which has not been issued a permit by the State of North Carolina for a valid forestry activity

shall be accomplished in compliance with the terms and conditions of the UDO Permit for such activity. All timbering operations or site clearing activities that do not qualify as an exempted forestry activity shall comply with the following standards:

1. A 50 foot undisturbed buffer shall be provided and maintained at all times along the perimeter of the property, along public roadways and property boundaries adjacent to developed properties, and a 25 foot undisturbed buffer along property boundaries adjacent to undeveloped properties. No property owner shall be required to preserve an undisturbed buffer that covers more than 20% of the area of the tract, net of public road Right-of-Way and required conservation easements;
2. The undisturbed Buffer Area shall be delineated by a 4 foot orange tree protection fencing. The tree protection fencing shall be maintained at all times until completion of timbering operations or site clearing or until the Certification of Completion is issued.
3. Compliance with Chapter 8, Article IV Timbering of the Town Code of Ordinances.





5 LANDSCAPING

5.1 PURPOSE AND INTENT

Intent. Landscaping is an essential element of the site design process and is an important feature in promoting the public health, safety, comfort, convenience and general welfare of the Town and its Extraterritorial Jurisdiction. Landscaping is intended to:

- A. Mitigate incompatibilities between adjacent land Uses;
- B. Reduce the negative impacts of higher intensity land Uses on lesser intensity adjacent land Uses;
- C. Provide a critical visual and noise buffering effect between higher intensity districts and lower intensity districts;
- D. Increase tree canopy in Residential Use Districts;
- E. Lessen the impact of development on the environment by reducing glare and heat buildup;
- F. Promote the creation of landscape islands within vehicular areas to enhance pedestrian safety; and,
- G. Break up large expanses of pavement so as to reduce impervious surface area, storm water run-off and the level of pollutants from nonpoint sources.

5.2 APPLICABILITY AND ADMINISTRATION

5.2.1 REQUIRED LANDSCAPE AREAS

Within the Town and its Extraterritorial Jurisdiction, all new developments and all additions to existing development (i.e., Building additions, Parking Area expansions, installation of Freestanding Signs, etc.) shall provide landscaping as required by this Chapter for such new development or addition.

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5.2.2 LANDSCAPE PLAN REQUIREMENTS

A. Identification of Landscape Requirements

Fulfilled by the Landscape Plan. All landscape plans shall include a list of proposed landscape materials and notation of which of the following landscape requirements is intended to be met by the landscape materials indicated on the landscape plan:

1. Perimeter Buffer;
2. Vehicle Parking Area screening;
3. Interior Vehicle Parking Area;
4. Foundation Landscaping; and
5. Street trees.

B. Variety of Plant Species Required.

No single species of landscape material, except grass shall constitute more than 25% of the plant material of its type installed on a single development site or within a Subdivision with Detached residential Lots. This restriction may be modified by the Administrator on sites smaller in size than 2 acres provided that an acceptable variety of plant material is proposed.

C. Site Lines.

Landscape is prohibited in sight distance triangles, only ground covers that do not interfere with sight lines.

D. Submission of a Preservation Landscape Plan,

if applicable, in accordance with the requirements of Section 4.4 Tree Preservation Areas.

E. Identification of Landscape Materials indicated on Landscape Plan.

All landscape plans shall also include a list of proposed landscape materials, with quantities and calculations demonstrating how the plan meets the Perimeter Buffer landscaping standards per 100-foot increment, Vehicle Parking Area screening, interior Vehicle Parking Area landscaping, Foundation Landscaping and Street trees as stipulated in this Chapter.

F. Tree Requirements for Detached Residential Lots.

All new Detached residential Lots shall be required to plant 1 tree per 5,000 square feet of Lot Area. Trees must be sized according to Table 5.6-1.

5.2.3 ALTERNATE LANDSCAPE PLAN APPROVAL

If site conditions exist that make the landscape requirements of this Chapter impractical, the Administrator, upon request by an applicant, shall have the authority to modify the landscape requirements of this Chapter and approve an alternative landscape plan so long as the alternative plan:

- A. Maintains the total quantity of plant material otherwise required and is similar in quality, size, durability, and hardiness;
- B. Is appropriate to the site and its surroundings;
- C. Is consistent with the intent and purpose of this Chapter;
- D. Provides landscaping that is equal or better than normal compliance;
- E. Safety considerations make alternative compliance necessary.

Such alternative landscape plan approval shall not modify the landscape requirements of this Chapter pertaining to required Perimeter Buffer between Residential Use Districts and Commercial & Mixed-Use or Employment/ Campus Use Districts.

If the Administrator disapproves of a proposed alternative landscape plan, the applicant may, within 5 business days, appeal the Administrator's decision by filing an Administrative Appeal with the Board of Adjustment, stating the reasons and justification for the appeal. Such petition shall be filed consistent with the provisions of Chapter 11 of this UDO.

5.2.4 MINOR REVISIONS TO LANDSCAPE PLAN

An approved landscape plan in need of minor revisions to the specified plant materials due to lack of plant availability or other reasons to be demonstrated by the applicant may be revised if the requested revisions meet the following criteria:

- A. No reduction in the quantities of overall plant materials.
- B. No significant change in size or location of plant materials.
- C. New plant materials fall within the same general functional category of plants (shade trees, ornamental trees, evergreens, etc.) and have the same general design characteristics (mature

height, spread, etc.) as the plant materials being replaced.

D. The proposed new plant materials are considered appropriate with respect to elements necessary for good survival and continued growth.

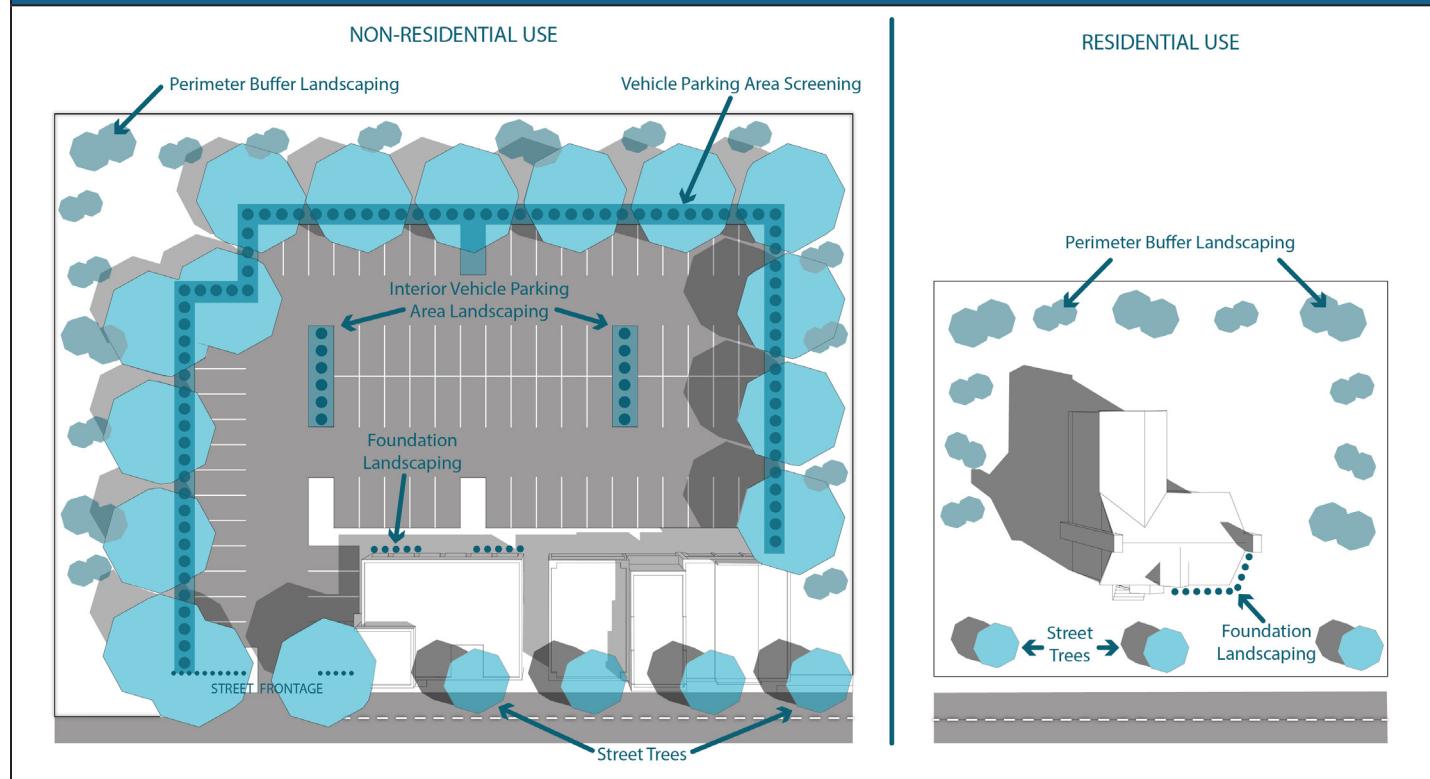
A letter shall be submitted to the Administrator requesting a minor revision for plant substitution. The letter shall include a list of the quantities, types, and sizes of the original plants and the proposed substitution(s), the location of the substitute plants on the plan.

5.3 LANDSCAPE STANDARDS BY LOCATION

Section 5.3 is organized into the required landscape areas, which consist of the following 5 locational types as shown in Figure 5.3-A. These standards apply to all new development where applicable locational types exist:

- A. Perimeter Buffer landscaping;
- B. Vehicle Parking Area screening;
- C. Interior Vehicle Parking Area;
- D. Foundation Landscaping;
- E. Street trees.

FIGURE 5.3-A - LANDSCAPING AREAS



5.3.1 PERIMETER BUFFER

A. Perimeter Buffer Types. Perimeter Buffers are divided into three types of opacity to provide a progression of screening options suitable to a variety of landscaping and buffering needs between districts. The types are described below and summarized in Table 5.3.1-A and Figure 5.3.1-A.

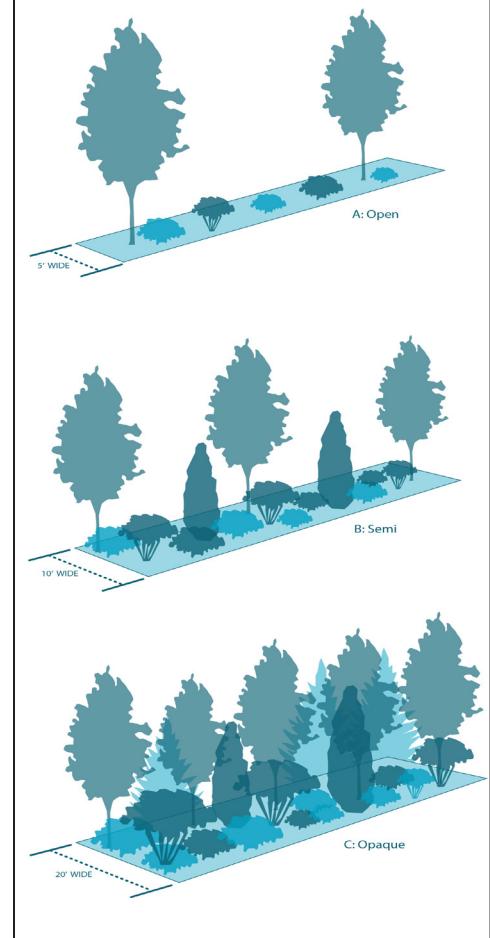
- 1. Type A: Open.** Open landscaping creates a pleasant visual experience but provides a minimal visual or sound barrier and is therefore intended for use on Lots where the district of the abutting Lots includes Permitted Uses with similar intensities, lights, sounds and regular operations and would have minimal, if any, negative impact on adjacent properties. Type A landscaping requires a majority of the plants to be of a large deciduous tree variety with ability to add color, interest or heavier visual screening, if desired.
- 2. Type B: Semi.** Semi-Opaque landscaping creates a partial visual and sound barrier and is intended for use on Lots where the district of the abutting Lots includes Permitted Uses that may be similar in land Use intensity, but may still contain lights, sounds and regular operations which may adversely impact adjacent properties. Type B landscaping requires a mixture of plants with sufficient evergreen content to provide some year-round buffering. Any evergreen species that drops its lower branches shall not be permitted as “evergreen” trees in a Type B area.
- 3. Type C: Opaque.** Opaque landscaping shall be designed to create a substantial sound and visual barrier from grade to at least 8 feet above grade at time of planting. Type C landscaping is intended to be placed on Lots in higher intensity districts which abut Lots located in lesser intense districts that may be adversely impacted by the lights, sounds and regular operations of the higher intensity district. Type C landscaping requires significant use of evergreen varieties to provide year-round buffering accented with deciduous trees or shrubs/Hedge

Plants. Any evergreen species that drops its lower branches shall not be permitted as “evergreen” trees in a Type C area.

TABLE 5.3.1-A - PERIMETER BUFFER TYPES AND STANDARDS (N1)

Type	A: Open	B: Semi	C: Opaque
Opacity	0%	40%	80%
Overstory Tree/ft (N2)	2/100	3/100	5/100
Shrubs/ft (N2)	5/100	10/100	20/100
Percent Evergreen (N3)	0%	40%	80%
Height (ft)	0	4	8
Width (ft)	5	10	20
N1	Standards are the minimum required unless otherwise modified by this UDO or a Conditional Zoning District (CD).		
N2	Overstory trees and shrubs shall be provided for each 100-foot segment of the Project perimeter, or proportionally for a fraction of 100 ft.		
N3	Overstory trees and shrubs shall meet the minimum percent evergreen.		

FIGURE 5.3.1-A - PERIMETER BUFFER TYPES



B. **Required Perimeter Buffer.** All required Perimeter Buffers shall be landscaped in compliance with the requirements in Table 5.3.1-B.

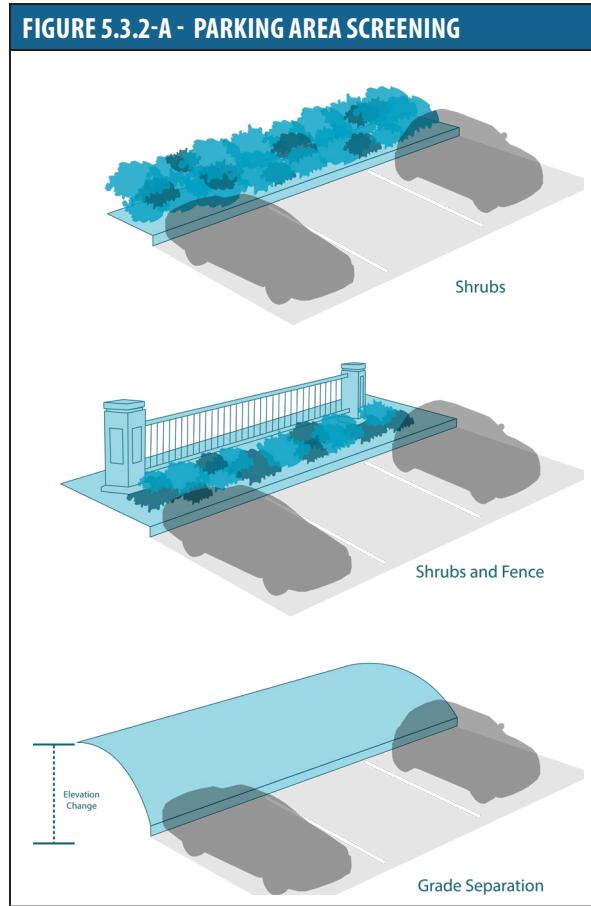
TABLE 5.3.1-B - REQUIRED PERIMETER BUFFER

		Subject Lot Use District (N1)																	
		RR	SR	NR	NCR	MXR	NMX	DMX	RMX	CB	SP (N4)	IVMX (N4)	BRT (N4)	HI (N4)					
Abutting Lot Use District	RR	A	A	A	B	B	B	N2	C	C	C	C	C	C					
	SR	A	A	A	B	B	B	N2	C	C	C	C	C	C					
	NR	A	A	A	B	B	B	N2	C	C	C	C	C	C					
	NCR	A	A	A	A	A	B	N2	B	B	C	C	C	C					
	MXR	A	A	A	A	A	B	N2	B	B	C	C	C	C					
	NMX	A	A	A	A	A	A	N2	B	B	C	C	C	C					
	DMX	A	A	A	A	A	A	N2	B	B	C	C	C	C					
	RMX	A	A	A	B	B	A	N2	A	A	B	B	B	B					
	CB	A	A	A	B	B	A	N2	A	A	B	B	B	B					
	SP	A	A	A	B	B	A	N2	A	A	A	A	A	A					
	IVMX	A	A	A	B	B	A	N2	A	A	A	A	A	A					
	BRT	A	A	A	B	B	A	N2	A	A	A	A	A	A					
	HI	A	A	A	B	B	A	N2	A	A	A	A	A	A					
Abutting Street	PUD	Determined by Administrator					N2	Determined by Administrator											
	NC540	See Chapter 4 - Conservation Buffer Area (N3)						N2	See Chapter 4 - Conservation Buffer Area (N3)										
	NC55							N2											
	Th-fare (N5)	C (N6)	C (N6)	C (N6)	C (N6)	A	A	N2	B	B	B	B	B	B					
	All Other Streets	Shall follow abutting Lot Use District standards based on Use District of the Lot on the opposite side of the Street						N2	Shall follow abutting Lot Use District standards based on Use District of the Lot on the opposite side of the Street										
N1	Unless otherwise specified in Chapter 3, non-residential Uses located in a Residential Use District shall follow the requirements listed for the NMX District.																		
N2	Large overstory trees planted 40 feet on-center.																		
N3	Conservation Buffer Area needs to meet the opacity requirements for a Type B Perimeter Buffer and supplemented if sufficient vegetation does not exist in the Conservation Buffer Area.																		
N4	Minimum width for Perimeter Buffer may vary. See Table 2.2.3-A Employment/Campus Use Districts Development Standards, Perimeter Buffer. Where existing vegetation exists, the Perimeter Buffer shall be left undisturbed and supplemented to meet the minimum Perimeter Buffer opacity.																		
N5	Minimum width for Thoroughfare Perimeter Buffer shall be a minimum of 10 ft for Type A; 15 ft for Type B, and 25 ft for Type C. Refer to Section 5.3.5 for Thoroughfare Street tree requirements.																		
N6	For Projects with Dwellings Units accessed from a rear alley with principal entrances facing Thoroughfare Streets, a Type A Perimeter Buffer shall be required.																		

5.3.2 VEHICLE PARKING AREA SCREENING

A. Applicability. This section shall apply to all new surface, Vehicle Parking Areas (with the exception of Detached Dwelling Unit Driveways) and expanded surface Vehicle Parking Areas shall be subject to the regulations of this Chapter. Vehicle Parking Areas shall include areas used for the parking or display of automobiles, vehicles, boats, truck or farm equipment associated with a dealership or leasing business. Vehicle Parking Areas shall not include areas used for Off-Street Loading Areas, semi-truck maneuvering areas and semi-truck Parking Areas.

FIGURE 5.3.2-A - PARKING AREA SCREENING



B. Requirement. If a Vehicle Parking Area is located in a Front Yard; in a Side Yard adjacent to a Residential Use District; or in a Rear Yard adjacent to a Residential Use District, the edge of the Parking Area facing such Street or Residential Use District shall be screened by one of the following:

- 1. Shrubs:** A compact row of shrubs/Hedge Plants planted 3 feet on-center and a minimum of 24 inches in height at the time of planting;
- 2. Shrubs and fence, wall, or berm:** Shrubs/Hedge Plants in combination with an ornamental, masonry wall, or earthen berm, provided that the total amount of plant material is at least 50% of what would be required under this Chapter if no wall, fence or berm were installed; or,
- 3. Grade Separation:** The surface elevation of the Parking Area is at least 3 feet below the elevation of the Lot Line located along such Yard, and where the minimum elevation separation is represented by an average slope of not less than 25% percent from the Lot Line to the edge of the Parking Area.

C. DMX District. In lieu of the Vehicle Parking Area screening specified in Section 5.3.2.B.W when a Vehicle Parking Area faces a Street, Vehicle Parking Area Screening shall include:

1. A compact row of Dwarf Burford Holly (or equivalent) planted 3 ft on center, a minimum of 24 in. in height at the time of planting; and,
2. For each 60 ft of Vehicle Parking Area Frontage, 1 stone column, as specified in the Town's Engineering Design and Construction Standards, with a maximum spacing of 75 ft between stone columns.

5.3.3 INTERIOR VEHICLE PARKING AREA

A. All such Vehicle Parking Areas shall include at least one interior landscape island for 10 Parking Spaces, or fraction thereof. Each interior landscape island:

1. Shall measure a minimum of 8 feet in width and a minimum of 17 feet in length;
2. Shall contain at least 1 large or small deciduous tree or 1 large evergreen tree (provided, however, loblolly pines or other trees which drop branches as they grow shall be prohibited in interior landscape islands), plus 4 shrubs/Hedge Plants. All trees and shrubs/Hedge Plants shall comply with the

minimum size at time of planting required by this Chapter;

3. May be:

- Located individually at the ends of parking bays and function to define vehicular circulation and pedestrian traffic patterns; or,
- Aggregated into one or more landscape areas which shall function to: preserve existing trees; create boulevard treatments; create landscape features; or, create common Open Space areas for passive recreational activities.
- Designed to allow stormwater treatment with curb cut.

B. Space devoted to interior landscape islands shall be in addition to any required Perimeter Buffer landscaping, Vehicle Parking Area screening or required Foundation Landscaping.

C. Any Vehicle Parking Area containing over 100 Parking Spaces shall include a landscape strip to separate the Parking Spaces from any major interior Access Drives as follows:

- Minimum width of each landscape strip:
 - Not including a lengthwise Walkway, the landscape strip shall be at least 5 feet; or,
 - Including a lengthwise Walkway, the landscape strip shall be at least 12 feet, and such Walkway shall be designed in compliance with the regulations of Section 8.4;
- Each landscape strip shall include deciduous trees or evergreen trees (provided, however, loblolly pines or other trees which drop branches as they grow shall be prohibited in such landscape strips) planted with a maximum spacing of not more than 40 feet on-center supplemented with groupings of at least 5 shrubs/Hedge Plants planted between the trees;
- Each landscape strip shall include ground cover consisting of grass, mulch, chipped bark, pine straw or other natural forms of ground cover; and,

- When landscape strips extend for more than 10 Parking Spaces, such landscape strips shall be provided with a crosswise Walkway to facilitate pedestrian and shopping cart movement.
- In order to provide adequate visibility for safe vehicular and pedestrian movement within a Parking Area, plant materials located within 5 feet of the back of curb / edge of pavement of an interior landscape island located at a critical turning point within a Parking Area shall be selected or maintained with a growth pattern not to exceed 36 inches above grade.

5.3.4 FOUNDATION LANDSCAPING

A. Required Foundation Landscaping.

Foundation Landscaping shall be provided in compliance with the requirements in Table 5.3.4-A.

TABLE 5.3.4-A - REQUIRED FOUNDATION LANDSCAPING

		All Use Districts
Minimum Foundation Landscaping Required (N1) (N2) (N3)	Canopy Tree/ft or Understory Tree/ft	1/75' or 2/75'
	Large Shrubs/ft or Medium Shrubs/ft or Small Shrubs/ft	1/5' or 1.5/5' or 3/5'
	Minimum Width of Foundation Landscape Area	5'
N1	Based on the linear feet of Building façade subject to Foundation Landscaping requirement. Widths shall be measured from the respective Building façade wall. Landscaping may be aggregated along the façade to accommodate pedestrian or vehicular ingress/egress, loading or drop-off zones.	
N2	Not required in Employment / Campus Use Districts where Buildings are located greater than 300 feet from the Street and are separated from the Street by Type B or C Perimeter Buffers.	
N3	Canopy Tree or Understory Tree not required for Detached and Attached Dwellings.	

B. Location.

- Foundation Landscaping is required along any Building façade facing a Street or Parking Area, as well as along 25% of the adjacent façade.

2. Plant materials may be permitted in above-ground planters.
3. Landscaping shall be designed to reinforce personal safety and visibility according to the principles of crime prevention through environmental design.

5.3.5 STREET TREES

In addition to Perimeter Buffers, Street trees shall be planted along all Streets in accordance with this section.

A. Type, Size, and Spacing.

1. Collector, Local and Cul-de-Sac Streets.

a. Projects Utilizing Less Than a 20 Foot Setback:

- i. Shall install deciduous trees of a species appropriate to the setting and as specified by the approved Street tree list of this Chapter;
- ii. Spacing shall be a minimum of 30 feet from center of trunk to 45 feet from center of trunk.

b. Projects Utilizing a 20 Foot or Greater Setback:

- i. Spacing shall be a minimum of 50 feet from center of trunk to 65 feet from center of trunk.
- c. Minimum size at planting shall be 2.5 inch caliper.

2. Thoroughfares.

- a. Shall be required to install deciduous trees as specified by the approved Street tree list of this Chapter, or as further specified in the Comprehensive Plan Thoroughfare Planting Plan. Where existing overhead utilities interfere with part of the landscape area, the large deciduous tree requirement may be substituted by installing small deciduous trees.
- b. Minimum size at planting shall be 2.5 inch caliper.
- c. Spacing of trees shall be a minimum of 40 feet from center of trunk; maximum 60 feet from center of trunk.

B. Location.

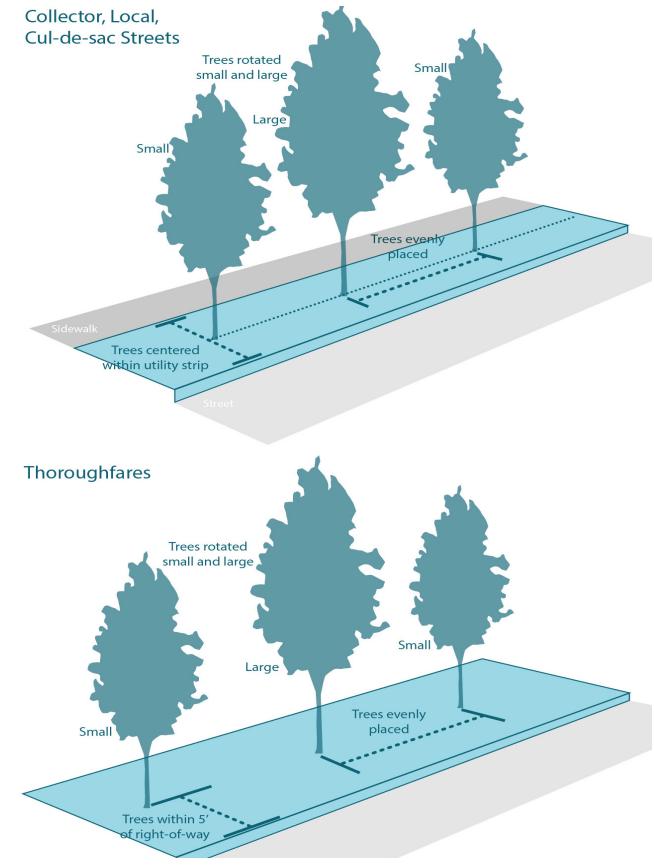
1. Collector, Local, and Cul-de-Sac Streets.

Trees shall be located in the Public Right-of-Way centered within the utility strip between the Sidewalk and curb or centered between Right-of-Way line and curb if no Sidewalk is present.

- a. If an alternate landscape plan is approved with trees outside the Right-of-Way, a Street tree maintenance easement shall be provided on the final plat.

2. Thoroughfares: trees shall be located within 5 feet from the Right-of-Way line on the private property side.

FIGURE 5.3.5-A - CONTINUOUS STREET TREE PLANTING STRIPS



C. Distance. Distance from the following site conditions shall be adhered to:

1. **Intersections:** All trees shall be located a minimum of 50 feet from the point of tangency of curb radii at Street intersections and outside of site distance triangle in

accordance with the Engineering Design and Construction Standards.

2. **Street Lights:** All trees shall be located a minimum of 25 feet from the base of all Street light poles.

D. **Quality.** For the purposes of this section, trees shall be nursery grown, single stem varieties, typical of their species or variety, freshly dug, normally shaped, heavy and well branched; with full foliage when in leaf and shall have healthy, well developed root systems. Trees must be self-supporting, with straight trunks and with a single intact leader. All wounds present at the time of digging must exhibit callusing, with the bark at the edges of any such wound tight and intact. No abrasions or unhealed cuts are allowed on the trunks of trees. All trees furnished shall be free of any insect infestations and diseases.

All trees planted to meet the Street tree requirement must be well matched specimens.

In order to maintain a high quality of urban streetscape, each Street must contain at least 2 species of trees with a similar canopy. No more than 55% of a single species shall be used on each Street.

E. Approved Street Trees List.

TABLE 5.3.5-A - APPROVED STREET TREE SPECIES (N1)

Scientific Name	Common Name
<i>Acer Buergerianum</i>	Trident Maple
<i>Acer Griseum</i>	Paperbark Maple
<i>Acer Palmatum</i>	Japanese Maple
<i>Acer Succharinum</i>	Sugar Maple
<i>Acer Truncatum</i>	Purplebow Maple
<i>Acer X Freemanii</i>	Freeman Maple
<i>Amelanchier arborea</i>	Common Serviceberry
<i>Carpinus Betulus</i>	European Hornbeam
<i>Carpinus Caroliniana</i>	American Hornbeam
<i>Carya Glabra</i>	Pignut Hickory
<i>Carya Ovata</i>	Shagbark Hickory
<i>Castanea Mollissima</i>	Chinese Chestnut
<i>Celtis Laevigata</i>	Sugar Hackberry

TABLE 5.3.5-A - APPROVED STREET TREE SPECIES (N1)

Scientific Name	Common Name
<i>Celtis Occidentalis</i>	Common Hackberry
<i>Cercis Canadensis</i>	Eastern Redbud
<i>Cercis Chinensis</i>	Chinese Redbud
<i>Chamaecyparis Obtusa "Filicoides"</i>	Hinoki Falsecypress
<i>Chionanthus Retusus</i>	Chinese Fringetree
<i>Chionanthus Virginicus</i>	Fringetree
<i>Cornus Florida</i>	Flowering Dogwood
<i>Cornus Kousa</i>	Kousa Dogwood
<i>Cornus Kousa X Florida</i>	Rutger's Hybrid Dogwood
<i>Corylus Americana</i>	American Hazelnut
<i>Cotinus Coggygria</i>	Smoketree or Smokebush Tree
<i>Crataegus Viridis 'Winter King'</i>	Green Hawthorne
<i>Diospyros Virginiana</i>	Persimmon
<i>Fagus Grandifolia</i>	Beech
<i>Ginkgo Biloba</i>	Ginkgo
<i>Gleditsia Tricanthos Inermis "Shademaster"</i>	Shademaster Honeylocust
<i>Gymnocladus Dioicus</i>	Kentucky Coffeetree
<i>Halesia Carolina</i>	Carolina Silverbell
<i>Lagerstroemia Indica</i>	Crape-Myrtle
<i>Liriodendron Tulipifera</i>	Tulip-Poplar
<i>Magnolia Acuminata</i>	Cucumber Magnolia
<i>Magnolia Grandiflora</i>	Southern Magnolia
<i>Magnolia Liliiflora</i>	Lily Magnolia
<i>Magnolia Stellata</i>	Star Magnolia
<i>Magnolia Tripetala</i>	Umbrella Tree
<i>Magnolia X Loebneri "Merrill"</i>	Merrill Magnolia
<i>Metasequoia Glyptostroboides</i>	Dawn Redwood
<i>Nyssa Sylvatica</i>	Black Gum
<i>Ostrya Virginiana</i>	Hophornbeam
<i>Pinus Thunbergiana</i>	Japanese Black Pine
<i>Pistacia Chinensis</i>	Chinese Pistache
<i>Prunus Serrulata Kwanzan</i>	Kwanzan Cherry
<i>Prunus Subhirtella Pendula</i>	Weeping Cherry
<i>Quercus Alba</i>	White Oak

TABLE 5.3.5-A - APPROVED STREET TREE SPECIES (N1)	
Scientific Name	Common Name
<i>Quercus Coccinea</i>	Scarlet Oak
<i>Quercus Falcata</i>	Southern Red Oak
<i>Quercus Laurifolia</i>	Laurel Oak
<i>Quercus Lyrata</i>	Overcup Oak
<i>Quercus Nuttalli</i>	Nuttall Oak
<i>Quercus Palustris</i>	Pin Oak
<i>Quercus Phellos</i>	Willow Oak
<i>Quercus Robur "Fastigiatum"</i>	English Oak
<i>Quercus Rubra</i>	Northern Red Oak
<i>Quercus Rubra Maxima</i>	Eastern Red Oak
<i>Quercus Virginiana</i>	Live Oak
<i>Quercus Shumardii</i>	Shumard Oak
<i>Quercus Stellata</i>	Post Oak
<i>Quercus Velutina</i>	Black Oak
<i>Taxodium Distichum</i>	Bald Cypress
<i>Tilia Cordata</i>	Little Leaf Linden
<i>Tsuga Canadensis</i>	Canadian Hemlock
<i>Tsuga Caroliniana</i>	Carolina Hemlock
<i>Ulmus Americana "Princeton"</i>	"Princeton" American Elm
<i>Zelkova Serrata</i>	Japanese Zelkova

N1: Street trees shall be single stem and tree form.

5.4 GENERAL LANDSCAPE STANDARDS

- A. **Ground Cover.** Ground cover within landscape areas may consist of grasses; preserved existing natural vegetation (i.e., thickets); mulch, chipped bark, pine straw; wildflowers; wild grass areas; or other natural forms of ground cover. Upon Administrator approval, loose stone, rock or gravel may be used as a landscaping accent but shall not exceed 20% of the required landscape area in which it is used.
- B. **Drought Tolerant Species Selection.** All landscape plans shall be designed to incorporate water conservation materials and techniques

through application of xeriscape landscaping principles, including but not limited to:

1. Use of low water demanding plants and turf (i.e., bermuda or centipede grass) where practical;
2. Use of re-use water supplies for irrigation;
3. Minimizing the use of high irrigation turf;
4. Limiting the use of high-irrigation turf (i.e., fescue) to areas of high-use, high-visibility and high functional needs; and,
5. Use of mulches to reduce evaporation rates.

Xeriscape landscaping principles shall not include: artificial turf or plants; mulched or gravel beds without live plant materials; paving of areas not required for Walkways, Plazas or Parking Areas; bare ground, weed covered or infested surfaces; or, any landscaping that does not comply with the regulations of this Section.

- C. **Structural SCMs.** Structural SCMs as contained in Section 8 of the Town's Engineering Design and Construction Standards may be placed within required landscape areas when no other reasonable alternative exists, and provided that the performance standards of the required landscape areas can be maintained. Bioretention areas may be placed without additional justification provided the amount of plant material required by this Chapter for all landscape areas is maintained.

- D. **Utility Equipment Screening.** All utility equipment and facilities associated with on-site electric, cable, telephone, gas or other similar utility, including ground-based electrical transformers and power meters, shall be screened, to the extent possible, with evergreen landscape material or other acceptable alternative approved by the Administrator. This requirement applies to both residential and non-residential developments. Areas around equipment and facilities shall remain clear based on each utility company's guidelines.

5.4.1 PROHIBITED SPECIES

The following species are prohibited.

TABLE 5.4.1-A - PROHIBITED SPECIES

Scientific Name	Common Name
Rank 1 - Severe Threat	
<i>Ailanthus altissima</i> (Mill.) Swingle	Tree of Heaven
<i>Albizia julibrissin</i> Durz.	Mimosa
<i>Alliaria petiolata</i> (Bieb.) Cavara & Grande	Garlic-mustard
<i>Alternanthera philoxeroides</i> (Mart.) Griseb.	Alligatorweed
<i>Celastrus orbiculatus</i> Thunb.	Asian bittersweet
<i>Elaeagnus angustifolia</i> L.	Russian olive
<i>Elaeagnus umbellata</i> Thunb.	Autumn olive
<i>Hedera helix</i> L.	English ivy
<i>Hydrilla verticillata</i> (L.f.) Royle	Hydrilla
<i>Lespedeza bicolor</i> Turczaninow	Bicolor lespedeza
<i>Lespedeza cuneata</i> (Dum.-Cours.) G. Don	Sericea lespedeza
<i>Ligustrum sinense</i> Lour.	Chinese privet
<i>Lonicera fragrantissima</i> Lindl. & Paxton	Fragrant honeysuckle
<i>Lonicera japonica</i> Thunb.	Japanese honeysuckle
<i>Microstegium vimineum</i> (Trin.) A. Camus	Japanese stilt-grass
<i>Murdannia keisak</i> (Hassk.) Hand.-Mazz.	Asian spiderwort
<i>Myriophyllum aquaticum</i> (Vell.) Verdc.	Parrotfeather
<i>Paulownia tomentosa</i> (Thunb.) Sieb. & Zucc. ex Steud.	Princess tree
<i>Persicaria perfoliata</i> (Linnaeus) H. Gross	Mile-a-minute vine
<i>Phragmites australis</i> (Cav.) Trin. ssp. <i>australis</i>	Common reed
<i>Pyrus calleryana</i> Decne.	Bradford pear
<i>Reynoutria japonica</i> Houttuyn (<i>Polygonum cuspidatum</i>)	Japanese knotweed
<i>Pueraria montana</i> (Lour.) Merr.	Kudzu
<i>Rosa multiflora</i> Thunb.	Multiflora rose
<i>Salvinia molesta</i> Mitchell	Aquarium water-moss

TABLE 5.4.1-A - PROHIBITED SPECIES

Scientific Name	Common Name
<i>Vitex rotundifolia</i> L.f.	Beach vitex
<i>Wisteria sinensis</i> (Sims) DC	Chinese wisteria
Rank 2 - Significant Threat	
<i>Ampelopsis brevipedunculata</i> (Maxim.) Trautv	Porcelain-berry
<i>Arthraxon hispidus</i> (Thunb.) Makino	Hairy jointgrass
<i>Bambusa</i> spp.	Exotic bamboo
<i>Berberis thunbergii</i> DC	Japanese barberry
<i>Broussonetia papyrifera</i> (L.) L'Her. ex Vent.	Paper mulberry
<i>Cardiospermum halicacabum</i> L.	Balloongrass
<i>Cayratia japonica</i> (Thunb. ex Murray) Gagnep.	Bushkiller
<i>Centaurea biebersteinii</i> DC	Spotted knapweed
<i>Clematis terniflora</i> DC (=C. <i>dioscoreifolia</i>)	Leatherleaf clematis
<i>Conium maculatum</i> L.	Poison hemlock
<i>Coronilla varia</i> L.	Crown vetch
<i>Dioscorea oppositifolia</i> L.	Air-potato
<i>Eichhornia crassipes</i> (Mart.) Solms	Water-hyacinth
<i>Euonymus alata</i> (Thunb.) Sieb.	Burning bush
<i>Euonymus fortunei</i> (Turcz.) Hand.-Mazz.	Winter creeper
<i>Ficaria verna</i> ssp. <i>ficariiformis</i> (F.W. Schultz) B. Walln. (=Ranunculus <i>ficaria</i>)	Lesser Celandine
<i>Glechoma hederacea</i> L.	Gill-over-the-ground, ground ivy
<i>Humulus japonicus</i> Siebold & Zuccarini	Japanese Hops
<i>Lamium purpureum</i> L.	Henbit
<i>Ligustrum japonicum</i> Thunb.	Japanese privet
<i>Ligustrum vulgare</i> L.	Common privet
<i>Lonicera maackii</i> (Rupr.) Maxim.	Amur bush honeysuckle
<i>Lonicera morrowii</i> A. Gray	Morrow's bush honeysuckle
<i>Lonicera standishii</i> Jaques	Standish's Honeysuckle
<i>Lonicera × bella</i> [<i>morrowii</i> × <i>tatarica</i>]	Hybrid Bush Honeysuckle

TABLE 5.4.1-A - PROHIBITED SPECIES

Scientific Name	Common Name
<i>Lygodium japonicum</i> (Thunb. ex Murr.) Sw.	Japanese climbing fern
<i>Lythrum salicaria</i> L.	Purple loosestrife
<i>Mahonia beali</i> (Fortune) Carriere	Leatherleaf Mahonia
<i>Miscanthus sinensis</i> Andersson	Chinese silver grass
<i>Morus alba</i> L.	White mulberry
<i>Myriophyllum spicatum</i> Komarov	Eurasian watermilfoil
<i>Nandina domestica</i> Thunb.	Nandina
<i>Persicaria longiseta</i> (de Bruijn) Moldenke (= <i>Polygonum caespitosum</i> Blume)	Oriental ladies-thumb
<i>Persicaria maculosa</i> S.F. Gray (= <i>Polygonum persicaria</i> L.)	Lady's thumb
<i>Phyllostachys</i> spp.	Exotic bamboo
<i>Poncirus trifoliata</i> (L.) Raf.	Hardy-Orange
<i>Pseudosasa japonica</i> (Sieb. & Zucc. ex Steud.) Makino ex Nakai	Arrow bamboo
<i>Rhodotypos scandens</i> (Thunb.)	Makino jetbeam
<i>Rubus phoenicolasius</i> Maxim.	Wineberry
<i>Solanum viarum</i> Dunal	Tropical soda apple
<i>Sorghum halepense</i> (L.) Pers.	Johnson grass
<i>Spiraea japonica</i> L.f.	Japanese spiraea
<i>Stellaria media</i> (L.) Vill.	Common chickweed
<i>Veronica hederifolia</i> L.	Ivyleaf speedwell
<i>Vinca major</i> L.	Bigleaf periwinkle
<i>Vinca minor</i> L.	Common periwinkle
<i>Wisteria floribunda</i> (Willd.) DC	Japanese Wisteria
<i>Xanthium strumarium</i> L.	Common cocklebur
Rank 3 - Lesser Threat	
<i>Ajuga reptans</i> L.	Bugleweed
<i>Allium vineale</i> L.	Field garlic
<i>Artemisia vulgaris</i> L.	Mugwort, common wormwood
<i>Arundo donax</i> L.	Giant reed
<i>Baccharis halimifolia</i> L.	Silverling, groundsel tree
<i>Bromus catharticus</i> Vahl	Bromegrass, rescue grass
<i>Bromus commutatus</i> Schrad.	Meadow brome

TABLE 5.4.1-A - PROHIBITED SPECIES

Scientific Name	Common Name
<i>Bromus japonicus</i> Thunb. ex Murray	Japanese bromegrass
<i>Bromus secalinus</i> L.	Rye brome
<i>Bromus tectorum</i> L.	Thatch bromegrass, cheat grass
<i>Buddleia davidii</i> Franch.	Butterfly bush
<i>Chicorium intybus</i> L.	Chicory
<i>Chrysanthemum leucanthemum</i> L.	Ox-eye daisy
<i>Cirsium vulgare</i> (Savi) Ten.	Bull thistle
<i>Daucus carota</i> L.	Wild carrot, Queen Anne's-lace
<i>Dipsacus fullonum</i> L.	Fuller's teasel
<i>Egeria densa</i> Planch.	Brazilian elodea, Brazilian water-weed
<i>Fatoua villosa</i> (Thunb.) Nakai	Hairy crabweed
<i>Festuca pratensis</i> Huds.	Meadow fescue
<i>Ipomoea quamoclit</i> L.	Cypressvine morningglory
<i>Kummerowia stipulacea</i> (Maxim.)	Makino Korean clover
<i>Kummerowia striata</i> (Thunb.) Schindl.	Japanese clover
<i>Liriope muscari</i> (Dcne.) Bailey	Liriope, Lilyturf
<i>Lysimachia nummularia</i> L.	Moneywort, creeping Jenny
<i>Melilotus albus</i> Medik.	White sweet clover
<i>Melilotus officinalis</i> (L.) Lam.	Yellow sweet clover
<i>Najas minor</i> All.	Brittle naiad
<i>Pastinaca sativa</i> L.	Wild parsnip
<i>Perilla frutescens</i> (L.) Britt.	Beefsteakplant
<i>Populus alba</i> L.	White poplar
<i>Senecio vulgaris</i> L.	Ragwort
<i>Setaria faberii</i> R.A.W. Herrm.	Nodding foxtail-grass
<i>Triadica sebifera</i> (L.) Small	Chinese tallowtree
<i>Tussilago farfara</i> L.	Coltsfoot
<i>Vicia sativa</i> L.	Garden vetch

5.5 FENCES, WALLS, AND BERMS

5.5.1 GENERAL

A fence, wall or berm may be used in conjunction with required landscaping subject to the following regulations.

- A. **Location.** A fence, wall or berm shall be located in such a manner as to not interfere with any sight distance requirements of this UDO, and shall not encroach upon any platted easements unless specifically authorized by the terms of the easement or by written consent of the agency in whose favor the easement is granted, and in the case of a Town Easement, authorized by the Administrator.
- B. **Design.** A fence, wall or berm shall be designed to not interfere with any Walkway or pedestrian/bikeway system serving the site.

5.5.2 FENCE AND WALLS WITHIN PERIMETER BUFFERS

- A. When a Fence or wall is used in conjunction with required Perimeter Buffer landscaping, the Fence or wall must be installed at a minimum of 10 ft from the Right-of-Way, with trees and shrubs distributed on either side of the Fence or wall.
- B. When an opaque fence or wall which is a minimum of 6 ft in height is used within the Perimeter Buffer, the required landscaping for that portion of the perimeter may be reduced by up to 25% of the required landscaping.

5.5.3 BERM REGULATIONS

A. Height.

- 1. Within the Front Yard or front Perimeter Buffer, a berm shall have a maximum height not to exceed:
 - a. **Residential Use District:** 6 feet
 - b. **Commercial & Mixed-Use District:** 3 feet; or,
 - c. **Employment / Campus Use District:** 6 feet.
- 2. Within the Side or Rear Yard or Perimeter Buffer, a berm shall have a maximum height not to exceed 10 feet.

B. Design.

- 1. Each berm shall have a minimum crown width of 2 feet;
- 2. Each berm shall have a side slope of not greater than 3 feet horizontal to 1 foot vertical;
- 3. Each berm shall be planted and covered with live vegetation; and,
- 4. A retaining wall may be used on the side of the berm facing away from the Public Right-of-Way or away from the Side Lot Line or Rear Lot Line.

5.6 INSTALLATION & MAINTENANCE

5.6.1 INSTALLATION

- A. **Installation Required.** All landscaping required by this Section shall be installed prior to commencement of the Use on the Lot or the issuance of a Certificate of UDO Compliance. If seasons and weather conditions are not appropriate for the installation of landscaping immediately prior to commencement of the Use or the issuance of a Certificate of UDO Compliance, a performance bond, or other surety acceptable to the Town, shall be provided to the Administrator, in compliance with the provisions of Section 11.14 – Construction Drawings of this UDO. All landscaping required by this Section shall be installed within the first 3 months of the next planting season after the Use of the Lot is commenced.

The months of June, July and August are not appropriate for the installation of landscaping, unless an adequate irrigation system is installed and operated as part of the landscape plan.

- B. **Live Vegetation.** All landscape materials installed as required by this Section shall be living vegetation.
- C. **Landscape Material Size at Installation.** Materials for all landscape plans under the requirements of this UDO shall comply with the minimum size as shown in Table 5.6.1-A at time of planting.

TABLE 5.6.1-A - REQUIRED PLANT SIZE

Landscape Material	Minimum Size
Overstory Deciduous Trees	2 1/2 inch diameter
Ornamental Deciduous Trees	1 1/2 in diameter
Overstory Evergreen Trees	6 feet
Small Evergreen Trees	4 feet
Large Shrubs	36 inches or #5 container
Medium Shrubs	24 inches or #3 container
Small Shrubs, Native Grasses, or Perennial Flowers	18 inches or #3 container

D. Street Tree Installation.

1. Trees must be installed prior to commencement of the Use on the Lot or the issuance of a Certificate of UDO Compliance.
2. At the time of installation the nursery tags must remain on the Street trees and a written statement must be submitted to the Administrator to certify that the correct species of tree(s) has been installed.
3. Trees shall be installed with root guards in accordance with the Town's Engineering Design & Construction Standards.
4. Replacement and Maintenance shall be in accordance with Section 5.6.2 of this UDO.

E. Certificate of Installation. Within 30 days of the installation of plant materials, a registered landscape architect shall submit written certification to the Administrator stating that healthy plant material was properly installed in accordance with the locations, quantities, minimum sizes, and species indicated on the approved landscaped plan.**F. Required 1-Year Warranty.** All landscape materials, including Street trees, that do not live for 1 year after installation shall be replaced. The installer shall provide the Town with a maintenance bond.**G. Bonding for Installation.** When a performance bond, or other acceptable surety, is provided in compliance with the provisions of Section 11.14 – Construction Drawings of this UDO, the

Administrator may issue a Certificate of UDO Compliance even though all required landscaping has not yet been installed. The performance bond shall be accompanied by a documentation of the estimated cost of the remaining landscaping to be completed. The documentation of estimated cost may include a landscaping contractor's bid or contract, a nursery's bill or similar document. The performance bond shall be for an amount equal to 1 ½ times the cost of the plant materials plus installation for the plant materials yet to be installed, based upon the highest estimate provided.

5.6.2**MAINTENANCE****A. The owner shall be responsible for:**

1. The maintenance of all required landscaping by keeping lawns mowed, all plants maintained as disease-free, all planting beds groomed and kept weed free (except in areas of preserved existing natural vegetation (i.e., thickets), and kept free from trash, debris and other objectionable materials;
2. The replacement of any required planting, which is removed or dies after the date of planting. Such replacement shall occur during the next planting season; and,
3. The replacement of any tree in a Tree Preservation Area which is removed or dies after the date of approval of a Preservation Landscape Plan. Such replacement shall occur during the next planting season.
4. Maintenance that damages plant material is prohibited.
5. Tree topping is prohibited.

B. Failure to maintain required landscape areas shall constitute noncompliance of this UDO enforceable under the provisions of Chapter 12 – Noncompliance & Enforcement.

6 PARKING

6.1 PURPOSE AND INTENT

- A. **Vehicle Parking Purpose and Intent.** The purpose of this Chapter is to establish minimum Vehicle Parking requirements so that new development Projects, new land Uses, and/or expansions thereof plan for the potential Vehicle Parking demand and minimize their impacts on neighborhood Streets. These provisions are also intended to guide parking design to effectively accommodate vehicle circulation, access, and dimensional needs while also considering the community's urban design goals and minimizing the visual and functional impact on the landscape. These standards are in addition to parking design standards in Chapter 8 of this UDO, Building, Site & Subdivision Lot Design Standards.
- B. **Bicycle Parking Purpose and Intent.** The purpose of this Chapter is also to support the Town's ability to promote and accommodate bicycle mobility by establishing minimum bicycle parking standards and associated facilities. These provisions require most new developments/land Uses to provide on-site bicycle parking infrastructure so that each community destination provides their proportionate share and at locations that are convenient and safe for cyclists.
- C. **Electric Vehicle Parking Purpose and Intent.** To accommodate the benefits of vehicle electrification including improved air quality and reduced reliance on fossil fuels, the Town supports frequent and convenient charging locations.

6.2 APPLICABILITY

6.2.1 APPLICABILITY

All new development, additions to Buildings or Structures, or conversions of Use for which a UDO permit is required shall provide required Parking Areas in accordance with the following regulations and design standards found in Chapter 8.

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6.2.2 RETENTION OF PARKING

The required vehicle, bicycle, and electric Vehicle Parking for a development/Use shall be retained pursuant to the approved permit. Said parking, thereafter, shall not be reduced, limited, or made unusable in any manner except as authorized by the UDO and/or Special Use Permit approval.

6.2.3 FRACTIONS OF MEASUREMENT CALCULATIONS

A. **Unit Measurements.** Unless specifically stated otherwise elsewhere in this UDO, when any dimensional requirement (measurements of space or distance) of this ordinance results in a fraction of a measurement unit, a fraction of $\frac{1}{2}$ or more

shall be considered a whole unit and a fraction of less than $\frac{1}{2}$ shall be disregarded (e.g., 12.6-feet shall equal 13 feet, whereas 12.1 feet shall equal 12 feet).

6.3 PERMITTED VEHICLE PARKING LOCATIONS

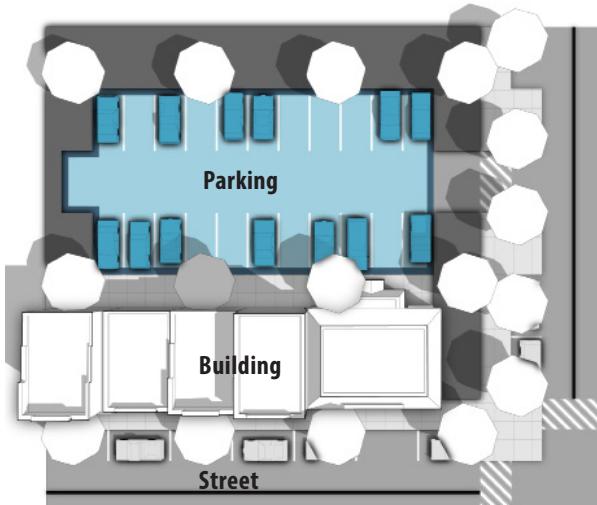
The following table details the permitted Vehicle Parking locations for each District. Additional locational requirements may apply to Parking Areas for specific Uses as detailed in Chapter 3 Use Standards and Chapter 8 Building, Site & Subdivision Lot Design Standards.

TABLE 6.3-A - TABLE OF PERMITTED VEHICLE PARKING LOCATIONS (N1)

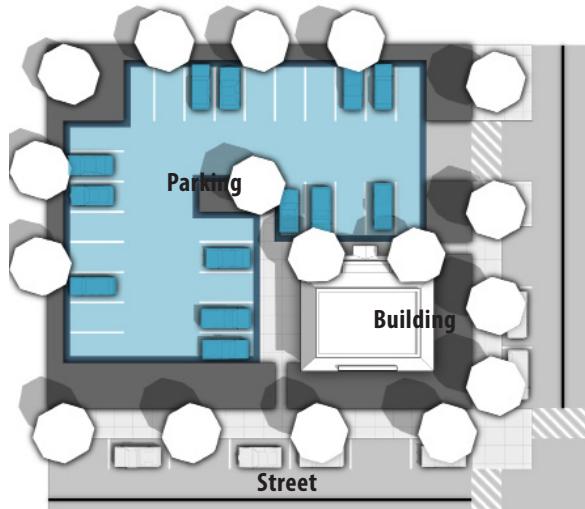
USE CATEGORIES	REAR YARD ONLY	SIDE AND REAR YARD ONLY	FRONT YARD RESTRICTED	UNRESTRICTED	ALL YARDS WITH RESTRICTIONS
Residential Uses					
Detached and Attached Dwellings on Lots less than 60 ft wide	Permitted	Permitted	Not Permitted	Not Permitted	Not Permitted
Detached and Attached Dwellings on Lots 60 ft or greater in width	Not Permitted	Not Permitted	Not Permitted	Not Permitted	Permitted
All other Residential Uses	Permitted	Permitted	Not Permitted	Not Permitted	Not Permitted
All Other Uses (by Use District) (N2)					
NMX/DMX	Permitted	Permitted	Not Permitted	Not Permitted	Not Permitted
RMX/IVMX	Permitted	Permitted	Permitted	Not Permitted	Not Permitted
CB	Permitted	Permitted	Permitted	Permitted	Not Permitted
SD	Established with a Conditional Zoning District (CD)				
BRT/HI	Permitted	Permitted	Permitted	Permitted	Not Applicable
N1: Alternate permitted Vehicle Parking locations may be considered with a Conditional Zoning District (CD)					
N2: Non-residential Uses located in a Residential Use District shall follow the requirements listed for the NMX District.					

FIGURE 6.3-A - VEHICLE PARKING LOCATION SPECIFICATIONS

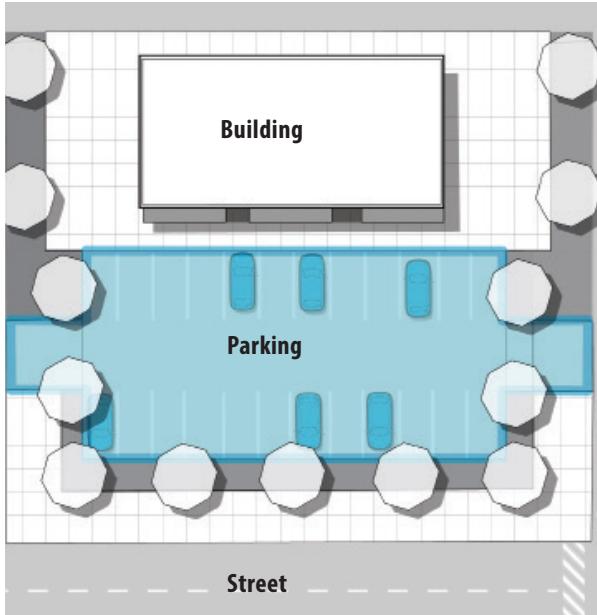
REAR YARD ONLY: *Parking is shielded by Buildings from view of the Public Street or public open space*



SIDE AND REAR YARD ONLY: *Parking may visibly encroach into the Side Yard but shall be no closer than 10 feet behind the primary Building façade.*



FRONT YARD RESTRICTED: *One bay of parking (a maximum of 65 feet in depth perpendicular to the Street) is permitted in front of a Building. A maximum of 75% of all Parking Spaces may be located in front of a Building.*



UNRESTRICTED: *The location of parking on a site is regulated only by other site restrictions (e.g., landscape areas, Tree Preservation Areas).*

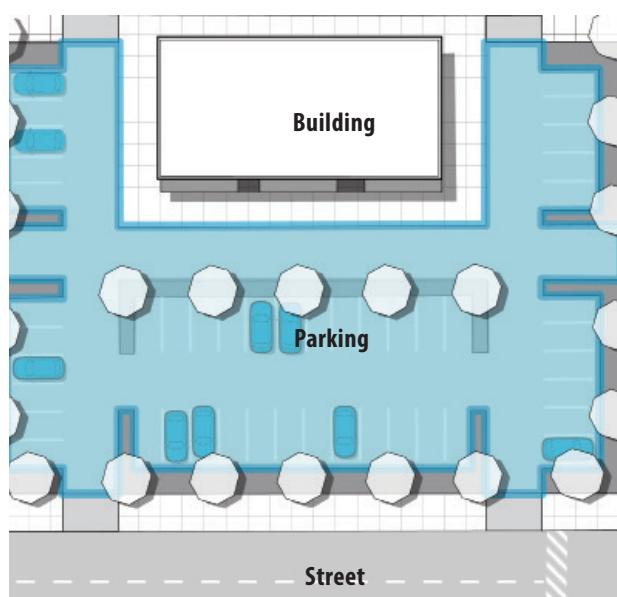
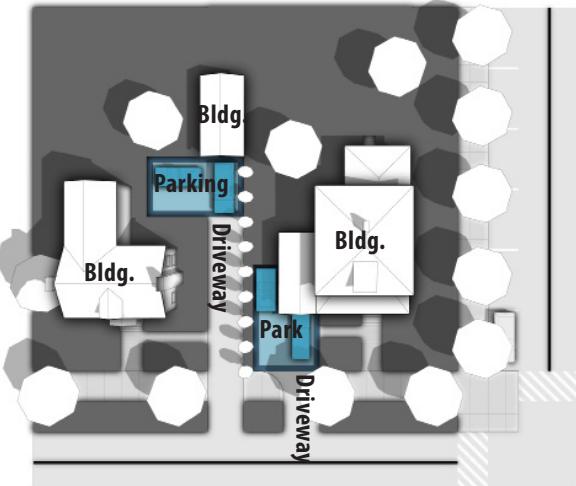


FIGURE 6.3-A - VEHICLE PARKING LOCATION SPECIFICATIONS

ALL YARDS WITH RESTRICTIONS: *Parking permitted in all Yards.*

Parking in front of a Building is restricted to a Driveway or paved surface and shall comply with requirements for grade level improvements. Refer to Section 3.4 for additional standards.



6.4 MINIMUM AND MAXIMUM VEHICLE PARKING REQUIREMENTS

6.4.1 REQUIRED VEHICLE PARKING OPTIONS

Parking shall be provided in accordance with one or any combination of the following options:

- A. **Standard Requirements.** The Use/development shall provide the Vehicle Parking quantities consistent with Table 6.4-A.
- B. **Similar Use Parking Assessment.** Where the proposed Use is not specifically listed in the table, the applicant shall provide Vehicle Parking consistent with a similar Use from Table 6.4-A as determined by the Administrator.
- C. **Parking Study.** Where required in Table 6.4-A or if requested by the applicant, a Vehicle Parking study may be prepared that utilizes a methodology that includes studies of Vehicle Parking utilization of other similar Uses and development types or published studies of Vehicle Parking demand as approved by the Administrator.
- D. **Shared Parking.** Where vehicular access is provided between adjoining or nearby Lots, the Uses may share required Parking Spaces subject to a shared parking easement or similar legally binding document. Parking Spaces required for churches, theaters or assembly halls, the peak attendance of which will be at night or on Sundays, may be those which are partially or wholly assigned to another Use which will be closed at night or on Sundays, provided that such shall be approved by Administrator.

6.4.2 LOCATION IN RELATION TO USE

Land Uses/developments shall provide required Vehicle Parking at locations in accordance with one or more of the following options.

- A. **On-Site.** Required Vehicle Parking shall be provided on the same Lot/parcel as the subject development/Use.
- B. **Within Integrated Center.** Required Vehicle Parking may be provided within the same

Integrated Center in which the development/Use is located. The associated Vehicle Parking location shall be identified as part of the permit application.

- C. **Satellite Parking.** Required Vehicle Parking may be provided on a separate Lot/parcel that is within 800 feet of the Building, Structure or Use that the Vehicle Parking Area is intended to serve, provided a Thoroughfare Street does not separate the Vehicle Parking Area from the subject Use and there is a continuous Sidewalk, sidepath or greenway connecting the two locations.
- D. **On-Street Vehicle Parking.** Existing designated On-Street Vehicle Parking stalls along the property's frontage may be credited towards the development's/Use's minimum Vehicle Parking requirement. Only the On-Street Vehicle Parking stalls along the property's frontage may be used to meet the requirements of this Chapter.

6.4.3 INCREASE IN INTENSITY OF USE

Additional Off-Street Parking Spaces shall be required whenever a change of Use of a Building, Structure, or Lot results in an increase in the minimum number of required Off-Street Parking Spaces to an extent of 15% or more of the number of Off-Street Parking Spaces existing on the Single Use Site, Integrated Center, Business Park, or Industrial Park.

TABLE 6.4-A - VEHICLE PARKING REQUIREMENTS (N1)

LAND USE	MINIMUM VEHICLE PARKING RATIO	MAXIMUM VEHICLE PARKING RATIO (N2)	EXEMPT FROM BICYCLE PARKING	ADDITIONAL REQUIREMENTS
RESIDENTIAL USES				
Apartment Dwelling	1 / unit	3 / unit	No	--
Detached & Attached Dwellings	2 / unit	None	Yes	Attached Dwellings must provide required parking + 10% for guest parking
Group Home	0.5 / bedroom	None	Yes	--
Residential Care Facilities	None	None	Yes	--
All other Residential Uses	1 / unit	None	No	--
LODGING USES				
Bed and Breakfast	1 / guest room	None	No	--
All other Lodging Uses	1 / guest room	1.5 / guest room	No	--
OFFICE AND SERVICE USES				
Family Child Care Home	2 / unit	None	Yes	--
Hospital	Study Required		No	See 6.4.1.C
Medical Office	4 / 1,000 sf	6 / 1,000 sf	No	--
Mortuary/Funeral Home/Crematory	4 / 1,000 sf	6 / 1,000 sf	Yes	Ratio based on the primary assembly area
All other Office and Service Uses	2 / 1,000 sf	4 / 1,000 sf	No	--
RETAIL, DINING, AND ENTERTAINMENT USES				
Amusement & Entertainment, Outdoor	Study Required		No	See 6.4.1.C
Bar/Nightclub/Tasting Room	5 / 1,000 sf	10 / 1,000 sf	No	Outdoor seating is included in the parking ratio calculation
Food/Restaurant Uses	3 / 1,000 sf	5 / 1,000 sf	No	Outdoor seating is included in the parking ratio calculation
Nightclub	5 / 1,000 sf	None	No	Outdoor seating is included in the parking ratio calculation
Theater	1 / 3 seats	None	No	--
Integrated Center or all other Retail, Dining, and Entertainment Uses	2 / 1,000 sf	4 / 1,000 sf	No	Outdoor seating is included in the parking ratio calculation
PUBLIC AND INSTITUTIONAL USES				
Religious Use	1 / 4 fixed seats in main assembly area, or if no fixed seats, 1 / 50 sf in main assembly area	None	No	--
All other Public and Institutional Uses	Study Required		No	See 6.4.1.C

TABLE 6.4-A - VEHICLE PARKING REQUIREMENTS (N1)

LAND USE	MINIMUM VEHICLE PARKING RATIO	MAXIMUM VEHICLE PARKING RATIO (N2)	EXEMPT FROM BICYCLE PARKING	ADDITIONAL REQUIREMENTS
RECREATION USES				
Campground	None	None	No	--
Golf Course	4 / hole	None	No	--
Recreation Facility	Study Required		No	See 6.4.1.C
All other Recreation Uses	2 / 1,000 sf	4 / 1,000 sf	No	--
AGRICULTURAL, MANUFACTURING, AND DISTRIBUTION USES				
All Agricultural, Manufacturing, and Distribution Uses	1 / 3,000 sf	None	Yes	Office areas are subject to requirements for Office and Service Uses. Non-occupied areas such as mechanical rooms or storage areas shall not be included in total area for minimum parking ratio calculation.
INFRASTRUCTURE USES				
All Infrastructure Uses	None	None	Yes	--
<small>N1: Unique Vehicle Parking ratio standards may be considered with a Conditional Zoning District (CD). N2: For uses with a maximum Vehicle Parking ratio listed, an additional 50% of Vehicle Parking Spaces may be provided in accordance with Section 6.7.1.H.2. Maximum Vehicle Parking Exceptions – Pervious Pavement Required.</small>				

6.4.4 EXCEPTIONS TO VEHICLE PARKING REQUIREMENTS

A. Reserved.

6.4.5 ACCESSIBLE VEHICLE PARKING SPACES

A. ADA Accessibility. Every Off-Street Vehicle Parking Area and Vehicle Parking Garage available to the public shall have Vehicle Parking Spaces reserves for the use of physically handicapped persons (as required by ADA Accessibility Guidelines for Buildings and Facilities, Chapter 4.1.2(5)(a), 1991 edition and later supplements, as amended through September 2002). Guidelines for ADA Vehicle Parking Spaces are as follows:

1. For Parking Areas with 1 - 25 total Vehicle Parking Spaces, 1 ADA Vehicle Parking Space required.
2. For Parking Areas with 26 - 500 total Vehicle Parking Spaces, 4% of the total number of Vehicle Parking Spaces must be ADA accessible.
3. For Parking Areas with 500+ total Vehicle Parking Spaces, 2% of the total number

of Vehicle Parking Spaces must be ADA accessible.

6.5 BICYCLE PARKING SPACE STANDARDS

6.5.1 APPLICABILITY

Bicycle parking is required for all Uses except as noted in Table 6.5-A. The standards regarding bicycle parking shall apply to all new construction, expansions and changes in Use. The Administrator may reduce bicycle parking for an individual site with the presence of nearby facilities in the same center or development.

TABLE 6.5-A - BICYCLE PARKING REQUIREMENTS

THRESHOLD FOR APPLICABILITY	REQUIREMENT
All Sites/Buildings (Minimum) with less than 20 Parking Spaces	5 bicycle spaces
For the first 250 Vehicle Parking Spaces	5 bicycle spaces / 50 Parking Spaces
For all additional Vehicle Parking Spaces over the first 250 spaces	5 bicycle spaces / 100 Parking Spaces

6.5.2 RACK DESIGN AND MAINTENANCE

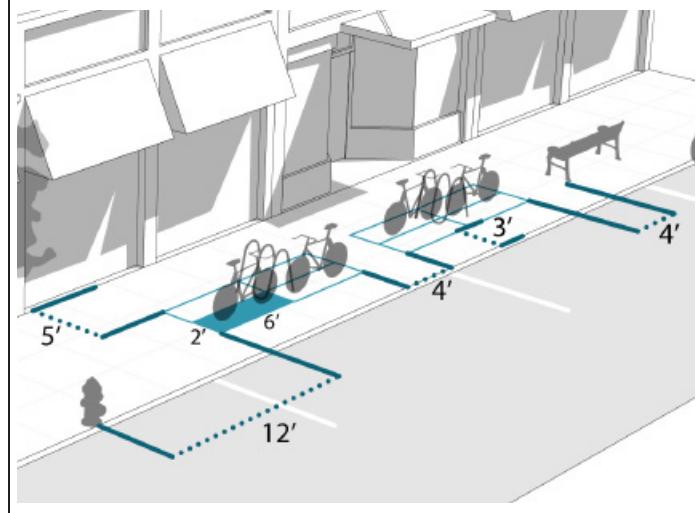
- A. A bicycle rack or an equivalent design approved by the Administrator shall have the ability to accommodate a minimum of 5 bicycles.
- B. Bicycle racks shall allow bicycles to be securely attached to the apparatus with a high security, U-shaped lock and shall be securely anchored to the ground, a Building, or a paved surface. Sign poles, planters, and lighting shall not be considered bicycle parking racks to satisfy these requirements.
- C. Maintenance: The bicycle racks and spaces required by this ordinance shall be maintained and kept clean and in proper working order at all times.
- D. Color of bicycle rack shall be black or consistent with the color scheme of the primary Building.

6.5.3 BICYCLE PARKING SPACE LOCATION

- A. Bicycle parking shall be placed in a convenient, highly-visible, active, and well-lit location not more than 100 feet walking distance of the main entrance, but shall not interfere with pedestrian movements.
- B. Bicycle parking shall be provided on a hard-surface, all-weather pavement of asphalt or concrete with curb ramps installed as appropriate.
- C. For developments adjacent to a greenway, bicycle parking should be clearly visible from the trailhead.
- D. Bicycle Parking Spaces should be dispersed throughout large Parking Areas such as those found in Integrated Centers and all bicycle Parking Spaces shall be as convenient as possible and no less convenient than the American with Disabilities Act parking requirements.
- E. Each bicycle Parking Space shall provide 6 feet by 2 feet in area per bicycle and at least 4 feet between parallel racks for access.
- F. Bicycle racks installed on Sidewalks should be located outside of the public Right-of-Way and provide for a clear, unobstructed width of at least 5 feet for pedestrians and should be installed at least 3 feet from the face of the curb.

- G. Bicycle parking shall be located no closer than 3 feet to any wall to provide adequate space for access and maneuvering and a minimum of 4 feet from existing Street furniture and other obstruction (e.g., mailboxes, light poles, benches) and be no closer than 12 feet from the edge of fire hydrants.
- H. Where not clearly visible from the access way, directional signage shall be provided to route bicyclists to the bicycle parking facility.
- I. Up to 25% of required bicycle Parking Spaces may be located indoors for long-term parking.

FIGURE 6.5-A - BICYCLE RACK LOCATION DETAILS



6.6 ELECTRIC VEHICLE (EV) PARKING SPACES

6.6.1 APPLICABILITY

Parking for electric vehicles is required in Table 6.6-A and is considered inclusive of the required number of total Vehicle Parking Spaces. This requirement is for new construction or the expansion of existing Vehicle Parking Areas by 20 or more spaces.

TABLE 6.6-A - ELECTRIC VEHICLE PARKING SPACES MINIMUM STANDARDS

USE	THRESHOLD FOR APPLICABILITY	REQUIREMENT
Detached Dwellings, Attached Dwellings, and Bed and Breakfast	New Subdivisions platted after the adoption of this UDO or new Bed and Breakfast Uses	Minimum of 1 EVSE-Home per unit
All other Residential and Lodging Uses	Less than 20 rooms/units	Minimum of 1 EVSE space
	20 or more rooms/units	5% of all spaces shall have EVSE & Additional 15% shall be EV-Ready
All other uses	20-50 provided spaces in a single development	10% shall be EVSE-Ready
	50 or more provided spaces in a single development	5% of all spaces shall have EVSE & Additional 15% shall be EVSE-Ready

6.6.2 SPECIFICATIONS

- A. **Light-duty Electric Vehicle Supply Equipment Ready (EVSE-Ready).** Provision of electrical panel capacity and raceway to Parking Areas for the future installation of electric vehicle charging equipment.
- B. **Light-duty Electric Vehicle Supply Equipment Home Installation (EVSE-Home).** Provision of 240-volt charging outlet within 10 feet of a Parking Space.
- C. **Light-duty Electric Vehicle Supply Equipment (EVSE).** Provision of Level 2 (240-volt charging outlet) or greater (or its successor equivalent) equipped with Society of Automotive Engineer (SAE) J-1772 connectors to charge 1 EV at a time or 2 SAE J-1772 connectors to charge 2 EVs at once.

6.6.3 ADDITIONAL REQUIREMENTS

- A. Electric Vehicle Parking Spaces shall be reserved for the exclusive use of electric vehicles.
- B. Electric Vehicle Parking Spaces may be counted towards minimum Vehicle Parking requirements and are exempt from maximum Vehicle Parking standards.
- C. Where the installation of 1 or more electric Vehicle Parking Spaces, and/or the installation of electric power supply in Vehicle Parking facilities to allow for the future installation of electric Vehicle Parking Spaces, are required by this section, an exception may be granted through the Development Plan approval process only where it is demonstrated that the extension of electrical power supply to the effected location is physically impractical. Financial impracticality is not a valid criterion for granting such an exception.

6.7 CONSTRUCTION AND MAINTENANCE STANDARDS

6.7.1 CONSTRUCTION STANDARDS

- A. Layout.** The layout of all Off-Street Vehicle Parking Areas shall be in compliance with the requirements set forth in the Engineering Design & Construction Standards.
- B. Landscaping.** Except individual Detached Dwellings and Attached Dwellings, the landscaping of all Off-Street Vehicle Parking Areas shall comply with Section 5.3.2 and 5.3.3.
- C. Separation from Buildings.** Except individual Detached Dwellings or Attached Dwellings, all Off-Street Vehicle Parking Spaces, Off-Street Vehicle Parking Areas and interior Access Drives shall maintain a minimum 5 foot separation from the wall of a Building.
- D. Definition of Vehicle Parking Spaces.** Except individual Detached Dwellings and Attached Dwellings, all Off-Street Vehicle Parking Spaces shall be provided with a raised curb, wheel stops or other devices to insure that motor vehicles do not encroach beyond the Vehicle Parking Area or into a required Perimeter Buffer.
- E. Vehicle Parking Space Size.** Vehicle Parking Spaces shall be in compliance with the requirements set forth in the Engineering Design & Construction Standards.
- F. Golf Carts.** Up to 5% of the total number of Vehicle Parking Spaces provided may be designated for golf cart parking. Additional golf cart Parking Spaces for recreational Uses may be permitted by the Administrator.
- G. Length of Driveway Stem.** Except individual Detached Dwellings and Attached Dwellings, the Driveway stem into an Off-Street Vehicle Parking Area shall be kept clear from the maneuvering movements necessary to support individual Vehicle Parking Spaces as specified in the Engineering Design & Construction Standards.
- H. Surface of Vehicle Parking Areas.**
 - 1. Principal Use Vehicle Parking Areas.** All required Vehicle Parking Areas and

any Driveway, Interior Access Driveway or interior Access Drive to and from such Vehicle Parking Areas shall be hard surfaced with asphalt, concrete or other material to provide a durable, dust free surface.

- a. Residential Buildings converted to a nonresidential Use less than 5,000 square feet in Building area are exempt from the hard surface requirement as long as a durable and dust free surface is provided.
- b. Detached Dwellings on Lots 2 acres or greater in the Rural Residential District are allowed to provide a gravel Driveway instead of a hard surface Driveway when located outside of the Right-of-Way.
- 2. Maximum Vehicle Parking Exceptions - Pervious Pavement Required.** Additional Vehicle Parking Spaces over the Vehicle Parking ratio must be constructed with pervious materials approved by the Administrator.
- 3. Temporary Use Vehicle Parking Areas.** A permitted Temporary Use may use an unimproved or gravel surface for the duration of the Temporary Use. If a temporary gravel surface is provided, such gravel shall be removed and the Off-Street Vehicle Parking Area shall be returned to its prior condition immediately upon cessation of the Temporary Use.
- 4. Curb and Gutter Required.** Curb and gutter shall be provided as specified in the Engineering Design & Construction Standards on all permanent Vehicle Parking Areas.

6.7.2 MAINTENANCE

All required Vehicle Parking Areas shall be permanently maintained and remain free and clear of litter and debris. The applicant or responsible party shall repair damaged paved surfaces, as necessary.



7 STREETS, UTILITIES AND OTHER INFRASTRUCTURE

7.1 PURPOSE AND APPLICABILITY

A. The purpose of this Chapter is to establish criteria for the Subdivision and development of real property within the jurisdiction of the Town.

These regulations are intended to:

1. Assure the timely provision of required Streets, utilities, and other facilities and services to new land developments;
2. Assure the adequate provision of safe and convenient traffic Access and circulation, for vehicles, bicycles and pedestrians, in and through new land developments;
3. Coordinate proposed development with existing or planned Streets and with other public facilities;
4. Dedicate or reserve Rights-of-Way or easements for utility purposes; and,
5. Provide adequate water, sanitary sewer and reclaimed water services.

B. The regulations of this Chapter apply to any new development subject to Development Plan or Subdivision review.

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7.2 REQUIRED IMPROVEMENTS AND COORDINATION FOR ALL DEVELOPMENT

7.2.1 TABLE OF REQUIRED IMPROVEMENTS

The table below indicates required improvements by district for all development applications requiring a Development Plan or Subdivision Plan.

REQUIRED IMPROVEMENTS (SECTION REFERENCE)	RESIDENTIAL USE DISTRICTS STANDARDS					COMMERCIAL & MIXED-USE DISTRICT STANDARDS				EMPLOYEE/CAMPUS USE DISTRICT STANDARDS			
	RR	SR	NR	NCR	MXR	NMX	DMX	RMX	CB	SP	IVMX	BRT	HI
Underground Wiring (7.2.3.B.)	R	R	R	R	R	R	R	R	R	R	R	R	R
Underground Drainage (7.2.3.C.)	R	R	R	R	R	R	R	R	R	R	R	R	R
Public Water and Hydrants (7.2.3.D.)	R	R	R	R	R	R	R	R	R	R	R	R	R
Public Sanitary Sewer (7.2.3.E.)	R	R	R	R	R	R	R	R	R	R	R	R	R
Curb and Gutter (7.7.4.K.)	R*	R*	R*	R*	R*	R*	R*	R*	R*	R*	R*	R*	R*
Paved Streets (7.4.4.)	R	R	R	R	R	R	R	R	R	R	R	R	R
Street Signs (Public Streets) (7.4.4.G.)	R	R	R	R	R	R	R	R	R	R	R	R	R
Street Lights (7.4.4.L.)	R	R	R	R	R	R	R	R	R	R	R	R	R
Sidewalks, Sidepaths, and Greenways (7.6)	R	R	R	R	R	R	R	R	R	R	R	R	R
Street Trees (Section 5.3.5)	R	R	R	R	R	R	R	R	R	R	R	R	R

KEY: R - Required
 *Exceptions requested to the Engineering Design and Construction Standards may be granted subject to approval by the Executive Director of Utilities and Infrastructure, or designee)

7.2.2 GENERAL REQUIREMENTS

- A. Engineering Design and Construction Standards.** All required improvements in this Chapter must meet both the standards herein and the Town's Engineering Design & Construction Standards.
- B. Dedication of any Public Utility Lines or Other Public Facilities by Final Plat.** Pursuant to GS §160D-804, land shall be dedicated and reserved for utility purposes. When a utility Right-of-Way is dedicated, the approval of a Final Plat does not constitute an acceptance by the Town of any public utility line or other public facility shown on the Final Plat. The act of accepting any dedication of lands or facilities located within the jurisdiction of this UDO, but outside the corporate limits of the Town, shall not place on the Town any duty to open, operate, repair or maintain any utility line or other public facility.
- C. Dedication of any Public Utility Lines or Other Public Facilities by Grant of Easement or Plat.** Public utility lines or other public facilities may be dedicated to the Town by separate grant of easement or separate Plat (i.e., not a Final Plat of a Subdivision) subject to the approval by the Administrator. No public utility lines or other public facilities shall be built within such easement or Plat by a developer unless in compliance with construction drawings approved by the Administrator. Upon completion and receipt of a one year warranty, the Administrator may accept such public utility lines or other public facilities for public maintenance.
- D. Dedication of Streets.** When a Street is dedicated in connection with a Subdivision or Development Plan, the approval of a Final Plat shall not constitute the acceptance by the Town of any Street shown on the Final Plat. The Administrator is hereby authorized by the Town Council to accept public dedication of Streets upon the following conditions:
 - 1. The Street is located on lands within the corporate limits of the Town.
 - 2. The Street has been constructed within a recorded Right-of-Way and done so in

accordance with the Engineering Design & Construction Standards.

- 3. The warranty period for the Street construction has expired and no warranty issues remain.
- 4. The person dedicating the Street is not otherwise in default of any other obligation to the Town.

Acceptance of dedication of lands for Street Right-of-Way purposes located within the jurisdiction of this UDO, but outside the corporate limits of the Town shall not place on the Town any duty to open, operate, repair or maintain any Street, and the Town shall, in no event, be held to answer in any civil action or proceeding for failure to open, repair or maintain any Street located outside the corporate limits of the Town.

7.2.3 UTILITIES

A. Utility Allocation.

- 1. Introduction and Purpose.** Drinking water and sanitary sewer conveyance and treatment through Holly Springs distribution network, collection system, and water reclamation facility are finite. As such, Holly Springs' municipal water and sanitary sewer capacity are valuable resources that must be conserved and apportioned to Projects that promote the Town's strategic plan.

2. Applicability.

- a. All Projects that require a UDO Application/Permit, such as a Zoning Map Amendment, Major Subdivision Plan, Development Plan, Special Use Permit, or UDO Permit, must obtain approval of a Utility Allocation Request for the needs of the Project, as outlined in the preliminary sanitary sewer study and/or hydraulic analysis (fire flow).
- b. Existing water and/or sanitary sewer connections or new Projects not requiring a utility extension permit will be allocated capacity after the utility service is installed and prior to the setting of the meter.

- c. The method of utility allocation is established in the Development Procedures Manual.

B. Easements. Easements shall be provided for all public or private utilities including, but not limited to water, sanitary sewer, reclaimed water and drainage in conformance with the Engineering Design & Construction Standards and Code of Ordinances. The final location and configuration of all easements are subject to the approval of the Administrator and shall be clearly delineated on all Final Plats, site plans, Development Plans or other applications submitted to the Town for any form of development or improvement approval.

C. Underground Installation of Utility Lines Required.

1. **New Installations.** All new utility lines and services shall be provided underground. All such installations shall be provided in conformance with the Engineering Design & Construction Standards. Underground service connections at the Street property line shall be provided to each Lot by the developer or Subdivider. At the discretion of the Town Council, the requirement for individual electric service connections to each Lot may be waived in the case of adjoining Lots to be retained in single ownership and intended to be developed for the same primary Use.
2. **Relocation.** Where any Major Subdivision or Development Plan is proposed, existing overhead utility lines along or through the proposed development shall be relocated underground. Where the existing utility service is of a nature where relocation underground does not meet the criteria for underground relocation established by the utility provider, the decision-making body may waive this requirement upon recommendation of the Administrator and payment of a fee-in-lieu of such relocation.

D. Drainage Utilities.

1. The developer or Subdivider shall provide surface or subsurface stormwater drainage system in accordance with the Town's NPDES Phase II Post-Construction Stormwater Ordinance, the Town's NPDES Phase II Stormwater Illicit Discharge and Detection Ordinance, and the Town's Engineering Design & Construction Standards. In addition, stormwater drainage systems shall conform to the following:
 - a. No surface water shall be channeled or directed into a sanitary sewer.
 - b. Where feasible, the developer or Subdivider shall connect to an existing storm drainage system.
 - c. Where an existing storm drainage system cannot feasibly be extended to the Project or Subdivision, a surface drainage system shall be designed to protect the proposed and existing development from water damage.
 - d. All development shall extend stormwater connections, contained in private drainage easements, sized to receive and to convey stormwater to and from adjacent properties built out conditions shown on the most current version of the Comprehensive Plan and in accordance with the Engineering Design & Construction Standards.

E. Water Utilities. Each Lot in a Major Subdivision or Development Plan within the Town and its Extraterritorial Jurisdiction shall be provided, at the developers or Subdividers expense, with municipal water services. Any water lines connections, services, and equipment so extended shall be installed in accordance with the Engineering Design & Construction Standards. Each legally established residential Lot or Lot created by a Minor Residential Subdivision that is within 1,000 feet of an existing municipal water line, which can be Accessed through existing Rights-of-Way or easements, shall connect to such municipal water line at the developers or Subdividers expense at the time of Building Permit. This shall not apply to any legally established Lot located in the Extraterritorial Jurisdiction prior to the effective date of this UDO.

All Lots not connected to municipal water systems shall have a suitable source of potable water which complies with the regulations of the Wake County Health Department and the State of North Carolina.

F. Sanitary Sewer Utilities. Each Lot in a Major Subdivision or Development Plan within the Town and its Extraterritorial Jurisdiction shall be provided, at the developers or Subdividers expense, with municipal sanitary sewer services. Any sanitary sewer lines, connections, services, and equipment so extended shall be installed in accordance with the Engineering Design & Construction Standards. Connection to municipal water service is required with sanitary sewer service connection.

Each legally established residential Lot or Lot created by a Minor Residential Subdivision that is within 1,000 feet of an existing municipal sanitary sewer line, which can be Accessed through existing Rights-of-Way or easements, shall connect to such municipal sanitary sewer line at the developers or Subdividers expense at the time of Building Permit. This shall not apply to any legally established Lot located in the Extraterritorial Jurisdiction prior to the effective date of this UDO.

All Lots not connected to municipal sanitary sewer systems shall have a suitable source of sanitary sewage disposal which complies with the regulations of the Wake County Health Department and the State of North Carolina.

G. Reclaimed Water Utilities. Each Lot in a Major Subdivision or Development Plan within the Town and its Extraterritorial Jurisdiction that is also within the Town's Reclaimed Water Service Area (shown on the Reclaimed Water Distribution Service Area Map located on the Town's website) shall be provided, at the developers or Subdividers expense, with municipal reclaimed water lines and services. Any reclaimed water lines connections, services, and equipment so extended shall be installed in accordance with the Engineering Design & Construction Standards.

Each legally established residential Lot or Lot created by a Minor Residential Subdivision that

is within 1,000 feet of an existing municipal reclaimed water line which can be Accessed through existing Rights-of-Way or easements shall connect to such municipal water line at the developers or Subdividers expense at the time of Building Permit. This shall not apply to any legally established Lot located in the Extraterritorial Jurisdiction prior to the effective date of this UDO.

H. Fiber Optic Network. When a Major Subdivision or Development Plan within the Town and its Extraterritorial Jurisdiction abuts the Town's existing fiber optic network, a connection or conduit for future connection shall be provided at the developers or Subdividers expense.

Any new wastewater pumping station constructed with a Major Subdivision or Development Plan shall be connected to the Town's fiber optic network at the developer's or Subdivider's expense.

Any new traffic signal installed with a Major Subdivision or Development Plan shall be connected to the Town's fiber optic network at the developer's or Subdivider's expense.

I. Water Metering Network. The developer or Subdivider shall be responsible for costs associated with any additional water metering network infrastructure as determined by the Administrator. The developer or Subdivider shall submit a site location map to the Administrator that includes the boundary of the proposed development, the location points for water service delivery with latitude and longitude coordinates where available. The Administrator will review site plans and provide an estimated network infrastructure design along with an estimate of fees necessary to serve the site. In addition, should the site need additional network infrastructure to adequately serve the site, the Administrator may require the developer or Subdivider to dedicate (easement rights/Right-of-Way/fee simple ownership) sufficient to properly locate, operate, and maintain the infrastructure. The Administrator may require all or a portion of the associated network fees to be paid prior to commencement of work. Following construction,

the Administrator will apply supplemental fees required to adequately install the water metering network infrastructure not otherwise paid for at the time of application.

7.2.4 COORDINATION WITH OUTSIDE AGENCIES AND UTILITIES

The Developer shall coordinate with applicable outside agencies and utility providers when reviewing the improvements required in Table 7.2-A. This includes, but is not limited to, electric and cable utilities, wireless providers, and applicable governmental agencies.

7.3 CONNECTIVITY

- A. Purpose.** In order to provide for the convenient movement of traffic, effective fire protection, efficient provision of utilities or where such connection is in accordance with the Comprehensive Plan, Streets shall be arranged so as to: provide for the continuation of Collector Streets and Thoroughfare Streets between adjacent Subdivisions and development; maximize interconnectivity between and within Subdivisions or development; and, minimize the use of Cul-de-Sac Streets.
- B. General.** Streets, alleys and vehicular areas shall be designed and located in proper relation to existing and proposed Streets, to the topography, to such natural features as streams and tree growth, to public safety and convenience, and to the proposed land to be served by such Streets. All proposed Streets shall provide for the appropriate projection of Streets in surrounding areas and provide reasonable Access (stub Streets) for surrounding acreage or tracts. Requirements may vary at the discretion of the Administrator where compliance is determined not feasible because of topography, the existence of environmentally sensitive lands, the need to preserve cultural resources, and/or other similar considerations.
- C. Streets to be Interconnected.** All Streets shall be designed to form part of an interconnected Street pattern. Streets must connect with adjacent Street networks to the extent possible. Street designs will be evaluated as to meeting this interconnectivity standard on their ability

to: permit multiple routes between origin/destination point; diffuse traffic; and, shorten walking distance.

- 1. Gated Communities.** Gated communities are prohibited.

- 2. Access Points.**

- a. New development shall maintain external Access points through Street connections to existing roads and/or stubs to future development. Any development with more than 150 Dwelling Units must have a secondary means of public Access and with each additional 300 units, another public Access must be added. Nonresidential development shall provide secondary Access if required by fire code.
- b. An approved permit is required to connect to any existing state system Street. North Carolina General Statute 136-102.6 Compliance of Subdivision Streets with minimum standards of the Board of Transportation Required of Developers requires that new Public Streets outside the Town limits and changes to existing Streets inside the Town limits that are the responsibility of NCDOT be in accordance with the minimum Right-of-Way and Construction standards established by the Board of Transportation for acceptance on the state highway system. It is the intent of these standards and requirements, as set forth, to complement and not to conflict with the requirements of NCDOT as stated in NCGS 136-102.6. In all cases the most restrictive limitation or requirement or the requirement causing the highest standard of improvement shall govern.

- D. Internal Design.**

- 1. All Proposed Streets Shall be Constructed in Accordance with the Minimum Street Standards as Shown in Section 7.6.2.**

- 7.6.2.** All Street improvements shall be designed and installed in accordance with the Engineering Design & Construction

Standards Before acceptance of new Streets, the developer's engineer shall certify that all Street improvements installed in the development meet the minimum standards of the Engineering Design & Construction Standard.

2. **Cul-de-Sacs.** Permanent dead-end Streets or Cul-de-Sacs shall be no longer than 1,000 feet per the Engineering Design & Construction Standards. In general, Streets with one end permanently closed shall be avoided unless the design of the development and the existing or proposed Street system in the surrounding area clearly indicates that a through Street is not feasible at the location of the proposed Cul-de-Sac. If a Cul-de-Sac is provided, a pedestrian connection between the Cul-de-Sac and an adjacent Street, sidepath, greenway or public Park may be required, except when connecting to an adjacent Thoroughfare.

E. Interconnectivity with Adjacent Projects.

1. **Connection to Street Stubs Required.** New developments shall connect to any existing Street stubs from adjacent properties. Traffic calming measures as allowed in the Engineering Design & Construction Standards shall be included when Street stubs between neighborhoods are connected.

F. Street Stubs for the Future.

1. **Stub Street Details.** Stub Streets and Streets intended for extension during future phases shall be designed and constructed to the property line or as close to the line, vertically and horizontally, as practical. It shall be the responsibility of the second development to construct the connection to an existing stub Street. Stub Streets shall not exceed 150 feet in length without a paved turnaround (permanent or temporary). A clearly visible Street Sign shall be erected at the end of the stub Street stating that the Street is planned to connect to a future Street as specified in the Engineering Design and Construction Standards. The absence of a Sign does not prohibit the future connection of the Street.

2. **Street Stub Prioritization.** New development shall stub to all adjacent properties where practical at the rate of at least one Street stub per 800 feet of property boundary when connecting to property within the RR and SR zoning districts, and at least one stub per 400 feet when connecting to all other districts. The location of new required Street stubs shall be prioritized as follows: (See Figure 7.3-A)
 - Adjacent parcels 20 acres or greater.
 - Adjacent parcels that abut or are traversed by existing or proposed Thoroughfares or Collector Streets.
 - Where any adopted transportation or land Use plan recommends a Street connection.
3. **Exceptions.** All Schools (K-12) and Civic Buildings are exempt from these stub Street requirements.

FIGURE 7.3-A - STREET CONNECTIVITY EXAMPLE

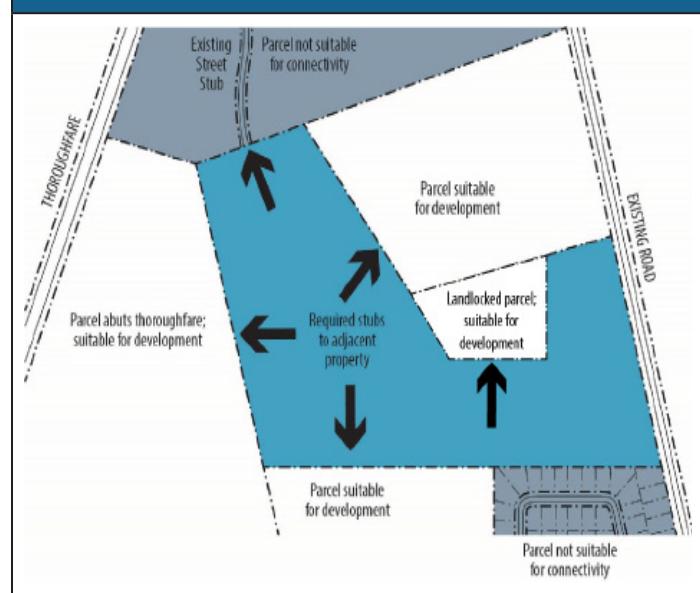
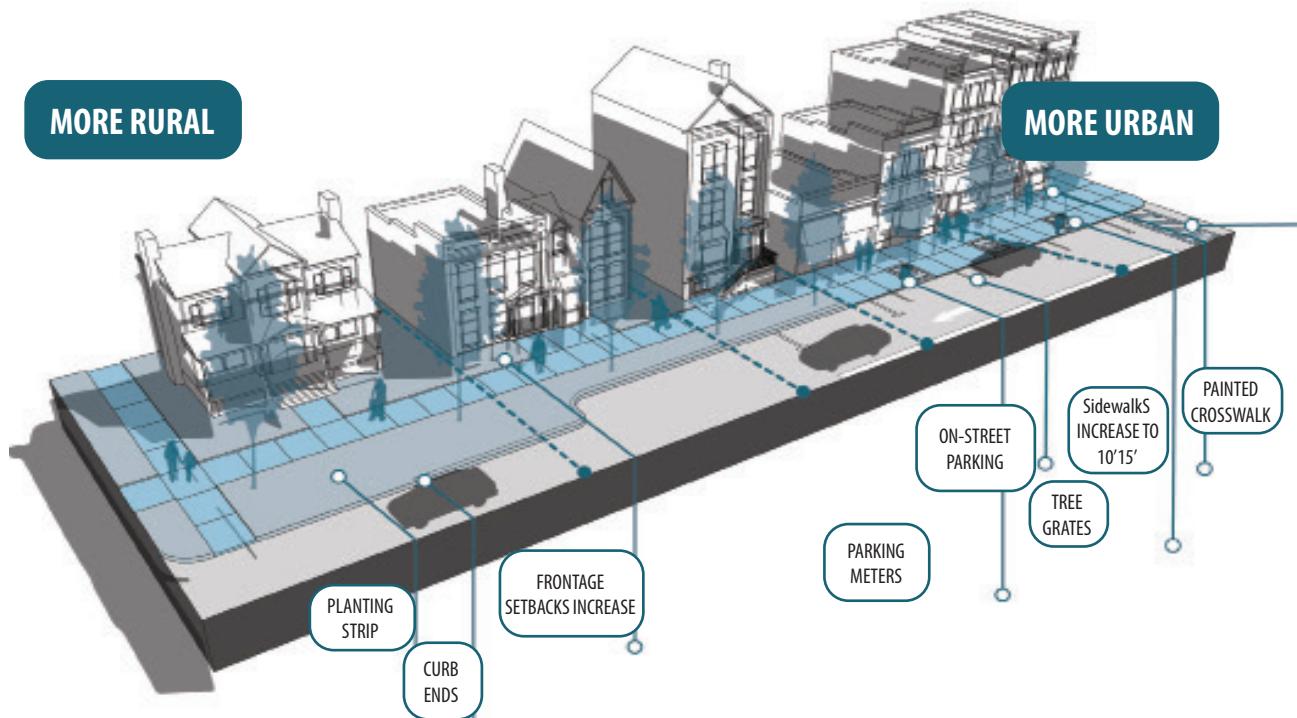


FIGURE 7.4-A - TYPICAL STREETSCAPE ELEMENTS: RURAL TO URBAN CONDITION



7.4 STREET CLASSIFICATION AND DESIGN

The following standards are intended to provide general clarity for most conditions in the Town. Deviations to these standards may be granted by the Administrator subject to generally accepted safety and engineering practices.

7.4.1 CONFORMANCE WITH COMPREHENSIVE PLAN

All Streets shall be planned in conformance with the recommendations of the Comprehensive Plan and the Engineering Design & Construction Standards.

7.4.2 STREET DESIGN

Figure 7.4-A is a simplified diagram of the many different streetscape elements that go into the assemblage of each Street.

7.4.3 STREET DESIGN ELEMENTS

(See illustration in 7.4-A)

- A. **Rights-of-Way.** The Right-of-Way should be the minimum required to accommodate the Street, median, planting strips, Sidewalks, sidepaths, utilities and maintenance consideration.
- B. **Measurement of Pavement Area Details.** The dimensions established for lane widths, Sidewalks, sidepaths, bike lanes and parking lanes indicate the required back of curb to back of curb measurement, or to the edge of pavement for roadways with open drainage. Typical dimensions will be noted.
- C. **Curb and Gutter.** Where the dimension for curb and gutter is noted.
- D. **Turn Lanes.** Dedicated right turn lanes, where required, may be taken from the parking lane.
- E. **Dimension Ranges.** Where ranges are given, the Project designer should consult with the Administrator as to the appropriate detail.
- F. **Substandard Right-of-Way.** Where the existing Right-of-Way is less than the width called for in the Comprehensive Plan, the fronting

property owner shall be required to dedicate the appropriate amount of Right-of-Way (as measured from the centerline of the existing Street) as well as install all noted streetscape improvements including new or expanded Sidewalks, Street trees, lighting and Street furniture.

- G. Designation of New Right-of-Way.** Where a future Right-of-Way is identified in the Comprehensive Plan or other applicable plan, new development shall reasonably adhere to the conceptual alignment, provide such Right-of-Way, design and construction with proportionality. Design and construction must conform to all of the Street Network Requirements of the Engineering Design & Construction Standards.
- H. Crosswalks.** Enhanced crosswalks (i.e. RRFBs) are encouraged near schools, Parks and other locations that warrant high visibility crosswalks.

7.4.4 GENERAL STREET REQUIREMENTS

Street classifications shall follow the Comprehensive Plan and the Engineering Design & Construction Standards.

- A. Areas for Streets.** All proposed Projects or Subdivisions submitted for approval shall allocate adequate areas for Streets.
- B. Street Names.** Streets which are extensions or a continuation of any existing Streets, shall be in compliance with Town Policy P-040 Street Naming and Addressing Policy.
- C. Access to Thoroughfares and Collectors.** If the proposed Project or Subdivision abuts or contains a Thoroughfare Street, limited Access Street, or a Collector Street, the Street plan shall provide a new Street type connection between the Project and the existing Street. Each Lot in the Project that abuts the existing Street shall have Access on the new Street.
- D. Extension of Streets.** All Street improvements in accordance with the Comprehensive Plan shall be extended across the entire Frontage of all Lots, phases or sections within a Project or Subdivision which have Frontage on such Street.
- E. Frontage on Improved Streets.** All Projects or Subdivisions shall be designed so that all areas to

be developed or subdivided shall have Frontage on and Access from:

- 1. An existing Town or State Street; or,
- 2. A Public Street shown upon an approved Final Plat; or,
- 3. A Private Street.
- 4. Such Street shall be improved as required by the rules, regulations or specifications of the State of North Carolina or the Town, whichever is stricter, with the width of the Right-of-Way and pavement to be in compliance with the Comprehensive Plan, this UDO and the Engineering Design & Construction Standards.

- F. Grading and Improvement Plan.** Streets shall be graded and improved to conform with the construction standards and specifications set forth in the Engineering Design & Construction Standards and Ordinance No. 00-023 – Soil Erosion and Sedimentation Control, Topography and Arrangement.

- G. Street Signs.** The developer or Subdivider shall erect or place Street name Signs, pavement marking and traffic control Signs in conformance with the Engineering Design & Construction Standards, Town Policy and the North Carolina Manual on Uniform Traffic Control Devices at every Street intersection within the Project or Subdivision.

- H. Reserve Strips.** The creation of reserve strips adjacent to the Right-of-Way for Use to deny Access to a Street from adjacent properties shall not be permitted.

- I. Dedication of Public Streets on a Final Plat.** All Public Streets shown on a Final Plat shall be designated in accordance with GS §136-102.6 and 160D-806. The designation of a Street as public on a Final Plat shall be conclusively presumed an offer of dedication of such Street to the public free and clear of all liens and encumbrances.

- J. Design and Construction Standards for All Public Streets.** In order to provide for Streets which are of a suitable location and design to accommodate prospective traffic and afford satisfactory Access to traffic, including public

safety vehicles, snow removal, sanitation, and road maintenance equipment, and to avoid undue hardships to adjoining properties, all Streets which are to be dedicated to the Town shall be designed and constructed in accordance with the Engineering Design & Construction Standards and the Comprehensive Plan.

- K. Curb and Gutter.** Curb and gutter shall be provided for all Streets in all Projects or Subdivisions in accordance with the Engineering Design & Construction Standards.
- L. Street Lighting.** Developers or Subdividers shall provide Street lighting along all Streets in accordance with the most recent Street lighting policy adopted by the Town.
- M. Transit Stops.** If a bus or transit stop is identified on the Comprehensive Plan along a proposed new Street, that new Street shall be built to accommodate the bus stop and provide shelter.
- N. Excess Right-of-Way or Slope Easement.** Right-of-Way widths in excess of those recommended by the Comprehensive Plan and required by the Engineering Design and Construction Standards or slope easements shall be required whenever additional width is necessary to provide for adequate and stable earthen side slopes. Earthen side slopes shall be less than one foot vertical for each 3 feet horizontal.
- O. Bridges.** Bridges of primary benefit to the Subdivider, as determined by the Town Council, shall be constructed at the full expense of the developer or Subdivider without reimbursement from the Town.
- P. Alleys.** Alleys may be proposed in such instances where the use of alleys was indicated on an approved Subdivision Plan or Development Plan.
- Q. Private Streets, Private Alleys, Interior Access Driveways and Interior Access Drives.**
 - 1. Design Standards.** Private Streets or Private Alleys (which are not intended to be dedicated to or accepted by the Town for maintenance) shall comply with the minimum pavement width standards and the minimum depth and materials standards

set forth in the Engineering Design & Construction Standards. Private Vehicle Parking Areas must provide interior Access Drives to adjacent Vehicle Parking Areas or stubs to potential development on adjacent property.

- 2. Services.** Prior to the issuance of a UDO permit or obtaining Final Plat approval, the developer or Subdivider shall provide the Town of written confirmation of a recorded Access easement that all Lots and adjacent parcels served by Private Streets or Private Alleys are provided with the following services: Access/cross-Access, regular trash pick up; leaf pick up; snow removal; daily mail delivery service; roadway maintenance and repair, including, but not limited to, driving surface, roadway subgrade, subsurface drainage, roadside drainage, curbs, Sidewalks, Street lights, Street name Signs, traffic control Signs, and traffic control signals; and, powers to enforce speed control and parking regulations. Such services shall be provided in accordance with the specifications approved by the Town Council, including the establishment of a maintenance fund or escrow account by the developer or Subdivider, which may be supplemented by regular or special assessments against each Lot owner provided such assessments are at reasonable and non-discriminatory rate of charge. Such documentary assurances shall be incorporated into the applicable Final Plat.
- 3. Private Access Easement.** A private Access easement /cross-Access easement is required when a non-residential Project stubs Access Drives to adjacent properties.
- R. On-Street Vehicle Parking Areas.** Perpendicular, angled or parallel on-Street Vehicle Parking Areas may be approved for use on local Streets where the on-Street Parking Areas:
 1. Are consistent with the intent of an approved Subdivision plan or Development Plan;
 2. Will not interfere with the safe and efficient flow of typical or emergency traffic; and,

3. Where the design of such on-Street Vehicle Parking Areas is approved by the Administrator.

7.4.5 SIGHT DISTANCE REQUIREMENTS

All development shall comply with the Sight Distance Requirements at all Street and Driveway intersections in accordance with the regulations of the North Carolina Department of Transportation and the Sight Distance requirements of the Engineering Design & Construction Standards.

7.4.6 SUBSTANDARD STREET SECTIONS

When any land proposed for Project or Subdivision has Frontage on a proposed or existing Street, alley public way or other Thoroughfare; borders an existing Street that does not meet current Right-of-Way width requirements; or, when the Comprehensive Plan indicates plans for realignment or widening of a Street that would require use of some of the land in the Project or Subdivision, one-half of the Right-of-Way required for the Street shall be dedicated for the full length of the Frontage of the Lot, Project or Subdivision in accordance with the requirements of the Comprehensive Plan and Engineering Design & Construction Standards in connection with the Final Plat or issuance of a certificate of compliance for any other Project (except UDO permits for Signs).

Owners shall agree to construct the improvements (including medians and Sidewalks or sidepaths as determined by the Administrator) required in such Right-of-Way along the entire Frontage(s) of the Lot, Project or Subdivision in accordance with the provisions of the Comprehensive Plan and the Engineering Design & Construction Standards.

Upon determination by the administrator that payment-in-lieu of Street construction is in the public interest, a payment-in-lieu may be accepted.

Minor Residential Subdivisions of land under individual ownership, for the purpose of creating Detached residential Dwellings, are not required to construct road improvements.

7.4.7 CONFORMANCE WITH ADOPTED PLANS

The following standards apply to the widening and realignment of existing Streets and Thoroughfares.

- A. **Detached Dwelling Unit or Attached Dwelling Unit.** Prior to the issuance of a Building

Permit for the development of any Detached or Attached Dwelling Unit located along any existing or proposed Street or Thoroughfare as indicated on the Comprehensive Plan, the Owner shall dedicate Right-of-Way to the Town for the Street or Thoroughfare in accordance with the requirements and specifications of the Comprehensive Plan and construct any required improvements.

- B. **Incorporation of Existing Street.** When any land proposed for a Project or Subdivision includes a proposed or existing Street, alley, public way, greenway, or other Thoroughfare, that Street, alley, public way, greenway, or other Thoroughfare shall be incorporated into the Project or Subdivision as a functional part of the Street system of the Project or Subdivision and shall be constructed in accordance with the Comprehensive Plan and Engineering Design & Construction Standards.
- C. **Limitation.** Land reserved for any Street purposes, whether public or private, or by Right-of-Way or easement, shall not be counted in satisfying the minimum setback or Lot Area requirements of this UDO.

7.5 TRAFFIC IMPACT STUDIES

7.5.1 INTRODUCTION

The Town has developed thresholds for Traffic Studies associated with land development applications. The study area and parameters for those studies are referenced in the Traffic Study Policy in the Development Procedures Manual. Development application approval is contingent upon the satisfactory completion of a Traffic Study where required. The Traffic Study must be completed at the developer's expense.

7.5.2 TIERS OF TRAFFIC STUDY

Three tiers of traffic study (based on the study thresholds identified herein) are outlined below, and the Administrator reserves the right to require alternative levels of analysis on a case-by-case basis:

- A. **Tier 1: Trip Generation and Distribution Analysis (TGDA).** For developments that are not expected to generate significant site traffic or

have significant impacts at off-site intersections. This tier of study would require a summary of the anticipated trip generation and site traffic distribution but would not require any capacity analyses.

- B. Tier 2: Site Specific Traffic Assessment (SSTA).** For developments when site traffic is significant enough to potentially necessitate limited improvements to the transportation network. This tier of study would typically require analysis of site Driveways and critical nearby intersections in a limited study area and would require coordination through the Town's Traffic Study scoping process.
- C. Tier 3: Traffic Impact Analysis (TIA).** For developments when site traffic is significant enough to potentially necessitate improvements to the transportation network beyond site Access points or adjacent intersections. This tier of study would typically require analysis of critical intersections within at least a 1-mile radius of the site and would require coordination through the Town's Traffic Study scoping process.

7.5.3 TRAFFIC STUDY THRESHOLDS

Thresholds for required traffic studies will be determined based upon the amount of site-generated vehicular traffic as defined below. The calculations of net new external vehicular trips as used in this section shall be based on the current Institute of Transportation Engineers (ITE) Trip Generation Manual. If an applicable ITE land Use is not available or contains limited data, or if additional Use-specific trip generation is provided, an alternative trip generation methodology may be approved by the Administrator.

TABLE 7.7.3 - STUDY THRESHOLDS

Level of Study	DAILY TRAFFIC VOLUME THRESHOLD (VEHICLES PER DAY)	PEAK HOUR TRAFFIC VOLUME THRESHOLD (VEHICLES PER DAY)
Tier 1: Trip Generation and Distribution Assessment (TGDA)	300-499	30-49
Tier 2: Site Specific Traffic Assessment (SSTA)	500-999	50-99
Tier 3: Traffic Impact Analysis (TIA)	1,000+	100+

7.5.4 QUALIFICATIONS REQUIRED TO CONDUCT TRAFFIC STUDIES

Traffic Studies must be signed and sealed by a Professional Engineer (PE) in the State of North Carolina with relevant traffic engineering experience. The Administrator reserves the right to make a determination as to whether a particular engineer meets this criterion.

7.5.5 ANALYSIS SCOPE AND METHODOLOGY

Prior to conducting a Traffic Study, the required scope and methodology shall be developed in coordination with the Town and the NCDOT to ensure that technical requirements are met. Typical scope items expected to be included in Traffic Studies are noted below; however, additional detail may be requested by the Administrator or the NCDOT for certain tasks due to local knowledge of the area to address concerns or meet other prior planning or engineering requirements.

- A. Site location and existing conditions.
- B. Study intersections.
- C. Anticipated development elements including land Uses and intensities, site Access, and build-out year.
- D. Volume development methodology, including traffic counts, background traffic, annual growth rate, and trip generation.
- E. Anticipated site traffic distribution.

7.5.6 TRANSPORTATION MITIGATION AGREEMENT

A Transportation Mitigation Agreement (TMA) shall summarize the on- and off-site improvements required to adequately mitigate the Project's impacts to the Town's transportation system, including vehicular, pedestrian, and bicycle improvements, the thresholds and deadlines for construction of any improvements if improvements are planned to be phased, and the payment of fees in lieu of required improvements (if applicable). The required mitigation shall be designed and constructed by the Applicant at the Applicant's expense.

7.6 SIDEWALKS, SIDEPATHS, AND GREENWAYS

7.6.1 SIDEWALK/SIDEPATH LOCATION

Sidewalks and sidepaths shall be located within the dedicated, non-paved portion of the Street Right-of-Way on both sides of all Public Streets as shown in the cross section for that Street type

7.6.2 SIDEWALK/SIDEPATH ANALYSIS

Developers or Subdividers are required to install Sidewalks/sidepaths in the following situations, in addition to the design requirements of specific Street sections within the development.

- A. As part of any development proposal or change in Use resulting in an additional 1,000 vehicle trips or more per day, an applicant shall be required to identify direct, safe (1.25 x the straight line distance) pedestrian routes within 0.50 miles of their site to all transit facilities and neighborhood activity centers (schools, Parks, libraries, etc.). If no existing route exists, or if there is a gap, a connection must be provided.
- B. Where transit shelters are provided, the shelters shall be well lit, weather-protected, and shall be placed in locations that promote security through natural surveillance and visibility.
- C. If there is an existing Sidewalk/sidepath on the same side of the Street as the development within 300 feet of a development site in either direction and sufficient Right-of-Way is available, the Sidewalk/sidepath shall be extended from the site to meet the existing Sidewalk/sidepath, subject to rough proportionality.

7.6.3 SIDEPATH ALTERNATIVE

Sidepaths shall be a minimum of 10 feet in width (per the Engineering Design & Construction Standards) and may deviate from the Right-of-Way if located within an easement.

7.6.4 SIDEWALK/SIDEPATH STANDARDS

Sidewalks/sidepaths shall be constructed in compliance with the Engineering Design & Construction Standards.

Sidewalks/sidepaths shall be constructed of concrete, asphalt or other approved material. The proposed materials and standards for construction shall be included as part of the request for a Sidewalk/sidepath and shall be installed in compliance with the approved materials and standards.

7.6.5 PEDESTRIAN ACCESS EASEMENTS

To facilitate pedestrian Access from Streets to schools, Parks, playgrounds, or other nearby Streets, a perpetual, unobstructed pedestrian Access easement, at least 30 feet in width is required. Such pedestrian Access easements shall be provided on the Final Plat or by separate grant of easement subject to the approval, by resolution, of the Town Council.

7.6.6 GREENWAYS

When land proposed for development is adjacent to a Greenway indicated in the Comprehensive Plan or other adopted plan of the Town, such greenway shall be dedicated to the Town and improved consistent with the following standards:

- A. Greenways shall be constructed in compliance with the Engineering Design & Construction Standards.
- B. Greenway Easement width shall be a minimum of 30 feet unless otherwise approved by Town Council.
- C. Pursuant to GS § 160D-702 (b), land shall be dedicated and reserved within each Project for greenway Right-of-Way purposes.
- D. When a greenway Right-of-Way is dedicated in connection with a Project, the approval of a Final Plat shall not be deemed to constitute or affect the acceptance by the Town of any public greenway shown on the Final Plat. The Final Plat shall include a notation that the greenway is a “proposed greenway”, which may or may not be co-located on another type of easement.
- E. The Town Council may, by resolution, accept any dedication made to the public of lands for any public greenway located within the Project jurisdiction of this UDO. The act of accepting any dedication of lands or facilities located within the jurisdiction of this UDO shall not place on the Town any duty to open, operate, repair or maintain any greenway. A greenway

Right-of-Way is open and incorporated into the Town greenway system only after construction is finalized, approved, accepted, the warranty period has expired, and the Town has listed it on the official greenway map.

- F. Where construction and dedication of a Greenway is waived in favor of an approved alternative pedestrian/bicycle connection, sufficient easement areas shall be dedicated as a future Greenway Easement, and a fee in the amount of the estimated construction cost shall be assessed.
- G. **Alternate Compliance.** Alternatives to the greenway requirements may be proposed according to the following:
 1. The proposed connection is consistent with the purpose of Section 7.3 Connectivity.
 2. An alternate greenway connection may be provided to meet this requirement with sufficient easement width, subject to the approval of the Administrator.
 3. A fee-in-lieu of construction costs may be provided so that the Town may construct the greenway.

7.7 IMPROVEMENT GUARANTEES

The developer shall be required to post a performance bond, or other surety acceptable to the Town, for all unfinished improvements at the time of Final Plat approval, as certified by the Administrator, in compliance with the provisions of Section 11.14 – Construction Drawings of this UDO.

8 BUILDING, SITE & SUBDIVISION LOT DESIGN STANDARDS

8.1 PURPOSE & INTENT

These regulations recognize the unique character of land and development throughout the Town and the need for flexibility in the design of Buildings and sites.

Building, Site & Subdivision Lot Design standards are established to promote development that:

- A. Is compatible with nearby properties, community character, and natural features;
- B. Minimizes pedestrian and vehicular conflict;
- C. Reinforces public spaces; and,
- D. Visually enhances development and sites.

8.2 BUILDING DESIGN STANDARDS

A. Applicability

1. Any new Buildings which are equal to or greater than 144 square feet in Gross Floor Area.
2. Any Building additions.
3. Exterior Building renovations.
4. To the greatest extent practical, Accessory Structures to maintain a consistent and compatible appearance.

B. Exceptions

1. Detached and Attached Dwellings subject to regulation under the North Carolina Residential Code, unless otherwise regulated by Conditional Zoning District (CD) requirements.
2. Building additions less than 50% of the Floor Area of the original Building, provided the Building was legally constructed in compliance with the regulations of a previous ordinance and the addition continues the architectural design of the existing Building, including Building materials (except those prohibited by this section), colors, textures, architecture, roof treatment, façade activation and other detail.

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3. **Conditional Zoning District (CD).** If a proposal for exceptional design does not meet the standards of this section, the proposal may be evaluated with an application for a Conditional Zoning District (CD).

C. Building Types.

The following Building types are allowed in various Zoning Districts as provided in Chapter 3, Table 3.2-A.

1. **Residential Buildings.** All new Buildings in Residential Use Categories shall follow Residential Building Standards. For Building Design Standards for Manufactured Dwellings see Additional Use Provisions for Manufactured Dwellings in Chapter 3.
2. **Commercial/Mixed-Use Buildings.** All new Buildings in Lodging, Office & Service; Retail, Dining, and Entertainment; Public and Institutional and Recreation Use Categories shall follow Commercial/Mixed-Use Building Standards.
3. **Industrial and Warehouse Buildings.** All new Buildings in Agriculture, Manufacturing, and Distribution Use Categories shall follow Industrial/Warehouse standards.
4. **Infrastructure Buildings.** All new Buildings in Infrastructure Use Categories in Residential and Commercial & Mixed-Use Districts shall follow Commercial/Mixed-Use Building Standards. All new Buildings in Infrastructure Use Categories in Employment/Campus Use Districts shall follow Industrial/Warehouse standards.

D. Building Scales.

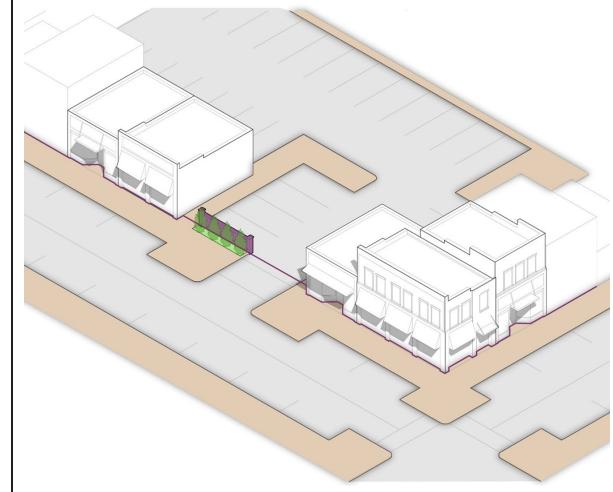
1. **Small Building** – Any Building less than or equal to 25,000 square feet Floor Area.
2. **Medium Building** – Any Building greater than 25,000 but less than 75,000 square feet Floor Area.
3. **Large Building** – Any Building greater than or equal to 75,000 but less than 200,000 square feet Floor Area.

4. **Extra Large Building** – Any Building greater than or equal to 200,000 square feet.

E. Building Placement and Orientation.

1. The placement of Buildings should reinforce the Street wall, maximize natural surveillance and visibility, and facilitate pedestrian access and circulation.

FIGURE 8.2-A - BUILDINGS SITED TO CREATE A STREET WALL

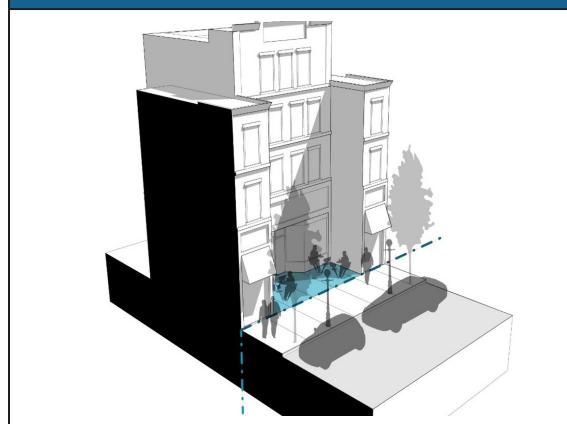


2. At least 1 Building façade shall be parallel to the Front Lot Line, a Public or Private Street, and/or a primary Interior Access Driveway designed to appear as an extension of the Public Street network, unless an alternative is approved by the decision-making body. When parallel to a Private Street or primary Interior Access Driveway, the design shall:
 - a. Have a minimum cross-section and streetscape elements matching an urban type Local or Collector Street as designated in the Comprehensive Plan and Engineering Design and Construction Standards; and,
 - b. Include parallel parking spaces, unless the Administrator determines parallel parking is not feasible or practical.
3. The area between the Building and the Front Lot Line, Public or Private Street, and/or primary Interior Access Driveway shall be as close as possible to the Grade of the Public or Private Street, and/or primary Interior

Access Driveway and include amenities such as landscaping, tables, and seating.

4. When a Commercial/Mixed-Use Building is located less than 50 feet from a Public or Private Street and/or primary Interior Access Driveway, the Building shall be oriented so that at least 1 principal entrance faces the Public or Private Street and/or primary Interior Access Driveway, rather than the interior of the site. In the case of a Corner Lot, the principal entrance shall face the Front Lot Line unless an alternative is approved by the decision-making body.
5. Principal entrances to Buildings should be located to provide easy access to public transit stops where applicable.
6. Buildings shall not significantly overshadow private Open Spaces or the common/public area windows of adjacent Buildings to prevent the significant loss of amenity to adjacent Buildings and private Open Spaces.
7. Forecourts may be used to provide entry yards or for outdoor dining, display merchandise, and/or entries to individual tenants or units

FIGURE 8.2-B - BUILDING WITH FORECOURT



F. Façade Standards.

1. General Façade Standards for All Buildings.

- a. Buildings shall be designed in compliance with 360-degree design standards, with visually interesting and compatible design on front, side and rear façades.

b. All Major Subdivisions - Non-residential or Development Plans for Integrated Centers or sites with multiple Buildings shall utilize and repeat selected architectural design requirements which are in harmony with area developments. Design Standards are required to promote consistency among Buildings within a development and enhance compatibility of design and appearance requirements. The Design Standards shall coincide with or exceed the Town's design standards pursuant to this Chapter. As appropriate, the Design Standards shall include color and material samples.

c. **Single Use Sites.** All Buildings located on a Single Use Site shall utilize selected design and appearance elements which are in harmony with area developments.

2. **Primary Façade Standards.** Any Building façade in which any portion of a Lot or Integrated Center is determined to be visible from a Public/Private Street Frontage, interior Access Drive, or a Side or Rear Lot Line abutting a Residential Use District, and all Building façades in the DMX District, shall be designed pursuant to the following standards:

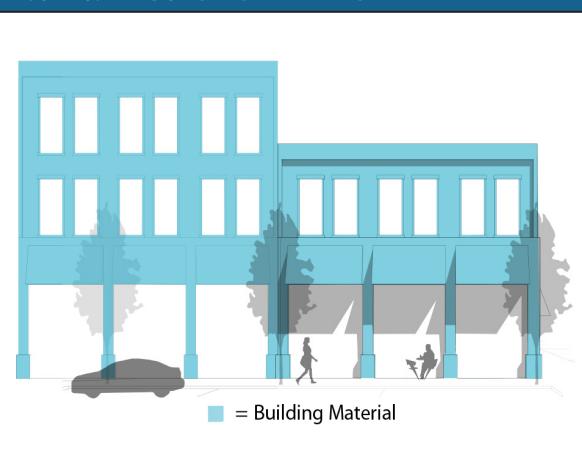
a. Building Materials.

i. Building Material Types and Colors.

(a) **Building Material Types.** All Building Materials should be durable. Building Material types are defined as follows:

- (i) Type 1 Materials: brick; stone (e.g., natural/cultured, limestone, marble, or granite); split-face block (integral color); architectural or precast concrete, if the surface is designed to simulate brick or stone; a combination thereof; or similar material determined by the Administrator.

- (ii) Type 2 Materials: wood siding; fiber cement siding; stucco; tile; EIFS; or similar material determined by the Administrator.
- (iii) Type 3 Materials: high quality, smooth finish metal panel or similar material determined by the Administrator.
- (iv) Type 4 Materials: vinyl siding; smooth-faced gray concrete block; painted or stained brick, stone or concrete (including concrete block) except for Wall Murals; metal siding except as specified as Type 3 material; plastic; or similar material determined by the Administrator.
- (b) Multiple Building Materials shall be used to provide variation in texture, with heavier and courser materials placed lower on the Building and lighter and smoother materials placed near the top.
- (c) The number of colors used to create interest in the Building shall be limited to 3 discernable colors or ranges of complementary hues.

FIGURE 8.2-F - BUILDING MATERIALS**ii. Building Material Standards.**

Building Materials (excluding: windows, display windows, doors, roofing, fascia or soffit materials) shall be provided as follows:

TABLE 8.2-A – PRIMARY FAÇADE BUILDING MATERIALS TABLE				
Building Type	Type 1 Materials	Type 2 Materials	Type 3 Materials	Type 4 Materials
Residential	Required (N1)	Permitted	Prohibited	Prohibited
Commercial/ Mixed-Use	Required (N2) (N3)	Permitted (N4)	Permitted (N5)	Prohibited
Industrial and Warehouse	Required (N6)	Permitted	Permitted	Prohibited
N1	Shall constitute a minimum of 35% of the Building façade.			
N2	Shall constitute a minimum of 60% of the Building façade.			
N3	In the DMX District, shall constitute 100% of the Building façade except as noted in N4.			
N4	In the DMX District, limited to 10% of the Building façade of the 3rd story and higher.			
N5	Limited to 10% of the Building facade. Prohibited in the DMX District.			
N6	Shall constitute a minimum of 50% of the Building façade.			

iii. Alternate Compliance.

- (a) A 10% reduction in the required Type 1 material may be permitted by selecting 1 additional Public Realm Standard (Section 8.3.B).
- (b) A 10% increase in permitted Type 3 material may be permitted by selecting 1 additional Public Realm Standard (Section 8.3.B).

b. Bulk and Massing.**i. All Building Standards.**

- (a) **Horizontal Variations.** At least 2 horizontal variations shall occur for any façade representing a discernable Building base, middle, and top along the entire length of the façade.
- (b) **Base.** The base shall be distinguished from the body of the Building by features

including, but not limited to: thicker walls, ledges, or sills; visually heavier material than those used on the body of the Building; and/or lighter or darker colored materials, mullions, or panels; and planters.

- (c) **Middle.** The remaining middle of the Building shall constitute a minimum of 50% of the total Building height.
- (d) **Top.** The top shall be located at the top of the Building wall, shall occupy the highest portion of the Building, and shall be distinguished from the body of the Building by features including, but not limited to: cornice treatments; materials such as stone or differently colored materials; change in material pattern, a roof overhang with brackets; stepped parapets; and/or a cornice capping the top of the Building wall.

FIGURE 8.2-G - BUILDING BASE-MIDDLE-TOP



ii. Residential Building Standards.

(a) Maximum Building Length.

- (i) **NR, NCR, and MXR Districts:** The maximum Building wall length for Attached Dwellings and Apartment Dwellings is 150 feet.

(ii) All other Districts:

The maximum Building wall length for Attached Dwellings and Apartment Dwellings is 250 feet.

- (b) Façades shall incorporate wall offsets, in the form of projections or recesses in the façade plane, spaced no more than 50 feet apart. Wall offsets shall total a minimum depth of 0.5% of the total length of the façade in feet.

FIGURE 8.2-H - BULK AND MASSING EXAMPLE



iii. Commercial/Mixed-Use Building and Industrial and Warehouse Building Standards.

- (a) **Vertical Variations.** Building walls shall consist of a Building bay or structural Building system visually established by architectural features such as columns, ribs, pilasters or piers, changes in plane, or an equivalent element that subdivides the wall into human scale proportions. Minimum change is 2 inches depth.
- (b) Alternate maximum line may be granted by selecting 1 additional human scale design element along the subject façade.

TABLE 8.2-B - VERTICAL VARIATIONS TABLE

Building Bay Width	Small Buildings	Medium Buildings	Large Buildings	Extra-Large Buildings
Minimum	0'	0'	0'	0'
Maximum	30'	50'	75'	100'
Alternate Maximum	50'	75'	100'	125'

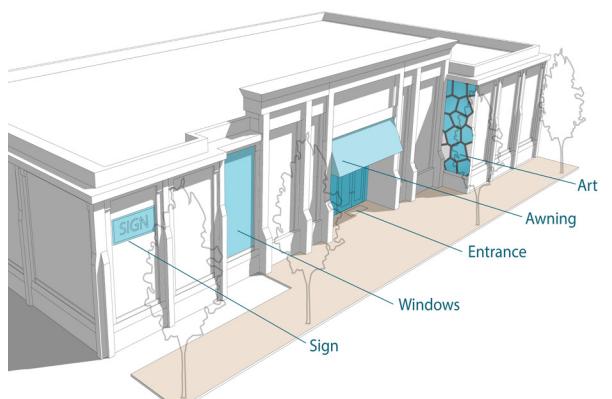
c. Roof Expression.**i. Residential Building Standards.**

- (a) Sloped roofs on Buildings over 100 feet in length shall include two or more different sloping roof planes, each with a minimum pitch between 3:12 and 12:12.
- (b) Flat roofs shall be concealed by parapet walls. All sides of parapet walls visible from public view shall be finished to match the primary façade and shall extend an appropriate depth that is proportionate with the Building size.
- (c) Alternative roof forms or pitches may be allowed for small roof sections over porches, entryways, or similar features.

ii. Commercial/Mixed-Use Building and Industrial and Warehouse Building Standards.

- (a) The form and pitch of roof lines shall be similar to surrounding Buildings, with variation in material, height, treatment, or horizontal/vertical direction.

- (b) Alternate maximum line may be granted by selecting 1 additional human scale design element along the subject façade.
- (c) Roofline standards do not apply to rooflines of a Building 3 stories or higher.
- (d) All sides of parapet walls visible from public view shall be finished to match the primary façade and shall extend an appropriate depth that is proportionate with the Building size.

d. Façade Activation.**i. All Building Standards.****FIGURE 8.2-1 - FAÇADE ACTIVATION EXAMPLES**

- (a) **Blank Walls.** Expanses of blank walls (i.e., without articulation or windows) may not exceed 20 feet in any direction. Building walls shall meet this standard using a variety of features such as windows, entrances, arcades, arbors, Awnings, trellises, friezes, living walls, signs, works of art, substantial change in material color, change in material pattern, or alternate architectural detail that activates Building walls.

- (b) **Building Entries.** All Buildings shall have a Primary Building Entry visible from a Public

TABLE 8.2-C - ROOFLINE FORM TABLE

Roofline	Small Buildings	Medium Buildings	Large Buildings	Extra-Large Buildings
Minimum	0'	0'	0'	0'
Maximum	60'	60'	100'	160'
Alternate Maximum	75'	100'	150'	200'

Right-of-Way, public Open Space, publicly accessible private Open Space, or mid-block break. Entrances shall be easily identifiable and well-lit for convenience, visual interest, and increased safety. Non-residential entrances shall be easily identifiable and distinguishable from residential entrances.

ii. Residential Building Standards.

- (a) Residential Buildings shall provide a minimum of 3 of the following activation features:
 - (i) 1 or more dormer windows or cupolas;
 - (ii) A recessed entrance(s);
 - (iii) A covered porch(s);
 - (iv) Pillars, posts, or columns next to the doorway(s);
 - (v) 1 or more bay windows projecting at least 12 inches from the façade plane;
 - (vi) Eaves projecting at least 6 inches from the façade plane;
 - (vii) Raised corniced parapets over the entrance door(s);
 - (viii) Multiple windows with a minimum 4-inch-wide trim; or
 - (ix) Integrated planters that incorporate landscaped areas or places for sitting.

iii. Commercial/Mixed-Use Building Standards.

- (a) **Ground Floor Transparency.** Windows and glass doors shall be provided on a minimum of 2 Building façades on the ground level (first 10 feet measured vertically at Street level) based on highest levels of pedestrian traffic and vehicular visibility as follows:

TABLE 8.2-D - BUILDING SCALE AND GROUND FLOOR TRANSPARENCY TABLE

Building Scale	Ground Floor Transparency (minimum surface area)
Small	40%
Medium, Large	20%
Extra Large	10%

FIGURE 8.2-J - AREAS OF TRANSPARENCY



Ground floor windows should be traditional storefront style and generally vertical in orientation.

(b) Upper-Level Transparency.

Upper levels shall be based on highest levels of pedestrian traffic and vehicular visibility and fifteen 15% minimum of the surface area of the upper-story façade (as measured from the floor of the story to either the floor of the story above or the roof, whichever is smaller).

(c) Alternate Compliance.

Alternate compliance may be provided by the following options if provided in surface area equal to the required surface area for transparency:

- (i) Use of Spandrel Glass (single color, mirrored glass prohibited).
- (ii) An inset area to mimic the appearance of a window that

differs in color and pattern from the adjacent façade.

- (iii) Vertical landscape elements such as a wall-mounted trellis, green wall, or similar.

iv. Industrial and Warehouse Buildings Standards.

(a) Ground Floor Transparency.

Small, Medium, Large and Extra-Large Buildings: 10%

(b) Upper-Level Transparency. 0%

(c) Alternate Compliance.

Alternate compliance may be provided by the following options if provided in surface area equal to the required surface area for transparency:

- (i) Use of Spandrel Glass (single color, mirrored glass prohibited).
- (ii) An inset area to mimic the appearance of a window that differs in color and pattern from the adjacent façade.
- (iii) Vertical landscape elements such as a wall-mounted trellis, green wall, or similar.

e. Human Scale Design Elements.

All Commercial/Mixed-Use and Industrial and Warehouse Buildings shall be subject to the following standards.

- i. Façades shall incorporate a minimum of 2 continuous or repeating details within the first 15 feet of the Building façade, measured vertically from grade:

- (a) Quoins,
- (b) Change in brick pattern/belt course,
- (c) Decorative light fixtures,
- (d) Trim or molding,
- (e) Medallions,
- (f) Sign frieze,
- (g) Vertical recesses,

- (h) Horizontal extensions,
- (i) Architectural fins,
- (j) Louvers,
- (k) Shading devices,
- (l) Cornices,
- (m) Punched opening,
- (n) Window reveals,
- (o) Screening devices,
- (p) Balconies,
- (q) Or similar.

3. All Other Façades Standards. Any Building façade not designated as a primary façade shall be designed pursuant to the following standards:

a. Building Materials.

- i. Building Materials shall comply with Section 8.2.G.2.a.i: Building Material Types and Colors. Building Materials and Colors shall be consistent with the primary façade(s) of the Building.
- ii. Building Materials (excluding: windows, display windows, doors, roofing, fascia or soffit materials) shall be provided as follows:

TABLE 8.2-E – ALL OTHER FAÇADES BUILDING MATERIALS TABLE

Building Type	Type 1 Materials	Type 2 Materials	Type 3 Materials	Type 4 Materials
Residential	Permitted	Permitted	Prohibited	Prohibited
Commercial/Mixed-Use	Permitted	Permitted	Prohibited	Prohibited
Industrial and Warehouse	Permitted	Permitted	Prohibited	Prohibited

- b. **Bulk and Massing, Roof Expression, Façade Activation, and Human Scale Elements.** All façades shall be designed with a consistent and compatible appearance to the primary façade(s) of the Building.

G. Screening.

1. Rooftop mechanical equipment shall not be visible from any Street or adjacent Residential Use District. Equipment that is no longer in use must be removed. When the roof line is below such grade, rooftop mechanical equipment shall be painted to match the color of the roof material to reduce the visual impact.
2. The following Project elements shall be concealed and contained or screened from public view with materials similar to the Structure, or they shall be located so as not to be visible from any public view or from potential Buildings nearby:
 - a. Utility meters (must also be painted to match Building material color);
 - b. Storage areas;
 - c. Solid waste containers;
 - d. Transformers, to the extent practical;
 - e. Generators; and,
 - f. Similar features or other utility hardware on the Building, roof, or ground.
3. Building mounted equipment or pipes shall be painted to match the Building regardless of visibility.

8.3 PUBLIC REALM STANDARDS

The Public Realm is a shared area that encompass Streets and outdoor spaces including Parks, greens, Plazas, public art, Street furniture, lighting and Building design. All of the elements described above contribute to the Town's character and sense of place. This section includes standards for the Public Realm and identifies character elements necessary to enhance and maintain community character.

A. Required Standards.

1. **Designated Gateway or Focal Point.** If a Major Subdivision or Development Plan is located at an intersection designated as primary or secondary in the Comprehensive Plan, that portion of the gateway feature which is on or adjacent to the Project shall be developed in connection with the Project.

2. Implementation of the Village District Area Plan.

All Major Subdivisions and Development Plans shall be required to provide specific public realm improvements as outlined in the approved Village District Area Plan, including but not limited to, benches, trash cans, and Sidewalk styles.

3. Commercial & Mixed-Use or Employment/Campus Use Districts.

All Development Plans in Commercial & Mixed-Use or Employment/Campus Use Districts shall provide 1 Public Realm Option from the list below. Additional Options may be selected to provided alternate compliance with Building Design Standards as allowed in Section 8.2.

B. Public Realm Standard Options.

1. Provide a minimum of 1 private courtyard and/or atrium that faces onto a Public Right-of-Way or mid-block break. Courtyards and atria shall be of a minimum dimension of 40 feet x 40 feet.
2. Provide visual and physical access through an open-air portal entry into an interior courtyard or direct access into an atrium from a Public Right-of-Way, Open Space, or mid-block break.
3. Provide ground floor Open Space with no fencing or barriers that is permanently open and accessible to the public. Ground floor publicly accessible Open Space shall have a minimum dimension of 40 feet by 40 feet.
4. Provide a 30% reduction of floor plate at the upper levels.
5. Provide an expressive entrance to enhance identity and visual access into the Building. For residential Buildings, the expressive entrance shall be at minimum 20 feet wide along the façade and a minimum 2 stories in height. For Commercial/Mixed-use Buildings and Industrial and Warehouse Buildings, the expressive entrance shall be at minimum 35 feet wide along the façade and a minimum 2 stories in height.
6. For Commercial/Mixed-Use Buildings, provide a minimum 60% transparency for

the entire Street fronting elevation. For residential Buildings, provide a minimum 35% transparency for the entire Street fronting elevation. Areas counted in meeting this requirement must be comprised of transparent glazing.

7. Provide a distinct architectural feature of special character and design that accentuates a change or interruption in the architectural language at the corner of the Building. The corner element shall be at least 25 feet in width and change in height by a minimum of 5 feet above or below the adjacent roof line and/or be integrated with a roof expression.
8. Include public art that is publicly accessible or viewed from a Public Street.
9. Increase in urban civic space by 50%.
10. Provide an upgraded transit shelter, park and ride lot, rideshare pickup/drop-off location, protected bicycle storage lockers or other facility to encourage alternative means of travel. The Administrator may limit the use of the option in areas that are inconsistent with adopted plans or anticipated facility needs.
11. Increase Type 1 Materials to constitute a minimum of 75% on each primary façade.
12. Green Building Elements. Any Building achieving the elements necessary for any level of LEED, Energy Star, Green Globes, North Carolina High Performance Building Guidelines, BRE Environmental Assessment Method, or similar approved certifying program.
13. Orient Building entrances to face the perimeter Public Streets with no Parking Areas between a front Building line and Front Lot Line.
14. Install pedestrian scale light fixtures (pole or bollard) along Sidewalks and pedestrian areas no taller than 16 feet and spaced a max of 60 feet.

8.4 SITE DESIGN

A. Crime Prevention Through Environmental Design. Site plans shall employ best practices to increase natural surveillance and visibility, to control and guide movement on the site, and to distinguish between public and non-public spaces. Site plans shall include the following crime prevention design standards:

- 1. Natural Surveillance and Visibility.** Design the site, landscaping, and Buildings to promote natural observation where people will be walking outside and maximize the opportunities for people to observe adjacent spaces and public Sidewalks.
- 2. Lighting Levels.** Provide lighting on site, at all Building entrances, and along Walkways that maintains a minimum acceptable level of security while not creating glare or excessive lighting of the site.
- 3. Territorial Reinforcement and Space Delineation.** Locate landscaping, Sidewalks, lighting, fencing, and Building features to clearly guide pedestrian movements on or through the site and to control and restrict people to appropriate locations.
- 4. Natural Access Control.** Locate entrances, exits, signs, fencing, landscaping, and lighting to distinguish between public and private areas, control access, and to guide people coming to and going from the site.

B. Access and Circulation.

- 1. Building Access.** The primary pedestrian access to all Buildings shall be from a fronting Street or common space. Secondary access may be provided from Parking Areas located to the rear or side of a Building.
- 2. Vehicular Access.** Vehicular access and circulation shall be designed to minimize conflicts with pedestrian traffic and with surrounding residential Uses. Curb cuts for vehicles shall be consolidated wherever possible, including consolidation of two or more private drives.
- 3. Pedestrian Access.** In addition to the design criteria set forth in Chapter 7, Street,

Sidewalk, sidepath, and greenway systems shall be designed as follows:

a. All Use Categories:

- i. Maximize the internal connection of local Streets within the site;
- ii. Minimize the use of Cul-de-Sac Streets;
- iii. Maximize the connectivity of Streets within the site with surrounding Streets or development;
- iv. Include a Sidewalk, sidepath or greenway system which functionally connects the various required Open Space elements of the site and all Buildings;
- v. Provide a direct linkage to any planned or existing Town sidepath or greenway which abuts or is adjacent to the site; and,
- vi. Provide a vista termination for all internal Streets so that no uninterrupted Street segment extends for more than 1,350 feet.

b. Non-residential Uses Categories shall be designed with the following additional requirements:

- i. Functionally connect front doors, storefronts, or primary Building entries with planned or existing public Sidewalks, sidepath, or greenway on each Public Street Frontage of the Project;
- ii. Provide a direct and functional connection from the front doors, storefronts, or primary Building entries to any on-site, Off-Street Vehicle Parking Area; and,
- iii. Provide for decorative identifiable pedestrian crossing treatments along functional pedestrian routes wherever a Sidewalk, sidepath, or greenway system crosses an interior Access Drive or interior Access Driveway.

4. The owner shall be responsible for the perpetual maintenance of any private

Walkways or pedestrian/ bikeway systems. Such maintenance responsibility may be assigned through lease or other appropriate documentary assurances to a tenant, however, in the case of non-performance by such responsible tenant, the owner shall be responsible.

C. Vehicle parking, loading, and mobility.

1. Off-Street Parking.

- a. Unless no other practical alternative is available, Vehicle Parking Areas shall be designed so that, without resorting to extraordinary movements, vehicles may exit without backing onto a Public Street. This requirement does not apply to Vehicle Parking Areas that serve a detached or Attached Dwelling Unit with a front Access Driveway.
- b. Vehicle Parking Areas shall be designed so that sanitation, emergency, and other public service vehicles can serve the development without having to back up unreasonable distances or make other dangerous or hazardous turning movements.
- c. Every vehicle accommodation area shall be designed so that vehicles cannot extend beyond the perimeter of that area onto adjacent properties or Streets. Those areas shall also be designed so that vehicles do not extend over the required width of Sidewalks or tend to bump against or damage any wall, vegetation, or other obstruction.
- d. Large Parking Lots (51 spaces or more) shall be designed with a clear hierarchy of circulation that includes major Access Drives with no vehicle parking, secondary circulation drives with little or no vehicle parking, and parking aisles for direct access to vehicle Parking Spaces.
- e. Vehicle Parking Areas shall be located at least 5 feet from Buildings to allow sufficient separation for Sidewalks, landscaping, and other site features

except along the backs of Buildings in areas designed for loading and unloading.

f. Vehicle parking shall not be located in required landscaped areas or Open Space.

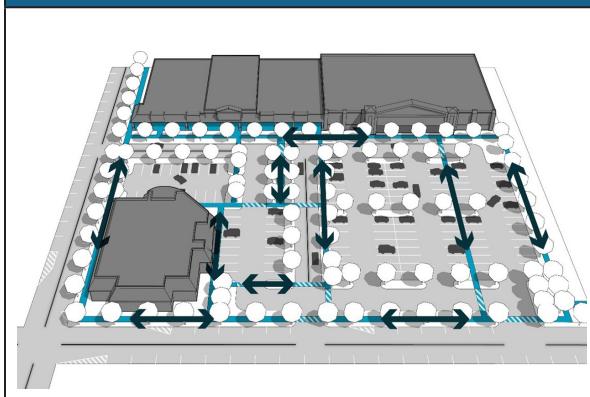
2. **Loading.** Off-Street Loading Spaces shall be designed and constructed so that all maneuvering to park vehicles for loading and unloading can take place entirely within the property lines of the premises.

- Off-Street loading shall be located on the rear or interior side of the Building.
- All loading facilities, loading docks, service doors, and other service areas, shall be located and/or screened so as not to be visible from a Public Street or park. Screening examples could include walls, evergreens, opaque fencing, and similar treatments.

3. **Pedestrian Access.** Parking Lots shall be designed to allow pedestrians to safely move through the site.

- Small Parking Lots (100 spaces or less) shall provide a Sidewalk on the perimeter of the Lot.
- Large Parking Lots (101 spaces or more) shall be oriented with parking rows perpendicular to the main Building entrance(s) and corridors within the Parking Area to channel pedestrians from the car to the perimeter of the Parking Lot or to the Building.

FIGURE 8.4-A - PEDESTRIAN ACCESS CORRIDORS THROUGH A LARGE PARKING LOT



- Pedestrian corridors in large Parking Lots shall be connected to perimeter public Sidewalks (where present) and delineated by a paving material or raised paths that differs from that of the vehicular areas and shall be planted to provide shade. The use of small posts or bollards, painted black or to match the color scheme of the Building, to provide additional delineation and separation of pedestrian and vehicular corridors is encouraged.
- Additional standards for landscape strips crossing Walkways are provided in Section 5.3.3.C of this UDO.

D. General Design Standards.

- Layout Criteria.** The site design for each Project shall, to the maximum extent practical, include a Vehicle Parking Area design which:
 - Maximizes the internal connection of interior Access Drives or Streets within the Project;
 - Minimizes the use of dead end interior Access Drives or Cul-de-Sac Streets;
 - Maximizes the connectivity of interior Access Drives or Streets within the Project with surrounding Streets, Projects or Subdivisions;
 - Minimizes Parking Spaces along major drive aisles within Parking Lots;
 - Includes a Sidewalk, sidepath, or greenway system which functionally connects the various required Open Space elements of the Project with residential areas within, abutting or adjacent to the Project;
 - Provides a direct linkage to any town greenway which abuts or is adjacent to the Project;
 - Provides safe pedestrian access from the Parking Spaces to each front door, storefront, or Building entry;
 - Provides a vista termination for all internal Driveways so that no

- uninterrupted Driveway segment extends for more than 1,350 feet;
- i. Provides a widened area as a visitor drop-off zone near the Building entrance or a Walkway, sidepath, or greenway which provides a direct connection to the Building entrances; and,
- j. Includes, on both sides of an Access Drive or Driveway, a landscaped area which distinguishes the entry point of the site from other portions of the front yard and create a positive entrance for the development.

2. Pedestrian Pathways for Lots with more than 100 spaces. Any Parking Area containing over 100 Parking Spaces shall include a lengthwise pedestrian island including a Walkway and landscape strip. Additional lengthwise pedestrian island(s) shall be included for every additional 200 Parking Spaces as follows:

- a. **Minimum Dimensions.** The pedestrian island shall be at least 5 feet in width.
- b. **Landscape Strip.** Each landscape strip shall be designed as follows:
 - (1). The strip shall include overstory trees or ornamental trees (provided, however, loblolly pines or other trees which drop branches as they grow shall be prohibited in such landscape strips) planted with a maximum spacing of not more than 40 feet on-center, supplemented with groupings of at least 5 shrubs/Hedge Plants planted between the trees. Interior landscape islands shall not be required for those Parking Spaces adjacent to the pedestrian island.
 - (2). Each landscape strip shall include ground cover consisting of grass, mulch, chipped bark, pine straw or other natural forms of ground cover.
 - (3). When pedestrian island(s) extend for more than 10 Parking Spaces, such pedestrian island(s) shall

be provided with a crosswise Walkway to facilitate pedestrian and shopping cart movement.

3. Internal Cross Access Accommodations.

New Parking Lots shall provide for an internal vehicle connection between abutting Parking Lots on adjacent properties. The Administrator may allow exceptions to this standard to protect natural resources, where onerous topographic features exist, in the case of incompatible land Uses, and/or to comply with design restrictions from other governing agencies.

E. Lighting. This section does not address Street lighting on Public or Private Streets – refer to the Town Engineering Design & Construction Standards.

1. Intent. The lighting standards contained in this Section are intended to provide for the design and placement of outdoor light fixtures which:

- a. Provide for illumination levels which are adequate for the safe and efficient movement of individuals or vehicles to and from a Lot and within a Lot (i.e., areas that are dangerous if unlit, such as stairs, intersections, or changes in grade);
- b. Provide for uniform and consistent site lighting in terms of style of outdoor light fixtures, type of light, and light levels throughout a Lot;
- c. Are designed to protect against the spillover of light onto abutting properties; and,
- d. Are designed to protect against objectionable glare onto Public Rights-of-Way which may impair the vision of motorists.

2. General Requirements. All outdoor light fixtures shall comply with the following regulations.

- a. Minimum Setback.** An outdoor light fixture may be located within a required Front, Side Yard, or Rear Setback, or required Perimeter Buffer, provided that the outdoor light fixture

is located adjacent to the interior edge of such Setback or buffer.

- b. Lighting Standards.** Outdoor light fixtures shall comply with the standards set forth in Table 8.4-A - Lighting Standards.
- c. Total Site Lumen Limit.** The total installed initial luminaire lumens of all outdoor lighting shall not exceed the total site lumen limit. The total site lumen limit shall be determined using 1 of the following two calculations:
 - i. Less than 490 lumens per vehicle Parking Space up to 10 vehicle Parking Spaces (including handicapped accessible spaces) for the entire site, or
 - ii. Less than 1.25 lumens per square foot of hardscape area per site. When lighting intersections of site abuts drives and Public Streets or road, a total of 600 square feet for each intersection may be added to the actual site hardscape area to provide for intersection lighting.
- 3. Light Source.** Outdoor light fixtures shall utilize a white light source. However, low intensity architectural accent lighting (e.g., wall sconces, goose neck lights, etc.) located on or focused on a Building may utilize other light sources if specifically requested of and approved as an integral architectural element of a Development Plan.
- 4. Maximum Light Levels.** The maximum light level permitted anywhere on a Lot shall not exceed 15 horizontal maintained foot candles, unless specifically authorized by a sub-section of this Section 8.4.D. The maximum light level shall not exceed 0.2 horizontal maintained foot candles at property lines adjacent to Residential Use Districts, or on a Lot occupied by a Dwelling Unit, and 2 horizontal maintained foot candles at property lines adjacent to non-residential Uses and Rights-of-Way. The maintenance factor used in the design

TABLE 8.4-A - LIGHTING STANDARDS TABLE

District	Type of Fixture	Maximum Heights of Pole and Base
RR, SR, NR	Full Cutoff	32'
	Non-Cutoff (1)	20'
NCR, MXR, NMX, DMX, PUD	Full Cutoff	32'
	Non-Cutoff (1)	20'
SP, CB	Full Cutoff	32'
	Non-Cutoff (1)	16'
BRT, HI	Full Cutoff	32'

(1) NON-CUTOFF OUTDOOR LIGHT FIXTURES SHALL BE LIMITED TO WALKWAYS, OUTDOOR SEATING AREAS OR OTHER AREAS APPROVED FOR SUCH FIXTURES AS PART OF DEVELOPMENT PLAN APPROVAL.

process to calculate horizontal maintained foot candles shall not be lower than 0.64.

- 5. Mounting of Fixtures.** Full cutoff, cutoff and semi-cutoff fixtures shall be mounted parallel to the ground and shall utilize a rigid mounting arm with no built-in uptilt and no adjustment feature.
- 6. Pole-Mounted Equipment.** All equipment mounted to light poles (such as security cameras, other equipment, and all attachments) shall be the same color as the pole.
- 7. Height of Fixtures.** Vehicle Parking Area outdoor light fixtures and Loading Area outdoor light fixtures shall be of uniform size, design, and height.
- 8. Power Supply.** Outdoor light fixtures located on light poles shall be provided power by underground wiring.
- 9. Design of Fixtures.** All outdoor light fixtures on a Lot, Outlot, Single Use Site, Integrated Center, Business Park, or Industrial Park, including those on free standing light poles and those attached to Buildings, security lights, and architectural lights, shall be of consistent or compatible style, pole height, mounting height, color, intensity, design, and materials.
- 10. Maintenance of Outdoor Fixtures.** All light fixtures and light poles shall be maintained and repaired if inoperable.

11. Wall Lights. Wall outdoor light fixtures shall be subject to the following standards:

- a. When located on a front or side façade of a Building or Structure shall be full cutoff.
- b. When oriented toward an abutting Residential Use District shall be full cutoff.
- c. Low intensity, architectural style wall outdoor light fixtures may be used if specifically requested of and approved as an integral architectural element of a Development Plan and are used to accent architectural elements of the Building or Structure or to illuminate entrance areas.
- d. Wall-pack-type lights are permitted only for security or service areas.

12. Vehicular Canopy Light Fixtures. Outdoor light fixtures located under a vehicular Canopy of Drive Through Structures (e.g., gasoline service station Canopies, bank Drive Through Canopies, etc.) shall be:

- a. Full cutoff fixtures with a maximum intensity of three-hundred and twenty (320) watts or 4800 lumens; and
- b. The maximum light level under the vehicular Canopy shall not exceed 20 horizontal maintained foot candles.

13. Awning and Canopy Lighting. Awnings and Canopies used for Building accents over doors, windows, Walkways, and the like, shall not be internally illuminated (i.e., not lit from underneath or behind).

14. Flag and Statue Lights. Outdoor light fixtures used to illuminate flags, statues or other objects mounted on a pole, pedestal or platform shall use a very narrow cone of light (e.g., a maximum NEMA Beam 3X3, or comparable) for the purpose of confining the light to the object of interest and minimizing spill-light and glare.

15. Glare on Public Right-of-Way.

Architectural or Sign lighting shall be so directed and shielded that the light element is not visible from any point along an adjacent Public Right-of-Way. (See Section

9.5.3.B – Illuminated Signs, for related regulations for Signs.)

16. Floodlights. Outdoor light fixtures equipped with floodlights are regulated as follows:

- a. Floodlights shall not be permitted:
 - i. Within the NCR or MXR Districts;
 - ii. On any Lot in a Commercial & Mixed-Use District or any Employment/Campus Use District; or,
 - iii. Within any Attached Dwelling Unit or non-residential portion of a PUD District, provided, however, that floodlights may be used in the above situations when specifically requested of and approved as an integral architectural element of a Development Plan and are used to accent architectural elements of the Building or Structure.
- b. Floodlights, when permitted, shall be:
 - i. Located and directed away from the Lot Line at an angle of plus or minus 15 degrees from perpendicular to the Lot Line;
 - ii. Focused on the primary Building or the area of the Lot located between the floodlight and the primary Building; and,
 - iii. Shielded to the extent that the main beam from the luminaire is not visible from or causes any glare onto adjacent properties or Rights-of-Way.

17. Lighting Plans. The following information, at a minimum, shall be provided for all lighting plans:

- a. A site plan which includes the outline of Buildings, Structures, and other improvements (e.g., Parking Areas, Loading Areas, interior Access Drives, etc.) on the Lot.
- b. A photometric plan superimposed on the site plan, indicating the location, and aiming of outdoor light fixtures and illumination levels in compliance with the regulations of this Section.

- c. A description of the outdoor light fixtures, including but not limited to manufacturers or electric utility catalog specifications sheets, drawings, or photometric report, which indicate the outdoor light fixture classification (e.g., cutoff, semi-cutoff, full cutoff, or non-cutoff), type of light and lumens proposed for each outdoor light fixture.

18. Special Regulations. The following special regulations shall apply to sport and athletic field lights, Areas of Outdoor Display, and Loading Areas. Where a special regulation does not exist in this sub-section, the regulations contained elsewhere in this Section shall apply.

- a. **Sport and Athletic Field Lights.** Outdoor light fixtures for sport and athletic fields:
 - i. Shall not exceed 110 feet in height above grade, provided, however, that for any outdoor light fixture located at a height of 8 feet above grade or higher, the applicant shall demonstrate that the additional height is necessary to reduce spill and glare;
 - ii. Shall be of a type and manufacturer that offers a spill and glare control package and shall be fitted with the manufacturer's spill and glare control package;
 - iii. Shall not exceed 0.3 horizontal maintained foot candles at the Lot Line;
 - iv. Shall be extinguished no later than 1 hour after the end of the event; and,
 - v. May exceed the maximum lighting level set forth in this Section, subject to the approval of the Town Council, when needed to accommodate tournament level play.
- b. **Areas of Outdoor Display or Sales of Merchandise.** The maximum point light level permitted for areas of outdoor display or sales of merchandise (i.e.,

automobile dealerships and the like) shall not exceed 20 horizontal maintained foot candles, provided, however, that outdoor light fixtures used to illuminate areas of outdoor display or sales of merchandise shall be reduced in light levels to an average level of 1.0 maintained horizontal foot candle within 30 minutes after the closing of business for the day.

- c. **Loading Areas.** The maximum point light level permitted for those portions of a Lot devoted to Loading Areas where materials or merchandise are loaded and unloaded shall not exceed 20 horizontal maintained foot candles.

19. Exempt Lights.

- a. **Holiday Decorations.** Temporary outdoor light fixtures used for the observance of religious, national, or state holidays provided that such temporary lights shall not be installed more than 30 days prior to the holiday and shall be removed not more than 15 days after the holiday and in accordance with the following requirements:
 - i. All temporary outdoor light fixtures shall utilize strings of single-strand, horizontal bulb lights, that may include decorative globes, shades, lanterns, and so forth.
- b. **Trellis Lighting.**
 - i. Shall utilize strings of single-strand, horizontal mini-bulb lights, that may include decorative globes, shades, lanterns, and so forth.
 - ii. Shall not be placed on a fence.
- c. **Public Lighting.** All outdoor light fixtures originating from public areas and ways, including but not limited to Parks, Rights-of-Way, public art, or other public facilities, that are installed for the benefit of the public health, safety, and welfare.
- d. **Fossil Fuel Lights.** All outdoor light fixtures producing light directly from the combustion of fossil fuels (i.e., kerosene lanterns or gas lamps).

- e. **Construction / Emergency Lighting.** All outdoor light fixtures provided in connection with construction work or the abatement of an emergency situation necessitating said lighting, provided that the use of such fixtures is discontinued during hours when construction activity or emergency abatement is not in progress and that the fixtures are removed upon completion of the construction activity or the abatement of the emergency.
- f. **Internal Illumination of Signs.** All outdoor light fixtures which are completely enclosed within a Sign Cabinet, and which provide illumination only for a Sign Face. (See also Section 9.5.3.B – Illuminated Signs.)
- g. **Detached Dwelling Units.** All outdoor light fixtures used for the illumination of personal property and that are not part of a Development Plan, Subdivision plan or Project review, provided, however, that such outdoor light fixtures shall be subject to regulations regarding glare in section 8.4.D.13.

20. Temporary Lights.

- a. **Temporary Lights Permitted.** The following types of outdoor light fixtures may be approved on a temporary basis by the Administrator prior to placement or use.
 - i. Civic Events – Temporary outdoor light fixtures used for civic events.
 - ii. Special Events – Temporary outdoor lighting fixtures for such activities as circuses, fairs, carnivals, sporting events, and the like.
- b. Such temporary lights shall not be installed more than 30 days prior to the civic event or special event and shall be removed not more than 15 days after the civic event or special event. Temporary outdoor light

fixtures authorized by this Section shall not be permitted for more than 3 occurrences during a calendar year.

21. Prohibited Lights.

- a. **Flashing lights.** Any lights that flash, move, revolve, rotate, scintillate, blink, flicker, vary in intensity or color, or use intermittent electrical pulsation.
- b. **Floodlights.** Floodlights not in compliance with the regulations set forth in this Section, or other form of outdoor light fixtures (including but not limited to stringer lights) not specifically authorized by this Section, that are ground mounted or attached to light poles, and used to illuminate the site, Buildings, or Structures.
- c. Outdoor strings of lights, including but not limited to those outlining Lot Lines, Outdoor Display Areas, rooflines, doors, windows, landscaping, or edges of walls, provided, however, outdoor strings of lights may be allowed when:
 - i. Complying with Section 8.4.D.17.a – Holiday Decorations;
 - ii. Located in the Rear Yards of Detached and Attached Dwelling Units;
 - iii. Located within or outlining an urban civic Open Space or outdoor seating area in a Commercial & Mixed-Use District or any Employment/Campus Use District.
- d. Luminous tube lighting, provided, however, that luminous tube lighting may be used when specifically requested of and approved as an integral architectural element of a Development Plan.
- e. Searchlights.

8.5 SUBDIVISION LOT DESIGN STANDARDS

8.5.1 APPLICABILITY

A. The design standards of this section shall apply to all Subdivisions of property into 1 or more Lots or parcels of land.

8.5.2 EXCEPTIONS

A. Subdivisions which qualify for Statutory Exemption in Section 11.11.3 of this UDO.

8.5.3 SUBDIVISION TYPES

A. **Minor Residential Subdivision.** A Minor Residential Subdivision is a Subdivision that contains 4 or less Lots and does not involve new Public Streets, extensions of Public Streets or the extension of public utilities in Residential Districts.

1. **Limitations.** Once a Subdivider has obtained Final Plat approval of a Minor Residential Subdivision, that Subdivider may not seek Final Plat approval of any additional Subdivision or other Development Plan from the same parcel for a period of 3 years from the date of approval of the original Final Plat of the Minor Residential Subdivision unless the Subdivider constructs all road improvements required for a Major Subdivision – Residential on the entire original tract.

B. **Major Residential Subdivision.** A Major Subdivision - Residential is a Subdivision that contains 5 or more Lots or involves new Public Streets, extensions of Public Streets or the extension of public utilities in a Residential Use District.

1. Conservation Subdivision Option.

a. Applicability and Intent

i. **Applicable Districts.** RR, SR and NR.
 ii. **Intent.** To preserve Open Space contributing to the character of an area and eliminate suburban sprawl while permitting some

development to occur, a Conservation Subdivision is permitted to permit very low density development. This development technique clusters house sites to preserve natural features and environmentally sensitive areas.

b. Development Requirements.

i. **Maximum Number of Lots.** A Lot yield plan shall be prepared to determine the maximum number of Lots reasonably achievable by a standard Subdivision using the Development Standards and Subdivision Lot design standards of the Base District.

(a) The Lot yield plan shall show how the Lot could be subdivided to yield the maximum number of buildable Lots.

(b) The Lot yield plan does not have to meet the submittal requirements for a Major Subdivision but must be realistic and economically capable of being constructed. Potential Lots and Streets shall not be designed in a manner that would not ordinarily be permitted by a standard Subdivision plan.

(c) The Lot yield plan is not intended to permit the actual development of the Lot and is only prepared to determine the maximum number of Lots for the conservation subdivision.

ii. **Lot Access.** Every Lot shall be accessed via a Public Street or shared private Driveway. If by a shared private Driveway, the minimum standards are as follows: minimum pavement width: 12 ft; minimum easement width: 20 ft.

iii. Conservation Area Requirement. Constrained land areas (slopes more than 35 percent of at least 5,000 sf contiguous area; the 100-year floodplain; bodies of open water; and wetlands) and the minimum required Private On-Site Open Space shall be identified as a Conservation Area and placed in a Conservation Area easement where no development activity, with the exception of Active Recreation Areas and passive recreation elements, may occur. Routine maintenance and other measures to ensure public safety are permitted within the Conservation Area.

C. Major Subdivision - Non-residential. A Major Subdivision - Non-residential is a Subdivision that contains 2 or more Lots or involves new Public Streets, extensions of Public Streets or the extension of public utilities in Commercial & Mixed-Use Districts or Employment/Campus Use Districts.

8.5.4 GENERAL DESIGN STANDARDS FOR SUBDIVISIONS

- A. Compliance with the Comprehensive Plan.** The design of all Subdivisions shall further the goals and policies of the Comprehensive Plan.
- B. Compliance with this UDO.** Lot dimensions, including but not limited to Lot Width, Lot depth, and Lot Area, shall comply with the minimum District Standards of Chapter 2, the Open Space and Conservation requirements of Chapter 4, the Streets, Utilities and Other Infrastructure requirements of Chapter 7, and all other requirements of this UDO.
- C. Preservation of Significant Features.** Subdivision design shall be sensitive to the protection and preservation of existing site features, such as Historic Structures, small family Cemeteries, natural features, or other significant features of the site.
- D. Subdivision Naming.** The name of a Subdivision shall not duplicate or closely resemble in sound or spelling the name of an

existing Subdivision within the Town or its Extraterritorial Jurisdiction.

E. Lot and Outlot Numbering. All Lots shall be consecutively numbered. Outlots in Integrated Centers, or Lots in a Business Park or Industrial Park, shall be identified by consecutive alphabetical or numerical order. The numbering or lettering of individual Lots shall be consecutive and shall continue such consecutive progression through all phases or sections of a Subdivision.

F. Lot Addressing. Numbers assigned to the west side of north/south Streets and the north side of east/west Streets shall be even numbers. Numbers assigned to east side of north/south Streets and the south side of east/west Streets shall be odd numbers.

1. Corner Lots shall be assigned two address, 1 for each Street Frontage of the Lot. Any Building located on a Corner Lot shall utilize only the address assigned to the Street Frontage that corresponds to the main entrance into the Building.
2. Whenever a Dwelling Unit is served by an individual mailbox, the mailbox shall be located on the Street Frontage which corresponds to the main entrance to the Dwelling Unit and the Street address used for the Lot.

G. Lot Shape. Lots shall be created so that:

1. Side Lot Lines are at right angles to Street lines (or radial to curving Street lines) unless a deviation from this rule will give a better Street or Lot plan.
2. Dimensions of Corner Lots, through Lots or triple Frontage Lots shall be large enough to allow for the erection of Buildings while observing the minimum required front or side-corner Setback applicable on each Street Frontage.

H. Double Frontage Lots. Double Frontage Lots shall be avoided whenever practical. Double Frontage Lots may be acceptable when necessary to provide for the separation of a Subdivision and its related access points from the traffic on a bordering Thoroughfare Street or to

overcome specific disadvantages of topography and orientation affecting the Subdivision. A private Open Space area may be used to prevent a double Frontage Lot, provided that the private Open Space area is a minimum 10 feet in width.

I. Triple Frontage Lots. Triple Frontage Lots (those Lots which have Frontage on 3 Streets) are prohibited in the RR, SR, and NR Districts. A private Open Space area may be used to prevent a triple Frontage Lot, provided that the private Open Space area is a minimum 10 feet in width.

8.5.5 ADDITIONAL DESIGN STANDARDS FOR MAJOR SUBDIVISIONS – RESIDENTIAL

A. Lot Orientation. The Lot Line common to the Street Right-of-Way line shall be the Front Lot Line. Whenever feasible, Lots shall be arranged so that the Rear Lot Lines do not abut the Side Lot Line of an adjacent Lot.

- 1. Lot Orientation for Infill Lots.** In the NCR and MXR Districts, infill Lots for Attached Dwellings and Apartment Dwellings located along a Thoroughfare Street should be accessed from a rear alley and oriented so that the Front Lot Line faces the Thoroughfare Street.

B. Lot Arrangement. When Lots have varying Lot Areas, larger Lots should be located near the perimeter of the Subdivision and smaller Lots should be located near the center of the Subdivision. When Subdivisions have Frontage along a Thoroughfare Street, smaller Lots may be located near the Thoroughfare Frontage.

C. Arrangement of Building Types. When a Subdivision contains Lots for multiple residential Building types, such as Detached Dwellings, Attached Dwellings, and Apartment Dwellings, Lots for Detached Dwellings should be located near the perimeter of the Subdivision and Lots for Attached Dwellings and Apartment Dwellings should be located near the center of the Subdivision. When Subdivisions have Frontage along a Thoroughfare Street, Lots for Attached Dwellings and Apartment Dwellings may be located near the Thoroughfare Frontage.

8.5.6 ADDITIONAL DESIGN STANDARDS FOR MAJOR SUBDIVISIONS - NON-RESIDENTIAL

A. Lot Orientation. The Lot Line common to the Street Right-of-Way line shall be the Front Lot Line. Whenever feasible, Lots shall be arranged so that the Rear Lot Lines do not abut the Side Lot Line of an adjacent Lot.

B. Lot Arrangement. Lots shall be of adequate size and configuration to provide for Vehicle Parking Areas, Off-Street Loading Areas, and other applicable requirements of this UDO.

C. Arrangement of Building Types. When a Subdivision contains Lots for residential Building types, such as Detached Dwellings, Attached Dwellings, and Apartment Dwellings, and Lots for non-residential Building types, such as commercial/mixed-use Buildings or industrial and warehouse Buildings, Lots for residential Building types should be interspersed within the Subdivision. Lots for Attached Dwellings and Apartment Dwellings should not extend more than two consecutive blocks in any direction.

D. Incremental Subdivision. Any Major Subdivision - Non-residential may be divided into 2 or more increments or phases for the purpose of Final Plat approval. The Major Subdivision - Non-residential shall designate:

- The area in which incremental Lots shall be established.
- The maximum number of incremental Lots which may exist in such area.
- The minimum and maximum size of such incremental Lots.
- All Lots created by an incremental Final Plat shall have either:
 - Direct access to and from a Public Street; or
 - Gain access to and from a Public Street across a perpetual recorded access easement through portions of the real estate included in the Subdivision plan.
- All Lots created by an incremental Final Plat shall either contain within the limits of the incremental Final Plat or have legal access to adequate infrastructure to accommodate

the fully developed needs of the incremental plat (i.e., stormwater management, sanitary sewer, water, electric, gas, telephone, etc.).

E. Design Standards Required. Design Standards shall be established for Building and site design for development within the Subdivision.

1. The Design Standards shall coincide with or exceed the Town's design standards pursuant to Chapter 8 of this UDO.
2. As appropriate, the Design Standards shall include color and material samples, and utilize and repeat architectural styles within the Projects for design compatibility and consistency.

F. Streetscape and Mobility Standards Required.

Streetscape and mobility standards shall be established to provide the typical cross section design for all internal Streets, greenways, and pedestrian facilities. The Standards shall coincide with the Public Realm descriptions in the Comprehensive Plan and this Chapter. The Standards shall depict Rights-of-Way widths, pavement/ Sidewalk widths/locations, curb type, landscaping material/placement, Street and site lighting, and Street furniture, as applicable.

8.5.7 SCHOOL SITES [GS §160D-804(F)]

In any case where the Comprehensive Plan indicates the specific location and size of a school site, as jointly determined by the Town Council and the Wake County Board of Commissioners, the Administrator shall immediately notify the Board of Education whenever an application for Development Plan or Subdivision Plan approval is filed with the Town which includes all or part of a designed school site to be reserved. The Board of Education shall promptly decide whether the reserved site is still required. If the Board of Education determines that the reserved site is no longer required, the Board of Education shall so notify the Administrator. If the Board of Education determines that the reserved site is required for future school purposes, the proposed plan shall not be approved without the reservation of the school site. The Board of Education shall then have a period of 18 months from the date of approval of the Development Plan or Subdivision Plan which to acquire the school site by purchase or by initiating condemnation proceedings. If the Board of Education has not purchased or begun

proceedings to condemn the site within 18 months of the date of approval of the Final Plat for that portion of the Development Plan or Subdivision Plan which includes any part of or all of the reserved site, the Subdivider may treat the land as freed from reservation.

A Subdivider may, but shall not be required to, file a Development Plan or Subdivision Plan that indicates an alternate Use and development of the reservation area in the event that such land is freed from reservation. If the Subdivider has submitted a proposed Development Plan or Subdivision Plan which includes an alternate Use and development of the land subject to the reservation, and such alternative Use and development has been conditionally approved, the Subdivider may submit a revised Final Plat for review and approval upon expiration of the 18 month period specified above. The proposed revised Final Plat shall be labeled as a "Revised Final Plat for _____". The Administrator shall review the revised Final Plat and, upon determining that the revised Final Plat conforms to all requirements of this UDO, shall notify the Review Officer of such conformity and authorize the Review Officer to approve the Final Plat under the same terms and conditions applicable to any other Final Plat that was included as a section or phase of the proposed Development Plan or Subdivision Plan.

- A. If the Subdivider has not submitted a proposed Development Plan or Subdivision Plan which includes an alternate Use and development of the land subject to the reservation and such land is freed from reservation, such land shall be the subject of a new application for Development Plan or Subdivision Plan as set forth in this UDO.

8.6 HISTORIC PRESERVATION

8.6.1 HISTORIC PRESERVATION INCENTIVES

Purpose and Intent. The purpose of this Section is to provide incentives for Projects that incorporate preservation, rehabilitation, or adaptive reuse of Historic Structures. The historical heritage of the Town is a valued and important asset and the Town seeks to safeguard its heritage by preserving Historic Structures that contribute important elements of the culture, history, architecture, or pre-history of the Town; and to promote the Use and conservation of such

Historic Structures for the education, pleasure, enrichment, and general welfare of the residents of Holly Springs.

B. Incentive Eligibility. In order to be eligible for incentives, the Historic Structure must remain on the original property or be relocated to another property within the Town corporate limits or Extraterritorial Jurisdiction that is compatible in character with its original setting. The Structure's existing and proposed Building Setback orientation shall be considered when determining the compatibility of the proposed site.

C. Incentive Application.

1. **Review Procedures:** Review for compliance and granting of requests for incentives in accordance with this section shall occur in conjunction with an associated UDO permit process.
2. **Historic Preservation Goals:** A Project seeking to use incentives shall demonstrate how preservation, rehabilitation, or adaptive reuse of Historic Structures will achieve the following Town preservation goals:
 - a. The requested incentives will significantly preserve the historic materials, features, and/or spatial relationships that characterize the Historic Structure; and,
 - b. The requested incentives are the appropriate methods to ensure the long-term preservation of the Historic Structure; and,
 - c. The preservation, rehabilitation, or adaptive reuse of the Historic Structure is consistent with the intent of the Comprehensive Plan; and,
 - d. The preservation, rehabilitation, or adaptive reuse of the Historic Structure is consistent with the intent and purpose of this UDO.

All findings of the Preservation Goals (specified above) shall be documented in writing and signed by the Administrator and retained as a part of the permanent record of the determination.

D. Town Council Action. The Town Council shall have the authority to review and take action on applications for historic preservation incentives and subject to the following.

1. The Town Council may choose to deny a request for incentives if the Historic Structure has been modified or altered in a manner that has destroyed historic materials, features, and/or spatial relationships that characterize the Historic Structure within the immediately preceding 48 months, measured from the date of the Town's final inspection of such activities pursuant to the Building Code.
2. Prior to the issuance of a Building permit for the Project, a historic preservation easement and a rehabilitation agreement shall be granted to a qualified holder of historic preservation agreements as defined by NCGS Chapter 121, Article 4. Said easements shall be drafted, regulated, and enforced consistent with NCGS Chapter 121, Article 4 and shall be submitted to the Administrator for review prior to being recorded by the applicant.

E. Incentives for the Preservation, Rehabilitation, or Adaptive Reuse of Historic Structures.

The Town Council may grant any of the incentives from the list below to support historic preservation and property/Structure reuse.

1. A gross density bonus of up to 1/2 (.50) additional Dwelling Units per acre beyond the maximum allowed gross density in the Base Zoning District.
2. A reduction in the minimum active Open Space requirement by an area equal to the Lot area on which the Historic Structure is preserved.
3. Off-Street Vehicle Parking Areas directly serving the Historic Structure exempted from the hard surface Off-Street parking requirement.
4. An overall reduction from the minimum Off-Street vehicle Parking Space requirements by 50%, or an increase to the maximum allowable number of Off-Street vehicle Parking Spaces provided by 15%.

5. An exemption to the Town's UDO requirements pertaining to Building Design requirements where the proposed historic Building modifications retain the original architectural character.
6. An increase in the maximum allowable Building Height by up to 1 story or 14 feet beyond the maximum allowed Building Height in the Base Zoning District.





9 SIGNS

9.1 PURPOSE AND INTENT

These Sign regulations are intended to:

- A. Encourage the effective use of Signs as a means of communication;
- B. Encourage Signs which, by their design, are integrated with and harmonious to the Buildings and sites which they occupy;
- C. Eliminate excessive and confusing Sign displays;
- D. Maintain and improve the appearance of the Town and its Extraterritorial Jurisdiction as an attractive place to live and conduct business;
- E. Safeguard and enhance property values by minimizing the possible adverse effects of Signs on nearby property;
- F. Support and complement the land Use objectives of the Comprehensive Plan and this UDO;
- G. Protect public and private investment in Buildings and Open Spaces;
- H. Eliminate potential hazards to motorists and pedestrians resulting from Signs;
- I. Create consistency among Signs within a coordinated development; and,
- J. Establish reasonable limits on the number, time and manner (including but not limited to the spacing, materials and size of Signs) to avoid Sign clutter.

9.2 APPLICABILITY

The regulations contained in this Chapter shall apply to the location, erection and maintenance of Signs in any Use district regulated by this UDO.

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A. Freestanding Signs as Accessory Structures.

Freestanding Signs and Sign Structures are considered Accessory Structures. As Accessory Structures, Freestanding Signs and Sign Structures may not occupy a Lot without a primary Use or Building also being legally located on the Lot, unless in compliance with the regulations of this UDO for Temporary Signs.

B. Exempt Signs.

1. Any Sign required by any local, state or federal governmental agency.
2. Cornerstones with dedication dates and Building name if less than 4 sf.
3. 1 governmental flag as defined by GS §144-7 up to 40 sf in size and 1 flag pole up to 35 ft in height per Lot.
4. Gateway Signs or Focal Points if required by Chapter 8 of this UDO.
5. Fence Wraps as defined by GS §160D-908.

C. The Town Council may suspend Temporary Sign regulations during a declared emergency, natural disaster or pandemic.

D. Waiver of Sign Regulations.

A waiver of the regulations contained in this Chapter may be heard and determined in connection with either a petition for a Conditional Zoning District (CD), Special Use Permit, Development Plan, or Major Subdivision Plan. A waiver of the regulations contained in this Chapter may only be granted upon making the following findings:

1. The proposed Signs are harmonious to the Buildings and sites which they occupy;
2. The proposed Signs will not create a hazard to motorists or pedestrians resulting from the Sign location, size or configuration;
3. The proposed Signs will not increase the total combined Sign Surface Area allowed for the Front Sign Zone and Building Signs on the Lot, Outlot, Integrated Center, Business Park, industrial park, Subdivision or Building served by the proposed Signs;
4. The proposed Signs will result in an overall pattern of Signs for the Lot, Outlot, Integrated Center, Business Park, industrial

park, Subdivision or Building which is equivalent to or superior to that achievable under the applicable regulations;

5. The proposed Signs will be compatible with and will enhance the Use or value of area properties;
6. The proposed Signs are consistent with the intent of the Comprehensive Plan; and,
7. The proposed Signs are consistent with the intent and purpose of this UDO.

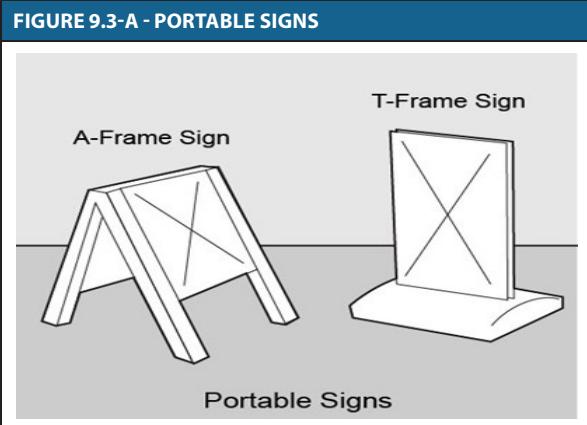
9.3 PROHIBITED SIGNS

The following Signs are prohibited in all Use districts:

- A. Signs located on, in or above the Right-of-Way of any Street or alley, except for:
 1. Official Signs or Signs erected on behalf of or pursuant to authorization of a governmental body;
 2. Projecting Signs, as expressly permitted by this Chapter; and,
 3. Signs in medians, as expressly permitted by this Chapter.
- B. Signs which interfere with Street intersections. No Sign, permanent or temporary, may be erected so that it interferes with the sight distance requirements of this UDO.
- C. Signs which interfere with, obstruct the view of, imitate, copy, purport to be, or may be confused with any authorized official Sign, traffic Sign, traffic signal, or traffic control device.
- D. Signs which obstruct or interrupt major architectural elements or features of a Building or windows.
- E. Cabinet or Box Signs.
- F. Portable Signs, including but not limited to:
 1. A-frame, T-frame, menu board, and sandwich board Signs (except as expressly permitted by this Chapter);
 2. Signs on portable trailer frames; and,
 3. Signs attached to or painted on a vehicle parked and visible from the Public Right-of-Way, except that a vehicle used in the normal day-to-day operation of a business Use is

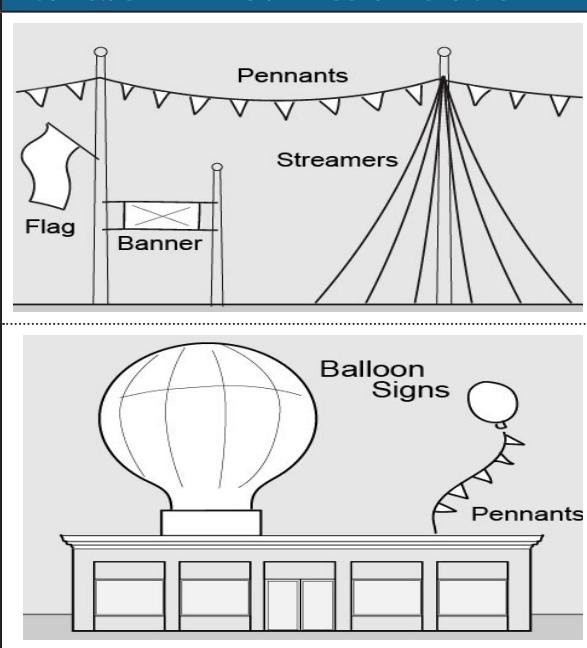
not considered a Portable Sign if the vehicle is parked beside or behind the Building in which the Use is located or as expressly permitted in this UDO within the district the business is located.

FIGURE 9.3-A - PORTABLE SIGNS



- G. Rotating or moving Signs, including hand-held Signs moved by a person.
- H. Windblown devices with or without printed text, including but not limited to any Banner, pennant, spinner, streamer, propeller, disc, moored blimp, gas Balloon or Flag, that is designed to inform or attract attention except as specifically provided otherwise in this Chapter or as expressly permitted in this UDO within the district the business is located.

FIGURE 9.3-B - EXAMPLES OF WINDBLOWN DESIGNS



- I. Signs attached to trees.
- J. Signs attached to utility poles, except for Signs erected on behalf of or pursuant to authorization of a governmental body or the utility company having jurisdiction over such poles.
- K. Signs that bear or contain statements, words or pictures of an obscene, pornographic, immoral character, or which contain advertising matter which is untruthful.
- L. Any Sign that obstructs or substantially interferes with any window, door, fire escape, stairway, ladder or opening intended to provide light, air, ingress or egress to any Building.
- M. Any Changeable Copy Sign (except as expressly permitted by this Chapter), including without limitation an Electronic Variable Message Sign (EVMS) on which the message changes more than 6 times per minute.
- N. Any rotating beam, beacon, intermittent light, lights of changing degrees of intensity, or flashing illumination in connection with any Sign surface, except as part of an Electronic Variable Message Sign (EVMS) on which the message does not change more than 6 times per minute.
- O. Non-temporary Signs for Nonconforming Uses as set forth in Chapter 10 of this UDO.
- P. Roof signs.
- Q. Any other type of Sign located on private property outside of a Public Right-of-Way not expressly permitted by this Chapter.

9.4 CALCULATION OF SIGN MEASUREMENTS

- A. **Calculation of Sign Surface Area.** The Sign Surface Area shall be computed by means of the smallest square, rectangle, circle, triangle, or combination thereof that will encompass the extreme limit of the copy, representation, logo, 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 attached or affixed. The Sign Surface Area does not include any support framework, bracing, or decorative fence or wall when such

fence or wall otherwise meets the pertinent Use district regulations and is clearly incidental to the display itself.

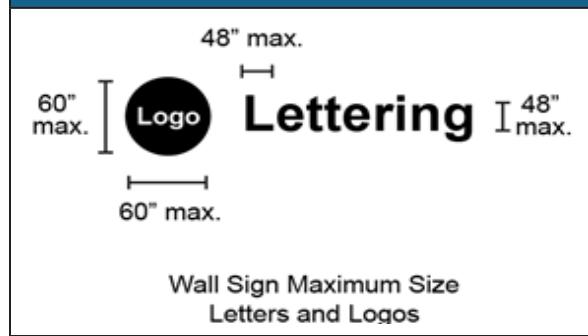
1. **Double-Faced Signs.** The Sign Surface Area of a double-faced, back-to-back Sign shall be calculated as 1 Sign. If an angle is present between the 2 faces of a double-faced Sign, it shall be considered 2 Signs.

B. Calculation of Sign Height. The height of a Sign shall be computed as the distance from the base of the Sign at Grade including any support framework, bracing, or other ornamental shell to the top of the highest attached component of the Sign.

C. Calculation of Sign Area Copy for Wall Signs.

1. The Sign area copy for Wall Signs located on Buildings less than 50 ft and 3 stories in Height shall be limited to:
 - 5 ft maximum in any dimension for logos or emblems; and,
 - 4 ft maximum in any dimension for letters.

FIGURE 9.4-A - SIGN AREA EXAMPLE



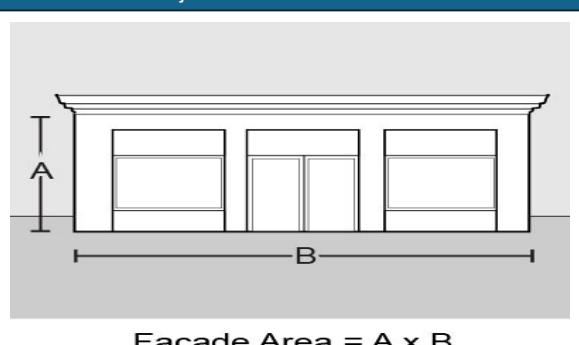
2. The Sign area copy for all Wall Signs located on Buildings greater than or equal to 50 ft and 3 stories in Height shall be limited per the requirements set in Table 9.5.2-A – N18.

D. Calculation of Façade Area for Building Signs.

The following regulations apply when calculating the area of a façade upon which a Building Sign may be placed:

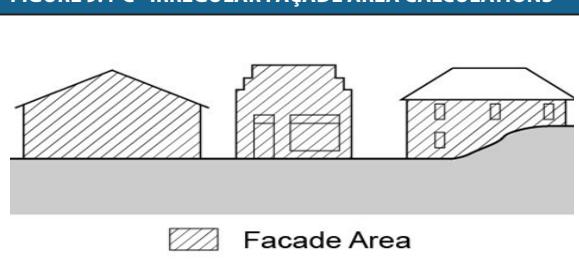
1. **Square or Rectangular Shaped Façade.** The length of the Building or tenant space times the height of the Building or tenant space.

FIGURE 9.4-B - FAÇADE AREA CALCULATIONS



2. **Irregular Shaped Façade.** The actual surface area of the façade of the Building or tenant space above Grade and beneath the top of the wall.

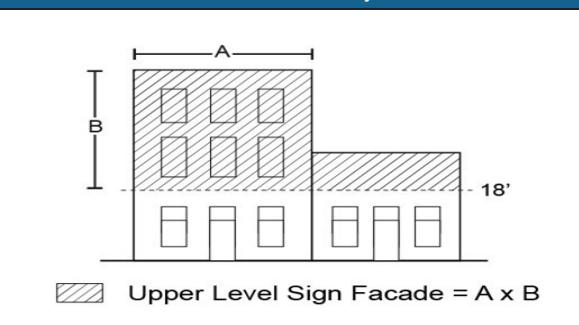
FIGURE 9.4-C - IRREGULAR FAÇADE AREA CALCULATIONS



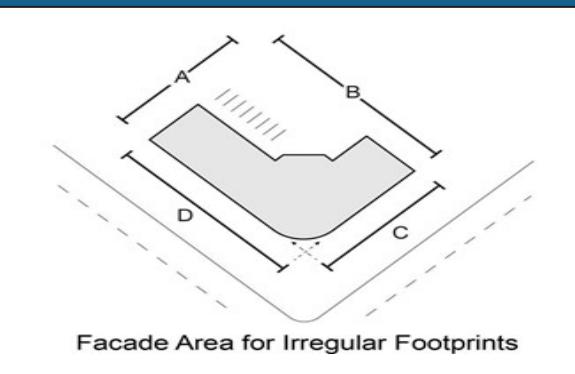
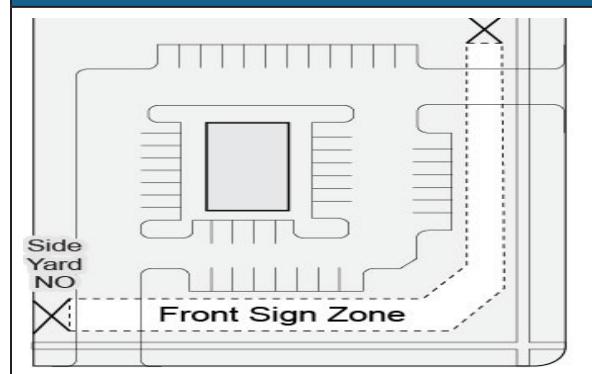
3. **Multistory Buildings in NMX and DMX Districts.**

- Lower Level Signs.** The actual surface area of the façade of the Building or tenant space above Grade.

FIGURE 9.4-D - UPPER LEVEL SIGN FAÇADE



4. **Buildings With Irregular Footprints.** The smallest 2 dimensional areas, pursuant to the above regulations, from which the façade, or portion thereof, may be viewed (C and D in Figure 9.4-E).

FIGURE 9.4-E - FAÇADE AREA FOR IRREGULAR FOOTPRINTS**FIGURE 9.5.1-A - FRONT SIGN ZONE**

9.5 SIGN STANDARDS

9.5.1 SIGN ZONES

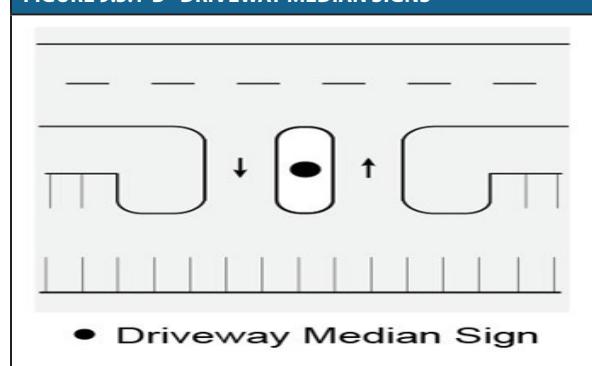
Sign zones regulate the number and location of Freestanding Signs located on a Lot, Single Use Site, Campus, Integrated Center, Business Park, industrial park, Project or Subdivision. Sign zones are determined as follows:

A. Front Sign Zone.

1. **Description.** A Front Sign Zone is the area of a Lot which corresponds to the Minimum Front or Side - Corner Setback, provided, however, such Signs:
 - a. Are not located in those portions of the Front or Side - Corner Setback that overlap with a Minimum Side or Rear Setback;
 - b. Are not located in a required Perimeter Buffer between non-residential and Residential Use Districts;
 - c. Are not located within 2 ft from the back of curb / edge of pavement of any Driveway; and,
 - d. Are not located within the Right-of-Way unless specifically authorized by the governmental authority having jurisdiction over improvements in such Right-of-Way.

2. **Signs in Medians.** A Front Sign Zone includes the area of a central island in a median-divided Driveway or entrance Street only if the Sign:

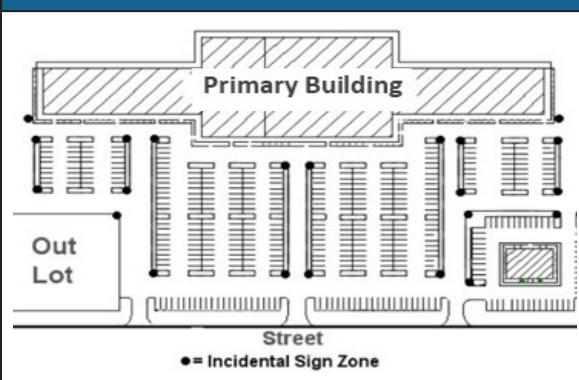
- a. Is setback a minimum 2 ft from the back of curb / edge of pavement which defines a central island median;
- b. Is located in the median of an entrance Street and is approved for encroachment into the Right-of-Way by the governmental authority having jurisdiction over improvements in such Right-of-Way; and,
- c. Is located in the median of an entrance Street and is covered by: a maintenance, indemnity and hold harmless agreement deemed acceptable by the Town Council; and, liability insurance in a manner and extent deemed acceptable by the Town Council, to assume all responsibility for the maintenance of and costs associated with any damages related to the location, erection, placement or maintenance of such Sign.

FIGURE 9.5.1-B - DRIVEWAY MEDIAN SIGNS

B. Incidental Sign Zone. An Incidental Sign Zone is the area of a Lot (or Outlot) in a Single Use Site, Campus, Integrated Center, Business Park, industrial park, Project or Subdivision, located: at a turning point along an interior Access Drive; along pedestrian circulation routes within the Project; or immediately abutting an interior Access Drive, vehicle Parking Area, Private Street, or internal Public Street. The Incidental Sign Zone is intended to provide an area for Incidental Signs or Signs designating areas/vehicle Parking Spaces for Accessory Uses to the primary Use of a site, including (but not limited to): curbside pickup, take out, online order pickup, cart corrals, and similar Uses. Such Signs:

1. Must not interfere or conflict with Sidewalks or Walkways by maintaining a minimum of 5 ft clear for pedestrian flow; and,
2. Must not be located above any public Sidewalk, public Parking Area, or common area; and,
3. Must not interfere or conflict with any minimum required vehicle Parking Areas, Loading Areas, drive aisle, Driveways, interior Access Drives, Interior Access Driveways, Perimeter Buffers or Foundation Landscaping.

FIGURE 9.5.1-C - INCIDENTAL SIGN ZONE



C. Directional Sign Zone. A Directional Sign Zone is the area of a Campus, Integrated Center, Business Park, industrial park, or Major Subdivision, located: at the turning point of an interior Access Drive; along pedestrian circulation routes within the Project, or immediately abutting an interior Access Drive, vehicle Parking Area, Private Street, or Public Street. The Directional Sign Zone is intended for Signs used

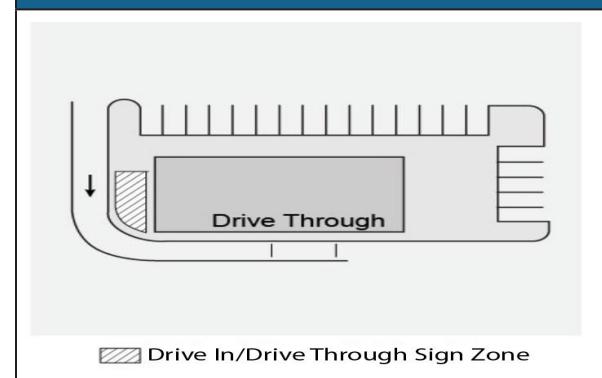
to direct pedestrian or vehicular travel to areas within the Campus, Integrated Center, Business Park, industrial park, or Major Subdivision. Such Signs:

1. Must not interfere or conflict with Sidewalks or Walkways by maintaining a minimum of 5 ft clear for pedestrian flow; and,
2. Must not interfere or conflict with any minimum required vehicle Parking Areas, Loading Areas, drive aisle, Driveways, interior Access Drives, Interior Access Driveways, Perimeter Buffers, or Foundation Landscaping.

D. Drive In/Drive Through Sign Zone. A Drive In/Drive Through Sign Zone is the area bounded by:

1. The back of curb / edge of pavement located on the driver's side of an interior Access Drive serving a Drive In/Drive Through facility;
2. A line parallel to and not more than 10 ft from such back of curb / edge of pavement; and,
3. Located between 1 and 6 car lengths from the first occurrence of a Drive In/Drive Through facility.

FIGURE 9.5.1-D - DRIVE IN/DRIVE THROUGH SIGN ZONE



E. Right-of-Way/Sight Distance. Freestanding Signs shall not encroach into any Public Right-of-Way and shall comply with the sight distance requirements of this UDO.

9.5.2 SIGN REGULATIONS IN ALL USE DISTRICTS

TABLE 9.5.2-A – SIGN REGULATIONS: ALL USE DISTRICTS

Use Type	Use	Sign Type	Sign Regulations				
			Maximum Number	Sign Zone	Maximum Sign Surface Area (sf)	Maximum Height (ft)	Materials
Residential & Non-residential	Detached Dwellings, Group and Family Care Homes, Residential Care Facilities, and Manufactured Dwellings	Freestanding	1	Front	2	3	n/a
		Wall	1 (If no Freestanding)	n/a	2	n/a	n/a
Residential & Non-residential	Attached Dwelling and Apartment Dwelling Projects	Freestanding (Ground Only, Single-Faced)	2 (N1)	Front, immediately adjacent to and on either side of a Driveway or Street entrance (N2)(N3)	24	6 (N4)	Ornamental metal, stone, brick, masonry, or other permanent material
		Freestanding (Ground Only, Double-Faced)	1 (N1)	Front (N2)(N3)	See Table 9.5.2-B	6 (N4)	Ornamental metal, stone, brick, masonry, or other permanent material
		Wall	1	Adjacent to primary Building entrance	2	n/a	Ornamental metal, stone, brick, masonry, or other permanent material
		Window	No limit except for limit of 1 illuminated Window Sign	n/a	25% of window area (N5)(N6)	n/a	n/a
Residential	Major Subdivisions	Freestanding (Ground Only) Single-Faced	1 (N1)(N7)	Front; if 2 Signs, immediately adjacent to and on either side of a Driveway or entrance Street (N2)(N3)	24 (ground); 3 (post & arm); 4 (illuminated)	6 (ground); 8 (post & arm) (N8)	Ornamental metal, stone, brick, masonry, or other permanent material
		Freestanding (Ground Only) Double-Faced	2 (N1)(N7)	Front (N2)(N3)	40	6	Ornamental metal, stone, brick, masonry, or other permanent material

TABLE 9.5.2-A – SIGN REGULATIONS: ALL USE DISTRICTS

Use Type	Use	Sign Type	Sign Regulations				
			Maximum Number	Sign Zone	Maximum Sign Surface Area (sf)	Maximum Height (ft)	Materials
Residential	Non-residential Uses	Freestanding (Ground Only) Single-Faced	2 (N1)	Front; if 2 Signs, immediately adjacent to and on either side of a Driveway or entrance Street (N2)(N3)	20 (N9)	4 (ground) (N10); 8 (post & arm)	Ornamental metal, stone, brick, masonry, or other permanent material
		Freestanding (Ground Only) Double-Faced	1 ground, 1 post & arm (N1)	Front (N2)	20 (N9)	4 (ground) (N10); 8 (post & arm) (N8)	Ornamental metal, stone, brick, masonry, or other permanent material
		Wall (Single Use Site)	No limit (N11)	(N12)	Front façade: 3% of total area; side and rear façades: 2% of total area; max length: 80% of length of façade (N13)(N14)	n/a	n/a
		Wall (Integrated Center)	No limit (N11) (N14)	(N12)	Front façade: 3% of total area; side and rear façades: 2% of total area; max length: 80% of length of façade (N13)(N14)	n/a	n/a
		Window	No limit except for limit of 1 illuminated Window Sign	n/a	25% of window area (N5)(N6)	n/a	n/a
		Projecting (Single Use Site)	1	n/a	(N15)	See Section 9.5.4.A	n/a
		Projecting (Integrated Center)	1	(N16)	(N15)	See Section 9.5.4.A	n/a
Residential	Non-residential Uses	Incidental	1 per Incidental Sign Zone	Incidental Sign Zone	4	4	n/a

TABLE 9.5.2-A – SIGN REGULATIONS: ALL USE DISTRICTS

Use Type	Use	Sign Type	Sign Regulations				
			Maximum Number	Sign Zone	Maximum Sign Surface Area (sf)	Maximum Height (ft)	Materials
Non-residential (Except DMX)	Single Use Sites	Freestanding (Single-Faced)	2 (N17)	Front, immediately adjacent to and on either side of a Driveway or Street entrance (N2)(N3)	See Table 9.5.2-B	See Table 9.5.2-B	Ornamental metal, stone, brick, masonry, or other permanent material
		Freestanding (Double-Faced)	1 (N17)	Front (N2)(N3)	32 (ground); 6 (post & arm)	6 (ground); see Table 9.5.2-B (post & arm)	Ornamental metal, stone, brick, masonry, or other permanent material
		Wall	No limit (N11)	(N12)	5% of front façade area; 3% of side or rear façade area; max length: 80% of length of façade (N13)	n/a	n/a
		Window	No limit except for limit of 1 illuminated Window Sign	n/a	25% of window area (N5)(N6)	n/a	n/a
		Projecting	1	n/a	(N15)	See Section 9.5.4.A	n/a
		Incidental	1 per Incidental Sign Zone	Incidental Sign Zone	4	4	n/a
Non-residential (Except DMX)	Campuses, Integrated Centers, Business Parks, Industrial Parks, Major Non-residential Subdivisions	Freestanding (Single-Faced)	2 (N17)	Front, immediately adjacent to and on either side of a Driveway or entrance Street (N2)(N3)	See Table 9.5.2-B	See Table 9.5.2-B	Ornamental metal, stone, brick, masonry, or other permanent material
		Freestanding (Double-Faced)	1 (N17)	Front (N2)(N3)	See Table 9.5.2-B	See Table 9.5.2-B	Ornamental metal, stone, brick, masonry, or other permanent material
		Freestanding (Outlots, Single-Faced)	2	Front; if 2 Signs, immediately adjacent to and on either side of a Driveway or entrance Street	24 (ground); 6 (post & arm)	6 (ground); 8 (post & arm) (N8)	Ornamental metal, stone, brick, masonry, or other permanent material

TABLE 9.5.2-A – SIGN REGULATIONS: ALL USE DISTRICTS

Use Type	Use	Sign Type	Sign Regulations				
			Maximum Number	Sign Zone	Maximum Sign Surface Area (sf)	Maximum Height (ft)	Materials
Non-residential (Except DMX)	Campuses, Integrated Centers, Business Parks, Industrial Parks, Major Non-residential Subdivisions	Freestanding (Outlots, Double-Faced)	1	Front	32 (ground) 6 (post & arm); (N8)	7 (ground); 8 (post & arm) (N8)	Ornamental metal, stone, brick, masonry, or other permanent material
		Wall (N18)	No limit (N11) (N14)	(N13)	5% of front façade area; 3% of side or rear façade area; max length: 80% of length of façade (N14)	n/a	n/a
		Window	No limit except for limit of 1 illuminated Window Sign	n/a	25% of window area (N5)(N6)	n/a	n/a
		Projecting	1	(N16)	(N15)	See Section 9.5.4.A	n/a
		Incidental	1 per Incidental Sign Zone	Incidental Sign Zone	4	4	n/a
		Directional	1 per Directional Sign Zone	Directional Sign Zone	See Table 9.5.2-B	See Table 9.5.2-B	n/a
DMX	All Non-residential Uses	Freestanding (Single-Faced)	2 per Front Sign Zone with minimum 50 ft (N1)	Front; immediately adjacent to and on either side of a Driveway or entrance Street (N2)	8 (ground); 8 (post & arm); 4 (illuminated) (N9)	4 (ground) (N10); 8 (post & arm) (N8)	Ornamental metal, stone, brick, masonry, or other permanent material
		Freestanding (Double-Faced)	1 (N1)	Front (N2)	8 (ground); 8 (post & arm); 4 (illuminated) (N9)	5 (ground) (N10); 8 (post & arm) (N8)	Ornamental metal, stone, brick, masonry, or other permanent material
		Wall (Single Use Site)	No limit (N11)	(N12)	(N13)(N15)	n/a	n/a
		Wall (Integrated Center)	No limit (N11) (N14)	(N12)	(N13)(N15)	n/a	n/a
		Window	No limit except for limit of 1 illuminated Window Sign	n/a	25% of window area (N5)(N6)	n/a	n/a
		Projecting (Single Use Site)	1	n/a	(N15)	See Section 9.5.4.A	n/a
		Projecting (Integrated Center)	1	(N16)	(N15)	See Section 9.5.4.A	n/a

TABLE 9.5.2-A – SIGN REGULATIONS: ALL USE DISTRICTS

Use Type	Use	Sign Type	Sign Regulations				
			Maximum Number	Sign Zone	Maximum Sign Surface Area (sf)	Maximum Height (ft)	Materials
DMX	All Non-residential Uses	Incidental	1 per Incidental Sign Zone	Incidental Sign Zone	4	4	n/a

TABLE 9.5.2-A - NOTES

N1	If a Project or Subdivision has a Front Sign Zone over 300 ft long and more than 1 Driveway or entrance Street, 1 additional double-faced or 2 additional single-faced Signs are allowed.
N2	If on a Corner Lot, 1 Sign Face may be located on either side of a Driveway or entrance Street, and 1 Sign Face may be located anywhere else in the Front Sign Zone subject to the separation requirement; or, 2 Sign Faces may be placed on 1 Sign Structure located at the corner of the lot with 1 Sign Face visible from each Street Frontage, provided: (i) if 2 Sign Faces are placed on 1 Sign Structure, the 2 Sign Faces shall be allocated 1 from each Front Sign Zone; and, (ii) notwithstanding the regulations of Section 9.4.A.1, the angle of separation between the Sign faces located at the corner of a Lot may be between 15 and 120 degrees.
N3	No closer than 200 ft from another Freestanding Sign, not including Signs on either side of the same Driveway or entrance Street or Signs placed at the corner of a lot on 1 Sign Structure.
N4	Unless integrated into a fence, decorative wall or column, in which case the Sign may not exceed the height limit for a fence in that Use District.
N5	For multi-pane windows, the surface area of the window equals the combined surface area of the individual panes, or in the case of a glass curtain wall, the combined surface area of the individual glass panels.
N6	All illuminated Window Signs have a maximum area of 2 sf.
N7	1 Freestanding Sign shall be permitted for each: Street Frontage of a Lot; entrance of a Subdivision under construction (including 1 phase identification sign for each clearly identifiable phase entrance internal to a Subdivision up to a maximum of 2 Signs per phase); each Lot Line abutting a platted common area; and, each Lot Line abutting a Recreational Area developed as part of the same Subdivision.
N8	Decorative post elements may extend to a maximum height of 10 ft (see Figure 9.5.2-A).
N9	Public and Institutional Uses except Cemeteries, Civic Buildings, Schools, and Religious Uses not to exceed 32 sf.
N10	Public and Institutional Uses except Cemeteries, Civic Buildings, Schools, and Religious Uses not to exceed 6 ft.
N11	There shall be no limit to the number of Wall Signs per façade, provided that: (i) the total Sign Surface Area of all Wall Signs located on each Building façade shall not exceed the maximum Sign Surface Area for the Building façade upon which such Signs are located; and, (ii) all Signs or message elements shall be considered parts of the same Sign and shall be measured as set forth in Section 9.4 – Calculation of Sign Measurements.
N12	Any side or rear Wall Sign oriented toward a Residential Use District shall not be illuminated.
N13	For any Building or Structure in a Residential Use District which has more than 1 façade oriented toward a Street, the maximum Wall Sign area of 3% applies to all Building or Structure façades oriented toward a Street. For any Building, Structure or tenant space in a Non-residential Use District which has a façade orientated toward more than 1 Street, the maximum Sign Surface Area of 5% shall apply to all Building, Structure or tenant space façades oriented toward a Street. No Wall Sign may occupy more than 80% of the length of the façade on which it is placed.
N14	In any instance in which there are multiple uses located within the same Building, there shall be no limit to the number of Wall Signs per façade, provided that the total Sign Surface Area of all Wall Signs located on each Building façade comply with the following requirements: (i) for tenants that have outside entrances serving the general public, the Sign Surface Area shall be calculated individually for each tenant with an outside entrance serving the general public; (ii) for tenants utilizing common outside entrances to serve the general public, all Signs or message elements shall be on common wall areas (i.e., not a façade on a tenant space with an outside entrance serving the general public), and all Signs or Sign elements on the same Building façade shall be considered parts of the same Sign for the purpose of calculating Sign Surface Area; (iii) the maximum Sign Surface Area shall be based upon the lesser of the Building façade or tenant space upon which such Signs are located; and, (iv) the Sign Surface Area of all Wall Signs or message elements shall be measured as set forth in Section 9.4. – Calculation of Sign Measurements.

TABLE 9.5.2-A - NOTES

N15	<p>(1) Lower Level Wall Signs: Wall Signs located on the lower 18 ft of Building Height or the actual Building Height, whichever is less, shall be considered lower level Wall Signs. The total Sign Surface Area of all lower level Wall Signs oriented to an individual façade shall not exceed:</p> <p>(a) Front Façade – 5% of the total area of the lower 18 ft or the actual Building Height, whichever is lesser, of front façade of a Building, provided, however, that for any Building which has more than 1 façade oriented toward a Street, the maximum Sign Surface Area of 5% shall apply to all Building façades oriented toward a Street; and,</p> <p>(b) Side and Rear Façades – 3% of the total area of the lower 18 ft or the actual Building Height, whichever is lesser, of a side or rear façade of a Building.</p> <p>(2) Upper Level Wall Signs: Wall Signs located above the lower 18 ft of Building Height shall be considered upper level Wall Signs. The total Sign Surface Area of all upper level Wall Signs oriented to an individual façade shall not exceed:</p> <p>(a) Front Façade – 3% of the total area of the front façade of a Building located above 18 ft above Grade, except that for any Building which has more than 1 façade oriented toward a Street, the maximum Sign Surface Area of 3% shall apply to all Building façades oriented toward a Street; and,</p> <p>(b) Side and Rear Façades – 2% of the total area of a side or rear façade of a Building located above 18 ft above Grade.</p>
N16	Tenant space must occupy at least 20 ft of the width of the front façade of the Building.
N17	If the Front Sign Zone has between 300 and 1000 ft of length and has more than 1 Driveway or entrance Street, 1 additional double-faced or 2 additional single-faced Signs are allowed per Front Sign Zone. If the Front Sign Zone has more than 1000 ft of length and has more than 2 Driveways or entrance Streets, 2 additional double-faced or 4 additional single-faced Signs are allowed per Front Sign Zone.
N18	When the Building is at least 50 ft and 3 stories in height, a Wall Sign extending not more than 3 ft from the Building façade located on the upper horizontal band of the Building is allowed. This type of Sign shall be up to 250 sf or 5% of the façade on which it's placed, whichever is larger; shall have a maximum height of 8 ft, and shall have a maximum length of 80% of the length of the façade on which it's placed. These Signs must not be placed below the start of the highest floor or extend above the roof line, must not cover windows or architectural details, and shall only be internally illuminated in accordance with Section 9.5.3.B of this Chapter. There may be no more than 1 Sign per Building façade and no more than 2 Signs per Building, and no more than 1 tenant or Building may be identified on the Sign per Building façade.

TABLE 9.5.2-B - SIGN REGULATIONS: MAXIMUM SIGN DIMENSIONS FOR FREESTANDING GROUND SIGNS

Front Sign Zone Length (ft)	Single-Faced Sign Surface Area (sf)	Double-Faced Sign Surface Area (sf)	Maximum Sign Height (ft)		Directional Sign Surface Area (sf)	Directional Sign Height (ft)
<500	24	40	6		Project <10 acres: 3	Project <10 acres: 6
		6 post & arm	8/10 post & arm (N1)			
500-1000	24	2 @ 40 each or 1 @ 80	8		Project 10-20 acres: 8	Project 10-20 acres: 8
		8 post & arm	10/12 post & arm (N1)			
>1000	24	2 @ 40 each or 1 @ 80	15		Project >20 acres: 10	Project >20 acres: 10
		12 post & arm	13/15 post & arm (N1)			

TABLE 9.5.2-B - NOTES

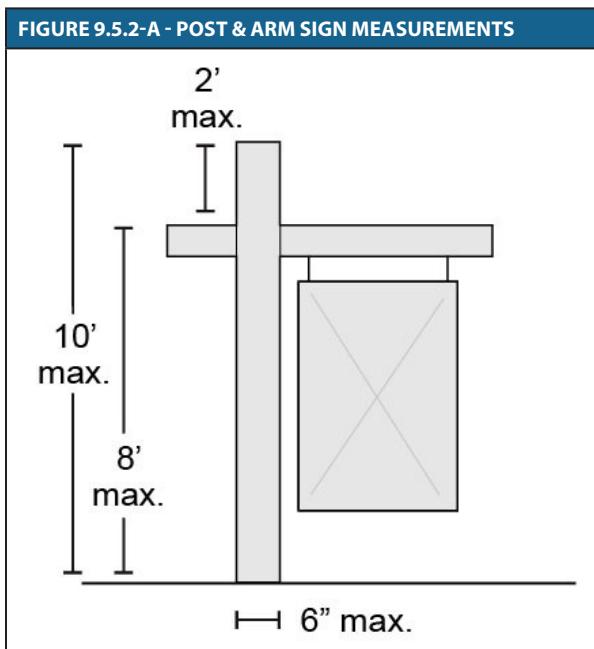
N1	Height: The maximum height of a freestanding post & arm sign shall not exceed the smaller height specified. However, decorative post elements may extend to the larger height specified.
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TABLE 9.5.2-C - SIGN REGULATIONS: SIGN REGULATIONS FOR TEMPORARY SIGNS

Use District	Use	Sign Type	Sign Regulations			
			Maximum Number	Maximum Sign Surface Area (sf)	Maximum Height (ft)	Time
Residential	Residential Use	Freestanding (Single-Faced)	1 (N1)	6	4	(N2)(N3)(N4)
		Freestanding (Double-Faced)	1 (N1)	6	4	(N2)(N3)(N4)
		Wall	1 (N1)	6	n/a	(N2)(N4)
		Window	No limit	25% of window area (N5)	n/a	(N3)
	Non - Residential Use	Freestanding (Single-Faced)	1 (N1)	24	6	(N2)(N3)(N4)(N6)
		Freestanding (Double-Faced)	1 (N1)	32	6	(N2)(N3)(N4)(N6)
		Wall	1 (N1)	32	n/a	(N2)(N4)
		Window	No limit	25% of window area (N5)	n/a	(N3)
Non-residential	All	Freestanding (Single-Faced)	1 (N1)	24	6	(N2)(N3)(N4)(N6)
		Freestanding (Double-Faced)	1 (N1)	40	6	(N2)(N3)(N4)(N6)
		Wall	1 (N1)	32	n/a	(N2)(N4)
		Window	No limit	25% of window area (N5)	n/a	(N3)

TABLE 9.5.2-C - NOTES

N1	Residential Uses: 1 Temporary Sign shall be permitted for each Street Frontage, or, 1 Temporary Sign for construction or marketing of a Subdivision or Project shall be permitted for each Lot entrance. Single Use Site: 1 Temporary Sign shall be permitted for each Street Frontage, or, 1 Temporary Sign for construction or marketing of a Subdivision or Project shall be permitted for each Street Frontage. Integrated Center: 1 Temporary Wall Sign shall be permitted for each tenant space, and, 1 Temporary Sign shall be permitted for the Integrated Center; or, 1 Temporary Sign for construction or marketing of a Subdivision or Project shall be permitted for each Street Frontage. Other Uses: 1 Temporary Sign shall be permitted for each Street Frontage, or, 1 Temporary Sign for construction or marketing of a Subdivision or Project shall be permitted for each Lot entrance.
N2	Time: Unless otherwise permitted by this Chapter, Signs shall be permitted a maximum 4x per calendar year; 21 days per occurrence; 30 days between occurrences. Temporary Signs placed on a Lot within the first 60 days after receiving a Certificate of Occupancy shall be permitted for 30 days.
N3	Location: Signs located outside of businesses, Temporary Real Estate Offices, and open houses shall only be displayed during business and/or open house hours or when the property is for sale; shall be within 10 ft of the main customer entrance and shall not be located in any Public Right-of-Way; and shall not be illuminated.
N4	Time: For Signs erected during construction: must be placed no earlier than 30 days prior to the issuance of Civil Construction Drawing approval and removed no later than 15 days after the issuance of a Certificate of Occupancy.
N5	Area: For multi-pane windows, the surface area of the window equals the combined surface area of the individual panes, or in the case of a glass curtain wall, the combined surface area of the individual glass panels.
N6	Time: Temporary Signs located on properties for sale or lease may remain for up to 1 year once permitted.



9.5.3 GENERAL SIGN REGULATIONS FOR ALL USE DISTRICTS

A. General Sign Design.

1. Information included shall be limited to provide for readability and to decrease confusion.
2. All Signs requiring permits shall be constructed of materials that present a finished appearance with lettering professionally painted or applied. The use of hand-painted lettering or graffiti on plywood or other similar material is prohibited.
3. For projects where a Development Plan is required for attached residential, Integrated Center, Business Park, industrial park, or mixed-use development, Signs shall be consistent and compatible with the architectural and site design features of the development.

B. Illuminated Signs.

1. Lighting directed towards a Sign shall be shielded so that it illuminates only the Sign Surface and does not shine on, cause glare to or otherwise impair the vision of the driver of any motor vehicle traveling on a Public Right-of-Way. This does not apply to

Signs that are an integral part of a vending machine or are less than 2 sf in surface area.

2. Illuminated Signs shall be directed and shielded so as to not cause glare to adjacent properties.

C. Changeable Copy Signs.

Changeable Copy Signs are permitted as part of an otherwise permitted Sign, provided that:

1. **For Single Use Sites:** a maximum of 1 Changeable Copy Sign is permitted per Street Frontage which is a part of a Freestanding Sign;
2. **For Integrated Centers:** either 1 Changeable Copy Sign is permitted as part of a Freestanding Sign, or each individual Use within an Integrated Center is permitted 1 Changeable Copy Sign; and,
3. The Changeable Copy Sign shall not exceed 40% of the Sign Surface Area of the permitted Sign, provided, however, an Electronic Variable Message Sign (EVMS) shall not exceed 20% of the Sign Surface Area of the permitted Sign.

D. Drive In/Drive Through Signs.

Freestanding Signs associated with a Drive In/Drive Through facility are permitted per the following conditions:

1. Freestanding Signs associated with a Drive In/Drive Through facility are permitted within the Drive In/Drive Through Sign Zone as an accessory to a Drive In/Drive Through Use.
2. Drive In/Drive Through Signs are limited to 64 sf in Sign Surface Area and 7 ft in height. The Drive In/Drive Through Sign may be designed as separate ground Signs grouped together and may include the use of preview boards designed as separate Ground Signs installed at a distance earlier in the Drive In/Drive Through Sign Zone. However, the total surface area of all Signs shall not exceed 64 sf.
3. Freestanding Signs associated with a Drive In/Drive Through facility shall not be legible from an adjacent property or Public Street.

4. Freestanding Signs associated with a Drive In/Drive Through facility may be internally or externally illuminated per the requirements of this Chapter.
5. Signs with speakers or intercoms shall be designed and located in a manner to direct noise away from adjacent properties.

E. Flags.

1. Flags shall be displayed on permanent flagpoles.

2. Maximum Flagpole Dimensions.

- a. **Vertical flagpoles:** 35 ft in height measured from Grade to the top of the pole.
- b. **Mast arm flagpoles:** 8 ft in length measured from the wall on which the flagpole is attached to the end of the pole. The bottom edge of Flags on mast arm flagpoles shall be at least 8 ft above Grade over a Walkway, Sidewalk, or Driveway, or 15 ft above Grade over a Public Right-of-Way.

3. **Maximum Number.** 2 flags per Lot, excluding exempt flags.

4. Maximum Surface Area.

- a. **Detached Dwellings, Attached Dwellings, and Manufactured Dwellings:** 15 sf.
- b. **All other Uses:**
 - i. **Flagpoles up to 24 ft in height:** 24 sf.
 - ii. **Flagpoles up to 35 ft in height:** 40 sf.

9.5.4 ADDITIONAL SIGN REGULATIONS FOR COMMERCIAL & MIXED-USE AND EMPLOYMENT/ CAMPUS USE DISTRICTS AND NON-RESIDENTIAL USES IN RESIDENTIAL USE DISTRICTS

A. Projecting Signs, All Use Districts. Projecting Signs are allowed in all Use Districts. The maximum Sign Surface Area for a Projecting Sign shall be the same as for a lower level Wall Sign or upper level Wall Sign. If a Projecting Sign straddles the boundary between a lower level Wall Sign and an upper level Wall Sign, the

maximum Sign Surface Area permitted shall be the same as for an upper level Wall Sign.

1. Projecting Signs shall not extend more than 20% above the lower of the soffit, parapet, Eave Line or roof line of the façade on which the Projecting Sign is attached.
- 2. Maximum Projection.**
 - a. 4 ft from or beyond its supporting Building.
 - b. 3 ft from an imaginary perpendicular vertical plane located at the Street pavement line, curb or outside edge of Sidewalk.
 - c. Projecting Signs in compliance with the above regulations may project into the air rights of a Public Right-of-Way if approval for such encroachment into the air rights of a Public Right-of-Way is obtained from the governmental authority having jurisdiction over improvements in the Public Right-of-Way prior to the placement of the Projecting Sign.

3. **Maximum Height.** The bottom edge of a Projecting Sign shall be at least 8 ft above Grade over a Walkway or Sidewalk, or 15 ft above Grade over a Driveway or Public Right-of-Way.

B. Awning, Canopy or Marquee Signs. Wherever a Building Sign is permitted, the use of an Awning, Canopy or Marquee Sign is allowed subject to the following provisions:

- 1. Maximum Area.** Maximum is the area allocated to the façade of the Building upon which the Awning, Canopy or Marquee is attached.
- 2. Maximum Sign Surface Area.**
 - a. 50% of the total area of an Awning or Canopy; or,
 - b. 75% of the total area of a Marquee.
- 3. Maximum Projection.** The maximum projection of an Awning, Canopy or Marquee is 8 ft from or beyond its supporting Building and shall not project

beyond any Walkway adjacent to the Building.

4. Marquee Sign. A Marquee Sign may include a non-changeable copy sign attached to or mounted on top of a Marquee, subject to the Sign Surface Area limitations set forth above.

C. Poster Boxes. In addition to other permitted Building Signs, a Theater may install 1 or more back-lighted or internally illuminated poster boxes, provided that:

1. **Maximum Sign Surface Area:** 36 x 54 in.
2. **Maximum Height:** 10 ft above Grade.
3. Poster boxes are permanently mounted to the Building wall;
4. The Sign Surface Area of poster boxes are calculated individually unless otherwise required by this Chapter;
5. Poster boxes, in combination with all other permitted Building Signs, do not exceed the total Sign Surface Area permitted for the Building; and,
6. The total number of poster boxes does not exceed the greater of 2 poster boxes for a Theater containing 1 screen or 1 stage, or 1 poster box per screen or stage for each Theater containing multiple screens or stages.

D. Suspended Signs in Integrated Centers. Suspended Signs are permitted on any Building containing 2 or more individual, non-related and separately operated Uses subject to the following regulations:

1. **Maximum Number:** 1 suspended Sign per tenant with a Building entrance serving the general public per façade of a Building;
2. **Maximum Sign Surface Area:** 2 sf.
3. All portions of the suspended Sign or Sign Structure shall be at least 8 ft above finished Grade.

E. Light Pole Signs. Light Pole Signs are permitted in all non-residential use districts as specified below:

1. **Sign Type.** Light Pole Signs are limited to Banner Signs which are mounted with upper and lower horizontal supports on light poles located on the Lot.

2. Maximum Sign Surface Area.

- a. **Standard light poles:** 15 sf.
- b. **Decorative light poles:** 4 sf.

3. Light Pole Signs shall maintain a minimum vertical clearance of 12 ft from Grade to the bottom of the Sign.

4. Light Pole Signs shall be mounted to project perpendicular from light poles.

5. Configuration. All Light Pole Signs placed on a Lot must:

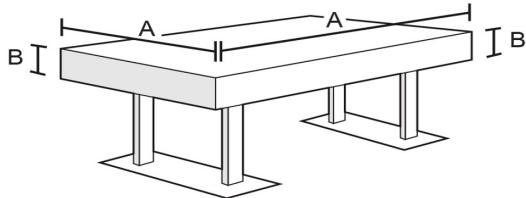
- a. Be of the same dimensions;
- b. If placed on light poles located at the interior edge of a Setback, be oriented on the side of the light poles facing inward to the Lot; and,
- c. Be placed at the same relative height and location on all light poles.

6. Number. Maximum 2 Light Pole Signs per light pole, provided that the Light Pole Signs are located immediately across from each other on the pole.

7. Location. Light Pole Signs are permitted on light poles which are internal to a Lot, and which define an edge to an interior Access Drive or a customer Parking Area.

F. Fueling Station Signs. Signs may be located on a Fueling Station Canopy, Canopy supporting columns (Projecting Sign) Spandrels, pump islands or dispensers.

1. Signs on a Fueling Station Canopy must not exceed 10% of the surface area of the Canopy.
2. Signs at the pump may be located on either a gasoline island Spandrel or a gasoline pump island, but not both.

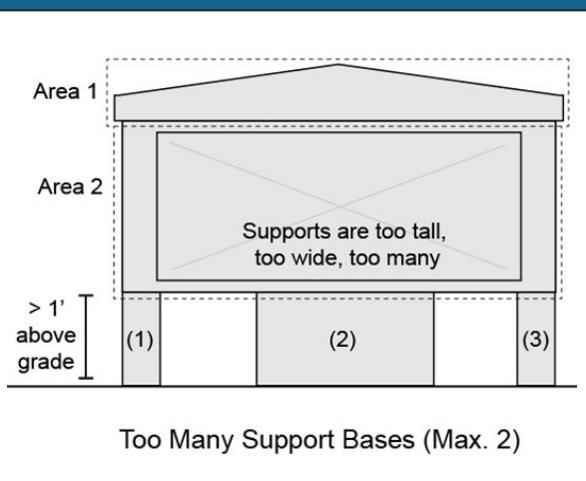
FIGURE 9.5.4-B - FUELING STATION SIGNS

Maximum Sign Areas: Canopy: 10% of A x B

9.6 CONSTRUCTION & MAINTENANCE OF SIGNS

A. Support Base.

- Ground Sign.** If any support, upright, bracing or framework is proposed to support a Ground Sign and has a width or diameter in excess of 6 in in any dimension, said support shall:
 - be encased in an ornamental shell of stone, brick, ornamental metal or similar materials; or,
 - be constructed of an external support Structure including stone, brick, ornamental metal or similar materials. The maximum number of supports, uprights, bracing or framework extending between Grade and the base of the Sign Face is 2.

FIGURE 9.6-A - SUPPORT BASE EXAMPLE

- Post & Arm Sign.** The maximum dimension for any support, upright, bracing or framework used to support a post & arm Sign is 6 in. (See Figure 9.5.2-A)

B. Removal of Signs and Sign Structures.

Notwithstanding anything contained in Chapter 10 of this UDO, Signs and Sign Structures are subject to the following removal provisions:

- When the Use, Building, or any business, product, activity or service offered on the premise not located in a Building, is removed, any Sign and Sign Structure located on the Lot shall also be removed within 60 days of any such cessation of Use. Any new Sign or Sign Structure located after such coincident removal, is located in compliance with the provisions of this UDO.
- When a legally established Nonconforming Use, Building, or any business, product, activity or service not located in a Building, suffers a partial destruction in excess of the value specified in Chapter 10 of this UDO and such Use, Building, or business, product, activity or service must be removed and brought into compliance with the terms of this UDO, any Sign or Sign Structure located on the Lot shall also be brought into compliance with the terms of this UDO.
- Upon the expiration date of a UDO Permit for a Temporary Sign, all Signs and support Structures associated with such Temporary Sign are removed by midnight on the date of expiration.

C. Landscaping of Freestanding Signs.

All Freestanding Signs must be provided with a landscaped area at least equal to the Sign Surface Area of the Sign. Landscaping may include any size or variety of annuals, perennials, ornamental grasses, Hedge Plants, or trees. Plant materials used to satisfy this provision shall not be used to satisfy landscaping required by any other provision of this UDO.

- Cutting of Trees or Shrubs.** No person, for the purpose of increasing or enhancing the visibility of any Sign, shall damage, trim, destroy, or remove any trees, shrubs or other vegetation located:

1. Within any Public Right-of-Way unless the work is done pursuant to the express written authorization of the governmental department having jurisdiction over said Public Right-of-Way;
2. On property that is not under ownership or control of the person doing or responsible for such work unless the work is done pursuant to the express authorization of the person owning the property where such trees or shrubs are located; or,
3. In any area where such trees or shrubs are required to remain under a permit issued under this UDO.

E. Maintenance of Signs. Nothing contained in this Chapter prevents the maintenance, repainting or posting of legally established Signs. Maintenance may include the replacement of Sign Surfaces within a Sign Structure provided that the Sign Structure is not removed or changed in any dimension. All Signs shall be maintained in good repair (e.g., without peeling paint or broken Sign Faces) and in operable condition (e.g., if internally illuminated, all light bulbs or tubes are operational) at all times.

F. Nonconforming Signs. See Chapter 10 – Nonconforming Situations.



10 NONCONFORMING SITUATIONS

10.1 PURPOSE AND INTENT

The provisions of this Chapter establish the standards, allowances, and limitations for nonconforming situations that may exist within the Town and its Extraterritorial Jurisdiction. Nonconforming situations include land Uses, Structures, Signs, Lots of Record, and development Projects that were previously legally established prior to the adoption of this UDO (and all associated amendments) and do not comply with the current standards and regulations. These provisions do not apply to land Uses, Structures, Signs, and Lots that were not legally established pursuant to the laws and regulations that were in effect at that time; those situations are deemed illegal and not protected under the allowances of this Chapter.

The Town's intent is to allow these nonconforming situations to continue while limiting modifications, expansions, and alterations except under the provisions of this UDO.

The Town acknowledges that certain nonconforming Uses and Structures exceed the current density and intensity limits of its Zoning District. This Chapter is intended to create certain flexibility, allowances, and incentives to motivate property redevelopment that would eliminate blight and unsafe conditions.

10.2 GENERAL PROVISIONS AND APPLICABILITY

10.2.1 APPLICABILITY AND CONTENTS

This Chapter describes the various nonconforming situations, establishes the allowances and limitations thereto, and the review procedures to further Use, modify, and potentially expand said situations.

10.2.2 NONCONFORMING SITUATIONS DESCRIBED

This UDO recognizes the following nonconforming situations that may exist within the Town and its Extraterritorial Jurisdiction.

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10.7 NONCONFORMING SITE DEVELOPMENT	10-5

- A. Nonconforming Uses.** Land Uses or land Use activities that may exist within a Zoning District that would not be allowed, or that would normally require special approval to establish, under the current UDO standards (e.g., a land Use that is listed as a Special Use Permit – “SUP” pursuant to Table 3.2. of this UDO).
- B. Nonconforming Structures/Buildings.** Any Building or Structure that may exist which does not comply with the Zoning District’s dimensional standards and/or Building size limitations (e.g., Setbacks, Building Height, and similar standards).
- C. Nonconforming Signs.** Any Sign or collection of Signs on a given Lot/parcel that does not comply with the Zoning District’s size, area, and quantity limitations.
- D. Nonconforming Lots of Record.** Any Lot, parcel, or tract that may exist that does not comply with its Zoning District’s minimum size or dimensional standards. This also includes Lots/parcels/tracts that do not comply with the Zoning District’s Access and Frontage requirements.
- E. Nonconforming Site Development.** Existing developments that do not fully comply with the standards of this UDO with emphasis on façades, landscaping, and pedestrian Access requirements.
- F. Legally Established.** A legally established Use or Structure means that the Use or Structure was a conforming Use or Structure at the time it was permitted by the Town, however the code has changed since Certificate of Occupancy and the Use or Structure has lost its status as conforming through only the operation of the change in law. The burden to show that a nonconforming Structure was legally established shall be on the landowner.

10.2.3 CONTINUATION, REPAIR, USE AND MAINTENANCE

- A. Continuation.** A legally established nonconforming situation may remain in existence, however the provisions of Section 10.3 apply where a nonconforming Use is abandoned. Any proposed enlargement or alteration of a nonconforming situation shall be in conformance with the standards and review procedures of this UDO.

- B. Lot Use.** Any legally established nonconforming Lot may be Used and developed pursuant to the Use and dimensional standards of the current Zoning District and the other applicable provisions of this UDO.
- C. Repair and Maintenance.** Ordinary repairs and maintenance of nonconforming Buildings/Structures, Building/Structures supporting a nonconforming Use, and nonconforming sites are allowed. This may include, but is not limited to, the repair/maintenance of walls, roofs, fixtures, wiring or plumbing. This allowance also includes activities that increase Building/Structural integrity or Americans with Disabilities Act (ADA) accessibility. The provisions of 10.4.D herein apply where a Building is damaged due to a catastrophe.
- D. Other Allowances.** Sections of this Chapter establish the allowances and limitations for other activities associated with each nonconforming situation.

10.2.4 VERIFICATION OF NONCONFORMING USES

- A.** The Administrator may verify whether a nonconforming situation was legally established by reviewing information submitted by the landowner, Town records and other readily available information to reach a determination. The Administrator may conduct its initial investigation as a Type 1 review pursuant to Chapter 11 of this UDO. The Administrator may request an applicant provide evidence to be considered in its determination, and it shall be the responsibility of the landowner to prove a nonconforming situation is legally established. The following items may be Used in confirming a nonconforming situation:
 1. Building and UDO Permits.
 2. Zoning maps and past UDO editions.
 3. Property tax records.
 4. Lease agreements relating to the subject Use/property.
 5. Utility bills relating to the subject Use/property.
 6. Insurance policies and/or mortgage contracts for the subject property.
 7. Aerial photography.

8. Historic land Use and/or insurance maps (e.g., Sanborn® Maps).
9. Witness affidavits.

10.2.5 DETERMINATION OF REPORTED TAX VALUE OR REPLACEMENT COST

A. In determining the reported tax value of a Building or Structure or the replacement cost of a Sign, the Administrator may consider the following items:

1. **Building or Structure.** Documentation provided on the tax card for the property.
2. **Sign.** Documentation prepared by and provided by an appraiser licensed by the State of North Carolina to appraise the type of property involved.
3. **Other Evidence.** Other documentary evidence relevant to reported tax value or replacement cost deemed appropriate by the Administrator.

10.3 NONCONFORMING USES

A. **General Standards.** Nonconforming Uses that exist on the effective date of this UDO which would not be permitted by the provisions of this UDO may be continued pursuant to the following limitations.

1. Nonconforming Uses may not be enlarged, expanded, increased or extended to occupy a greater area of land than was occupied on the effective date of this ordinance except as allowed in this section;
2. Nonconforming Uses shall not be moved in whole or in part to any portion of the Lot or parcel other than that occupied by such Uses on the effective date of this UDO; and
3. No additional Building or Structure shall be erected in connection with such nonconforming Use.

B. **Discontinuation of a Nonconforming Use.** Where a nonconforming Use ceases to operate or is not occupied for 6 consecutive months (except when government action, a natural disaster, or state-wide pandemic impedes Access to the premises), any subsequent Use of such land

shall conform to the provisions of this UDO. The Administrator may allow for an additional 6 month extension where the applicant makes a formal request within 6 months of the initial abandonment.

C. **Nonconforming Detached and Attached Dwellings.**

Legally existing nonconforming Detached and Attached Dwellings shall be allowed to remain in existence and are not subject to the expansion limitations or discontinuation clauses of this section. All Building additions shall conform to the dimensional standards of the Zoning District. No additional units therein may be added unless specifically allowed in the Zoning District.

10.4 NONCONFORMING BUILDINGS / STRUCTURES

A. **General Standards.** A nonconforming Building or Structure that could not be built under the terms of this UDO may continue on the property (e.g., legally established Buildings that do not comply with the Setbacks for the current Zoning Districts). Modifications and enlargements to, or relocation of said Buildings/Structures may be allowed pursuant to the provisions of this UDO (including the dimensional standards of its current Zoning District), and within the limitations of this section.

B. **Enlargements.** A nonconforming Building or Structure may only be enlarged in a manner that complies with the dimensional and size limitations of the current Zoning District. Said Structures shall not be enlarged, expanded or altered in a way which increases its nonconformity, provided such Building or Structure may be altered so as to decrease the extent of nonconformity.

C. **Moving and Relocating.** Nonconforming Buildings or Structures may be moved on its existing Lot/parcel or to a new Lot/parcel provided that the new location would result in compliance with the dimensional standards of the current Zoning District in terms of Setbacks, Building orientation, and Access.

D. Reconstruction Due to Catastrophes. Where a nonconforming Building or Structure (or legally established nonconforming portion of a Building or Structure), is damaged or destroyed by any means to the extent of more than 50% of the reported tax value at the time the damage or destruction is reported, said Building or Structure shall reconstructed in conformity with the provisions of this UDO.

E. Historic Structure Allowances. Nonconforming Historic Structures may be altered or enlarged without conforming to the Zoning District Development Standards, provided:

1. The enlargement, expansion, or alteration does not exceed the Building Height limitations; Front, Side and Rear Setbacks and Yards; bulk; or other provisions of this UDO and is in compliance with all other applicable Development Standards; and,
2. The enlargement, expansion, or alteration shall, to the greatest extent practical, preserve historic materials, features, and/or spatial relationships that characterize the Structure as certified by a historic preservation specialist or licensed architect; and,
3. The enlargement, expansion, or alteration shall be constructed to be compatible with the historic Building material, features, size, scale, proportion, and massing to protect the historical integrity of the subject Structure, as certified by a historic preservation specialist or licensed architect.

2. A nonconforming Sign that received a Variance or Waiver approval of either a previously enacted zoning regulation or this UDO for number of Signs, height of Sign, Structure of Sign, or Sign Surface Area may be altered within the limits of the associated Variance or Waiver approval.

3. Except as provided for in subsection B.2., above, the removal of a Sign Structure or a Sign Cabinet shall be deemed definitive evidence that such Sign requires work beyond normal and routine repair and maintenance, and such Sign shall not be repaired, maintained or reconstructed except in conformity with the provisions of this UDO.

C. Reconstruction Due to Catastrophes. Where a nonconforming Sign is damaged or destroyed by any means to the extent that the repair or reconstruction of the Sign exceeds 50% of the Sign's replacement cost, said nonconforming Sign may only be reconstructed in conformity with the provisions of this UDO.

D. Amortization of Nonconforming Temporary Signs. All nonconforming temporary Signage shall be removed, changed, or modified to conform with the Sign standards pursuant to Chapter 9 of this UDO and pursuant to the following based on the Signage situation.

- 1. Nonconforming Temporary Signs.** All nonconforming Temporary Signs on a property shall be amortized within 1 year of the effective date of this Chapter.
- 2. Annexed Property.** If a Sign becomes nonconforming as a result of annexation into the Town or its Extraterritorial Jurisdiction, the Sign(s) shall be amortized within the timeframes listed above and based on the effective date of such annexation or inclusion in the Town's Extraterritorial Jurisdiction (not the effective date of this Chapter).

10.5 NONCONFORMING SIGNS

A. General Standards. Nonconforming Signs may continue to exist, including the performance of normal and routine maintenance, so long as such Sign remains otherwise lawful.

B. Repair and Maintenance Provisions. Nonconforming Signs may receive normal and routine repair and maintenance subject to the following provisions:

1. A nonconforming Sign may not be enlarged, expanded or altered in a way which increases its nonconformity.

10.6 NONCONFORMING LOTS OF RECORD

- A. **General Standards.** Any legally established Lot or legally platted Lot recorded prior to the effective date of this UDO not meeting the minimum area or dimensional requirements of the current Zoning District may be Used for any permitted Use/Building provided that:
 1. All other Development Standards are met; and
 2. Such Lot must be in separate ownership and not be contiguous with other Lots in the same ownership. If a nonconforming Lot is under the same ownership as a contiguous Lot, such contiguous Lots shall be deemed as 1 Lot for the purposes of this UDO
- B. **Subdivision Activities.** Any Subdivision activity involving a nonconforming Lot shall only be allowed where the resulting Lots/parcels/tracts meet the size and dimensional standards of this UDO and the current Zoning District.
- C. **Lot Recombination Activities.** Any Lot recombination activities involving a nonconforming Lot shall not result in a smaller Lot size or property dimension than originally existed at the time of application or as required in the current Zoning District.
- D. **Variances and Administrative Adjustments.** Applicants may request a Variance and/or administrative adjustment to obtain deviations/relief from applicable Lot size and dimensional standards of the current Zoning District.

10.7 NONCONFORMING SITE DEVELOPMENT

- A. **General Standards and Applicability.**
 1. **Applicability.** The provisions of this Section apply in those situations where an applicant initiates an application/permit after the adoption of this UDO for Building/site alterations and expansions and the resulting improvements exceed the market value of the property at the time of application. Whereas

the following activities do not count towards this threshold for determining applicability:

- a. Improvements to landscaping or tree preservation;
- b. Improvements or alterations involving fire suppression systems, security, and other life/safety elements;
- c. Electrical and energy efficiency upgrades;
- d. Site remediation and hazardous material cleanup;
- e. Improvements to ADA Lot; and
- f. Improvements that address drainage, stormwater management, and/or climate resiliency.

- 2. **Landscaping and Pedestrian Access Elements.** Existing site developments that do not fully comply with the landscaping (Chapter 5) and pedestrian Access provisions (Chapter 8) of this UDO shall be incrementally brought into compliance proportionally with other Building/site improvements on the same property.
- 3. **Façades.** Existing façades shall be enhanced, modified, and redeveloped pursuant to the design standards of Chapter 8 of this UDO and subject to the additional provisions of this section.
- 4. **Exemptions.** The provisions of this Chapter do not apply to detached and attached residential Buildings and their Accessory Uses.

- B. **Required Concurrent Site Improvements.** The applicant shall perform site improvements to nonconforming landscaping and/or pedestrian Access elements in a manner that brings the conditions in closer compliance with current UDO standards under one of the following options: (e.g., existing landscaping planters that do not meet the width requirements of this UDO).

- 1. **Option 1 Full Compliance.** The applicant shall upgrade all nonconforming landscaping and pedestrian Access elements to fully comply with UDO standards.

2. **Option 2 Proportional Compliance.** The applicant shall Use 5% of the proposed Building/site improvement value towards other property upgrades to nonconforming landscaping and/or pedestrian Access elements. The landscaping/Access investment shall bring these elements in closer compliance with the applicable UDO provisions.
3. **Option 3.** Phased Proportional Compliance: The applicant may apply the methods outlined in Option 2 to align with the Building/site construction phases of the associated permit (e.g., improve landscaping concurrent with each Building improvement Project).

C. Façade Improvements. The following standards apply to development activities that involve an existing Building façade.

1. **Façade Modifications.** Façade enhancements and modifications shall conform to the design standards outlined in Chapter 8 of this UDO, new and modified Building features shall comply with those standards.
2. **Repair and Maintenance.** Applicants may perform normal repair and maintenance of façade elements (e.g., window and/or trim repair or replacement). In those situations, the activities are exempt from the design requirements of Chapter 8.
3. **Full Façade Enhancement.** Applicants shall modify/enhance existing Building façades to fully comply with the design standards in Chapter 8 of this UDO where proposed alterations exceed 50% of a total façade area. This provision applies to any façade that is readily visible from an adjacent Right-of-Way and is subject to any applicant-initiated modifications to an existing Building.



11 ADMINISTRATION & DECISION-MAKING BODIES

11.1 PURPOSE AND INTENT

The provisions of this Chapter are intended to identify the review procedures, application submittal requirements, and roles of associated decision-making bodies for the various types of applications, permits, development and Subdivision petitions, Variances/administrative adjustments, waivers, plans, and other approvals (referred to in this Chapter as “UDO Applications/Permits”) that are a prerequisite of development/land Use activity in the Town and its Extraterritorial Jurisdiction.

11.2 GENERAL PROVISIONS AND APPLICABILITY

11.2.1 APPLICABILITY AND CONTENTS

This Chapter is applicable to UDO Applications/Permits in the Town including all new applications and amendments to previously approved Projects. Where there are ambiguities in the associated review procedures and approval criteria for a particular UDO Application/Permit, the Administrator shall interpret said procedures and identify the review process for said Project(s). This Chapter establishes the Town’s rules and policies for the following:

- A. **Decision-Making Bodies.** This Chapter establishes the decision-making bodies and their associated authorities as they relate to UDO implementation and application review. For some UDO Applications/Permits, certain decision-making bodies may serve in an advisory role to provide recommendations to a higher-level board or Town Council.
- B. **Review Matrix.** This Chapter establishes a review matrix that identifies the procedures and decision-making bodies for each UDO Application/Permit.
- C. **Review and Submittal Requirements.** This Chapter establishes and details the review procedures for each specific UDO Application/Permit.

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11.2.2 REVIEW AND ACTION FORMATS

A. Action Formats Described. Each UDO Application/Permit shall be processed as 1 of 3 action formats listed below. The Review Matrix in Section 11.4 details the review requirements for specific applications, development petitions, and land Use-related requests.

- Legislative Actions.** Legislative actions involve policy decisions, amendments, and other decisions to amend the Town's regulations. These actions affect a wide range of residents and land areas. Legislative actions include adoption of or amendments to the Comprehensive Plan, UDO, zoning map, Development Standards, design manuals, and similar policy/regulatory documents. Legislative actions require a public hearing and broad public notice pursuant to Section 11.5.
- Quasi-Judicial Actions.** Quasi-judicial actions involve the finding of facts regarding a specific application of a development regulation and that requires the exercise of discretion when applying the standards of the regulation. The term includes, but is not limited to, decisions involving Variances, Special Use Permits, and appeals of administrative determinations. Decisions on the approval of Subdivision plans and site plans are quasi-judicial in nature if the regulation authorizes a decision-making board to approve or deny the application based not only upon whether the application complies with the specific requirements set forth in the regulation, but also on whether the application complies with 1 or more generally stated standards requiring a discretionary decision on the findings to be made by the decision-making body. Quasi-judicial actions require a public hearing and public notice pursuant to Section 11.5.
- Administrative Actions.** Administrative actions include the Administrator's review, analysis, and determination of a UDO Application/Permit's compliance with this UDO and other ordinances. Administrative actions include a clear and objective

analysis of the application's compliance with applicable standards.

B. Review Format Determination. Where there are conflicts between this Chapter and North Carolina State General Statutes (NCGS), the General Statute shall apply. The Administrator shall provide a determination where there are ambiguities whether an application, request, or Town action would be considered Legislative, Quasi-Judicial, or Administrative in nature.

11.2.3 PROCEDURES MANUAL

A. Allowances. The Administrator may create and implement a Procedures Manual (or equivalent) that outlines the submittal requirements and review procedures for the various development petitions, permits, land Use activities, and notice standards of this UDO. Before the manual is used for Town business, the Town Council shall adopt said manual and amendments thereto. The manual shall reflect the laws, requirements, and limitations of this UDO and may not be used to circumvent UDO requirements. Where there are conflicts between the manual and this UDO, the provisions of the UDO shall apply.

11.3 DECISION-MAKING BODIES

A. Decision-making Bodies Established. This section establishes the various decision-making bodies as they relate to UDO Applications/Permits. This section establishes these bodies, their associated authority, and membership.

B. Review and Recommendation Roles. The various decision-making bodies described herein may also serve as recommendation and advisory bodies to higher level authorities for certain UDO Applications/Permits as specified in this Chapter.

C. Conflict of Interest. No person shall make a final decision or recommendation on any UDO Application/Permit if the outcome of that decision would have a direct, substantial, and readily identifiable financial impact on said individual or if the applicant or other person subject to that decision is a person with whom the staff or decision-making member has a close familial, business, or other associational

relationship. In addition, all staff and decision-making members shall be subject to the conflict of interest clauses of NCGS § 160D-109.

11.3.1 UDO ADMINISTRATOR AND TOWN STAFF

- A. **Establishment.** The Development Services Department shall oversee, maintain, and administer the provisions of the UDO and long-range planning actions within the Town's jurisdiction. The Development Services Department may consult with other Town departments, governmental agencies, and/or consultant experts to provide additional technical review for UDO Applications/Permits and land Use/town planning activities. Exceptions to this authority shall apply where specifically codified in this UDO.
- B. **Staff Roles.** The following describes the various Town staff roles as they relate to this UDO.
 1. **Administrator.** For this UDO, the Administrator shall be the Director of Development Services or any Town Staff designated by the Director to administer this UDO.
 2. **Town Staff.** The Administrator may appoint staff to administer the provisions of this UDO. Town staff work under the direction of the Administrator and shall provide administrative, technical, and analytical support
 3. **Plat Review Officer.** The Administrator shall appoint the Plat Review Officer(s) whose role is to certify that a proposed Final Plat or other instrument required to be recorded in connection with this UDO meets all statutory requirements for recording, as a prerequisite for the recording of any such Final Plat or other instrument by the Wake County Register of Deeds.
 4. **Environmental Appeal Committee.** The Town Manager shall appoint Town staff pursuant to Chapter 8, Article III of the Code of Ordinances to serve on the Environmental Appeal Committee. The Environmental Appeal Committee shall review, consider, and decide all appeals and Variances from the requirements of Chapter

8 of the Code of Ordinances and as amended (which are separate but in addition to the provisions of this UDO).

C. **Duties and Authority.** This UDO grants the Administrator the following duties and authority. The Administrator shall be appointed and work under the guidance of the Town Manager. The Administrator may designate some or all these duties to Town staff individuals (also referred to as the "designee" in this Chapter).

1. **Department Administration.** The Administrator supervises the general administration of the Development Services Department. The Administrator may designate staff to assist in the daily administration of the duties and responsibilities set forth in this UDO. The Administrator shall provide and maintain information for the public relative to all matters arising out of this UDO.
2. **UDO Administration.** The Administrator shall interpret, enforce, and administer this UDO; receive and review all applications required by this UDO; issue UDO Permits; and number and file all Certificates of UDO Compliance. The Administrator shall, when requested by the Town Council, Planning Board, or Board of Adjustment, or when the interests of the Town require, make investigations in connection with matters referred to in this UDO.
3. **Department Records.** The Administrator shall keep the records of the Development Services Department, including, without limitation, records of applications, permits issued, certificates issued, inspections made, reports rendered, and notices or orders issued. The Administrator shall provide records of all recommendations, final determinations, and decisions made pursuant to this UDO to the Town Clerk.
4. **Administrative UDO Applications/Permits.** The Administrator shall review and act on UDO Applications/Permits as allowed by this UDO and pursuant to Table 11.4-A: Review Matrix of this Chapter. This

authority shall be reserved for applications that allow for administrative action.

5. Staff Reports and Recommendations.

The Administrator may prepare and transmit to the Town Council, Planning Board, Board of Adjustment, and advisory committees the applicable staff reports, analysis, and potential recommendations of the Development Services Department on all UDO Applications/Permits, or matters requiring official action from said decision-making bodies.

6. Zoning Map. The Administrator shall maintain the Official Zoning Map and designate all map amendments granted under the terms of this UDO.

7. Final Plat Recordation. The Administrator shall determine compliance of a proposed Final Plat with the regulations contained in this UDO and notify the Plat Review Officer if a Final Plat has received approval from the various reviewing parties (e.g., Town Departments and review staff).

8. Long-Range Planning and Special Projects.

The Administrator shall perform such other duties as the Town Council, Planning Board, or Board of Adjustment may direct in accordance with the provisions of this UDO. The Administrator shall maintain the Comprehensive Plan and other long-range policy documents. The Administrator may initiate special Projects, long-range planning initiatives, and similar activities that focus on land Use, mobility, environmental protection, economic development, historic preservation, housing, and/or community engagement.

the following Town departments: Development Services, Utilities and Infrastructure, Parks and Recreation, Public Works, Police, Fire, Administration, and Economic Development. Each department may designate specific Town staff to serve on the committee.

1. The Administrator shall maintain a DRC membership roster, assign alternate members, and fill vacancies. The Administrator shall serve as the DRC Chairperson to lead meetings (as necessary) and to oversee committee operations.
2. The DRC shall include 8 voting members representing the various Town departments as designated by the Town Manager. Other DRC members shall include Town Staff that work in an advisory role to provide technical assistance relating to UDO Application/Permit review.
3. The Chairperson may designate members of Town Staff to represent the Committee for Type – 0 Sketch Plan Reviews.

C. Duties and Authority. This UDO grants the DRC the following duties and authority.

1. DRC-authorized Application/Permits. The DRC reviews and acts on UDO Applications/Permits as allowed by this UDO and pursuant to Table 11.4-A: Review Matrix of this Chapter. Where authorized, the DRC may move to approve, approve with conditions, or deny a UDO Application/Permit based on the provisions of this UDO.
2. Conduct Special Studies. As directed by the Administrator or the other decision-making bodies, the DRC may conduct special studies and Town planning-related subjects to the Town Council.
3. Notice and Meeting Conduct. The DRC shall conduct notice and meeting procedures pursuant to the provisions of this UDO.

D. DRC Application/Permit Review Procedures.

1. **Standard Review Procedure.** UDO Applications/Permits shall be circulated to the applicable DRC members for review and comment. Each member shall review the application for consistency with the applicable UDO provisions. Where the

11.3.2 DEVELOPMENT REVIEW COMMITTEE (DRC)

- Establishment.** The Development Review Committee (DRC) for the Town and its Extraterritorial Jurisdiction is hereby established to provide interdepartmental collaboration to review and take actions on certain UDO Applications/Permits as outlined in this UDO and pursuant to Table 11.4-A: Review Matrix.
- Composition/Membership.** The DRC membership shall include representation from

application does not fully comply, the member shall provide written comments to the Administrator. The Administrator shall collect all staff comments and provide to the applicant for revisions and resubmittal.

- a. For Type 2a applications/permits (pursuant to Table 11.4-A: Review Matrix), the DRC shall approve the permit when the applicant has demonstrated full compliance with the UDO.

2. **Discussion Limitations.** For Type 0 applications/permits any and all discussion, comment, or opinion presented at a DRC meeting regarding proposed UDO Applications/Permits are not to be construed as a recommendation of Town staff, the Planning Board, the Board of Adjustment, or Town Council to approve or deny any proposed Project at time of official determination.

11.3.3 PLANNING BOARD

- A. **Establishment.** The Planning Board is established to be advisors to the Town Council on long-range planning activities and subject to the duties outlined in the NCGS § 160D-301. The Planning Board shall provide review and technical recommendations to Town Council on all matters relating to land Use policy, zoning map designations, UDO text, and Development Standards. This is in addition to the powers and duties established in Chapter 2, Article IV of the Code of Ordinances (and as amended).
- B. **Composition/Membership.** The Planning Board shall consist of 9 members, 8 of whom shall be residents living within the corporate limits of the Town and 1 who resides within the Town's Extraterritorial Jurisdiction.
 1. **Appointments.** Members shall be appointed to serve on the Planning Board for 3-year terms. The Town Council shall appoint residents residing within the corporate limits. The Wake County Board of Commissioners shall appoint the 1 member who resides outside the corporate limits but within the Town's Extraterritorial Jurisdiction. Whereas, if the County fails to appoint the member

within 90 days of a vacancy, the Town Council shall make the appointment.

- a. Terms for members shall expire on the last day of February. Town Council shall schedule the appointments so that terms overlap and do not create 4 or more vacancies when individual tenures expire.
- b. All Planning Board members may serve until the expiration of their terms or until their successors have been appointed.
- c. The Town Council reserves the right to remove members at any time based on a pattern of absenteeism, or poor ethical performance.
2. **Vacancies, Reappointment, and Extensions.** When a Planning Board member's term expires, the Town Council may choose to reappoint said member or appoint a new individual to fill the vacancy pursuant to the limitations outlined above. The Town Council may extend the appointment for any Planning Board member after their term expires to avoid vacancies. The Town Council shall employ notice and procedures to recruit potential Planning Board members.
3. **Representation.** To the greatest extent practicable, the Town Council shall appoint a diverse Planning Board membership who collectively possess expertise/experience in the following town planning-related topics: architecture, urban design, historic preservation, land Use policy, land Use law, environmental protection, housing, equity/social justice, and engineering/land development. Attendance at the Citizen's Academy or equivalent training is a prerequisite to being appointed to the Planning Board.
4. **Compensation.** The Planning Board members shall be appointed without compensation. However, the Town may reimburse members for Town-related expenses and continuing education events. Said reimbursement activities shall be preapproved by the Administrator.

C. Duties and Authority. This UDO grants the Planning Board the following duties and authority.

- 1. Planning Board-authorized UDO Applications/Permits.** The Planning Board shall review and act on UDO Applications/Permits as authorized by this UDO and pursuant to Table 11.4-A: Review Matrix of this Chapter. Where authorized, the Planning Board may move to approve, approve with conditions, or deny an application/permit based on the provisions of this UDO.
- 2. Review and Recommend UDO Applications/Permits, Town Policies, and Ordinances.** The Planning Board shall review and provide recommendations to Town Council for certain UDO Applications/Permits pursuant to Table 11.4-A: Review Matrix of this Chapter, and Legislative Actions involving text/map amendments.
- 3. Special Studies.** The Planning Board shall review and make recommendations pertaining to special studies and town planning-related subjects to the Town Council (as directed).

D. Planning Board Meetings.

- 1. Frequency.** The Planning Board shall hold at least 1 meeting monthly unless there is no business to be discussed or acted upon. All its meetings shall be in accordance with NCGS §143-318.9 through NCGS §143-318.18, and NCGS §160D-308. The Administrator may authorize additional monthly meetings to accommodate the Planning Board's workload.
- 2. Quorum.** A quorum shall consist of at least half of the regular members for the purpose of taking any official action required by this UDO.
- 3. Chairperson and Vice Chair Appointments.** Each March, the Planning Board shall hold an organizational meeting and elect a Chairperson and Vice Chairperson to conduct meetings. The terms

for both individuals shall be 1 year or until successors have been elected and installed, with eligibility for reelection.

- 4. Rules of Transaction.** The Planning Board shall adopt rules of transaction of its business and shall keep a record of its members' attendance and of its resolutions, discussions, findings, and recommendations. The Planning Board may direct the Administrator to conduct these duties on its behalf.
- 5. Member Participation.** All members shall have the authority to participate in discussions of the Planning Board and shall have voting power on all matters of business.

11.3.4 BOARD OF ADJUSTMENT (BOA)

- Establishment.** The Board of Adjustment (BOA) is established to conduct hearings and take action on certain quasi-judicial UDO Applications/Permits as outlined in this UDO to ensure compatibility with surrounding land Uses and natural environments. The Board of Adjustment is also established to take action on applicant-initiated appeals of administrative decisions.
- Composition/Membership.** The Board of Adjustment shall consist of 5 regular members and 3 alternate members, of which 4 of the regular members and 2 of the alternate members shall reside within the corporate limits of the Town of Holly Springs and 1 regular member and 1 alternate member shall reside within the Town's Extraterritorial Jurisdiction.
 - Appointments.** Members shall be appointed to serve on the Board of Adjustment for 3-year terms. The Town Council shall appoint the 4 regular members and 2 alternate members residing within the corporate limits. The Wake County Board of Commissioners shall appoint the 1 regular member and 1 alternate member who reside outside the corporate limits but within the Town's Extraterritorial Jurisdiction. Whereas, if the County fails to appoint a member within 90 days of a vacancy, the Town Council shall make the appointment.

- a. Terms for members shall expire on the last day of February. Town Council shall schedule the appointments so that terms overlap and do not create 4 or more vacancies when individual tenures expire.
- b. All Board of Adjustment members may serve until the expiration of their terms or until their successors have been appointed.
- c. The Town Council reserves the right to remove members at any time based on a pattern of absenteeism, or poor ethical performance.
- d. An alternate member appointed from within the corporate limits of the Town of Holly Springs may serve on the Board of Adjustment as a regular member only in the absence, temporary disqualification, or to fill a vacancy pending appointment of a regular member appointed from within the Town of Holly Springs' corporate limits. The alternate member from the Town of Holly Springs' Extraterritorial Jurisdiction may serve on the Board of Adjustment as a regular member only in the absence, temporary disqualification, or to fill a vacancy pending appointment of the regular member from the Town of Holly Springs' Extraterritorial Jurisdiction.

2. Vacancies, Reappointment, and Extensions. When a Board of Adjustment member's term expires, the Town Council may choose to reappoint said member or appoint a new individual to fill the vacancy pursuant to the limitations outlined above. The Town Council may extend the appointment for any Board of Adjustment member after their term expires to avoid vacancies. The Town Council shall employ notice and procedures to recruit potential Board of Adjustment members.

3. Representation. To the greatest extent practicable, the Town Council shall appoint a diverse Board of Adjustment membership who collectively possess expertise/experience

in the following town planning-related topics: architecture, urban design, historic preservation, land Use policy, land Use law, environmental protection, housing, equity/social justice, and engineering/land development. Attendance at the Citizen's Academy or equivalent training is a prerequisite to being appointed to the Board of Adjustment.

- 4. Compensation.** The Board of Adjustment members shall be appointed without compensation. However, the Town may reimburse members for Town-related expenses and continuing education events. Said reimbursement activities shall be preapproved by the Administrator.

C. Duties and Authority. This UDO grants the Board of Adjustment the following duties and authority.

- 1. Board of Adjustment -authorized UDO Applications/Permits.** The Board of Adjustment shall review and act on UDO Applications/Permits as allowed by this UDO and pursuant to Table 11.4-A: Review Matrix of this Chapter – these items include Special Use Permits and Variances. The Board of Adjustment may review and take action on Variance requests that are associated with a concurrent quasi-judicial UDO Application/Permit pursuant to Table 11.4-A: Review Matrix of this Chapter. Where authorized, the Board of Adjustment may move to approve, approve with conditions, or deny a UDO Application/Permit based on the provisions of this UDO. The Board of Adjustment shall apply any applicable UDO criteria in making its decision and provide findings thereof.
- 2. Appeals.** The Board of Adjustment shall review and take action on appeals of administrative decisions (including those actions from the Administrator and/or the DRC). The Board of Adjustment may move to approve, approve with modifications/limitations, or deny the request for appeal.

D. Board of Adjustment Meetings.

1. **Frequency.** The Board of Adjustment shall hold at least 1 meeting monthly unless there is no business to be discussed or acted upon. All its meetings shall be in accordance with NCGS §143-318.9 through NCGS §143-318.18, and NCGS §160D-308. The Administrator may authorize additional monthly meetings to accommodate the Board of Adjustment's workload.
2. **Quorum.** A quorum shall consist of at least half of the regular members for the purpose of taking any official action required by this UDO.
3. **Chairperson and Vice Chair Appointments.** Each March, the Board of Adjustment shall hold an organizational meeting and elect a Chairperson and Vice Chairperson to conduct meetings. The terms for both individuals shall be 1 year or until successors have been elected and installed, with eligibility for reelection.
4. **Rules of Transaction.** The Board of Adjustment shall adopt rules of transaction of its business and shall keep a record of its members' attendance and of its resolutions, discussions, findings, and recommendations. The Board of Adjustment may direct the Administrator to conduct these duties on its behalf.
5. **Member Participation.** All regular members or alternate members, when serving as a regular member, shall have the authority to participate in discussions of the Board of Adjustment and shall have voting power on all matters of business.

11.3.5 TOWN COUNCIL

- A. **Introduction and Acknowledgment.** To effectuate the purpose of this UDO, the Town Council shall have all the power vested by GS § 160D, et. seq. regarding the implementation of the Comprehensive Plan and this UDO, including but not limited to the powers set forth in this Chapter, other provisions of this UDO, and applicable law.

- B. **UDO-related Duties and Authority.** This UDO outlines Town Council's role and duties to review and take action on certain UDO Applications/Permits and long-range Town planning activities. This UDO assigns the following duties and authority to Town Council.

1. **Town Council-authorized UDO Applications/Permits.** The Town Council shall review and act on UDO Applications/Permits as authorized by this UDO and pursuant to Table 11.4-A: Review Matrix of this Chapter. These items include, but not limited to, Annexations, Comprehensive Plan amendments, special planning initiatives, zoning map changes, UDO text amendments, certain Major Modifications, Major Subdivisions, Zoning Vested Right and Development Agreements. Where authorized, the Council may move to approve, approve with conditions/limitations, or deny a UDO Applications/Permits based on the provisions of this UDO.
2. **Special Studies.** The Town Council may initiate Long-range Plans, special studies, and other Town planning-related subjects. The Council may direct such studies to the Administrator to implement.
3. **Variances.** The Town Council may review and take action on Variance requests that are associated with a concurrent quasi-judicial UDO Application/Permit pursuant to Table 11.4-A: Review Matrix of this Chapter.

11.4 REVIEW MATRIX

- A. **Applicability.** This UDO identifies the review types for each UDO Application/Permit and/or other approval that may be a prerequisite to land usage and development activity within the Town and its Extraterritorial Jurisdiction. The Review Matrix (Table 11.4-A) establishes the general review type; the associated UDO Applications/Permits, the decision-making bodies; and the appeal authority.

TABLE 11.4-A - REVIEW MATRIX TABLE

Review Type	Application/Petition Types	(*H) = Public Hearing Format Required				
		Sketch Plan Review	Applicant Neighborhood Meeting	Review and Recommendation Body	Final Decision-Making Body	Appeal Authority
Type 0 - Sketch Plan	<ul style="list-style-type: none"> Sketch Plan / Pre-Submittal Meeting 	N/A	Not Required	Town Staff / Various Departments	Development Review Committee (DRC) <i>(For Non-Binding Review Only)</i>	N/A
Type 1 – Administrative Action (Administrator review)	<ul style="list-style-type: none"> Administrative Adjustments Administrator's Interpretation Construction Drawings Environmental Permits (involving the requirements of Chapter 8 of the Holly Springs Code of Ordinances) Exempt Subdivision Final Plat Minor Modifications (involving previously approved applications/ petitions) Minor Residential Subdivision (involving 4 or less resulting lots AND no new Street Right-of-Way) Permitted Uses (pursuant to Table 3.2 AND not involving a Development Plan) UDO Permit/Temporary Use Permit 	Not Required	Not Required	N/A	Administrator	1st Appeal: Board of Adjustment (BOA) (*H) 2nd Appeal: Superior Court
Type 2a – Administrative Action (Development Review Committee / DRC review)	<ul style="list-style-type: none"> Development Plans (not involving properties in the DMX, Buildings over 40,000-sf, and/or Special Use Permits) 	Required	Required <i>(see Section 11.5 and Table 11.5-A)</i>	Town Staff / Various Departments	Development Review Committee (DRC)	1st Appeal: Board of Adjustment (BOA) (*H) Except, appeals relating to Environmental Permits require a Type 2b Review 2nd Appeal: Superior Court
Type 2b – Quasi-judicial Action (Environmental Appeal Committee Review)	<ul style="list-style-type: none"> Environmental and/or Riparian Modifications, Variance, and/or Waiver (involving the requirements of Chapter 8 of the Holly Springs Code of Ordinances) 	Not Required	Not Required	Town Staff / Various Departments	Environmental Appeal Committee (*H)	Board of Adjustment (*H)

TABLE 11.4-A - REVIEW MATRIX TABLE

Review Type	Application/Petition Types	(*H) = Public Hearing Format Required				
		Sketch Plan Review	Applicant Neighborhood Meeting	Review and Recommendation Body	Final Decision-Making Body	Appeal Authority
Type 3 – Quasi-judicial Action (Board of Adjustment Review)	<ul style="list-style-type: none"> Special Use Permit Development Plan (involving concurrent Type 3 applications/petitions) Major Modifications (involving previously approved Type 3 applications/petitions) Variance (involving concurrent Type 3 applications/petitions) 	Required	Required (see Section 11.5 and Table 11.5-A)	Town Staff / Various Departments	Board of Adjustment (*H)	Superior Court
Type 4 – Quasi-judicial Action (Board of Adjustment Review)	<ul style="list-style-type: none"> Appeals of Administrative Decisions Variance 	Not Required	Not Required	Town Staff / Various Departments	Board of Adjustment (*H)	Superior Court
Type 5 - Quasi-judicial Action (Town Council Review)	<ul style="list-style-type: none"> Development Plans (involving properties in the DMX, and/or Buildings over 40,000-sf, not involving Special Use Permits) Major Subdivisions (Preliminary Plats) Major Modifications (involving previously approved Type 5 applications/petitions) Variance (involving concurrent Type 5 applications/petitions) 	Required	Required (see Section 11.5 and Table 11.5-A)	Town Staff / Various Departments AND Planning Board	Town Council (*H)	Superior Court
Type 6 - Legislative Action (Town Council Review)	<ul style="list-style-type: none"> Zoning Map Amendments Major Modifications (involving previously approved Type 6 applications/petitions) 	Required	Required (see Section 11.5 and Table 11.5-A)	Town Staff / Various Departments AND Planning Board	Town Council (*H)	Superior Court
Type 7 – Other Actions (Town Council Review)	<ul style="list-style-type: none"> Comprehensive Plan Amendments Long-range Plans / Special Studies (or equivalent) Other Town Planning Policy/Regulatory Actions UDO Text Amendments Zoning Vested Right(s) RESERVED 	Not Required	Not Required	Town Staff / Various Departments AND Planning Board	Town Council (*H)	Superior Court (when applicable)

B. Review Matrix.

- Review Required.** Each UDO Application/Permit shall be processed and reviewed pursuant to the required review type (Types 1 – 7) as established in Table 11.4-A - Review Matrix. Each review type is

summarized in Table 11.4-A along with the associated application/permit, decision-making authority, and appeal authority. The subsequent sections of this Chapter provide additional provisions and requirements for specific UDO Applications/Permits.

2. Table of Permitted Uses. Certain land Uses are assigned a permitting allowance pursuant to the property's Zoning District. Table 3.2. – Table of Permitted Uses in Chapter 3 of this UDO lists the land Uses that are allowed as a Permitted Use ("P"), Special Use Permit ("SUP"), or within a Conditional Zoning District ("CD"). New Uses (or expansions of existing) shall obtain Town approval pursuant to Table 11.4-A.

3. Other Plans. The Town may adopt Long-range Plans, Special Studies, or equivalent for specific areas of the community. Where those plans include specific land

Use allowances, the Town shall process and review the associated land Use and development activity pursuant to Table 11.4-A - Review Matrix.

4. Neighborhood Meetings. The Town requires applicants to host a neighborhood meeting for certain UDO Applications/Permits to inform surrounding residents, property owners, businesses, and government agencies about the proposal prior to submitting a formal application. For other UDO Applications/Permits, a neighborhood meeting is optional. Table 11.4-A specifies which development petitions/

TABLE 11.5-A - NOTICE SCHEDULE TABLE

Proposed Application/Petition Review Type	Mailing Notice Standards	Site Posting (N1)	Advertising (new publication)	Application Neighborhood Meeting
Type 2a – Administrative Action (Development Review Committee / DRC review)	Not Required	Not Required	Not Required	Required: Mailing notice 500-ft radius around subject site
Type 2b – Quasi-judicial Action (Environmental Appeal Committee)	Not Required	Not Required	Not Required	Not Required
Type 3 – Quasi-judicial Action (Board of Adjustment review)	Required: 500-ft radius around subject site	Required	Not Required	Required: Mailing notice 500-ft radius around subject site
Type 4 – Quasi-judicial Action (Board of Adjustment review)	Required: 500-ft radius around subject site	Required	Not Required	Not Required
Type 5 – Quasi-judicial Action (Town Council Review)	Required: 500-ft radius around subject site	Required	Not Required	Required: Mailing notice 500-ft radius around subject site
Type 6 – Legislative Action (Town Council Review)	Required: Mailing notice 500-ft radius around subject site (N2).	Required	Required: Local newspaper publication	Required: Mailing notice 500-ft radius around subject site. Not Required: Town initiated
Type 7 – Legislative Action (Town Council Review)	Not Required	Not Required	Required: Local newspaper publication	Not Required

N1: When multiple parcels are included, a posting on each individual parcel is not required.

N2: If a zoning map amendment proposes to change the zoning designation of more than 50 properties, owned by at least 50 different property owners, the expanded published notice provided for in NCGS 160D-602 may be used in lieu of mailing notice.

applications require a neighborhood meeting. Section 11.5 details the standards to comply with the UDO's neighborhood meeting requirements.

5. Withdrawal of UDO Application/Permit Due To Inactivity. Petitioners/Applicants must make a complete re-submittal of UDO Application/Permit materials within 90 calendar days of issuance of written comments from the Administrator or recommendation from the Planning Board or the UDO Application/Permit will be deemed withdrawn by the Petitioner/Applicant. This applies to all review procedures unless specified otherwise in this UDO. If the petitioner/applicant cannot make a complete resubmittal within the 90 calendar day window and wishes to keep the application active, they must make a written request to the Administrator with an explanation of the reason resubmittal will be delayed. If the Administrator determines sufficient extenuating circumstances exist, a 1-time 60 day extension may be authorized. If the Petitioner/Applicant wishes for the Project to be reconsidered after the UDO Application/Permit is deemed withdrawn, a new UDO Application/Permit will be required and shall follow the entire review procedures as specified for the particular UDO Application/Permit from the beginning.

11.5 PUBLIC NOTIFICATION

A. Applicability. The public notification requirements herein apply to UDO Applications/Permits that are deemed quasi-judicial or legislative. Where there are potential conflicts between these notification standards and North Carolina General Statutes (and as amended), the General Statutes shall apply.

B. Notice Schedule. Table 11.5-A - Notice Schedule establishes the required notice for certain UDO Applications/Permits based on the review type. The Administrator shall issue notice prior to each hearing pursuant to the subsections herein – this shall also apply to any subsequent appeal hearing before a Town decision-making body (e.g., Board of Adjustment).

C. General Notice Content and Requirements.

Where public notice is required by the Town, the notice shall include the content and be distributed pursuant to the applicable provisions of NCGS § 160D-403, 106D-403, 160D-601, and 160D-602.

D. Site Posting Standards.

- Required Notification Type.** When required pursuant to Table 11.5-A, the Administrator shall post a Sign on the subject property in a location clearly visible from each Right-of-Way adjacent to the property.
- Required Period of Notice.** The Sign shall be posted not less than 10 days, but not more than 25 days, prior to all public hearings. The Administrator shall remove said Sign after the final public hearing occurs.

E. Advertising Standards.

- Required Notification Type.** When required pursuant to Table 11.5-A, the Administrator shall notice the proposed UDO Application/Permit as a distinctive advertisement in a local, published newspaper of general circulation in Wake County, NC.

F. Neighborhood Meeting Standards.

- Neighborhood Meeting Timeline/Sequencing.** When required pursuant to Tables 11.4-A and 11.5-A, the applicant shall host a neighborhood meeting prior to submitting the associated UDO Application/Permit. The neighborhood meeting shall take place no more than 12 weeks prior to the application date.
- Required Meeting Notification.**
 - The applicant shall notify interested parties of the neighborhood meeting through written mailing notices pursuant to Table 11.5-A.
 - The notice shall be sent by first class mail and be postmarked not less than 10 days, but not more than 25 days, prior to the date of the neighborhood meeting.
 - Prior to mailing the written notices, the applicant shall notify the Administrator of the scheduled meeting date and

time and receive authorization from the Administrator to hold the meeting and mail the notices.

- d. Mailing notices shall be sent to all physical addresses and property owners, including property owners' associations (or equivalent) and tenants, within the required mailing notice area.
- e. The neighborhood meeting notifications shall include the following minimum information pertaining to the application/permit:
 - i. Project and applicant names;
 - ii. Location of proposed action (i.e., address or major cross Streets);
 - iii. Description of the UDO Application/Permit;
 - iv. Time, date, and location of the neighborhood meeting. For virtual meetings, the notice shall include a weblink and Access numbers (as applicable);
 - v. The telephone number and email address to contact the applicant hosting the neighborhood meeting.

3. Meeting Location/Access. The neighborhood meeting shall occur at a physical location and/or in a web-based (virtual) format.

- a. For physical meetings, the venue, whether in a Building or outside, shall be rated to accommodate at least 50 participants (pursuant to fire capacity restrictions). The venue shall be generally accessible to neighbors that reside in close proximity to location of proposed action. The applicant shall be responsible for reserving the venue/Building, obtaining all leases/approvals, and paying all applicable fees.
- b. For web-based meetings, the applicant shall utilize readily available software that is free to Access for the public.

4. Meeting Format (Information Presented). The applicant shall schedule a neighborhood meeting for at least a 1-hour duration. The meeting shall occur on a Monday, Tuesday, Wednesday, or Thursday and not on nationally recognized holidays. The meeting shall occur between the hours of 4:00pm and 8:00pm. At a minimum, the applicant shall orally explain the proposed UDO Application/Permit in terms of location, size, and proposed land Uses and density, and the requested action from the Town. The applicant shall solicit written and/or oral comment from the participants.

5. Neighborhood Meeting Summary Report. The applicant shall prepare a summary report that explains the meeting format, time/location it occurred, the number of attendees/participants, and a summation of the oral/written participant comments. The applicant shall submit a copy of the neighborhood meeting summary report and proof of the required notification occurred to the Administrator as part of the initial application.

11.6 ZONING MAP, COMPREHENSIVE PLAN, AND UDO TEXT AMENDMENTS

A. Purpose and Intent. The provisions listed in this section are intended to establish the allowances, limitations, and procedure for applicants to request amendments to the Zoning Map, Comprehensive Plan, UDO Text, and other land Use related policy documents/plans.

B. Submittal Requirements. Applicants shall provide the following information as part of all amendments to the Zoning Map, Comprehensive Plan, UDO Text, and/or other land Use related policy documents/plans.

- 1. Application.** The applicant shall submit a formal application. The Administrator shall create and provide said application. The Administrator may waive any application

requirement where the type of Use or scale of Project makes providing that information unnecessary or impractical.

2. Site Survey / Existing Conditions. For amendments involving specific sites/properties (“site specific amendments”), the applicant shall provide a land survey depicting the existing site conditions and improvements. In lieu of a survey, applicants may submit a current aerial photograph with labeling of existing conditions and printed to scale.

3. Project Narrative. Applicants shall provide a Project narrative that describes the request, identifies existing conditions, and provides an analysis of the request and its consistency with the Comprehensive Plan. The Administrator shall list the narrative requirements on the application form for amendments to the Zoning Map, Comprehensive Plan, and UDO Text.

C. Approval Limitations. The Town Council shall have the authority to limit its approval of the proposed amendment (e.g., lessen the land area for map amendments) to protect the interests of the surrounding area, preserve the spirit and intent of the UDO, and to promote the health, safety, enjoyment, and welfare of people residing or working in or adjacent to the property.

D. Procedures. The following provisions establish the review procedures for amendments to the Zoning Map, Comprehensive Plan, UDO Text, and other land Use related policy documents/plans.

1. The Town Council shall review and take action on applications for amendments to the Zoning Map, Comprehensive Plan, and UDO Text pursuant to Table 11.4-A: Review Matrix of this Chapter.
2. When required pursuant to Tables 11.4-A and 11.5-A, the applicant shall host a neighborhood meeting and provide a neighborhood meeting summary report as part of its initial application submittal to the Town.

3. Applicants shall provide the submittal items listed in 11.6.B.
4. The Administrator will review the amendment application and provide written technical comments to the applicant based on the proposal’s compliance with the applicable UDO standards and Comprehensive Plan policies. The Administrator (through their written comments) may require revisions to the proposal to achieve compliance with the Town’s policy/regulatory documents. The applicant shall revise its submittal, as necessary, to respond to the Administrator’s comments. The Administrator will direct a staff member to write a staff report with findings and a recommendation. The Administrator will forward the revised application materials and its staff report to the Town Council for review.
5. The Town Council shall conduct a legislative public hearing. After the legislative public hearing, and prior to the consideration of an amendment to the Zoning Map, Comprehensive Plan, or UDO Text, the proposed amendment shall be forwarded to the Planning Board for review and recommendation.
6. The Planning Board shall conduct a public meeting and vote to recommend Town Council approve or deny the proposed amendment application.
7. The Town Council shall conduct a public meeting and vote to approve, approve with limitations, or deny the proposed amendment application.

11.6.1 CONDITIONAL ZONING DISTRICT (CD)

A. Applicability. The provisions of this subsection establish additional submittal requirements for zoning map amendments to a Conditional Zoning District (CD).

B. Additional Submittal Requirements. Applicants requesting a zoning map amendment to a Conditional Zoning District (CD) shall provide the following information with their submittal

in addition to those items required in subsection 11.6.B:

1. **Design Goals.** The applicant shall provide a section to the Project narrative that lists the Design Goals as provided in Section 2.4 of this UDO. The narrative shall demonstrate how the Project is consistent with those goals.
2. **Plan Required.** There are 2 Plan options available for Conditional Zoning Districts (CD):

a. Option 1: Development Plan or Subdivision Plan (Preliminary Plat).

A Development Plan or Subdivision Plan (Preliminary Plat) shall be tied to the Conditional Zoning District (CD).

- i. Development Plans and Subdivision Plans (Preliminary Plat) shall meet all requirements of this Chapter and UDO.
- ii. Subdivision Plans (Final Plats) shall be reviewed following the processes and procedures outlined in this Chapter.

iii. Modified Procedures.

- (a) Development Plans or Subdivision Plans (Preliminary Plat) tied to the Conditional Zoning District (CD) shall be reviewed as a Type 6 - Legislative Action.

(b) Construction Drawings.

Following approval of the Option 1 Conditional Zoning District (CD), the applicant shall prepare and submit Construction Drawings for the Development Plan or Subdivision Plan (Preliminary Plat) as a separate application to the Town pursuant to Table 11.4-A: Review Matrix and the requirements of Section 11.14.

(c) Major Subdivisions – Non-residential. Subsequent Development Plans for Lots or Outlots within a Major Subdivision – Non-residential shall be reviewed pursuant to Table 11.4-A: Review Matrix of this Chapter unless otherwise authorized by the Town Council.

b. Option 2: Master Plan. A master plan shall be tied to the Conditional Zoning District (CD).

- i. The master plan is a schematic design that is intended to illustrate the proposed layout of land Uses, Lots, Buildings, Streets, Open Spaces, and other features. The master plan shall depict the location of:
 - (a) Proposed land Uses, including the acreage for each land Use and planned density limitations for each; and
 - (b) Proposed Lots, property lines, Lot dimensions, and Building Setback lines; and
 - (c) Proposed Building locations, vehicle Parking Areas, and Loading Areas; and
 - (d) Proposed Streets (with Street dimensions), alleys, Sidewalks or sidepaths, and greenways; and
 - (e) Proposed Parks, Tree Preservation Areas, and other Open Spaces; and
 - (f) Proposed Perimeter Buffer landscaping areas including widths, materials, quantities, and design scheme; and
 - (g) Proposed primary utility line locations, sizes, and connections.

- ii. Following approval of the Option 2 Conditional Zoning District (CD), the applicant shall submit a Development Plan or Subdivision Plan (Preliminary Plat).
 - (a) Development Plans and Subdivision Plans (Preliminary Plat) shall meet all requirements of this Chapter and UDO.
 - (b) Development Plans or Subdivision Plans (Preliminary Plat) shall be reviewed and approved pursuant to Table 11.4-A: Review Matrix of this Chapter.
 - (c) Subdivision Plans (Final Plats) shall be reviewed following the processes and procedures outlined in this Chapter.
- c. **Exceptions.** The Administrator may waive the Development Plan, Subdivision Plan (Preliminary Plat), or master plan requirement if the only purpose of the Conditional Zoning District (CD) is to modify the Use Provisions of the Base District and where the type of Use or scale of Project makes providing that information unnecessary or impractical.
- 3. **Development Standards.** The applicant shall identify on the Development Plan, Subdivision Plan (Preliminary Plat), or master plan the Development Standards of the Base District that apply to all developments within the Project boundaries. The Development Standards shall identify any Development Standard and/or land Use provision modified from the Base District standard subject to the provisions in Section 2.4 of this UDO.
- 4. **Design Manual.** When not otherwise required by this UDO, the Conditional Zoning District (CD) shall include Building and site design standards in a design manual. The manual shall illustrate Building and site design standards, architectural styles, and color and material specification for design compatibility and consistency within the Conditional Zoning District (CD). The design standards shall coincide with or exceed the Town's design standards pursuant to Chapter 8 of this UDO unless otherwise modified to align with the Town's Land Use and Character goals and provide for exceptional design equal or greater to the Base District requirements.
- 5. Additional special limitations and/or conditions may also be proposed by the applicant in writing and incorporated into the application. Site-specific commitments shall be limited to those that address the conformance of the Project and Use of the site, per the Comprehensive Plan, Ordinance regulations, and/or the impacts reasonably expected to be generated by the Project or Use of the site.

C. Modifications to Approved Conditional Zoning Districts (CD)

- 1. Conditional Zoning Districts (CD) shall adhere to approved Development Plans or Subdivision Plans (Preliminary Plats), or master plans, special limitations and/or conditions. Modifications to Development Plans or Subdivision Plans (Preliminary Plat), or master plans, special limitations and/or conditions will require a new application for a Zoning Map Amendment unless an approved Minor Modification, Administrative Adjustment, or Variance is approved to allow the change.
- 2. **Minor Modifications.** Minor Modifications to approved Development Plans or Subdivision Plans (Preliminary Plat), or master plans, tied to a Conditional Zoning District (CD) are limited to those Minor Modifications established in Section 11.16 of this UDO, except that any changes that increase the Density of the Project, change allowed Uses, or conflict with special limitations and/or conditions cannot be considered through a Minor Modification and shall require a new application for a Zoning Map Amendment.
- 3. If multiple parcels of land are subject to a Conditional Zoning District (CD), the owners of individual parcels may apply for

modification so long as the modification would not result in other properties failing to meet the terms of the Conditional Zoning District (CD). Any modifications approved apply only to those properties whose owners petition for the modification.

11.7 ANNEXATION

- A. **General.** The Town Council may annex property into the corporate limits in accordance with NCGS §160A-31, §160A-55, §160A-58.1, and §160A-58.7
- B. **Voluntary Annexation Requirement.** An applicant shall submit a voluntary annexation petition (or equivalent thereof) concurrent with any UDO Application/Permit other than a Comprehensive Plan or Zoning Map amendment. The Town Council may later process the annexation when the property is eligible for inclusion in the Town Corporate limits pursuant to NCGS §160A-31.
 - 1. **Waiver of Voluntary Annexation.** Where a property owner determines that conformance with the voluntary annexation requirements would create an unreasonable hardship or burden, a request for a waiver may be submitted to the Administrator. The request will be reviewed by the Town Manager who may grant a waiver of the requirements after considering the following factors:
 - a. The property is less than 50% contiguous to the Corporate Town Limits;
 - b. The property is not within a reasonable distance to connect to municipal water and/or sewer; and/or
 - c. The property does not gain Access from a Town maintained roadway.

11.8 UDO PERMITS

- A. **Applicability.** The provisions of this section apply to the UDO Applications/Permits that are subject to the review and decision-making bodies pursuant to Table 11.4-A: Review Matrix.

- B. **UDO Permits.** The following provisions apply to UDO Permits and their associated requirements.
 - 1. **General.** A UDO Permit shall be required prior to the alteration, change, expansion, placement, construction, or location of any Building, Structure, improvement, Sign, or land Use activity unless specifically exempted by this UDO. The Administrator may use a Building Permit and its associated review procedures to constitute a UDO Permit for activities that are subject to a Type 1 Review pursuant to Table 11.4-A.
 - 2. **Conditions for Issuance of a UDO Permit.** The Administrator shall not issue a UDO Permit or other permit for any Building, Structure, improvement, Sign or Use of land to be altered, changed, placed, erected, or located, unless:
 - a. The Building, Structure, improvement, Sign or Use and its location conform to the provisions of this UDO;
 - b. Sufficient infrastructure and utility improvements have been installed to protect the public health, safety and welfare;
 - c. The Lot/parcel has water and sanitary service pursuant to this UDO and Wake County Public Health and Medical Services (or equivalent) standards; and
 - d. The development activity occurs on a legal Lot of Record; and
 - e. The application obtained an approval or approval with conditions pursuant to the decision-making body outlined in Table 11.4-A: Review Matrix.
 - 3. **UDO Permit Required.** Notwithstanding the generality of the previous section, a UDO Permit shall be required for the following:
 - a. Any new construction or addition to a Building or Structure which includes a foundation or provides additional usable space for a Permitted Use;

- b. Any new or expanded Parking Area; Loading Area; interior Access Drive; or Interior Access Driveway;
- c. Any new or expanded Sign or Sign Structure;
- d. Any expanded Sign Surface Area or change of Sign Surface Area to include or increase any Changeable Copy Sign;
- e. Any additional impervious surface and/or Sidewalk coverage;
- f. Any in-ground Swimming Pool or above ground Swimming Pool able to be mechanically filtered or able to hold or contain water over 24 inches in depth;
- g. Any fence, except for fences accessory to any individual Detached Dwelling or Attached Dwelling;
- h. Any changes to landscaping plan that is a part of an associated UDO Application/Permit for the property; and
- i. Any removal of a tree or vegetation that is otherwise protected by this UDO or development approval.

4. UDO Permit Exemptions. No UDO Permit shall be required for minor repairs or alterations to Buildings, Structures, improvements, or Signs where:

- a. No increase in Finished Floor Area or usable space is created;
- b. No increase in any dimension of any portion (including but not limited to Changeable Copy) of a Sign is created; and
- c. All proposed improvements comply with the required Front, Side, and Rear Setback requirements of the applicable District.

5. Duration of UDO Permits. Unless otherwise specified in this Chapter, an UDO Permit shall be valid for 6 months after date of issuance. The Administrator shall have the power to extend the period of validity of any UDO Permit 1 or more times,

provided, however, the total time period of all extension(s) shall not exceed 1 year.

6. Public or Semi-Public Water and Sanitary Sewer Required. An application for a UDO Permit for any Building, Structure, improvement, or Use shall not be approved until it has been ascertained by the Administrator that:

- a. The proposed Building, Structure, improvement, or Use will be served by a public or semi-public water and sanitary sewer system; or,
- b. The proposed Building, Structure, improvement, or Use will be served by a water system and septic system, or other method of sanitary waste disposal approved by all required authorities; or
- c. The proposed Use is preservation or storage in nature and would not generate a need for water and sanitary sewer service.

7. Record of UDO Permits. A record of all UDO Permits shall be kept on file in the Development Services Department and copies shall be furnished upon request to any person having a proprietary or tenancy interest in the Building or land affected and shall be available for public inspection. Said records shall also be provided to the Town Clerk.

8. Revocation. The Administrator may revoke a UDO Permit for construction, development, or land Use activities that occur in violation of any applicable law, ordinance, rule, regulation, site plan, zoning commitment, or condition of approval. In these situations, the Administrator shall provide notice of the revocation to the permit applicant by posting a notice or revocation on the property; personal service; certified mail; or, registered mail, return receipt requested. The Administrator shall exercise the enforcement powers pursuant to Chapter 6, Division 2 of the Code of Ordinances.

C. UDO Permit Application and Approval Requirements.

1. **Application.** The Administrator shall create a formal application and list the associated submittal requirements so that applicants provide enough information for the Administrator and the decision-making bodies to conduct a thorough review to determine compliance with this UDO. An applicant shall file a complete application with the required submittal items with the Administrator.
2. **Additional Submittal Requirements.** The applicant shall provide the additional submittal items for the specific application/permit type as may be listed in the subsequent sections of this Chapter (e.g., **Development Plans require a plan set**).
3. **Review Procedure.** The Administrator will review and process the application/permit pursuant to Table 11.4-A: Review Matrix. The final decision-making body therein will take action on the application. If the application/permit receives an approval or approval with conditions from the final decision-making body, the applicant may advance the Project to the next associated UDO Permit process.

11.8.1 CERTIFICATE OF UDO COMPLIANCE

A. **Certificate Requirement.** The Administrator shall issue a Certificate of UDO Compliance before a Building or expansion is constructed, sites are graded, Streets are constructed, and/or a Use is established or expanded on a property pursuant to the allowances and limitations of this UDO. The Administrator shall not issue a Certificate of Occupancy until receipt of a Certificate of UDO Compliance has occurred. Activities specifically exempt from a UDO Permit and listed 11.8.B.4 are not required to obtain a Certificate of UDO Compliance.

B. Issuance Procedures.

1. **Timeline.** Within 3 business days of completion of work on the proposed

Building, Structure or Use, the applicant for an UDO Permit shall notify the Administrator of the completion of work authorized by the UDO Permit.

2. **Inspections.** The Administrator shall schedule and conduct an inspection of the premises to determine whether the site development, construction, and/or land Use activity comply with the provisions of this UDO and the associated UDO Permit.
3. **Issuance Provision.** The Administrator shall issue a Certificate of UDO Compliance where the proposed Building, Structure or Use has been developed, located, or to be Used in accordance with the provisions of this UDO and the associated UDO Permit.
 - a. **Minor Outstanding Improvements.** An applicant may issue a construction guarantee (e.g., performance bond and/or letter of credit) to the Town pursuant to subsection 11.14.1 of this Chapter where only minor requirements of the associated UDO Permit have not been met at the time of inspection to progress the Project towards completion and to obtain a Certificate of UDO Compliance.

11.9 SKETCH PLAN

A. **Purpose and Intent.** The provisions of this section are intended to create a pre-submittal process for applicants to seek guidance and preliminary Development Review Committee review pertaining to a proposed land Use and/or development/Subdivision activity prior to making a formal submittal for a UDO Application/Permit. The process will allow the Development Review Committee to review applicant's preliminary land Use and development design ideas and provide recommendations (or refinements thereto) that would direct the proposal towards full compliance with this UDO and the Town's Comprehensive Plan. The Sketch Plan process is intended to be a recommendation in nature and

will not constitute a binding decision relating to the associated Project.

B. Applicability. The provisions of this section are applicable when an applicant files an application for Sketch Plan review.

- 1. Required Situations.** A Sketch Plan review may be required for certain UDO Applications/Permits pursuant to Table 11.4-A: Review Matrix of this Chapter. When required, a Sketch Plan shall be submitted prior to a formal application for the associated UDO Permit.
- 2. Optional Situations.** All applicants are permitted to request a Sketch Plan review for any land Use, development, or Subdivision Project. In those situations, the applicant shall request a Sketch Plan review prior to a formal application submitted for the associated UDO Permit.

C. Review and Application Procedures.

- 1. Review Process.** A Sketch Plan shall be reviewed by the Development Review Committee as part of a Type 0 Review pursuant to Table 11.4.-A: Review Matrix in this Chapter.
- 2. Submittal Requirements.** Applicants shall file an official application to the Administrator including all supplemental materials listed therein. This may include a conceptual drawing or other graphic depiction of the proposed site improvements.
- 3. Development Review Committee Review.** The Development Review Committee shall review the Sketch Plan pursuant to the relevant UDO sections, the Comprehensive Plan, and/or other Town policy documents/ordinances in reaching a determination. Any and all discussion, comment, or opinion presented at a Development Review Committee meeting regarding proposed UDO Applications/Permits are not to be construed as a recommendation of Town staff, the Planning Board, the Board of Adjustment, or Town Council to approve or deny any proposed Project at time of official determination.

11.10 DEVELOPMENT PLANS

A. General. The provisions of this subsection apply to all UDO Applications/Permits involving a Development Plan. Applicable decision-making bodies are listed in Table 11.4-A: Review Matrix of this Chapter (based on the site location, Project size and/or development intensities).

B. Land Connection and Duration.

- Approved Development Plans shall be granted to the properties that are the subject of the application (not the individual).
- A Development Plan approval is valid for a period of 12 months after the date of approval. Such 12 month period shall be administered as follows:
 - a. Single Phase or Section Project or Subdivision.** Construction Drawings for a single phase or section Project or Subdivision shall be submitted not more than 12 months after the date on which the Development Plan was approved.
 - b. Multiple Phase or Section Project or Subdivision.** Construction Drawings for the first phase or section of a Project or Subdivision shall be submitted not more than 12 months after the date on which the Development Plan was approved. The construction drawing deadline for submitting any subsequent phase or section of such Project or Subdivision shall be 12 months from the date of the most recent Certificate of Occupancy or the date of recording of the most recent Final Plat for any preceding phase or section of such Project or Subdivision.
 - c. Extensions.** The Town Council may extend said approval by up to 1 year, but in 6-month increments, where the applicant requests an extension and demonstrates a compelling reason for such delay. Compelling justification may include, but not limited to, delays in Building Permit review, disasters, and local contractor/materials shortages.

C. Activities Requiring a Development Plan. The following development and site modification activities require a Development Plan and associated approvals. The provisions herein do not exempt an applicant from the Town's Building Permit standards.

1. All new Buildings and construction and additions and expansions to existing Buildings, Structures, or pavement, except:
 - a. Individual Detached Dwellings and Attached Dwellings involving up to 3 contiguous units are exempt from Development Plan requirements.
 - b. Accessory Uses/Structures that are associated with a Detached or Attached Dwelling Unit are exempt from Development Plan requirements.
2. All development activities that require new or modified stormwater management facilities.
3. All new roadways and Streets.
4. All mining and excavation activities that meet the thresholds for a Special Use Permit.

D. Development Plan Submittal Requirements.

1. **Application.** The applicant shall prepare and submit a formal application detailing the site location, ownership, and proposed land Use/development activities. The Administrator shall create and provide the formal applications including the required submittal items.
2. **Plan Set.** Applicants shall provide a series of plan sheets to depict the proposed construction and site improvement elements of the Project and to show compliance with this UDO. The Administrator shall list the plan set requirements on the application form for Development Plans.
3. **Associated Studies.** The applicant shall submit associated studies that may be warranted for the proposed development/ land Use activities as listed on the application. The required studies may be identified in a Sketch Plan review (pre-submittal meeting) prior to application submittal. Associated studies may include,

but are not limited to, storm reports, traffic studies, and similar technical information.

4. Development Plan Preparation.

Development Plan elements shall be prepared pursuant to the following:

- a. Property surveys and new legal descriptions shall be prepared by a licensed professional surveyor to conduct work in the State of North Carolina.
- b. Development Plans, grading plans, utility plans, and similar plans shall be prepared by a licensed civil engineer to conduct work in the State of North Carolina.
- c. Architectural elevations shall be prepared by a licensed architect to conduct work in the State of North Carolina.
- d. Tree preservation plans shall be prepared by a licensed landscape architect or certified arborist to conduct work in the State of North Carolina.

5. Criteria. For Development Plans processed and reviewed pursuant to a Type 5 - Quasi-judicial Action, the applicant shall provide a written response to each of the review criteria.

Review Criteria. For Type 5 - Quasi-judicial Actions, the decision-making body shall consider the following review criteria in determining whether to approve, approve with conditions, or deny a Development Plan. These criteria shall be used to evaluate whether the proposal will cause significant adverse impacts on adjacent properties.

1. **Criterion 1:** The land Uses and development intensity of the proposed Project will not have significant adverse impacts on adjacent properties and are consistent with the character of the Zoning District and the land Uses authorized therein.
2. **Criterion 2:** The proposed Project provides for the preservation, improvement, and/or enhancement of Open Spaces and provides sufficient land dedicated for public Parks or an equivalent fee-in-lieu.
3. **Criterion 3:** The proposed layout of Streets, Lots, utilities, water metering, and public

improvements, and their relation to the topography of the land, reflect a design which can be economically served by the Town with public services and facilitates the Use and future development of adjacent properties.

4. **Criterion 4:** The proposed Building or site design enhances the public realm, maximizes natural surveillance and visibility, facilitates pedestrian Access and circulation, and reinforces the Town's character.
5. **Criterion 5:** The design of the Project furthers the goals and policies of the Comprehensive Plan.

F. Development Plan Procedures. The following provisions establish the required procedures for Development Plans.

1. Table 11.4-A: Review Matrix of this Chapter shall specify the decision-making body for the proposed Development Plan.
2. The applicant shall host a neighborhood meeting pursuant to 11.5.F of this Chapter and provide a Neighborhood Meeting Report as part of its initial application submittal to the Town.
3. The applicant shall submit a Development Plan that demonstrates full compliance with the provisions of the UDO.
4. The Administrator will review the Development Plan and provide written technical comments to the applicant based on the Development Plan's compliance with the applicable UDO standards. The Administrator (through their written comments) may require revisions to the Development Plan to achieve compliance with the UDO. The applicant shall revise said Development Plan to respond to The Administrator's comments.
5. The Administrator will write a staff report with findings and a recommendation. The Administrator will forward the revised Development Plan and staff report to the decision-making body for action.
6. For Type 2a – Administrative Actions, the decision-making body will vote to approve,

approve with conditions, or deny the application. For Type 5 - Quasi-judicial Actions, the decision-making body will conduct a quasi-judicial public hearing, obtain public and expert testimony, and then take action on the application. The decision-making body will vote to approve, approve with conditions, or deny the application.

7. The applicant shall prepare and submit Construction Drawings as a separate application to the Town pursuant to Table 11.4-A: Review Matrix and the requirements of Section 11.14.
8. Future development, Building/site alterations, and land Use activities on the subject site shall be consistent with the approved Development Plan application and any associated conditions of approval. In the event, the Development Plan is denied by the decision-making body, the applicant shall only develop or Use the property as allowed by this UDO – this may require new applications.

11.11 SUBDIVISION AND RECOMBINATION ACTIVITIES

A. General. The provisions of this section establish the allowances, limitations, submittal requirements, and review procedures for Subdivisions and Lot reconfiguration activities that result in new or modified Lots, parcels, and/or tracts.

B. Land Connection and Duration.

1. Approved Subdivision and Lot reconfiguration applications shall be granted to the properties that are the subject of the application (not the individual).
2. Approved Subdivision and Lot reconfiguration applications expire 12 months after the date the approval is granted if a Final Plat or other applicable legal instruments are not recorded with Wake County and/or if Building Permits have not been issued. For multi-phased Projects, the expiration shall only apply to the initial

development phase. Applicants shall apply for and obtain associated Building Permits within this timeframe. The Town Council may extend said approval by 1 year where the applicant requests an extension and demonstrates a compelling reason for the delay. Compelling justification may include, but is not limited to, delays in Building Permit review, County records processing, disasters, and local contractor/material shortages.

C. Submittal Requirements.

1. **Application.** The applicant shall prepare and submit a formal application detailing the site location, ownership, and proposed Subdivision activities. The Administrator shall create and provide the formal applications including the required submittal items.
2. **Plan Set.** Applicants shall provide a Subdivision plan that depicts the proposed Lot configurations, tracts, easements, and Rights-of-Way, as applicable, to show compliance with this UDO. The Administrator shall list the plan set requirements on the application form for Subdivisions.
3. **Subdivision Plan Preparation.** Subdivision Plan elements shall be prepared pursuant to the following:
 - a. Property surveys and new legal descriptions shall be prepared by a licensed professional surveyor to conduct work in the State of North Carolina.
 - b. Development Plans, grading plans, utility plans, and similar plans shall be prepared by a licensed civil engineer to conduct work in the State of North Carolina.
 - c. Architectural elevations shall be prepared by a licensed architect to conduct work in the State of North Carolina.
 - d. Tree preservation plans shall be prepared by a licensed landscape architect or certified arborist to conduct work in the State of North Carolina.

4. **Criteria.** For Major Subdivisions processed and reviewed pursuant to a Type 5 - Quasi-judicial Action, the applicant shall provide a written response to each of the review criteria.

D. **Review Criteria.** For Type 5 - Quasi-judicial Actions, the decision-making body shall consider the following review criteria in determining whether to approve, approve with conditions, or deny a Major Subdivision. These criteria shall be used to evaluate whether the proposal will cause significant adverse impacts on adjacent properties.

1. **Criterion 1:** The land Uses and development intensity of the proposed Project will not have significant adverse impacts on adjacent properties and are consistent with the character of the Zoning District and the land Uses authorized therein.
2. **Criterion 2:** The proposed Project provides for the preservation, improvement, and/or enhancement of Open Spaces and provides sufficient land dedicated for public Parks or an equivalent fee-in-lieu.
3. **Criterion 3:** The proposed layout of Streets, Lots, utilities, water metering, and public improvements, and their relation to the topography of the land, reflect a design which can be economically served by the Town with public services and facilitates the Use and future development of adjacent properties.
4. **Criterion 4:** The proposed Building or site design enhances the public realm, maximizes natural surveillance and visibility, facilitates pedestrian Access and circulation, and reinforces the Town's character.
5. **Criterion 5:** The design of the Project furthers the goals and policies of the Comprehensive Plan.

11.11.1 MAJOR SUBDIVISIONS (RESIDENTIAL & NON-RESIDENTIAL)

A. **Applicability.** The provisions of this subsection apply to new Major Subdivisions that will result in 5 or more residential Lots, 2 or more non-

residential Lots, and/or include new Streets/roadways.

B. Major Subdivisions (Plats) Two-Part Review

Process. Major Subdivisions and the associated Plats shall be reviewed in a two-part process as follows:

1. Preliminary Plats.

- a. Preliminary Plats are required prior to Plat approval and recording. Preliminary Plats illustrate the proposed parcels, tracts, Lots, Rights-of-Way, and easements. Preliminary Plats shall reflect the standards outlined in Chapters 7 and 8 of this UDO, Town Engineering Design and Construction Standards, and applicable State of North Carolina laws.
- b. The review process and final decision-making body for Preliminary Plats are defined in Table 11.4-A: Review Matrix listed in this Chapter.
- c. A Preliminary Plat (Major Subdivision) application shall be reviewed concurrently with an associated Development Plan application/permit.

2. Final Plats.

- a. Final Plats include the legally adopted instruments that establish the new Plat. Final Plats are prepared and processed after the Town's decision-making body approves the Preliminary Plat, the associated Development Plan (as applicable), and any required site improvements are completed or committed by a construction guarantee (e.g., Streets, utilities) pursuant to the associated Construction Drawings.
- b. Final Plats shall be approved by the Administrator (Type 1 Review) and as defined in Table 11.4-A: Review Matrix listed in this Chapter.
- c. The Administrator shall direct the Plat Review Officer to record the Plat with Wake County.

C. Major Subdivisions (Plat) Procedures. The following provisions establish the required procedures for Major Subdivisions:

1. Table 11.4-A: Review Matrix of this Chapter shall specify the decision-making body for the proposed Major Subdivision.
2. The applicant shall host a neighborhood meeting pursuant to 11.5.F of this Chapter and provide a Neighborhood Meeting Report as part of its initial application submittal to the Town.
3. The applicant shall submit a Preliminary Plat that demonstrates full compliance with the provisions of the UDO.
4. The Administrator will review the Preliminary Plat and provide written technical comments to the applicant based on the Plat's compliance with the applicable UDO standards. The Administrator (through their written comments) may require revisions to the Preliminary Plat to achieve compliance with the UDO. The applicant shall revise said Plats to respond to the Administrator's comments. The Administrator will write a staff report with findings and a recommendation. The Administrator will forward the revised Plat and staff report to the decision-making body for action.
5. The decision-making body will conduct a quasi-judicial public hearing, obtain public and expert testimony, and then take action on the application. The decision-making body will vote to approve, approve with conditions, or deny the application.
6. The applicant shall prepare and submit Construction Drawings as a separate application to the Town pursuant to Table 11.4-A: Review Matrix and the requirements of Section 11.14.
7. Future Subdivision activity, development, and land Use activities on the subject site shall be consistent with the approved Preliminary Plat, an associated Development Plan and any conditions of approval, and the approved Construction Drawings. In the event the Major Subdivision/Preliminary Plat is denied by the decision-making body, the applicant shall only develop or Use the

property as allowed by this UDO – this may require new applications.

8. After associated (and required) site improvements are completed pursuant to the associated Construction Drawings, the applicant shall prepare and submit a Final Plat application for Type 1 review to the Town. Alternatively, the applicant may choose to institute a construction guarantee for the site improvements in lieu of construction; in those situations, the applicant may apply for Final Plat approval.
 - a. **Administrator Review.** The Administrator shall review the Final Plat against the applicable UDO standards and associated Preliminary Plat approval and confirm the associated site improvements have been completed (or secured through a construction guarantee). The Administrator will provide written comments to the applicant; the applicant will revise the Final Plat materials as applicable.
 - b. **Town Plat Review Officer.** The Administrator will transmit the Final Plat and its findings to the Plat Review Officer. The Plat Review Officer will certify that a proposed Final Plat meets all statutory requirements for recording with Wake County.

11.11.2 MINOR RESIDENTIAL SUBDIVISIONS

- A. **Applicability.** The provisions of this subsection apply to new minor residential Subdivisions that will result in 4 Lots/parcels or less AND do not involve new Streets/roadways (e.g., subdividing land along an existing roadway).
- B. **Minor Residential Subdivisions Procedures.** The following provisions establish the required procedures for minor residential Subdivisions.
 1. The Administrator shall review and take action on minor residential Subdivision proposals pursuant to Table 11.4-A: Review Matrix of this Chapter as a Type 1 Review.
 2. Applicants shall prepare a proposed land survey document that graphically illustrates the proposed Subdivision activities in terms

of Lot Lines and easements. The applicant shall provide proposed legal descriptions for each proposed Lot, tract, and easements (if applicable).

3. The Administrator will review the minor residential Subdivision application and provide written technical comments to the applicant based on the plan's compliance with the applicable UDO standards. The Administrator (through written comments) may require revisions to the Subdivision proposal to achieve compliance with the UDO. The applicant shall revise said Subdivision plan to respond to Administrator comments. The Administrator may approve, approve with conditions, or deny the application.
4. Future Subdivision activity shall comply with the approved Subdivision plan in terms of Lot Line locations and easements.
5. The applicant shall record the approved Subdivision plan and associated legal descriptions with Wake County.
6. The applicant (or subsequent property owners) shall not further subdivide any portion of the subject land as a Minor Residential Subdivision for a period of 3 years from the date the plan is recorded with the County. However, the land may be further subdivided within this timeframe only as a Major Subdivision pursuant to subsection 11.11.1. of this Chapter.

11.11.3 EXEMPT SUBDIVISIONS

- A. **Applicability.** The provisions of this subsection apply to exempt Subdivision activities/situations as described below and pursuant to NCGS §160D-802:
 1. The combination or recombination of portions of previously subdivided and recorded Lots where the total number of Lots is not increased and the resultant Lots are equal to or exceed the standards of this UDO.
 2. The division of land into parcels greater than 10 acres where no Street Right-of-Way dedication is involved.

3. The public acquisition by purchase of strips of land for the widening or opening of Streets or for public transportation system corridors.
4. The division of a tract in single ownership whose entire area is no greater than 2 acres into not more than 3 Lots, where no Street Right-of-Way dedication is involved and where the resultant Lots are equal to or exceed the standards of this UDO.
5. The division of a tract into parcels in accordance with the terms of a probated will or in accordance with intestate succession under Chapter 29 of the General Statutes.

B. Procedures. The following provisions establish the required procedures for exempt Subdivisions.

1. The Administrator shall review and take action on exempt Subdivisions pursuant to Table 11.4-A of this Chapter as a Type 1 Review.
2. Applicants shall prepare a proposed land survey document that graphically illustrates the proposed Lot amendment or Subdivision activities in terms of Lot Lines and easements. The applicant shall provide proposed legal descriptions for each proposed Lot and easements (if applicable).
3. The Administrator will review the Exempt Subdivision application and provide written technical comments to the applicant based on the proposal's compliance with the applicable UDO standards. The Administrator may require revisions to the proposal to achieve compliance with the UDO. The applicant shall revise said property diagram to respond to the Administrator's comments. The Administrator will approve the application when the applicant demonstrates full compliance with applicable UDO provisions.
4. Future Subdivision activity and Lot modifications shall comply with the approved application in terms of Lot Line locations and easements.
5. The applicant shall record the approved property diagram (or land survey documents)

and associated legal description(s) with Wake County.

11.12 SPECIAL USE PERMITS

A. Applicability. The provisions of this section shall apply to new Uses or expansions of existing Uses that are listed as "Special Use Permits" or "SUP" on Table 3.2.A – Table of Permitted Uses of this UDO.

B. Submittal Requirements. Applicants shall provide the following information as part of all Special Use Permit applications.

1. **Application.** The applicant shall submit a formal application; the Administrator shall create and provide said application.
2. **Plan Set.** Applicants shall provide a Development Plan pursuant to Section 11.10 as part of the Special Use Permit application where site improvements are proposed in concert with the Special Use Permit request.
3. **Criteria.** The applicant shall provide a written response to each of the review criteria listed in this subsection.

C. Review Criteria. The decision-making body shall consider the following review criteria in determining whether to approve, approve with conditions, or deny the Special Use Permit. These criteria shall be used to evaluate whether the proposal will cause adverse impacts on adjacent properties.

1. **Criterion 1:** The proposed Use will not be injurious to the public health, safety, comfort, convenience, or general welfare;
2. **Criterion 2:** The proposed Use will not injure or adversely affect the adjacent area;
3. **Criterion 3:** The proposed Use will be consistent with the character of the District, land Uses authorized therein, and the Comprehensive Plan;
4. **Criterion 4:** The proposed Use shall conform to all Development Standards of the applicable District (unless a Variance or Administrative Adjustment is issued for said standard);

- 5. **Criterion 5:** Roadways, Access Drives, and/or Driveways are or will be sufficient in size and properly located to: ensure automotive, bicyclist, and pedestrian safety and convenience, traffic flow as set forth in this UDO and, control and Access in case of fire or other emergency;
- 6. **Criterion 6:** The location and arrangement of the Use on the site, screening, buffering, landscaping, and pedestrian accessways harmonize with adjoining properties and the general area and minimize adverse impacts; and,
- 7. **Criterion 7:** The type, size, and intensity of the proposed Use (including but not limited to such considerations as the hours of operation and numbers of people who are likely to utilize or be attracted to the Use) will not have significant adverse impacts on adjoining properties or the neighborhood.

D. Approval Conditions. The decision-making body shall have the authority to impose conditions as deemed necessary to protect the interests of the surrounding area, preserve the spirit and intent of the UDO, and to promote the health, safety, enjoyment, and welfare of people residing or working in or adjacent to the property.

E. Procedures. The following provisions establish the review procedures for Special Use Permit applications.

1. The decision-making body shall review and take action on Special Use Permit applications pursuant to Table 11.4-A: Review Matrix of this Chapter as a Type 3 Review.
2. Applicants shall provide the submittal items listed in 11.12.B of this Chapter.
3. The Administrator will review the Special Use Permit application and provide written technical comments to the applicant based on the proposal's compliance with the applicable UDO standards and the review criteria. The Administrator (through their written comments) may require revisions to the proposal to achieve compliance with the UDO. The applicant shall revise its submittal

to respond to the Administrator's comments. The Administrator will direct a staff member to write a staff report. The Administrator will forward the revised application materials and its staff report to the decision-making body for action.

- 4. The decision-making body shall conduct a public hearing and vote to approve, approve with conditions, or deny the Special Use Permit application.

F. Associated Development Plans. Special Use Permit proposals that include site improvements (e.g., roads, utilities, Buildings, etc.) shall include an associated Development Plan application pursuant to Section 11.10 in this Chapter. Associated Development Plans may be reviewed concurrently with the Special Use Permit application.

G. Land Connection and Duration.

1. Approved Special Use Permits shall be granted to the properties that are the subject of the application, not the applicant.
2. In general, a Special Use Permit approval is valid for a period of 12 months after the date of approval; except for wireless facilities which is valid for 24 months.
 - a. **Extensions.** A written extension of the 12 month time limit may be granted by the Town Council, if the applicant requests in writing on or before the 12 month anniversary of the Special Use Permit approval. Extensions of time, in 6 month increments not to exceed a total of 1 year, for submitting Construction Drawings may be granted by the Town Council for good cause.

11.13 VARIANCES AND ADMINISTRATIVE ADJUSTMENTS

A. Applicability. The provisions of this section establish the allowances, limitations, and procedures for applicants to seek deviations and modifications from certain dimensional and design standards of this UDO as a Variance or Administrative Adjustment. The Town may

grant a Variance or administrative adjustment where the subject site, existing improvements, and/or applicant has a unique situation that results in a hardship for property Use or development.

1. **Variances.** Variances include a process where applicants may seek deviations and/or modifications from certain UDO dimensional and/or design standards. Variances may be approved through a formal application and approval before the Board of Adjustment in a public hearing format. Subsection 11.13.1 establishes requirements, allowances, and limitations for Variance requests.
2. **Administrative Adjustments.** Administrative adjustments include a process where applicants may seek minor and limited reductions from certain UDO dimensional and/or design standards. Administrative adjustments may be approved through a formal application and approval from the Administrator. Subsection 11.13.2 establishes the requirements, allowances, and limitations for administrative adjustment requests.

B. Prohibited activities. The Town may not grant a Variance or administrative adjustment for any of the following.

1. Density and Building intensity limitations of this UDO and the Comprehensive Plan.
2. District land Use restrictions pursuant to Table 3.2.A – Table of Permitted Uses of this UDO.
3. Review and procedural requirements of this UDO.
4. Any condition of approval imposed upon the property/development as part of an associated UDO Application/Permit (e.g., Special Use Permit, Conditional Zoning District (CD)).
5. State and federal regulations, whereas any deviations from said standards shall be sought through the associated government agency.
6. Environmental permits and riparian modifications relating to Chapter 8 of the

Code of Ordinances – those situations are processed as a Type 2b Review pursuant to Table 11.4-A: Review Matrix.

C. Submittal Requirements. Applicants shall provide the following information as part of all Variance and administrative adjustment requests.

1. **Application.** The applicant shall prepare and submit a formal application detailing the site location, ownership, and proposed development activities. The Administrator shall create and provide the formal applications including the required submittal items.
2. **Plan Diagram.** Applicants shall provide a plan diagram that depicts the proposed development activity. The Administrator shall list the plan diagram requirements on the application form.
3. **Review Criteria.** The applicant shall provide a written response to each of the review criteria listed in this section.

D. Review Criteria. The decision-making body shall consider the following criteria in determining whether to approve, approve with conditions, or deny the Variance or administrative adjustment application. These criteria shall be used to evaluate whether an applicant has an unnecessary hardship imposed by unique site characteristics, development patterns, or similar condition.

1. **Criterion 1.** Unnecessary hardship would result from the strict application of this UDO. It is not necessary to demonstrate that, in the absence of the Variance/administrative adjustment, no reasonable Use can be made of the property.
2. **Criterion 2.** The hardship results from conditions that are peculiar to the property, such as location, size, or topography. Hardships resulting from personal circumstances, as well as hardships resulting from conditions that are common to the neighborhood or the public, may not be the basis for granting a Variance/administrative adjustment. Whereas, a Variance/administrative adjustment may be granted when necessary and appropriate to

make a reasonable accommodation under the Federal Fair Housing Act for a person with a disability.

3. **Criterion 3.** The hardship did not result from actions taken by the applicant or the property owner. The act of purchasing property with knowledge that circumstances exist that may justify the granting of a Variance/administrative adjustment is not a self-created hardship.
4. **Criterion 4.** The requested Variance/administrative adjustment is consistent with the spirit, purpose, and intent of this UDO such that public safety is secured, and substantial justice is achieved.

E. Approval Conditions. The decision-making body shall have the authority to impose conditions as deemed necessary to protect the interests of the surrounding area, preserve the spirit and intent of the UDO, and to promote the health, safety, enjoyment, and welfare of people residing or working in or adjacent to the property.

F. Land Connection.

1. Approved Variances/administrative adjustments shall be granted to the properties that are the subject of the application (not the individual).

11.13.1 VARIANCES

- A. **Variance Allowances.** Applicants may request Variances to the dimensional standards listed in this UDO unless specifically prohibited in subsection 11.13.B herein.
- B. **Procedures.** The following provisions establish the review procedures for Variance applications.
 1. The decision-making body shall review and take action on Variance applications pursuant to Table 11.4-A: Review Matrix of this Chapter.
 2. Applicants shall provide the submittal items listed in 11.13.C of this Chapter.
 3. The Administrator will review the Variance application and provide written technical comments to the applicant based on the proposal's compliance with the applicable

UDO standards and the review criteria. The Administrator (through their written comments) may require revisions to the proposal to achieve compliance with the UDO. The applicant shall revise its submittal to respond to the Administrator's comments. The Administrator will direct a staff member to write a staff report. The Administrator will forward the revised Variance application materials and its staff report to the decision-making body for action.

4. The decision-making body shall conduct a public hearing and vote to approve, approve with conditions, or deny the Variance request.
5. The decision-making body may review and take action on Variance requests as a quasi-judicial action that are associated with a concurrent quasi-judicial UDO Application/Permit pursuant to Table 11.4-A: Review Matrix of this Chapter.

11.13.2 ADMINISTRATIVE ADJUSTMENTS

A. Administrative Adjustments.

1. The Administrator is authorized to approve requests that deviate from required Setbacks set forth in this Ordinance by up to 10 percent of the required Setbacks or 24 inches, whichever is greater, upon determination that 1 or more of the following conditions exists:
 - a. There are site or structural conditions that preclude strict adherence to the Setback requirements, including but not limited to: the Lot does not meet the dimensional standards established for the Zoning District in which it is located; the Lot has topographic limitations that require placement of the Structure into the required Setback area; or the Structure is physically in line with an existing, legally established wall or walls of a principle Structure already within the Minimum Setback area.
 - b. The part of the proposed Structure that encroaches into the Minimum Setback area is necessitated by a

life-safety Ordinance, flood hazard reduction, Americans with Disabilities Act standard or other public safety Ordinance requirements.

- c. The proposed Structure will allow the preservation of significant existing vegetation.
- d. A good faith error was made in the location of a Building foundation due to either construction or survey error.
- 2. The authority given to the Administrator to grant such modification shall be construed to be permissive and not mandatory, and the Administrator may decline to make such modification. In the event this occurs, the applicant shall have the right to submit an application to the Board of Adjustment to grant a Variance to these requirements.
- 3. Nothing in this section shall be construed as limiting the Administrators' duties and rights under this Chapter, or an applicant's right to appeal the decision of the Administrator to the Board of Adjustment.

B. Procedures. The following provisions establish the review procedures for administrative adjustments.

- 1. The Administrator shall review and take action on Administrative Adjustment applications pursuant to Table 11.4-A: Review Matrix of this Chapter as a Type 1 Review.
- 2. Applicants shall provide the submittal items listed in Section 11.13.C of this Chapter.
- 3. The Administrator will review the administrative adjustment application and provide written technical comments to the applicant based on the proposal's compliance with the applicable UDO standards and the review criteria. The Administrator (through their written comments) may require revisions to the proposal to achieve compliance with the UDO. The applicant shall revise its submittal to respond to the Administrator's comments.

- 4. The Administrator will approve, approve with conditions, or deny the administrative adjustment request.

11.14 CONSTRUCTION DRAWINGS

A. General. The provisions of this section establish the requirements for Construction Drawings that may be required prior to the commencement of any earth work, site preparation or construction activity at any Project or Subdivision.

- 1. Construction Drawings show the proposed development designs and methods that an applicant/developer intends to construct on a property. Construction Drawings are intended to show enough detail to guide construction activities and achieve a predictable outcome in terms of location, scale, and design.
- 2. Construction drawings are submitted after other UDO Applications/Permits (e.g., Development Plans, Special Use Permits) have been approved. Construction Drawings are intended to be more detailed than other plans/drawings that may have been submitted with earlier UDO Permits which were a prerequisite to the Project.

B. Land Connection and Duration.

- 1. Approved Construction Drawings shall be granted to the properties that are the subject of the application (not the individual).
- 2. The Construction Drawings approval is valid for a period of 12 months after the date of approval.

C. Activities Requiring Construction Documents. The following development and site modification activities require Construction Drawings.

- 1. All Projects that require a Development Plan pursuant to Section 11.10 or Subdivision Plan pursuant to Section 11.11 of this Chapter.
- 2. All Projects that involve grading an area greater than 20,000 square feet.

D. Engineering Design and Construction Standards. Construction Drawings shall confirm to the requirements outlined in the

Engineering Design and Construction Standards in addition to the provisions of this UDO.

E. Submittal Requirements. The following lists the submittal requirements for Construction Drawings review.

- 1. Application.** The applicant shall prepare and submit a formal application detailing the site location, ownership, and proposed land Use/development activities. The Administrator shall create and provide the formal application including the required submittal items.
- 2. Plan Set.** Applicants shall provide a series of plan sheets to depict the proposed construction and site improvement elements of the Project and to show compliance with this UDO and any condition of approval from any other associated UDO Permit. The Plan Set shall include construction details, as appropriate, to guide site development as designed and predicted. The Administrator shall list the plan set requirements on the application form for Construction Drawings.
- 3. Associated Studies.** The applicant shall submit any associated studies that may be warranted for the proposed development/land Use activities as listed on the application. Studies used and approved as part of other associated UDO Permits may be resubmitted with the Construction Drawings. Associated studies under this provision may include, but are not limited to, storm/drainage reports, traffic studies, and similar technical information.
- 4. Construction Drawing Preparation.** Construction Drawing elements shall be prepared pursuant to the following:
 - a. Property surveys and new legal descriptions shall be prepared by a licensed professional surveyor to conduct work in the State of North Carolina.
 - b. Development Plans, grading plans, utility plans, and similar plans shall be prepared by a licensed civil engineer to conduct work in the State of North Carolina.

- c. Architectural elevations shall be prepared by a licensed architect to conduct work in the State of North Carolina.
- d. Tree preservation plans shall be prepared by a licensed landscape architect or certified arborist to conduct work in the State of North Carolina.

11.14.1 CONSTRUCTION GUARANTEES

- A. Guarantee Requirement.** An applicant may provide a Construction Guarantee in the form of a performance bond, irrevocable letter of credit, or cash deposit in lieu of constructing, installing, and dedicating the public infrastructure, utility improvements or other site improvements (including but not limited to landscaping) prior to Final Plat approval for Subdivisions. In doing so, the applicant may issue assurance in accordance with Town requirements and options herein as a financial guarantee for the completion, installation, dedication and maintenance of those public infrastructure and utility improvements, or other site improvements.
- B. Benefit and Agent Authorization.** Construction Guarantee methods shall be issued for the benefit of the Town. The Administrator shall be listed as the authorized agent for the Town Council for all infrastructure and Public Right-of-Way installations and improvements. While not required, if submitted, the Administrator shall be listed as the authorized agent for the Town Council for on-site, non-utility related private improvements, and Street trees in the Right-of-Way (e.g., landscaping).
- C. Construction Guarantee Amount (minimum).** Developers/applicants shall provide a Construction Guarantee in an amount equal to 125% of the reasonably estimated cost of completion, as established pursuant to an estimate submitted to and approved by the Administrator, as appropriate, for the completion of all remaining improvements and installations required by this UDO and associated permits.
- D. Construction Guarantee Effect and Duration.** The Construction Guarantee (including performance bonds, irrevocable letters of credit, and/or cash deposits), shall remain in effect

and available to the Town until the following activities have been completed:

1. The Project and the associated site improvements comply with the terms and provisions of this UDO and other associated applications/permits; the following additional provisions apply to specific Subdivision/development types by land Use.
 - a. For Detached Dwelling or Attached Dwelling Subdivisions, prior to the Plat being recorded all items must be completed from a punch list that was generated by the Town and ready to be placed under 1 year warranty; or
 - b. For Attached Dwellings, Apartment Dwellings, Commercial & Mixed-Use or Campus/Employment Projects or Subdivisions, prior to the issuance of a Certificate of Occupancy, the Administrator may grant an extension for good cause shown.
2. The developer/applicant has executed a warranty agreement pursuant to subsection 11.14.2 of this Chapter.
3. The Administrator has executed a written Release of Performance Bond (or similar).

E. Performance Bond Standards. Performance bonds shall comply with the following standards.

1. Any performance bond shall be filed on bond forms approved for use by the Town Council.
2. RESERVED

F. Irrevocable Letter of Credit. Letters of credit ("letters") shall comply with the following standards.

1. Letters shall be filed on letter of credit forms approved for use by the Town Council.
2. The letter of credit shall be issued by a financial institution that shall allow for presentment upon default at a location within 25 miles of the corporate limits of Holly Springs.

G. Cash Deposit. Cash deposits shall comply with the following standards.

1. A cash deposit or other instrument readily convertible to cash at face value shall be held by the Town in a separate account.
2. The cash deposit shall be placed into an account established by the Town of Holly Springs for the purpose of holding cash deposits as surety for such improvements. The cash deposit shall not bear interest payable to the developer or Subdivider; and all cash deposits shall be held by the Town Council to secure completion of all improvements and installations required by this UDO.

11.14.2 WARRANTY AGREEMENT

- A. General Requirement.** Upon completion of all required improvements and installations, but prior to the acceptance of such improvements and installations for public maintenance, the developer or Subdivider shall provide a 1 year warranty agreement pursuant to the provisions of this subsection.
- B. Standards.** The Warranty Agreement shall include the following components.
 1. The warranty shall benefit the Town. The Administrator shall be listed as the authorized agent for the Town Council for all infrastructure and Public Right-of-Way installations and improvements, as well as Street trees in the Right-of-Way.
 2. Warranties shall be provided in an amount equal to 10% of the total cost of public infrastructure for the development.
 3. Warranties shall cover the labor and materials used in the construction. Installation and completion shall be in accordance with the standards, specifications and requirements of this UDO, the Engineering Design and Construction Standards, and the satisfactory Construction Drawings and specifications therefore approved by the Administrator.
 4. Warranties shall provide that for the period of time specified below after formal acceptance, the developer/applicant shall make all repairs to said improvements and installations, or the foundations thereof, which may become necessary by reason of

improper labor or materials, including any damage resulting from work done by utility companies or other sub-contractors. The developer/applicant shall bear all associated costs/expenses.

- a. For non-residential Projects, 1 year.
- b. For residential Projects, 1 year or the time in which 90% of the residential Dwelling Units have been issued a Building Permit, whichever is later. If at such time the improvements cannot be installed appropriately because of temperature, weather conditions, or the like, the Administrator may delay completion and acceptance.

11.14.3 DEFAULT AND RELEASE OF CONSTRUCTION GUARANTEES AND WARRANTIES

A. Default. The following provisions shall apply in the event the developer/applicant fails to complete the required improvements in a timely manner as spelled out in this UDO and any Construction Guarantee; or repair the required improvements during the warranty period.

- 1. Payment Disbursement.** The associated surety company shall, upon receipt of a written request by the Administrator, as appropriate, disperse to the Town all funds, up to a maximum amount being the lesser of the value of the guarantee or the estimate approved by the Administrator to complete the improvements in accordance with the standards, specifications and requirements of this UDO or the Engineering Design and Construction Standards.
- 2. Expenditure of Payments.** Upon payment of such funds to the Town, the Town Council shall authorize the expenditure of such funds to complete the installation or repair of such improvements which were so guaranteed.

B. Release of Construction Guarantee and Warranty. The Administrator may release the Construction Guarantee and Warranty Agreement to a developer/applicant, as required by this section, pursuant to the following standards.

- 1. Release of Construction Guarantee.** The Administrator shall release any Construction Guarantee (e.g., performance bonds, letters of credit, and/or cash deposits) when the developer/applicant achieves the requirements outlined in 11.14.1 herein and after the Town receives a receipt of a warranty.
- 2. Release of Warranty Agreement.** The Administrator shall release the associated Project Warranty Agreement when the following has occurred.
 - a. The Town, and any applicable agencies have inspected and approved all site improvements and construction elements, and/or
 - b. The Administrator accepts all warranted improvements that may have been required through the permitting and inspection processes.

11.15 ENVIRONMENTAL PERMITS

A. Applicability. The provisions of this subsection identify the review procedures for Environmental-related permits and activities pursuant to Chapter 8 of the Code of Ordinances (a separate Chapter from this UDO).

Review Procedures.

- 1. General Procedures.** Environmental permits shall be processed as a Type 2a Review pursuant to Table 11.4-A of this Chapter. Said permits may be processed concurrently with any associated Development Plan, Subdivision or Construction Drawings application.
- 2. Appeals and Variances.** Appeals and Variances relating to environmental permits and associated standards listed in Chapter 8 of the Code of Ordinances shall be processed as a Type 2b Review pursuant to Table 11.4-A of this Chapter. In those situations, the Environmental Appeal Committee shall take action on the application.
- C. Submittal Requirements.** The associated submittal requirements for environmental

permits and associated activities are those listed in Chapter 8 of the Code of Ordinances.

11.16 MODIFICATION TO APPROVED PLANS AND APPLICATIONS

- A. Purpose and Intent.** The provisions listed in this section are to establish the allowances, limitations, and procedures for applicants to modify approved plans and applications. The modification process is not intended to circumvent conditions of approval imposed by the original decision-making body or other review procedures of this UDO.
- B. Applicability.** These provisions are applicable to sites, Projects, and areas within the Town and its Extraterritorial Jurisdiction that have an approved plan, permit, or land Use petition and future development, construction, and land Use activities are subject to those associated permits/ approvals.
- C. Modification Allowances and Options.** The following review and application options are available to applicants under this section.
 - 1. Minor Modifications.** The applicant may apply for a Minor Modification to an approved plan, permit, or land Use petition as a Type 1 Review and subject to the allowances and limitations of this section.
 - 2. Major Modification.** The applicant may apply for a Major Modification to an approved plan, permit, or land Use petition pursuant to the review type listed in Table 11.4-A of this Chapter and subject to the allowances and limitations of this section. The Review Type for the Major Modification shall be the same type that would have been required for the original approval (e.g., Major modifications to a Special Use Permit requires a Type 3 Review).
 - 3. New Petition.** The applicant may apply for a new UDO Permit for the property, where no development or land Use activity has commenced pursuant to that original approval.

D. Modification Type Determination.

1. Minor Modification.

- a. A minor modification may be allowed for situations/site elements that include the following:
 - i. Expansion or reduction of Building Floor Area up to 25%;
 - ii. Increase in Building Height by up to 15%;
 - iii. Expansion or reduction in the amount of vehicle Parking Areas by up to 10%;
 - iv. Increase in the total number of Lots/unit by up to 10%, or 10 Lots/units, whichever is less.
 - v. Reduction of Open Space by up to 10%;
 - vi. Increase in Project acreage by up to 10% or 5 acres whichever is less;
 - vii. The designation of additional Uses that only involve those listed as permitted ("P") on Table 3.2-A – Table of Uses in Chapter 3 of this UDO;
 - viii. Reduce, relocate, or alter the composition up to 10% of any Tree Preservation Area or removal of a Specimen Tree;
 - ix. A minor change in Building design, Building material selection, or percentage of various Building materials utilized;
 - x. A minor change in Street or utility layout; or
 - xi. A minor change in Lot arrangement, Lot Lines, or Lot Area.
 - xii. Other minor modifications may be authorized by the Administrator if, in their determination, the minor modifications do not adversely impact the purpose or intent of the approved plans and applications.
- b. A Minor Modification may not be allowed for situations that are in conflict

with any condition that was imposed as part of the original approval.

2. Major Modification. A major modification may be allowed for other situations and site elements that do not constitute a “Minor Modification.”

E. Procedural and Submittal Requirements.

Modification applications (whether minor or major) shall follow the same procedural and submittal requirements for the associated applications/petitions listed in this Chapter (e.g., Special Use Permits, Development Plans, etc.). For Minor Modifications, the Administrator may reduce the submittal requirements, as appropriate, to coincide with the scope of the proposed changes.

11.17 ZONING VESTED RIGHT(S)

A. Applicability. The provisions of this section apply to situations where a Site-Specific Development Plan or UDO Permit (e.g., Development Plan, Special Use Permit) was approved under the zoning and development regulations that were in place at that time and the applicant desires to construct/complete the associated Project under the applicable standards/requirements that applied under the original approval.

1. These may include situations where the original approval occurred in unincorporated Wake County or under Town standards that were in effect before this UDO.
2. These situations apply to the provisions of NCGS § 160D-108.1 to which a statutory Zoning Vested Right is established upon the approval of a Site-Specific Development Plan.

B. Establishment of a Zoning Vested Right. An applicant may request the establishment of a Zoning Vested Right pursuant to the review process established in Table 11.4-A: Review Matrix of this Chapter.

C. Duration. An approved Zoning Vested Right may be established for the durations as listed below based on the development Project’s characteristics:

1. **Standard.** The decision-making body may approve a Zoning Vested Right for at least 2 years but not exceeding 5 years. The decision-making body may base the approval term on relevant circumstances, including, but not limited to, the size of the development, the level of investment, the need for or desirability of the development, economic cycles, and market conditions.
2. **Multiphase Developments.** The decision-making body shall approve a Zoning Vested Right for a multiphase development for a period of seven years from the time a Development Plan/Subdivision Plan approval is granted for the initial phase of the multiphase development. For purposes of this subsection, “multiphase development” means a development containing 100 acres or more that (i) is submitted for Development Plan approval for construction to occur in more than 1 phase and (ii) is subject to a Development Plan/Subdivision Plan with committed elements, including a requirement to offer land for public use as a condition of its Development Plan/Subdivision Plan approval.

3. This vesting is not automatically extended beyond by any amendments or modifications to a Site-Specific Development Plan unless expressly provided by the decision-making body at the time the amendment or modification is approved.

D. Termination. The Administrator shall terminate an approved Zoning Vested Right pursuant to the following situations.

1. **Expiration.** The Zoning Vested Right shall automatically terminate after the vesting period expires with respect to Buildings and Uses where no valid Building Permit applications have been filed within the original time period.
2. The Administrator may terminate any Zoning Vested Right in the following situations pursuant to a Type 7 Review and involving a public hearing and associated notice requirements:

- a. Where the affected landowner files written consent to terminate the vested right;
- b. Where a natural or other hazard on or in the immediate vicinity of the property, if uncorrected, would pose a serious threat to the public health, safety, and welfare if the project were to proceed as contemplated in the Site-Specific Development Plan;
- c. Where the Town the affected landowner for all costs, expenses, and other losses incurred by said owner including, but not limited to, all fees paid in consideration of financing, and all architectural, planning, marketing, legal, and other consulting fees incurred after approval by the local government, together with interest as is provided in NCGS 160D-106. Compensation shall not include any diminution in the value of the property that is caused by such action;
- d. Where it is determined that the landowner or representative intentionally supplied inaccurate information or made material misrepresentations at the time of the vested right approval; or
- e. Where State or Federal law or regulation would otherwise prohibit the development actions outlined in the vested rights.

unclear, ambiguous, and/or are in conflict with other provisions. It is also intended for those cases that require a thorough UDO review and involve multiple Chapters/Sections to reach a decision on the applicable process, allowances, limitations, and/or requirements.

B. Review and Application Procedures.

- 1. Review.** Administrator's Interpretation requests shall be issued by the Administrator as part of a Type 1 Review pursuant to Table 11.4.-A: Review Matrix in this Chapter.
- 2. Submittal Requirements.** Applicants shall file an official application to the Administrator including all supplemental materials listed therein.
- 3. Review Process.** The Administrator shall review the relevant UDO sections, the Comprehensive Plan, and/or other Town policy documents/ordinances in reaching a determination. The Administrator shall also review previous interpretations relating to the same subject matter. The Administrator's Interpretation shall not be used to circumvent adopted policy or UDO requirements. The Administrator shall provide a written finding of the Administrator's Interpretation as it applies to the case and situation.

11.18 ADMINISTRATOR'S INTERPRETATION

A. Purpose and Intent. The provisions of this section are intended to create a process for applicants to request a formal interpretation of any provision listed in this UDO as it relates to development, the review process(es), and/or allowable land Use activity. This may include inquiries relating to UDO requirements, Comprehensive Plan policies, and zoning map (district boundaries). An Administrator's Interpretation is intended for cases and situations where the standards and requirements are



12 NONCOMPLIANCE & ENFORCEMENT

12.1 NOTICE OF NONCOMPLIANCE

12.1.1 AUTHORITY

The Administrator is hereby designated to enforce the terms and provisions of this UDO in accordance with North Carolina General Statutes.

12.1.2 ALLEGED NONCOMPLIANCE

Whenever the Administrator receives a complaint or has reason to suspect alleged noncompliance of the terms and provisions of this UDO are occurring, the Administrator shall investigate the complaint or suspicion and shall take whatever action is warranted in accordance with the provisions of this Chapter.

12.1.3 RESPONSIBILITY FOR NONCOMPLIANCE

The owner, tenant, or occupant of any Building or land or part thereof and any architect, builder, contractor, agent or other person who participates in, assists, directs, creates, or maintains any situation that is not compliant of the terms and provisions of this UDO, may be held responsible for the noncompliance, suffer the penalties, and be subject to the remedies herein provided.

12.1.4 INSPECTION OF PROPERTY - RIGHT OF ENTRY

The Administrator may enter upon any Building, Structure, or land or part thereof at any reasonable time for the purpose of inspecting all Buildings, Structures, or lands located within the corporate limits of the Town and its Extraterritorial Jurisdiction for the purpose of carrying out their duties in the enforcement of this UDO. Prior to entering upon any premises, the Administrator shall furnish sufficient identification and information to enable the owner, tenant or occupant to determine the purpose of the inspection and that the person conducting the inspection is an authorized representative of the Town.

In the event that entry is denied by the owner, tenant or occupant of a premises, the Administrator may make application to any court of competent jurisdiction for the issuance of a search warrant. Such application shall identify the premises upon which entry is sought and

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the purpose for which entry is desired. The application shall state the facts giving rise to the belief that a condition which is not in compliance with this UDO exists on the premises, or that such noncompliance in fact exists and must be abated, and that the condition or noncompliance is not a lawful nonconforming Use to the best of the affiant's belief. Any warrant issued pursuant to such application shall order such owner, tenant or occupant to permit entry to the Administrator for the purposes stated therein.

12.2 PENALTIES FOR NONCOMPLIANCE & ENFORCEMENT MECHANISMS

12.2.1 STOP WORK ORDER

- A. The Administrator is empowered to issue a Stop-Work Order requiring the suspension of land improvement of any kind when any of the following circumstances exist:
 - 1. A site improvement is occurring without a UDO Permit or any other permit required by this UDO having first been obtained; or,
 - 2. A site improvement is not in compliance with:
 - a. The terms, conditions or provisions of this UDO;
 - b. The terms and conditions of a UDO Permit;
 - c. The terms and conditions of any other permit required as a pre-requisite to the issuance of a UDO Permit;
 - d. The terms, provisions, conditions or commitments of a Variance or Special Use Permit;
 - e. The terms of commitments made or conditions imposed in connection with the approval of a Development Plan; or,
 - f. Other approval grant authorized by this UDO.
- B. The Stop-Work Order shall be posted on the property in a conspicuous place, or personally delivered to the owner, tenant or occupant, or person in charge and state the conditions under which construction or other activity may be

resumed. The Administrator shall meet with the recipient of a Stop-Work Order upon request to explain the conditions under which construction or other activity may be resumed.

- C. In addition to any other remedies available pursuant to any other applicable law and this UDO, the Town Council may institute a lawsuit in a court of competent jurisdiction to enforce the provisions of a Stop Work Order, including but not limited to injunctive relief.

12.2.2 REMEDIES OR PENALTIES FOR NONCOMPLIANCE

Any person who is not in compliance with this UDO as defined in Section 12.3 below, may be issued a citation by the Administrator.

Subject to the provisions of Section 12.2.2.A., and Section 12.2.2.B., upon expiration of the applicable notice period each day a notice of noncompliance remains uncorrected is a distinct and separate notice of noncompliance subject to an additional citation and fine in the amount prescribed in this UDO.

A. Procedures.

- 1. Prior to issuance of a citation for alleged noncompliance of Sections 12.3.1 (B), (G), (H), (I), (K), or (L), the Administrator shall issue a Notice of Noncompliance to a person who allows creates or allows a noncompliance to continue on real estate in which the person has a possessory interest. The notice shall state the nature of the alleged noncompliance, list any applicable section of this UDO, and give general instruction to the alleged violator on how to comply with this UDO or any other applicable town code. The Notice of Noncompliance may be served by: personal service; certified mail, return receipt requested; registered mail; or, by posting such notice in a conspicuous place on the property where the noncompliance occurs, and shall serve as notice that noncompliance has been committed.
- 2. The Administrator may issue a citation and fine in an amount prescribed in part B below immediately for alleged offense of Section 12.3.1 (A), (C),(D),(E), or (F) or within 14 days of a Notice of Noncompliance if the noncompliance remains uncorrected during

the notice period. The citation may, in the discretion of the Administrator, indicate that each day of an uncorrected noncompliance is a separate offense, subject to a distinct fine for each day without further notice, commencing on the date of the issuance of the citation. The Administrator shall use their discretion with respect issuing citations or allowing additional time for compliance in a manner that fairly and equitably effectuates the purpose of this UDO.

3. A person who is served with a citation or a Notice of Noncompliance shall have 14 days from service of the notice to take one of the following actions:
 - a. File a petition for zoning map change, Variance, Special Use Permit, or Development Plan approval to correct the noncompliance. The person must indicate the intent to file such a petition on the served notice or citation and return a copy to the Town Council or the Administrator. While the petition is pending, the issuance of additional notices or citations and additional monetary fines as prescribed in Section 12.2.2.B., shall be stayed. A person who files the petition within said time period shall pursue the petition in an expeditious and diligent manner. If the petition is denied, withdrawn or dismissed and the noncompliance continues, then the imposition of the applicable fine shall be reinstated and collected by the Town pursuant to applicable law.
 - b. Appeal the decision of the Administrator as to the existence of a noncompliance pursuant to the procedures for Administrative Appeals as set forth in Chapter 11 of this UDO.
 - c. Request in writing for an extension of the notice period prior to expiration of the notice period. Extension may be granted at the discretion of the Administrator.
- d. File a civil action to enjoin the enforcement of the noncompliance and applicable fine.
4. The Administrator may enforce the terms and conditions of this UDO, including, but not limited to: enforcement of a Stop-Work Order as provided in Section 12.2.1; assessment and collection of fines as provided in 12.2.2.B.; or, the pursuit of injunctive and other legal or equitable relief and remedies available under North Carolina General Statutes.
5. The service of a Notice of Noncompliance and the provision of time to correct the noncompliance is not required before issuing a citation for noncompliance or enforcement of a Stop-Work Order pursuant to Section 12.2.1. A Stop-Work Order is a separate and distinct offense from the underlying offense giving rise to the Stop-Work Order, each of which may carry its own penalty.

B. Fines.

Monetary fines for noncompliance shall be assessed as follows:

1. The monetary fine for the first citation for a noncompliance shall be \$50.00 each day, with every day constituting a separate and distinct offense.
2. All fines prescribed by this Section for noncompliance shall be paid to the Town, who shall provide a receipt stating the amount and purpose for which the fine has been paid, a duplicate of which shall be made a part of the records of the Town. All fines thus received shall be deposited with the General Fund of the Town.
3. Noncompliance in a Planned Unit Development (PUD District). In the event of a citation for noncompliance in a Planned Unit Development district, fines shall be assessed based upon the Use authorized for the property on which the noncompliance has occurred. Any property approved for residential Uses only shall be assessed as if the property was located in a Residential Use District. Any property approved for

non-residential Use shall be assessed as if the property was located in a Commercial & Mixed-Use or Employment / Campus Use district.

C. Additional Remedies.

1. Seeking a penalty as authorized in this Section does not preclude the designated enforcement entity from seeking alternative and additional relief from the Court in the same action, or from seeking injunctive relief or any other remedy in a separate action for the enforcement of this UDO available under applicable North Carolina General Statutes.
2. In the event that noncompliance of this UDO is determined to exist by a court of competent jurisdiction, the Owner shall be liable to the Town for the Town's reasonable attorney fees in accordance with North Carolina General Statutes.

D. Class 3 Misdemeanor.

If a person who is served with a notice of noncompliance or receives a citation fails to either correct the noncompliance or take such actions to come into compliance as set forth in 12.2.2.A.3., then that person may be charged with the commission of a Class 3 misdemeanor punishable by the fines set forth in Section 12.2.2.B., or by imprisonment not to exceed 30 days.

12.3 SPECIFIC TYPES OF NONCOMPLIANCE

12.3.1 NONCOMPLIANCE

Each of the following shall constitute noncompliance which may be enforced by the designated enforcement entity in accordance with the provisions set forth in Section 12.2.2 above:

- A. The location, erection, or maintenance of any Sign not specifically permitted by this UDO;
- B. The failure to obtain an UDO Permit when one is required by the terms and provisions of this UDO;

- C. The outdoor storage of junk, trash or debris in any district the provisions of which do not specifically permit such a Use;
- D. The storage of inoperable motor vehicles or motor vehicle parts in any district the provisions of which do not specifically permit such a Use;
- E. The parking or storage, in any district the provisions of which do not specifically permit such a Use, of any:
 1. Motor vehicle used or designed for use in pulling, towing, hauling, transporting; or,
 2. Motor vehicle or separate trailer as a temporary or permanent base, platform or support for equipment, machinery, materials or other goods (including but not limited to stake body trucks, dump trucks, trucks or tractors having dual real wheels or more than two axles, semi-trailer tractors, semi-trailers and trailers having dual real wheels or more than one axle or having an overall length of more than 12 feet).

This provision does not apply to motor vehicles which do not exceed three-quarter ton load classification in size and which are the primary source of transportation for an individual whose primary place of residence is the particular dwelling at which the commercial motor vehicle is parked on a regular basis;

- F. The outdoor storage or display of merchandise or goods in any district the provisions of which do not specifically permit such a Use or noncompliance of the district Development Standards regulating such a Use;
- G. The conduct of any activity in a Residential Use District that is not specifically enumerated as a permitted primary or Accessory Use in that district, and which activity has not been legally established by a currently valid Variance, Special Use Permit, or other approval grant;
- H. Failure to comply with district Development Standards, including but not limited to landscaping, paving of Parking Areas, minimum Vehicle Parking requirements, trash dumpster enclosure, fencing, landscaping or buffering requirements;

- I. The failure to comply with:
 - 1. The terms, provisions, conditions or commitments of a Variance grant or Special Use Permit;
 - 2. The terms of commitments made in connection with a Zoning Map Change or the approval of a Development Plan;
 - 3. The terms, provisions or conditions of any other permit required as a pre-requisite to the issuance of a UDO Permit; or,
 - 4. Other approval grant authorized by this UDO;
- J. The noncompliance of a Stop-Work Order issued pursuant to this Chapter; and,
- K. Failure to comply with any other provisions of this UDO.
- L. More than 3 distinct notices of noncompliance for the same or similar offense under this UDO within an 18 month period.

12.3.2 NONCOMPLIANCE IN RESIDENTIAL USE DISTRICTS.

- A. The conduct of any activity in a Residential Use District that is not specifically enumerated as a permitted primary Use or Accessory Use in that district, and which activity has not been legally established by a currently valid Variance, Special Use Permit, or other approval grant.
- B. Failure to comply with district Development Standards, including but not limited to landscaping, paving of Parking Areas, minimum Vehicle Parking requirements, trash dumpster enclosure, fencing or screening requirements.
- C. Failure to comply with the terms, provisions or conditions of: a grant of Variance or Special Use Permit; an approval of a Development Plan; an approval of a Conditional Zoning District (CD); or, other approval grant authorized by this UDO.
- D. Dismantling, repairing, restoring, or performing any work on any motor vehicle, machine, motor, or similar device in the RR, SR, NR, NCR, or MXR districts.

Notwithstanding any provision in this UDO to the contrary, no person shall dismantle, repair, restore or otherwise perform any work on any motor vehicle, machine, motor, or similar device

not owned or leased by that person or a member of that person's family, on any real estate zoned to any RR, SR, NR, NCR, or MXR district. In addition, any work performed shall be:

- 1. Incidental to a permitted Use; and,
- 2. Completely within an Accessory Building or Garage; or,
- 3. Completely within an area wholly enclosed from the view of surrounding Lots and Rights-of-Way by a solid structural barrier (either a wall or fence of ornamental stone, brick, wood or a combination thereof), with a maximum height above grade between 6 and 10 feet.

- E. Storing, maintaining or keeping of an inoperable motor vehicle, machine, motor, or similar device in the RR, SR, NR, NCR, or MXR Districts.

Notwithstanding any provision in this UDO to the contrary, no motor vehicle, machine, motor, or similar device from which any part material to the operation of the vehicle has been removed, or which is inoperable for any reason, shall be stored, maintained or kept on any property in any RR, SR, NR, NCR, or MXR district unless such device is owned or leased by the resident of the property on which the device is stored or by a member of that person's family; and,

- 1. Completely within an Accessory Building or Garage; or,
- 2. Covered by a fitted vehicle cover; or,
- 3. Completely within an area wholly enclosed from the view of surrounding Lots and Rights-of-Way by a solid structural barrier (either a wall or fence of ornamental stone, brick, wood or a combination thereof), with a maximum height above grade between 6 and 10 feet; or,
- 4. Displaying a valid current license plate.

- F. Parking, storing, maintaining or keeping a commercial motor vehicle or trailer in the RR, SR, NR, NCR, or MXR Districts.

Notwithstanding any provision in this UDO to the contrary, no commercial motor vehicle or commercial trailer shall be parked, stored,

maintained or kept on any property in any RR, SR, NR, NCR, or MXR district unless the commercial motor vehicle or commercial trailer:

1. Has a maximum load capacity of 3/4 of a ton or less;
2. (this paragraph applies to commercial motor vehicles only) Serves as the sole vehicular transportation of a resident of the property upon which the motor vehicle is parked, stored, maintained or kept; and,
3. Is stored within an Accessory Building or Garage which complies with all the standards and regulations of this UDO.
4. Commercial motor vehicles or commercial trailers that are in the course of making normal and reasonable service calls are exempt from this provision.

G. Parking, storing, maintaining or keeping of any Recreational Vehicle or recreational trailer in the RR, SR, NR, NCR, or MXR Districts.

Notwithstanding any provision in this UDO to the contrary, no Recreational Vehicle or recreational trailer shall be parked, stored, maintained or kept on any property in any RR, SR, NR, NCR, or MXR district unless in compliance with the following:

1. Recreational Vehicles or recreational trailers may be parked or stored:
 - a. Inside an Accessory Building or Garage; or
 - b. Outside in such a manner that no part of any such Recreational Vehicle shall project into any Side or Rear Setback or in the Front Yard of the Lot other than on the hardsurfaced area of the Driveway or interior Access Drive.
2. Not more than a total of 2 Recreational Vehicles / recreational trailers shall be permitted to be parked or stored in the open on the same Lot at any one time.
3. Parked or stored Recreational Vehicles shall not be occupied or used for living, sleeping or housekeeping purposes in any RR, SR, NR, NCR, or MXR district.

12.3.3 NONCOMPLIANCE IN COMMERCIAL & MIXED-USE AND EMPLOYMENT / CAMPUS USE DISTRICTS

The following shall be deemed noncompliant with this UDO and shall be enforceable by the Town as set forth in this Chapter:

- A. The conduct of any activity in a Commercial & Mixed-Use District or Employment / Campus Use District that is not specifically enumerated as a permitted primary Use or Accessory Use in that district, and which activity has not been legally established by a currently valid Variance, Special Use Permit, or other approval grant;
- B. Failure to comply with district Development Standards, including but not limited to landscaping, paving of Parking Areas, minimum Vehicle Parking requirements, trash dumpster enclosure, fencing or buffering requirements; or,
- C. The failure to comply with the terms, provisions or conditions of: a grant of Variance or Special Use Permit; an approval of a Development Plan; an approval of a Conditional Zoning District (CD); or, other approval grant authorized by this UDO.

13 DEFINITIONS

13.1 PURPOSE AND INTENT

This Chapter provides additional definitions for terms in this UDO that are technical in nature or that otherwise may not reflect a common usage of the term and that are not otherwise defined in the UDO.

13.2 RULES OF CONSTRUCTIONS

13.2.1 INTERPRETATION OF TERMS OR WORDS

The language of this UDO shall be interpreted in accordance with the following regulations:

- A. The word “person” includes a firm, association, organization, partnership, trust, limited liability company, corporation, or other legal entity, as well as an individual.
- B. The present tense includes the future tense, the singular number includes the plural, and the plural number includes the singular, in each case, if the context so requires.
- C. The words “shall” and “must” are mandatory, the words “may” and “should” are permissive.
- D. The words “used” or “occupied” include the words “intended”, “designed”, “constructed”, “altered”, or “arranged” to be used or occupied.
- E. The word “Lot” includes the words “plot”, “tract”, or “parcel”; and,
- F. Where a regulation involves two or more items, conditions, provisions, or events connected by the conjunction “and”, “or”, or “either ... or”, the conjunction shall be interpreted as follows:
 1. “And” indicates that all the connected items, conditions, provisions, or events shall apply.
 2. “Or” indicates that the connected items, conditions, provisions, or events may apply singly or in any combination.

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3. “Either ... or” indicates that all the connected items, conditions, provisions, or events shall apply singly but not in combination.

G. The terms “more intense” and “less intense” are terms used herein to describe relationships between Zoning Districts. This relationship is based upon the Uses permitted within each District. A “more intense” District permits more Uses or a greater density of Uses than a “less intense” District. District intensity groupings progress from Residential Use Districts, to Commercial and Mixed-Use Districts, to Employment/Campus Use Districts, in the sequence listed within each group of Districts from least intense to the most intense.

Any term not defined herein shall be defined by the Administrator using generally accepted engineering, planning, or other professional terminology, or common usage for non-technical terms.

13.3 DEFINITIONS

The following terms or words used in the text of this UDO shall have the following meanings unless a contrary meaning is: (i) required by the context of a particular sentence or phrase; or (ii) specifically prescribed in a particular sentence or phrase.

Access. The way in which vehicles ingress and egress a Lot from a Street Fronting along said Lot.

Access Drive. That area within the Right-of-Way between the pavement edge or curb and the Right-of-Way line to provide ingress and egress to and from a Lot.

Accessory Dwelling Unit (ADU). A second Dwelling Unit contained within, added onto, or contained on the same Lot as an existing Dwelling Unit, and which is clearly subordinate to the primary Dwelling Unit. Includes, but is not limited to rooms for rent in the primary Dwelling, Dwelling Unit in a guest house, carriage houses, pool houses, and units above or beside a Garage.

Accessory Structure, Building or Use. A subordinate Structure, Building, or Use that is customarily associated with, and is appropriately and clearly incidental and subordinate in Use, size, bulk, area and height to the primary Structure, Building, or Use, and is located on the same Lot as the primary Building, Structure, or Use.

Accessory Structure, Non-Residential. A Structure which is located on the same parcel of non-residential property as the principal Structure and the Use of which is incidental to the Use of the principal Structure. For instance, pole barns, hay sheds and the like qualify as Accessory Structures on farms and may or may not be located on the same parcel as the farm dwelling or shop Building.

Accessory Structure, Residential. A Structure which is located on the same parcel of residential property as the principal Structure and the Use of which is incidental to the Use of the principal Structure. Garages, Carports, and storage sheds are common Residential Accessory

Structures.

Administrator. The Director of the Development Services Department.

Adult Care Home. As defined by NCGS § 131E.101.

Adult Establishment. Any business venture and/ or commercial (for profit) establishment in which a person appears in a state of sexually explicit nudity (as defined by NCGS § 14-202.10) or semi-nudity (opaque coverage of no more than genitals, pubic regions, and areolae of the female breast), or where more than 10% of any goods are sold are considered sexually-oriented, including adult bookstores, adult mini-motion picture Theater, and/ or adult motion picture Theater, as defined in this section, as well as any Nightclub, Bar, restaurant, motel, Theater, car wash, massage parlors, health clubs, or bath houses where such sexual activities occur; escort agencies; sexual encounter centers and/or including any assembly of people, other than a private dwelling and for which no money or its token has been exchanged, and without regard to assembly size or location, at which video, still photography, drawings, and/ or animated and/ or live display and/or material is presented which is distinguished or characterized by an emphasis on matter depicting, describing, or relating to specified sexual activities (as defined by NCGS § 14-202.10) or nudity or semi-nudity, for observation by patrons therein and at which money or its token has been exchanged.

Agricultural Uses (General). The commercial production, keeping or maintenance, of plants and animals useful to humans, including but

not limited to: forages and sod crops; grains and seed crops; dairy animals and dairy products, poultry and poultry products; livestock, including beef cattle, sheep, swine, horses, ponies, mules, or goats or any mutations or hybrids thereof, including the breeding and grazing of any or all of such animals; bees and apiary products; fur animals; trees and forest products; fruits of all kinds, including nuts; vegetables; nursery, floral and ornamental products; or lands devoted to a soil conservation or forestry management program. Uses which shall not be deemed as "Agricultural Uses" include: (i) zoos, (ii) kennels, and (iii) riding stables.

Agricultural Uses (Intensive). A commercial agricultural operation which raises crops on a land-intensive basis. Agricultural Uses and practices include Agricultural Livestock Production; Commercial Breeding of Non-Farm Fowl and Animals; Commercial Chicken House; Confinement Feeding Yards; Dairy; Liquid Fertilizer Storage and Distribution (Commercial); Plan Nursery (Wholesale); Roadside Food Sales Stand; Sales Barn for Livestock Sale; Slaughterhouse; Yards or Hatcheries; Topsoil Removal and Storage Areas.

Airport, Public or Private. A place from which aircraft operate that usually has paved runways and maintenance facilities and often serves as a terminal. Airport-compatible land Uses are defined as those Uses that can coexist with a nearby Airport without either constraining the safe and efficient operation of the Airport or exposing people living or working nearby to unacceptable levels of noise or hazards.

Alley, Private. A Private Right-of-Way for public Use as a secondary means of public Access to a Lot otherwise abutting upon a Public Street or Private Street and not intended for traffic other than public services and circulation to and from said Lot.

Alley, Public. Any Public Right-of-Way which has been dedicated or deeded to and accepted by the public for public Use as a secondary means of public Access to a Lot otherwise abutting upon a Public Street and not intended for traffic other than public services and circulation to and from said Lot.

Amusement & Entertainment, Indoor. Amusement and Entertainment Uses conducted primarily within a Building or Structure including arcade, bowling alley, ice skating and roller skating, pool and billiard rooms, go-cart tracks, miniature golf courses, and their customary indoor Accessory Uses such as concession services, pro shops, and locker rooms which are designed and intended primarily for the use of patrons of the principal amusement and entertainment. This Use category does not include Accessory On-site Private Open Space required by Chapter 4 of this UDO. Amusement & Entertainment Uses include any establishment with 4 or more electronic games or amusement devices (e.g., pool or billiard tables, pinball machines, etc.) or a premise where 50% or more of the Floor Area is occupied by electronic games or amusement devices; 3 or fewer machines or devices are not considered a Use separate from the primary Use of the site. Does not include Adult Establishments or Electronic Gaming Operations.

Amusement & Entertainment, Outdoor. Amusement and Entertainment Uses not primarily conducted within a Building or Structure such as amusement park, amphitheater and outdoor Theater, drive-in Theater, racetrack, sports arena, miniature golf courses, and their customary Accessory Uses such as concession services, pro shops, and locker rooms which are designed and intended primarily for the use of patrons of the principal amusement and entertainment. This use category does not include Accessory On-site Private Open Space required by Chapter 4 of this UDO. Amusement & Entertainment Uses include any establishment with 4 or more electronic games or amusement devices (e.g., pool or billiard tables, pinball machines, etc.) or a premise where 50% or more of the Floor Area is occupied by electronic games or amusement devices; 3 or fewer machines or devices are not considered a Use separate from the primary use of the site. Does not include Adult Establishments or Electronic Gaming Operations.

Animal Boarding. A facility or service where animals are kept or maintained (day or overnight), for the care, training, exercising and/or socializing by a person other than the owner of the animals for a fee, as well as the breeding or accommodation of small domestic animals. This may include incidental grooming, dog walkers or training services. It does not include facilities whose primary source of revenue is licensed veterinarian services.

Antenna. Any Structure or device designed and used to:

Receive direct broadcast satellite service, including direct-to-home

satellite services.

Receive video programming services via multipoint distribution services, including multichannel multipoint distribution services, instructional television fixed services, and local multipoint distribution services.

Receive television broadcast signals; or,

Collect or radiate electromagnetic waves, including both directional antennas, such as panel antenna, and Dish Antenna, and omnidirectional antennas, such as Whip Antennas, but no including satellite earth stations.

Antenna Array. A Structure attached to a Telecommunications Tower that supports a Telecommunications Antenna.

Antenna, Dish. A dish shaped device which may be free standing or mounted on a Building or Structure and is designed to receive direct broadcast satellite service.

Antenna, Flagpole. A Telecommunications Tower designed to appear and function as a large diameter flagpole where panel antenna are integrally designed into and located inside of a Telecommunications Tower and are not visible from the exterior. A Flagpole Antenna may or may not include flying of a flag. Flagpole Antenna may be ground mounted, or roof mounted.

Antenna, Non-Whip. An antenna which is not a Whip Antenna, such as Dish Antennas, panel antennas, etc.

Antenna, Panel. A flat, rectangular antenna or Antenna Array designed

to concentrate a radio signal in a particular area. Panel Antenna are also known as directional antenna or sectored antenna.

Antenna, Radio/Television. A wire or combination of wires and support Structures designed for directly transmitting electric waves (broadcast radio or television) into space or receiving them therefrom.

Antenna, Roof-Mounted. The placement of an antenna or antenna array on the roof of an existing Building or Structure.

Antenna, Slick. Panel antennas that are mounted directly to tapering monopole Telecommunications Tower where the furthest point of the Panel Antenna is no greater than 18 inches from the exterior of the tapering monopole Telecommunications Tower.

Antenna, Stealth. An antenna or Antenna Array placed on or in an existing or proposed Building, Structure, or Telecommunications Tower and designed or placed in a manner intended to disguise, hide, or minimize the appearance of such antenna or Antenna Array. A Stealth Antenna may or may not have a secondary function (e.g., bell tower, church steeple, spire, flagpole, clock tower, cupola, etc.). Stealth Antenna may include, but are not limited to:

Flagpole Antenna.

Lick antenna; or,

A surface-mount antenna with a color and appearance that is compatible with or blends with the color and materials of the surface of the Building or Structure to which the surface-mount antenna is attached.

Antenna, Telecommunication.

An antenna used to provide a Telecommunications Service.

Antenna, Whip: An antenna that transmits signals in 360 degrees. They are typically cylindrical in shape and are less than six inches in diameter and measure up to 18 feet in height. Also called omnidirectional, pipe, or stick antennae.

Approval Authority. The Town Council, Planning Board, Board of Adjustment, Administrator, Development Review Committee, or Town Staff. The term approval authority is applicable to Zoning Vested Rights.

Assembly (when used in reference to an industrial operation).

The fitting together of previously manufactured parts or sub-assemblies that do not require additional manufacturing or machining, into a finished item or unit.

Assembly Use: A facility that provides space for events, meetings, receptions, or social activities.

Assembly Uses may provide hosting and rental services for private events including, but not limited to, wedding receptions, holiday parties, and fundraisers with or without food and beverages that are prepared and served on-site or by a caterer to invited guests for events.

Assisted Living. A special combination of housing, supportive services, personalized assistance designed to respond to the individual needs of those in full-time residence at the facility who need help with activities of daily living. Such a facility will typically have a central or private kitchen, dining, recreational, and other facilities, with separate bedrooms or living quarters,

including Attached and Detached Dwelling Units, where the emphasis of the facility remains residential.

Authorized Agent. Any party duly authorized in writing by the Owner of a subject parcel to act on the Owner's behalf with respect to any Development Petition, including but not limited to a petition for zone map change, platting of a Subdivision, Development Plan approval, Variance, or vacation of land in a Plat.

Awning. A roof-like cover, often of fabric, metal, plastic, fiberglass or glass designed and intended for protection from the weather or as a decorative embellishment, and which is supported by and projects from a wall or roof of a Building or Structure over a window, door, Sidewalk, Walkway or the like.

Banner. See Sign, Banner.

Bar/Nightclub. A business used primarily for: the sale or dispensing of liquor by the drink for on-site consumption; and, where packaged liquor may be sold, or food may be available for consumption on the premises as accessory to the primary Use. This definition includes Bars, Taverns, pubs, and Nightclubs.

Basement. That portion of a Building with an interior vertical height clearance of not less than 78 inches and having 1/2 or more of its interior vertical height clearance below Grade level.

Bed and Breakfast. Residential-type lodging facilities that have up to 10 guestrooms and that serve only breakfast to registered guests. Bed and Breakfast establishments may host invitation-only special events (e.g., weddings, family reunions, etc.)

for their guests and associated parties.

Block. A tract of land bounded by Streets, or by a combination of Streets and public Parks, Cemeteries, railroad Rights-of-Way, shorelines, or municipal boundary lines.

Block Face. The Frontage of a Block, which may contain 1 or more Lots, along one side of a Public Street or Private Street between intersections.

Board of Adjustment. The Town of Holly Springs Board of Adjustment.

Buffer Area. An area along the edge of a Lot, Single Use Site, Integrated Center, Business Park, or industrial park which abuts certain specified Rights-of-Way, wetlands, watersheds or other features specified in this UDO and which area is required to be set aside by a provision of this UDO as a permanent landscaped Yard, Open Space, or greenbelt pursuant to Section 4.8 of this UDO. A Buffer Area may include Stormwater Control Measure (SCMs).

Buffer, Perimeter. The planted area required between land Uses to eliminate or minimize conflicts consisting of trees and shrubs, groundcover, or turf, which borders a Project Area on all sides.

Buffer, Riparian Conservation. A natural or vegetated area through which storm water 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.

Buildable Area. The area of a Lot remaining after the Minimum Setback and Lot Area requirements of this UDO have been met and in which development may occur subject to compliance with all

applicable Development Standards.

Building Height. The vertical distance measured from the average elevation of the proposed finished Grade at the front of the Building or Structure to the uppermost Eave Line, provided, however, appurtenances such as chimneys, spires, cupolas, steeples, parapet walls, antenna attached to a Building or Structure shall not be included in the calculation of Building height.

Building Height, Maximum. The height which a Building or Structure may not exceed. See also Building Height.

Building Line. A line parallel to any Front Lot Line, Side Lot Line, or Rear Lot Line which passes through the nearest point of any Building or Structure.

Building Line, Front. A line parallel to any Front Lot Line which passes through the nearest point of any Building or Structure and terminates at the point of contact with any Side Lot Line.

Building Line, Rear. A line parallel to any Rear Lot Line which passes through the nearest point of any Building or Structure and terminates at the point of contact with any Side Building Line.

Building Line, Side-Corner. A line parallel to any Side-Corner Lot Line which passes through the nearest point of any Building or Structure and terminates at the point of contact with any Front or Rear Lot Line.

Building Line, Side-Interior. A line parallel to any Side-Interior Lot Line which passes through the nearest point of any Building or Structure and terminates at the point of

contact with any Front Building Line or Rear Lot Line.

Building. Any Structure having a roof supported by columns or walls and intended for the shelter, housing or enclosure of any individual, animal, process, equipment, goods or materials of any kind or nature.

Building Material. Exterior surface materials, exclusive of materials used for: windows; doors; roofing; fascia; soffit; balconies; railings; handrails; stairs; foundations; vents; and support beams or columns less than 18 inches in width.

Building Permit. A permit issued by the Town of Holly Springs in compliance with the terms and provisions of the Town Building Code.

Building, Primary. The Building in which the primary Permitted Use of the Lot is conducted.

Business Day. A day when the offices of the Development Services Department is open to the public for the transaction of business for the entire period of its normal operating hours.

Business Park. An Integrated Center zoned for and primarily used by Office and service Uses. See Integrated Center.

Business Services. Services provided primarily to other business operations, which may include consulting services, property and/or office equipment maintenance services, financial and/or accounting services, computer and/or information management services, advertising and/or graphic services, and similar operations. Includes Electrical/Electronic Repair; Publishing; Sign Making;

Photographic Studio; Printing Service; Locksmith.

Caliper. The diameter of a tree trunk, measured in inches, at 6 inches above the ground.

Campground. A parcel of land intended for the temporary occupancy of tents, campers, and major Recreational Vehicles and which primary purpose is recreational, having open areas that are natural in character. This includes Lodges; Private Camps; Riding Stables or Trails.

Campus. A Project that contains a number of Buildings and supporting ancillary Uses (such as major community employment centers and other largescale, non-retail facilities, including medical facilities; major office Campuses; compatible office type businesses, limited public and semi-public Uses; schools and institutional campuses; and research facilities, testing facilities, and development laboratories) which are generally compatible in physical appearance and service requirements to Office Uses and are planned, developed and operated as an integrated facility with coordinated circulation, parking, Access, Building design, landscaping and aesthetics.

Canopy. A roof-like cover, often of fabric, metal, plastic, fiberglass, or glass on a support, which is supported in total or in part, from the ground and providing shelter over, for example, a doorway, outside walk, interior Access Drive or Parking Area.

Canopy, Vehicular. A roofed, open, drive through Structure designed to provide temporary shelter for vehicles and vehicle occupants while receiving a Business Service.

Caregiver. As defined by NCGS § 160D-915.

Carport. A roofed Structure designed and intended to shelter the automotive vehicle of occupant or owner of the premises, with at least 1 side open to the weather.

Catering. An establishment in which the principal Use is the preparation of food and meals on the premises, and where such food and meals are delivered to another location for consumption.

Cemetery. A parcel of land Used for interment of the dead in the ground or in mausoleums.

Certificate of Occupancy. A certificate signed by the Chief Building Official of the Town, stating that the Building or Structure referred to the certificate complies with all applicable Building codes.

Certificate of UDO Compliance. A certificate signed by the Administrator stating that the use and development of land, Building, or Structure referred to the certificate complies with the provisions of this UDO, Variance, special exception, or Development Plan approval.

Certified Arborist. A professional tree care specialist who maintains the designation of Certified Arborist as defined and governed by the International Society of Arboriculture (ISA). For the purposes of this Ordinance, a certified arborist may also refer to a professional tree care specialist who maintains the designation of consulting arborist with the American Society of Consulting Arborists (ASCA).

Child Care Center. An arrangement where 3 or more children less than 13 years old, who do not reside where

the care is provided, received care on a regular basis of at least once per week for more than 4 hours but less than 24 hours per day from persons other than their guardians or full-time custodians, or from persons not related to them by birth, marriage or adoption. This may also include day camps or track out camps.

Childcare does not include any of the programs or arrangements which are specifically listed as not included in the definition of childcare by NCGS § 110-86 (2).

Civic Building. Buildings and facilities owned and maintained by a public or semi-public agency, excluding religious institutions, which are used primarily for public gatherings for the purpose of promoting public education, knowledge, and welfare (e.g., Library; Fire Station; Governmental Offices; Police Station; Public Recreation Development; and Municipal/State Road Maintenance Facility).

Close. An open space consisting of either: (a) a common area bounded by Buildings on 3 sides and a Street Right-of-Way on the fourth side; or (b) a common area bounded by the center island of a long loop Cul-de-Sac, which provides a front space for Building's interior to a Block.

Co-Location. The placement of 2 or more antenna or Antenna Arrays by Telecommunication Service providers on a common support Structure.

Commercial & Mixed-Use District. Any District which commercial or mixed-use establishments as a Permitted Use or Special Use Permit.

Community Garden. Areas of land managed and maintained by a group of individuals to grow and harvest food crops and non-food ornamental

crops, for personal or group Use, consumption, or donation. They may be divided into separate plots for cultivation by 1 or more individuals or may be farmed collectively by members of the group and may include common areas maintained and Used by the group.

Community Support Facility. Facilities and non-profit organizations that provide food supplies, medical care services to victims of crime and/or abuse including, but not limited to, the provision of temporary shelter, including overnight time periods, as well as facilities for individuals or families who lack a fixed, regular, and adequate nighttime residence.

Comprehensive Plan. Vision Holly Springs: Comprehensive Plan for the Town of Holly Springs including any chapters, amendments, appendices incorporated therein, or any replacement Comprehensive Plan subsequently recommended by the Planning Board and adopted by the Town Council pursuant to North Carolina General Statutes.

Conservation Area. Any parcel or area of undeveloped land conserved in its natural state.

Conservation Buffer Area. See Buffer Area.

Construction Drawing. A plan for 1 or more Lots, a Subdivision phase or section, or a Project depicting the existing and proposed conditions with sufficient details and specifications as may be reasonably necessary to determine compliance with UDO requirements and the requirements of the Town's Engineering Design and Construction Standards.

Construction Trailer, Temporary.

A mobile Structure used as an office in conjunction with a construction project. The mobile Structure (Construction Trailer) is used as a temporary office to meet short-term needs while the permanent facility/facilities are being constructed.

Contiguous Hardwood Tree Canopy.

The combined area encompassing the overlapping driplines of all canopy trees as evidenced by a tree inventory.

Cutoff. A Luminaire where light distribution does not exceed: (a) 2.5% above an angle of 90 degrees; and (b) 10% at an angle between 80 degrees and 90 degrees.

Cutoff, Full. A Luminaire equipped with a light fixture (i.e., lamp, lens, reflective surface, etc.) that does not protrude below the bottom edge of the light fixture and is designed so that:

No light is emitted above an angle of 90 degrees; and

Light distribution does not exceed 10% at an angle between 80 degrees and 90 degrees.

Cutoff, Non-. A Luminaire where light distribution is unrestricted.

Cutoff, Semi-. A Luminaire where light distribution does not exceed: (a) 5% above an angle of 90 degrees; and (b) 20% at an angle between 80 degrees and 90 degrees.

Data Center. A Building that houses a group of networked server computers in 1 physical location to centralize the storage, management, and dissemination of data and information pertaining to a particular business, taxonomy, or body of knowledge. A data center

business's facility typically includes the mechanical and electrical systems, redundant or backup power supplies, redundant data communications connections, environmental controls, and fire suppression systems. A data center business's facility also includes a restricted Access area employing advanced physical security measures such as video surveillance systems and card-based security or biometric security Access systems.

DBH. See Diameter at Breast Height.

Deck. A ground-supported, unenclosed, platform Accessory Structure, usually constructed of wood, of which any permanent horizontal area(s) of the platform is raised above Grade level and is designed and intended for the recreational enjoyment of the occupant(s) and guest(s) of the primary Use or Structure.

Density, Gross. A unit of measurement which represents the number of Dwelling Units per acre of land on the aggregate total land to be developed, provided, however, the aggregate total land to be developed shall specifically exclude any portion of such land located in the Right-of-Way of a perimeter Street.

Development Plan. Specific plans for residential, commercial/mixed-use or employment/campus development of property filed under the terms of this UDO. A Development Plan may include, but not be limited to a site plan; landscape plan; master Sign plan; lighting plans; Building elevations; and pedestrian and vehicular circulation plans, which are reasonably necessary to depict or describe certain information and data as required by this UDO.

Development Requirements.

Permitted Uses, Development Standards, and any additional requirement specified in this UDO which must be satisfied in connection with the approval of a Development Plan.

Development Review Committee (DRC). A committee of technical consultants established to provide the Director with technical assistance in the review of plans for compliance the provisions of this UDO and other applicable rules and regulations of federal, state, or local agencies.

Development Standards. Area, bulk, height and other applicable regulations of a District contained in the UDO which govern the physical development of real estate.

Diameter at Breast Height (“DBH”). The diameter of a tree trunk, measured in inches, at 4 ½ feet above the ground. If a tree trunk splits into multiple trunks below 4 ½ feet, then the tree trunk shall be measured at the narrowest point beneath the split.

Distribution and Logistics. An establishment engaged in selling or distributing merchandise to retailers; to contractors, industrial, commercial, institutional, farm, or professional business users; to other wholesalers; acting as agents or brokers in buying merchandise for or selling merchandise to such persons or companies; or otherwise distributing merchandise via tractor trailer to customers (e.g., Auction House; Distribution Center; Mail Order Distribution; Truck Terminal; Warehouse; and Wholesale Business).

District, Base. A section of the territory within the jurisdiction of this UDO for which uniform

regulations over the erection, construction, reconstruction, alteration, repair or Use of Buildings, Structures, or land, including, but not limited to Permitted Uses; height; area; size; and intensity of use of Buildings, Structures, land, and Open Spaces about Buildings or Structures, are established by this UDO.

District (CD), Conditional Zoning. A section of the territory within the jurisdiction of this UDO in which the owners of all the property included in the petition for zoning map change proposed voluntary limitations regarding the Use and development of such real estate.

District, Overlay. A section of the territory within the jurisdiction of this UDO in which additional requirements are imposed on certain properties within 1 or more underlying general Use Districts.

District, Zoning. A Base District, Conditional Zoning District (CD), or Overlay District applicable to a section of the territory within the jurisdiction of this UDO. May also be referred to as District or Use District.

Drainage Basin. The area of land which drains to a given point on a body of water.

Drainage Pond. An artificially created body of water which is required in connection with a storm water management system.

Dripline, see Tree Dripline.

Drive In/Drive Through. Any Building, Structure or use wholly or partly designed or intended to offer a service or product to a patron while the patron waits in their motor vehicle, generally while the

engine is running, such as Drive Through food service establishments, drive-up banks, car washes, and similar facilities; but not including automobile/truck service stations and Parking Lots.

Driveway. A private roadway providing Access for vehicles to a Parking Space, Garage, Dwelling, or other Structure.

Driveway, Interior Access. A way for vehicular egress/ingress between the Minimum required Setback lines of separate Lots or between Lots within the boundaries of an Integrated Center.

Driveway, Shared. A way for vehicular egress/ingress between the Right-of-Way of a Public or Private Street and Off-Street Parking Areas which is shared by 2 or more separate Dwelling Units and has adequate depth to provide maneuverability to all Garages or Off-Street Parking Areas. A Shared Driveway may be divided along a common Lot line or may be located wholly on a single Lot.

Driveway Throat. That portion of a Driveway and interior Access Drive which shall be reserved for the unobstructed ingress and egress of vehicles, and which is kept free from any other traffic movement, including the entering or exiting movement from: individual Parking Spaces; individual loading spaces; other interior Access drives; or Interior Access Driveways.

Dwelling. Any Building, or portion of a Building, which is designed or Used primarily for residential purposes, including Apartment, Attached, Detached, and Manufactured Dwellings but not including Hotels, Motels, Inns,

Short-term Rentals, boarding houses, lodging houses, Bed and Breakfast, and tourist home.

Dwelling, Apartment. A Building or portion thereof containing 3 or more Dwelling Units regardless of ownership on a single Lot where each unit has a separate entrance from the outside or through a common vestibule including but not limited to condominiums and apartments, excluding anything defined as a Manufactured Dwelling, Detached Dwelling, or Attached Dwelling. An Apartment Dwelling where Dwelling Units are available for lease or rent for less than 1 month shall be considered lodging.

Dwelling, Apartment – Upper Story Unit. A Building or portion thereof containing 2 or less Dwelling Units regardless of ownership on a single Lot where each unit has a separate entrance from the outside or through a common vestibule and where each unit is located on an upper story above a non-residential Use permitted in the District. An Apartment Dwelling – Upper Story Unit where Dwelling Units are available for lease or rent for less than 1 month shall be considered lodging.

Dwelling, Attached. A Dwelling Unit that is attached to another Dwelling Unit by a wall, floor, or ceiling that separates living spaces including Duplexes, Triplexes, Quadruplexes, Townhomes, and similar variants.

Dwelling, Attached – Duplex. An Attached Dwelling Building containing 2 Dwelling Units, regardless of ownership, that may or may not be on Sub-lots, where each Dwelling Unit has a separate entrance from the outside or through

a common vestibule. Dwelling Units may be either in a side-by-side or stacked configuration.

Dwelling, Attached – Quadruplex. An Attached Dwelling Building containing 4 Dwelling Units, regardless of ownership, that may or may not be on Sub-lots, where each Dwelling Unit has a separate entrance from the outside or through a common vestibule. Dwelling Units may be either in a side-by-side or stacked configuration.

Dwelling, Attached – Townhome. An Attached Dwelling Building with all Dwelling Units constructed side-by-side in a row; with each Dwelling Unit having an individual front and rear ingress and egress; and, no Dwelling Unit located stacked over another Dwelling Unit.

Dwelling, Attached – Triplex. An Attached Dwelling Building containing 3 Dwelling Units, regardless of ownership, that may or may not be on Sub-lots, where each Dwelling Unit has a separate entrance from the outside or through a common vestibule. Dwelling Units may be either in a side-by-side or stacked configuration.

Dwelling, Detached. A residential Building containing 1 Dwelling Unit, which is physically separate from any other residential Dwelling Unit, and does not include a Manufactured Dwelling. This includes Single Family Dwellings, Cottage Dwellings, and Family Care Homes.

Dwelling, Detached – Cottage

Dwelling. A small Detached Dwelling Unit which is arranged around an area of shared common Open Space with other Cottage Dwellings to form a cottage court residential development.

Dwelling, Manufactured. A Structure, transportable in 1 or more sections which, in the traveling mode, is 8 body feet or more in width or 40 body feet or more in length or when erected on site is 320 or more square feet and which is built on a permanent chassis and designed to be Used as a Dwelling with or without a permanent foundation when connected to the required utilities and includes the plumbing, heating, air conditioning, and electrical systems contained in it. The term "Manufactured Dwelling" does not include a "Recreational Vehicle."

Dwelling, Modular Home. A Dwelling Unit which is fabricated in 1 or more modules at a location other than the home site by assembly-line type production techniques or by other construction methods unique to an off-site manufacturing process, provided that the Dwelling Unit must have been built in compliance with the CABO One and Two-Family Dwelling Code and the Town Code.

Dwelling, Single Family. An individual, detached Building containing 1 Dwelling Unit, which may include an in-law suite, which is either:

Built in compliance with the CABO One and Two-Family Dwelling Code and the Town Building Code; or,

A Modular Dwelling.

Dwelling Unit. A room or group of rooms designed and equipped exclusively for Use as living quarters for only 1 family and its household employees, including provisions for sleeping, Lawful Cooking, and sanitary facilities. The term shall include mobile dwellings, Modular

Dwellings, and Manufactured Dwellings but shall not include Recreational Vehicles.

Eave Line. The extension of a roof line beyond the vertical wall of a Building.

E-commerce: "E-business," "E-tailing" and "I-commerce." Although in most cases E-commerce and E-business are synonymous, E-commerce implies that goods and services can be purchased online, whereas E-business might be used as more of an umbrella term for a total presence on the web, which would naturally include the E-commerce (shopping) component.

EIA-222. Electronics Industries Association Standard 222, "Structural Standards for Steel Antenna Towers and Antenna Support Structures."

Electronic Gaming Operation. Any business enterprise, whether as a primary or an Accessory Use, where persons utilize electronic machines, including but not limited to computers and gaming terminals, to conduct games of chance, including sweepstakes, and where cash, merchandise or other items of value are redeemed or otherwise distributed, whether or not the value of such distribution is determined by electronic games played or by predetermined odds. This does not include any lottery approved by the State of North Carolina.

Electronic Variable Message Sign (EVMS). See Sign, Electronic Variable Message.

Employment/Campus Use District. Any District in which employment or Campus Uses are allowed as a Permitted Use or Special Use Permit.

Environmental Appeal Committee (EAC). The committee that hears appeals and variances to Chapter 8 of the Town Code of Ordinances.

Family. 1 or more human beings related by blood, marriage, adoption, foster care or guardianship, together with incidental domestic servants and temporary, non-compensating guests; or, not more than 4 human beings not so related, occupying a Dwelling Unit and living as a single housekeeping unit.

Family Care Home. As defined by NCGS § 160D-907.

Family Child Care Home. As defined by NCGS § 110-86.

Farm, Bona Fide. As defined in NCGS § 160D-903.

Fence, Ornamental. A type of fence used to create or delineate a boundary that is primarily designed for aesthetic appeal. An Ornamental Fence generally features decorative elements such as rings, scrolls, finials, swoops, or arches and is usually constructed of aluminum or iron.

Fitness Facilities/Studios. Active recreation Uses such as fitness center, aerobics, dance and cheerleading, martial arts, yoga, weight lifting, exercise classes, health clubs and health spas, and their customary Accessory Uses such as concession services, pro shops, and locker rooms which are designed and intended primarily for the Use of patrons of the principal Use. This Use category does not include accessory On-site Private Open Space required by Chapter 4 of this UDO.

Floor Area. The sum of the horizontal areas of each floor of a Building, measured from the interior faces of the exterior walls

or from the centerline of walls separating 2 Buildings. The Floor Area measurement is exclusive of areas of Basements, unfinished attics, attached Garages or space used for Off-Street Parking or loading, breezeways, enclosed and unenclosed Porches, elevator or stair bulkheads, and Accessory Structures.

Floor Area, Finished. That portion of Floor Area constructed, completed and usable for living purposes with normal living facilities which includes sleeping, dining, cooking, sanitary, or combination thereof. A Floor Area or portion thereof used only for storage purposes and not equipped with the facilities mentioned above shall not be considered Finished Floor Area.

Floor Area, Gross. For Dwelling Units, the total area, computed on a horizontal plane inclusive of finished Basements, attached Garages, entrances, hallways, stairways and other enclosed areas, but exclusive of unfinished Basements, cellars and attics. For commercial or industrial Buildings or Structures, the sum of all horizontal surface areas of all floors of a Building or Structure measured from the exterior faces of the exterior walls or from the center line of walls separating abutting Buildings or Structures.

Floor Area, Gross Main. That portion of the Gross Floor Area located on the first floor of the Structure.

Floor Area, Main. That portion of the Finished Floor Area located on the first floor of the Structure.

Food/Restaurant Uses. A commercial establishment where food and beverages are prepared, served, and consumed primarily within the

principal Building and where food sales constitute more than 80 percent of the gross sales receipts for food and beverages.

Forestry Activity. The professional practice embracing the science, business and art of creating, conserving and managing forests and forestlands for the sustained Use and enjoyment of forest resources, material, or other forest products. Such activity may include the felling, loading and transporting of trees or timber products from a parcel or Lot for commercial purposes.

Foundation Landscaping. Landscaping installed along or in relation to the perimeter foundation of a Building or Structure.

Foundation Landscaping Area. The area along or in proximity to the perimeter foundation of a Building or Structure which is required to be set aside for the installation of Foundation Landscaping.

Frontage. The line of contact of an abutting property with the Street Right-of-Way along a Front Lot Line which allows unobstructed, direct Access to the Lot.

Frontage Street or Frontage Road. See Street, Frontage.

Fueling Station. Establishment that primarily retails automotive fuels and related accessories. Fueling Stations include Structures that are specialized for selling gasoline with storage tanks, often underground or hidden. Car washes and other minor automobile self-services shall be incidental to the Fueling Station and must meet the standards for Accessory Uses/Structures. Convenience stores and related retail shall be considered retail Uses. Car

washes shall be considered Drive In/Drive Through Uses.

Game Court. In Residential Use Districts, a type of recreation facility which consists of an unpaved or paved, accessory, surface area of ground open and essentially unobstructed to the sky, on the same Lot as the primary Building, designed and intended for the playing of a recognized sport as an accessory, recreational activity by the occupants and guests of the primary Building, which may include fencing, screening, nets, goals, or other necessary appurtenances required for recreational Use.

Garage. An Accessory Building to a residential Use, or an enclosed area attached to or integrated into a residential Building, which is primarily designed and intended to be Used for the storage of the private vehicle(s) for the occupant(s) of said residence and is not a separate commercial enterprise available to the general public.

Garage, Front Loading. A Garage in which the entry door for the private vehicle(s) is located in front of the established Rear Building Line of the Building; and (ii) located parallel to or within 60 degrees of being parallel to the Front Lot Line.

Garage, Rear Loading. A Garage in which the entry door for the private vehicle(s) is: (i) located behind the living area of the Building and is more than 60 degrees but less than 300 degrees of being parallel to the Front Lot Line; or (ii) located on the rear façade of the Building and located parallel to or within 60 degrees of being parallel to the Rear Lot Line.

Garage Sale. A public or private sale

conducted by the owner or occupier of a premises of 6 or more items of personal property owned by the owner or occupier of the premises, which personal property was not acquired by the owner or occupier for the purpose of resale. See also Yard Sale.

Garage, Side Loading. A Garage in which the entry door for the private vehicle(s) is: (i) located in front of the established rear Building line of the Building; and (ii) more than 60 degrees but less than 100 and 120 degrees of being parallel to the Front Lot Line.

Glare. The harsh appearance of a direct source of light as discernible from adjacent properties and which causes annoyance, discomfort or loss of visual performance and visibility.

Golf Course. A tract of land for playing golf, improved with tees, fairways, hazards and which may include clubhouses and shelters.

Grade. The average level of the finished surface of the ground 5 feet from the Building, Structure, or proposed Building pad; provided, however, when referring to "Street Grade" the term "Grade" shall mean the slope of a street specified in percentage (%) terms.

Grand Opening. The introduction, promotion, or announcement of a new business, store, shopping center, or office, occurring within 30 days of the issuance of the Certificate of Occupancy, and/or the announcement or introduction or promotion of an established business changing ownership.

Group Home. A facility that does not otherwise qualify as a Family Care Home whose primary

purpose is to provide services for the care, treatment, habilitation, or rehabilitation of individuals experiencing homelessness, post-prison release, substance abusers, or others who are not disabled including halfway homes, homeless shelters, and drug treatment facilities.

Handicapped Person. A person with 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 NCGS § 122C- 3(11)b.

Hedge Plant. A woody plant of relatively low height (not exceeding 10-12 feet in height), branching from the base.

Historic Structure. Any Structure that is designated a local, State, or national landmark; or, any Structure that is individually listed in the National Register of Historic Places; individually identified as a contributing Structure in a historic district listed in the National Register of Historic Places; certified or preliminarily determined by the Secretary of the Interior as contributing to the significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district; individually listed in the State inventory of historic places; individually listed in the county inventory of historic places; or, individually listed in a local inventory of historic places in communities with historic preservation programs that have been certified by an approved State

program (including certified local governments) as determined by the Secretary of the Interior or directly by the Secretary of the Interior in states without approved programs.

Home Occupation. An occupation, profession, or trade customarily carried on by an occupant in a Dwelling Unit, Accessory Structure, as a secondary Use or in live-work units, which is clearly incidental to the Dwelling Unit for residential purposes for Office Uses, artisan workshops, artist studios, and similar Uses and activities.

Homeowners Association. A community association, other than a condominium association, that is organized in a development in which individual owners share common interest and responsibilities for costs and upkeep of common Open Space or facilities.

Hospital. An institution providing physical and mental health services primarily for human in-patient medical or surgical care for the sick or injured, including related facilities such as laboratories, out-patient services, training facilities, central service facilities, emergency services, and staff offices.

Hotel. A facility offering transient lodging accommodations to the public, and which may provide additional services such as restaurants, meeting rooms and recreation facilities. Access to all guest rooms is from an interior corridor.

Improvement. Any human-made, immovable item which becomes part of, placed upon, or is affixed to real estate.

Incidental. A minor occurrence

or condition which is customarily associated with a Permitted Use and is likely to ensue from normal operations.

Incremental Lot. A Lot of Record created through the Incremental Plat process.

Incremental Plat. A phased method of obtaining Final Plat approval for a non-residential Subdivision and which contains only a portion of the real estate included in the Preliminary Plan or master plan for the proposed non-residential Subdivision.

Individual Tenant Space. A single Outlot of record within a multi-tenant Building in an Integrated Center with its own separate Building entrance that may include a Vehicle Parking Area and/or Off-Street Loading Area.

Infrastructure/Utilities (Major). Utility facilities that provide jurisdiction-wide or regional services. Examples include above-ground public utility distribution lines; public utility substations; waste treatment plants; and solar energy system – large installation.

Infrastructure/Utilities (Minor). Publicly or privately owned facilities or systems for the distribution of minor functions necessary for the provision of public services including elevated water storage tanks; booster stations, sanitary sewer pump stations, telephone switching facilities (over 100 square feet gross floor area), or other similarly required facilities in connection with telecommunications, electric, steam, water, sewer, or other similar utilities.

Inn (Less than 20 rooms). A Building or group of Buildings used

as a lodging establishment having 6 to 20 guest rooms providing overnight accommodations and meals to transient guests. This includes Boarding Houses.

Integrated Center. An area of development (commercial, employment, Campus, or any combination of commercial / mixed-use, employment/Campus and residential Uses) of 1 or more Lots or Outlots, comprised of:

2 or more individual, non-related and separately operated Uses in 1 Building sharing common site facilities.

1 or more Buildings containing non-related and separately operated Uses occupying a common site, which utilizes 1 or a combination of common site facilities, such as Driveways, Parking Areas, Loading Areas, interior Access Drives, maintenance, and similar common services; or,

1 or more Buildings containing non-related and separately operated Uses occupying individual sites, which are interrelated by the utilization of 1 or a combination of common facilities, such as Driveways, internal Public Street or Private Street network developed in accordance with an approved master plan or Preliminary Plan of a Subdivision, Parking Areas, Loading Areas, maintenance, or other services.

Intermittent Stream. See Stream, Intermittent

Junk Yard. Any place at which personal property:

Is or may be salvaged for reuse, resale, or reduction or similar disposition.

Is owned, possessed, collected, accumulated, dismantled, or assorted (including but not limited to used or salvaged base metal or metals, their compounds, or combinations; used or salvaged rope, bags, paper, rags, glass, rubber, lumber, millwork, brick and similar property except animal matter; and, used motor vehicles, machinery or equipment which does not carry a current, valid license); or,

Is used, owned or possessed for the purpose of wrecking or salvaging parts therefrom.

Landfill. A disposal facility for hazardous or nonhazardous solid waste. These establishments also manage recycling and resource recovery facilities that operate in conjunction with Landfills.

Landscape Buffer. An area of landscaping on a Lot, Single Use Site, Integrated Center, Business Park, or industrial park in which landscaping is required to be maintained at all times.

Large Vehicle and Heavy Equipment Sales and Service. The sales and service of trucks (non-passenger), boats, construction equipment, mobile homes, recreational vehicles, travel trailers or other similar heavy equipment used in recreational, commercial, industrial, or agricultural activities.

Laundry, Self-Service. Means an establishment for laundering where there is no pickup or delivery service and no steam or hand laundry of any type, and where there is no intermingling of customers' laundry.

Lawful Cooking. A room or area in which food may be prepared

and cooked and which contains the following:

A kitchen sink in good working condition and properly connected to an approved water supply and approved sewer/septic system. The sink must provide an adequate amount of water under pressure, both unheated and heated to no more than 120 degrees Fahrenheit.

Cabinets, shelves, counters, or tables used for storage of food, eating, drinking or cooking equipment and utensils shall be of sound condition furnished with surfaces that are easily cleanable and that will not impart any harmful effect to food; and,

A stove, oven or microwave oven for cooking food and a refrigerator for safe storage of food at temperatures less than 45 degrees Fahrenheit. These appliances shall be properly installed with all necessary connections for safe, sanitary, and efficient operation and shall be maintained in good working condition.

Light Pollution / Trespass. Any artificial light which causes: a detrimental effect through uplighting on the environment, astronomical research, or enjoyment of the night sky; or undesirable Glare or Light Trespass.

Loading Area. Any area maintained and intended for the maneuvering and temporary Parking of vehicles while transferring goods or materials to and from a facility. Loading Area includes the Loading Space and maneuvering area required to enter the Loading Space.

Loading, Off-Street. A Loading Area located completely on a Lot and

accessed via interior Access Drives, Interior Access Driveways, Access Drives, or Driveways in which no individual Loading Spaces gain direct Access to a Public Street or Private Street.

Loading Space. A hard-surfaced, Off-Street area used for the temporary Parking of a commercial vehicle while transferring goods or materials to and from a facility.

Lot. A piece, parcel, plot or tract of land designated by its owner or developer to be Used, developed or built upon as a unit under single ownership or control and may consist of: (a) a single Lot of Record; (b) a recombination Lot of Record.

Lot Area. The total area of a lot bounded on all sides by any Front Lot Line, Rear Lot Line, and Side Lot Line, provided, however, Lot area shall not include: any area lying within the Right-of-Way of any Public Street or Private Street or easement for surface access into the subject lot or adjoining Lots; or land reserved for drainage pond, wetland, or lands subject to periodic flooding. No part of the Minimum Lot Area required under the applicable District, commitment, Variance grant, or Development Plan approval may be satisfied by land that is under water.

Lot Coverage. The total ground area within the lot or Project covered by the primary Structure plus any Accessory Structures (including Decks, Patios, above-ground pools, in-ground pools, Garages, Carports and storage sheds), excluding Driveways, Walkways, fences, and walls not attached in any way to a roof.

Lot, Corner. A Lot abutting 2 or

more Streets at their intersections, or upon 2 parts of the same Street forming an interior angle of less than 135 degrees.

Lot Depth. The distance from the midpoint of the Front Lot Line to the midpoint of the Rear Lot Line.

Lot, Double Frontage. A Lot abutting 2 parallel Streets or abutting 2 Streets which do not intersect at the boundaries of the lot.

Lot Line. The line of separation of a Lot from any abutting Street or adjoining Lot.

Lot Line, Front. The Lot Line separating a Lot from any abutting Street. In the case of a Corner Lot, the Administrator shall determine the Front Lot Line based on the highest abutting Street classification. If both Streets are the same classification, then the Front Lot Line is the shortest of the 2 Lot Lines.

Lot Line, Rear. A Lot Line which is opposite and most distant from the Front Lot Line, or in the case of a triangularly shaped Lot, a line 10 feet in length within the Lot, parallel to and at the maximum distance from the Front Lot Line. However, in the case of a Corner Lot, any Lot Line which intersects with a Front Lot Line shall not be considered a Rear Lot Line.

Lot Line, Side - Corner. The Lot Line separating a Lot from any abutting Street that is not a Front Lot Line.

Lot Line, Side - Interior. Any Lot Line not designated as a Front Lot Line, Side-Corner Lot Line, or Rear Lot Line.

Lot Width. The horizontal distance from 1 Side (-Corner or -Interior)

Lot Line to the parallel or opposite Side (-Corner or -Interior) Lot Line measured along the Front Setback line.

Lot of Record. A Lot which is part of a Final Plat recorded in the Office of the Registrar of Deeds of Wake County, North Carolina, or a Lot or parcel described by metes and bounds, the description of which has been so recorded.

Lot of Record, Recombination. A Lot which is part of a Recombination Plat recorded in the Office of the Registrar of Deeds of Wake County, North Carolina.

Lumen. A unit of luminous flux equal to the light emitted in a unit solid angle by a uniform point source of one candle intensity

Luminaire. A complete lighting unit consisting of a lamp or lamps together with the parts designed to distribute light on any property, to position and protect the lamps and to connect the lamps to the power supply.

Luminous Tube Lighting. Gas-filled tubing which, when subjected to high voltage, becomes luminescent in a color characteristic of the particular gas used, e.g., neon, argon, etc.

Mailbox Kiosk. A small Structure, often open on 1 or more sides, Used as a location for private boxes to receive incoming mail and a public container to deposit outgoing mail.

Maintained Foot Candles. Illuminance of lighting fixtures adjusted for a maintenance factor accounting for dirt build-up and lamp output depreciation.

Major Subdivision - Non-Residential. See Subdivision, Major

- Non-Residential.

Major Subdivision - Residential. See Subdivision, Major Residential.

Manufacture. The mechanical or chemical transformation of materials or substances into new products or into a usable form. Manufacture may include the creation of products (including subsequent assembly of previously manufactured parts), or the blending of materials such as lubricating oils, plastics, resins or liquors.

Manufactured Dwelling. See Dwelling, Manufactured.

Manufactured Home Sales. A development Used for the sale, rental, or storage of new and used Manufactured Homes and may include the provision of maintenance services and/or the sale of manufactured home parts and accessories as secondary to the principal Use. Manufactured Home parks are not included in this category.

Manufacturing, Heavy. The manufacture of products, the process of which generates fumes, gases, smokes, vapors, vibrations, noise or Glare, or similar nuisance factors which have a high probability of occurring and which may cause adverse effects to the users of adjacent land (e.g., Commercial and Industrial Machinery and Equipment Repair; Heavy Equipment Sales/ Rental; Machine or Welding Shop; and Resource Extraction).

Manufacturing, Light. The assembly, fabrication, or processing of goods and materials using processes that ordinarily do not create noise, smoke, fumes, odors, Glare, or health or safety hazards

outside of the Building or Lot where such Assembly, fabrication, or processing takes place, where such processes are housed entirely within a Building. Outdoor Storage may be allowed as an Accessory Use per the requirements in Chapter 3 of this UDO. This definition excludes Uses that are engaged primarily in the processing, manufacturing, or storage of explosive, hazardous, or toxic materials.

Manufacturing, Neighborhood. The production and Assembly of finished products or component parts, typically by hand, and including design, processing, fabrication, assembly, treatment, and packaging of finished products. Typical Neighborhood Manufacturing trades include but are not limited to food and bakery products; alcoholic and non-alcoholic beverages (microbreweries); printmaking; leather products; jewelry and clothing/apparel; metal work; woodwork; furniture; and glass or ceramic production. It differs from other forms of manufacturing as the scale of production is artisanal in nature and noise, odor, or detectable vibration onto any neighboring property is residential in character.

Marquee. A permanent roof-like Structure constructed of rigid materials supported by and extending from the façade of a Building, frequently used to display Signage.

Massage. The manipulation of body muscle or tissue by rubbing, stroking, kneading, or tapping, by hand or mechanical device.

Massage Business. Means any establishment or business wherein massage is practiced, including establishments commonly known as

health clubs, physical culture studios, massage studios, or massage parlors, provided, however, massage therapy practices by a professional massage therapist licensed by the State of North Carolina shall not be deemed a massage business.

Master Sign Plan. See Sign Plan, Master.

Mini-Storage. See Self-storage (Mini-) Warehouse.

Minor Residential Subdivision. See Subdivision, Minor Residential.

Mitigation. Actions taken either on-site or off-site as allowed to offset the effects of temporary or permanent loss of the buffer.

Mobile Dwelling. See Dwelling, Mobile.

Mobile Vendor. Any business, person, or entity who exhibits, displays, sells, or offers for sale a product or service from a mobile vending unit which may be parked On-Street or on-site as permitted by this UDO.

Mortuary/Funeral Home/

Crematory. Establishments for preparing the dead for burial or internment and conducting funerals (i.e., providing facilities for wakes, arranging transportation for the dead, and selling caskets and related merchandise).

Motel. A facility offering transient lodging accommodations to the public, and which may provide additional services such as restaurants, meeting rooms and recreation facilities where access to guest rooms are from the exterior.

Municipal. Town of Holly Springs.

Mural, Wall. A work of art painted,

drawn, applied to, or printed on an exterior wall of a Building or Structure. Any portion of a Wall Mural that advertises or promotes any business, product, goods, activity, services or interests, shall be considered a Sign.

Neighborhood Recycling Collection

Point. A local center that serves as a drop-off point for recyclable materials. The temporary storage of such items would be permitted, but no processing would be allowed.

Nonconforming Building or Structure, Legally Established.

Any continuous, lawfully established Building or Structure erected or constructed: (a) prior to the time of adoption, revision or amendment of this UDO but which fails by reason of such adoption, revision or amendment to conform to the present requirements of the District; or (b) pursuant to a granted Variance.

Nonconforming Use, Legally Established. Any continuous, lawful land Use having commenced: (a) prior to the time of adoption, revision or amendment of this UDO but which fails by reason of such adoption, revision or amendment to conform to the present requirements of the district; or (b) pursuant to a granted Variance.

Non-Cutoff. See Cutoff, Non-.

Non-Residential Incremental

Subdivision. See Subdivision, Non-Residential, Incremental.

Non-Whip Antenna. See Antenna, Non-Whip.

Nursing Home. A facility which provides nursing care and related medical services on a 24-hour per day basis to 2 or more individuals in full-time residence at the facility

because of illness, disease, or physical or mental infirmity.

Office, Medical. An establishment primarily engaged in providing medical and surgical services to individuals and licensed for such practice by the State.

Office Use. Professional occupations within a Building or Buildings which do not generally involve the on-site sale of goods to customers. The term does not include Medical Office.

Off-Street. An area, typically set aside for parking or loading, which is located on private property and does not occur in the Right-of-Way of any Public Street or Private Street.

On-Street. An area, typically set aside for parking or loading, which is located within the Right-of-Way of any Public Street or Private Street.

Open Space. A Lot, a portion of a Lot or common area set aside as a Playground, Plaza, Close, Square, Park, Parkway, greenbelt, buffer yard or other landscape area and maintained free from Buildings or Structures, except for those Structures which are directly related to and essential to the Use of the Open Space for recreational purposes, including, but not limited to greenways, Swimming Pools, play equipment for children, Game Courts, and picnic tables or those Structures which are directly related to Stormwater Control Measures (SCMs). In the case of individual residential Lots, Open Space shall be an area landscaped with grass, trees, shrubbery or other suitable vegetative ground cover and maintained free from Buildings or Structures.

Outdoor Display Area. That part of Lot Used for the display of

merchandise or goods available for purchase or lease from the business located on that Lot and located outside of a Building or Structure, including vehicles, garden supplies, gas, motor oil, food, beverages, boats, Building and landscaping materials, and similar materials or items. Integral garden centers associated with a retail establishment shall not be included as part of Outdoor Display Area.

Outdoor Light Fixtures. Any outdoor electrically powered illuminating devices, outdoor light or reflective or refractive surfaces, lamps and similar devices including all parts used to distribute the light or protect the lamp, permanently installed or portable, used for flood lighting, general illumination, or location identification.

Outdoor Sales. Any retail sales operation conducted either partially or entirely outside, in a motorized vehicle, or temporary Structure (i.e., tent, vegetable stand, etc.).

Outdoor Storage. See Storage, Outdoor.

Outlot. That portion of land in a Subdivision, Integrated Center, Business Park, industrial park, or other planned development which does not contain the central or primary Building of the development and is: (a) usually located adjacent to a Street or Frontage Street; and (b) is intended for the development of a smaller, additional and separate Building or Buildings. In a Subdivision, Integrated Center, Business Park, or industrial park where there is no clearly identifiable central or primary Building of the development, or where individual Lots are developed independently

of each other, each Lot shall be considered an Outlot.

Park. An Open Space designed for passive or active recreational use.

Parking Area. Any area other than an open exhibition or display area (not inclusive of interior Access Drives, Driveways, Interior Access Driveways and Access Drives) intended for the temporary storage of automotive vehicles including Parking Spaces and the area allocated to the egress/ ingress of automotive vehicles to and from the actual Parking Space. For residential uses, parking areas include gravel, or other non-erodible surfaces such as asphalt, concrete, or pavers on which operable motor vehicles are temporarily placed.

Parking Lot. The primary Use or Accessory Use of a Lot or a portion of a Lot for the parking of automotive vehicles.

Parking Lot, Public. A Parking Lot owned or managed by, the government of the United States, State of North Carolina, County of Wake, or the Town of Holly Springs available to the public with or without a payment of a fee.

Parking, On-Street. A Parking Area located partially or completely within the Right-of-Way of a Public Street or Private Street.

Parking Space. That portion of the Parking Area used only for the temporary placement of an operable motor vehicle.

Parking Garage. A Structure or portion thereof composed of 1 or more levels or floors used exclusively for the parking or storage of motor vehicles. A Parking Garage may be totally below Grade (as in an underground parking Garage) or

either partially or totally above Grade with those levels being either open or enclosed.

Parking, Vehicle. A Parking Area located completely on a Lot and accessed via interior Access Drives, Interior Access Driveways, Access Drives, or Driveways in which no individual Parking Spaces gain direct access to a Public Street or Private Street.

Parking of Commercial & Recreational Vehicles. Parking Areas for Commercial Vehicles used for business, industrial, office or institutional purposes or having painted thereon or affixed thereto a Sign identifying a business, industry office of institution or a principal product or service of such that exceed 7 feet in height or 24 feet in length for Recreational Vehicles.

Parks and Recreation Advisory Board. The Parks and Recreation Advisory Board of the Town of Holly Springs, North Carolina, as appointed by the Town Council.

Parkway. An Open Space entirely bounded by Street or pedestrian Rights-of-Way within a developed area.

Patio. A hard surfaced area Accessory Structure to a primary Use or Structure of which the horizontal area is at Grade level with at least 1 side open to the weather and essentially unobstructed to the sky. This area is specifically designed and intended for the recreational enjoyment of the occupant(s) and guest(s) of the primary Use or Structure and is not designed or intended for use by automotive vehicles.

Penal or Correctional Institution.

Any penitentiary, State farm, reformatory, prison, jail, house of correction, police detention area, half-way house or other institution or place for the incarceration or custody of persons under sentence for offenses awaiting trial or sentence for offenses, under arrest for an offense, a violation of probation, a violation of parole, a violation of aftercare release, or a violation of mandatory supervised release, or awaiting a bail setting hearing or preliminary hearing.

Pennant. See Sign, Pennant.

Perennial Stream. See Stream, Perennial.

Performance Bond. A legally binding agreement whereby the Subdivider posts a surety in a form acceptable to the Town Council for the construction of improvements, installations and lot improvements required by this UDO, any other applicable ordinances of the Town, and any requirements, covenants or conditions which may be imposed pursuant to this UDO.

Permanent Resident. A person who occupies a residential unit for at least 60 consecutive days with intent to establish that unit as his or her primary residence. A Permanent Resident may be an owner or a lessee.

Permitted Use. See Use, Permitted.

Person with a disability. As defined by NCGS §168A-3.

Personal Chef. See Chef, Personal.

Personal Services. Establishments that provide non-medical services to individuals as a primary Use. Examples of these Uses include barber and beauty shops, clothing

rental, dry cleaning pick-up stores with limited equipment, home electronics and small appliance repair, laundromats (self-service laundries), locksmiths, massage (licensed, therapeutic, nonsexual), nail salons, pet grooming (with no overnight boarding), shoe repair shops, tailors, and tanning salons. These Uses may also include accessory retail sales of products related to the services provided.

Persons With Disabilities. As defined by NCGS § 168-21.

Planning Board. The Town of Holly Springs Planning Board established pursuant to the North Carolina law.

Plant Categories. The grouping of plants based upon the nature, size and species of the plants.

Plat. A drawing, map, plan or other graphic representation of a Subdivision of a tract of land or a replat of such a tract of land into Lots of Record.

Plat, Final. A drawing, map, plan or other graphic representation of a Subdivision of a tract of land, or a replat of such a tract of land, into Lots of Record and which is submitted to the Town of Holly Springs for final approval and signature after approval of a master plan or Preliminary Plan and Construction Drawings but prior to filing with the Office of the Wake County Register of Deeds.

Plat, Incremental. See Incremental Plat.

Plat, Recombination. A drawing, map, plan or other graphic representation of the revision of a Final Plat of a tract of land to combine or recombine entire Lots of Record or portions of previously

recorded Lots of Record.

Playground. An Open Space which contains an active recreational area with a variety of facilities, including equipment for younger children, Game Courts, and fields for games.

Plaza. An Open Space that may be improved and landscaped, usually surrounded by Streets or Buildings.

Porch. A roofed Accessory Structure with at least 1 side exposed to the weather, supported from the ground, and attached to or part of a Building at the area of entrance or exit to said Building.

Preliminary Plan. Any drawing, map, plan or other graphic representation of a Subdivision of a tract of land submitted as part of an initial request for the platting of real estate.

Project. A Single Use Site, Integrated Center, Detached Dwelling Subdivision, Attached Dwelling Subdivision, Apartment Dwelling development, commercial or mixed-use development, employment/campus development or any other form of development of real estate.

Project Area. The total land area of a site, less area included in the existing Right-of-Way or proposed Right-of-Way of a perimeter Street.

Public Park Land. Land dedicated to the Town of Holly Springs for the purpose of developing public recreation, park, or Open Space sites.

PUD Master Plan. A master plan filed in connection with a zoning map change requesting a planned unit development.

Qualified Biologist. A qualified biologist is defined as one or more of the following: a Wildlife Society

Certified Wildlife Biologist (CWB), a Professional Wetlands Scientist (PWS) certified by the Society of Wetlands Scientists, a Certified Ecologist or Certified Senior Ecologist certified by the Ecological Society of America, a biologist currently employed by the NC Wildlife Resources Commission, US Fish and Wildlife Service, NC Natural Heritage Program, US Army Corps of Engineers, or a biologist that is prequalified by the NC Department of Transportation or the NC Environmental Enhancement Program to conduct biological or ecological surveys.

Quarter. 3 month intervals beginning with January 1.

Recombination Lot of Record. See Lot of Record, Recombination.

Recombination Plat. See Plat, Recombination.

Recreation Facility, Indoor. Active or passive recreation Uses conducted primarily within a Building or Structure including gymnasium, natatorium, indoor running track, climbing facility, athletic court facility, and their customary indoor Accessory Uses such as concession services, pro shops, and locker rooms which are designed and intended primarily for the use of patrons of the principal recreational Use. This Use category does not include Accessory On-site Private Open Space required by Chapter 4 of this UDO.

Recreation Facility, Outdoor. Active or passive recreation Uses not primarily conducted within a Building or Structure such as Park, Playground, Swimming Pool, tennis court, Ball Field or Court, skateboard Park, and their customary Accessory Uses such as concession services, pro

shops, maintenance Buildings, and locker rooms which are designed and intended primarily for the use of patrons of the principal recreational Use. This Use category does not include accessory On-site Private Open Space required by Chapter 4 of this UDO.

Recreational Areas and Urban

Open Space. The total horizontal area of those portions of a Lot which are located outside of any required Yard, and which are set aside and developed for the recreational Use and enjoyment of all residents of a Project.

Recreational Vehicle. A vehicular-type portable Structure without permanent foundation that can be towed, hauled or driven and primarily designed as a temporary living accommodation for recreational, camping and travel Use, including, but not limited to travel trailers, truck campers, camping trailers, self-propelled motor homes, personal watercrafts, and boats.

Recycling Container. A receptacle designed and intended for the collection of cleaned, sorted, solid household waste products, including, but not limited to glass, plastic, metal paper, personal items, clothing and electronics.

Recycling Facility. A recycling operation involving further processing (relative to a Neighborhood Recycling Collection Point) of materials to improve the efficiency of subsequent hauling. Such a facility typically features sorting, the use of a crushing apparatus, and the storage of the material until it is shipped out.

Religious Use. Any facility such as a church, temple, monastery,

synagogues, or mosque used for worship by a non-profit organization and their customary related Uses for education (pre-schools, religious education, etc.), Recreation (gymnasiums, activity rooms, ball fields, etc.), housing (rectory, parsonage, elderly, or disabled housing, etc.) and Accessory Uses such as but not limited to Cemeteries, mausoleums, offices, soup kitchens, and bookstores.

Research and Development

Facilities. Structures and Uses associated with research and development, public and private educational partnerships, and Accessory Structures or Uses. This includes Engineering and Research Laboratories.

Residential Use District. Any District which permits Detached, Attached, or Apartment Dwelling Units as a Permitted Use or Special Use Permit.

Resource Extraction. Extraction of minerals, including solids like coal and other ores, including but not limited to quarrying, open-pit mining, drilling, tunneling, strip mining and any other such activities as defined in NCGS 74-49(7).

Resource Extraction. The Use of lands for the drilling, production from the ground, and storage of natural gas, brine, or salt but excluding the refining of said products.

Resource Recovery. The processing of solid waste into commercially valuable materials or energy.

Restaurant Use. Use intended for or related to restaurants, cafes, bakeries, and similar types of land Uses that prepare and serve edible goods for

consumption by the customer and whose gross receipts from food and nonalcoholic beverages shall be not less than thirty percent (30%) of the total gross receipts from food, nonalcoholic beverages, and alcoholic beverages (e.g., Restaurant - Fast Food; Restaurant - Sit down; Roadside Food Sales; Retail Dairy Bar, Yogurt, and Ice Cream Stores;).

Resumption. The reuse or reoccupation of a nonconforming adult establishment use, or electronic gaming operation use which has been discontinued for a period of 6 or more consecutive months.

Retail Uses. Establishments engaged in selling goods or merchandise to the public for personal or household consumption, rendering services incidental to the sale of such goods, and the accessory production of such goods on premises (e.g., Agricultural Seed Sales; Automotive Parts Sales (new), Costume Rental, Millinery (Fabric) Shop; Tuxedo Rental; Convenience Store; Retail Bakery; Farmer's Market; Grocery; Meat Market; Post Office; Tool and Equipment Rental; Bank/Savings & Loan/Credit Union; Consultant; Contractors (Office only); Pharmacist; Bait Sales; Antique Shop; Apparel Shop; Appliance Store; Art Gallery; Arts and Craft Store; Automobile Parts Sales (new); Bicycle Sales and Service; Camera Store; Card Shop; Clock Shop; Coin and Stamp Shop; Computer Store; Convenience Store; Department Store; Drug Store; Fabric Store; Floor Coverings; Flower Shop; Frame Shop; Furniture Store; Garden Supply; Gift Shop; Hardware Store; Hobby, Toy or Game Shop; Home Improvement Store; Jewelry Store; Music Store; Newsdealer; Paint Store; Pet Store; Radio, TV, Music Sales and Service;

Retail Showroom; Satellite Dish Sales and Service - indoor display; Shoe Store; Sporting Goods; Stationery and Book Store; Variety Store; Video Store; Wall Coverings; Liquor Store; and Bank Machine (ATM)).

Right-of-Way. Specific and particularly described land, property, or interest therein devoted to and subject to the lawful Use, typically as a Thoroughfare for passage of pedestrians, vehicles, or utilities, as set forth in a written grant, declaration or conveyance that is recorded in the Office of the Registrar of Deeds of Wake County, North Carolina.

Right-of-Way, Private. Specific and particularly described strip of privately held land devoted to and subject to Use for general transportation purposes or conveyance of utilities whether or not in actual fact improved or actually used for such purposes, as set forth in a written grant, declaration or conveyance that is recorded in the Office of the Registrar of Deeds of Wake County, North Carolina.

Right-of-Way, Proposed. The recommended Right-of-Way width for a Street based upon that Street's classification in the Comprehensive Plan or the Town of Holly Springs' Engineering Design and Construction Standards.

Right-of-Way, Public. Specific and particularly described strip of land, property, or interest therein dedicated to and accepted by the Municipality, County or State to be devoted to and subject to Use by the public for general transportation purposes or conveyance of utilities whether or not in actual fact improved or actually used for such purposes, as set forth

in a written grant, declaration or conveyance that is recorded in the Office of the Registrar of Deeds of Wake County, North Carolina.

Riparian Conservation Buffer. See Buffer, Riparian.

Riparian Buffer Widths. See Buffer Widths, Riparian.

School (Commercial, Trade or Business). A public or private school offering instruction in the technical, commercial, and/or trade skills such as real estate, business and secretarial, electronics, automotive and aircraft, medical and dental, and similar commercial establishments.

School (K-12). Any public or private institution that provides full-day instruction for school-aged children from kindergarten to grade 12.

Semi-Cutoff. See Cutoff, Semi-.

Setback. That distance measured perpendicularly from the Lot Line to the closest point of the Building, Structure, sign Structure, Parking Area, or any other permanent improvement.

Setback Line. A line that establishes the minimum distance that a Building, Structure, or portion thereof, can be located from a Lot Line or Right-of-Way line.

Setback, Maximum. The largest distance allowed by this UDO from a Front Lot Line for the location of a Building, Structure or any other permanent improvement (excluding Parking Areas).

Setback, Minimum. The smallest distance required by this UDO from a Lot Line to the closest point of a Building, Structure, Sign Structure, Parking Area, Loading Area, storage area, or any other permanent

improvement. A Minimum Setback may be a Minimum Front Setback, Minimum Side Setback, or Minimum Rear Setback.

Said distance shall be measured perpendicularly from the Lot Line.

Setback, Minimum Front. The minimum distance required by this UDO from the Front Lot Line to the closest point of the Building, Structure, Sign Structure, Parking Area, Loading Area, storage area, or any other permanent improvement. Said distance shall be measured perpendicularly from the Front Lot Line.

Setback, Minimum Rear. The minimum distance required by this UDO from a Rear Lot Line to the closest point of the Building, Structure, Sign Structure, Parking Area, Loading Area, storage area, or any other permanent improvement. Said distance shall be measured perpendicularly from the Rear Lot Line.

Setback, Minimum Side-Corner. The minimum distance required by this UDO from a Side-Corner Lot Line to the closest point of the Building, Structure, Sign Structure, Parking Area, Loading Area, storage area, or any other permanent improvement. Said distance shall be measured perpendicularly from the Side-Corner Lot Line.

Setback, Minimum Side-Interior. The minimum distance required by this UDO from a Side-Interior Lot Line to the closest point of the Building, Structure, Sign Structure, Parking Area, Loading Area, storage area, or any other permanent improvement. Said distance shall be measured perpendicularly from the Side-Interior Lot Line.

Sexually Oriented Devices. Means without limitation any artificial or simulated specified anatomical area or other device or paraphernalia that is designed principally for specified sexual activities but shall not mean any contraceptive device.

Shoebox. A style of light fixture in which the lighting element is completely enclosed on all 4 sides and on the top.

Shooting Range, Outdoor. A permanently located and improved area that is designed and operated for the Use of rifles, shotguns, pistols, silhouettes, skeet, trap, black powder, or any other similar sport shooting in an outdoor environment. May include areas for archery. Outdoor Shooting Range does not include a totally enclosed facility that is designed to offer a totally controlled shooting environment that includes impenetrable walls, floor and ceiling, adequate ventilation, lighting systems and acoustical treatment for sound attenuation suitable for the range's approved Use; or any area that is Used for shooting on a private Lot or parcel of land that is not open to the public on a commercial or membership basis.

Short-Term Rental. The leasing or rental of an entire or extra Dwelling Unit by a permanent resident in increments of less than 1 month.

Sidewalk. A defined pedestrian way which is typically constructed of concrete, separated from and located parallel to the improved surface of a Public Street or Private Street, and located within a Right-of-Way of said Street.

Sign Cabinet. The frame of an internally illuminated Sign which contains and supports the Sign

face. Sign Cabinet does not apply to painted Signs or 1-piece, non-illuminated, individual letter Signs.

Sign. Any Structure, fixture, placard, announcement, declaration, device, demonstration or insignia used to: draw attention; provide direction, information, identification; or advertise or promote any business, product, goods, activity, services or interests. This term does not include Wall Mural.

Sign Face. See Sign Surface.

Sign Plan, Master. A concept plan that provides guidelines for the overall design of consistent and compatible Signs within a Project, Single Use Site, Integrated Center, Business Park, industrial park, Subdivision, multifamily development, or any other form of development and which enhance the appearance of a development.

Sign Structure. Any Structure including any pole, base, foundation, support, tie rods, upright, bracing or framework which supports or is capable of supporting any Sign.

Sign Surface. The surface of the Sign upon, against, or through which the message of the Sign is exhibited.

Sign Surface Area. The area of a Sign Surface (which is also the Sign Surface Area of a Wall Sign or other Sign with only 1 Sign face). Sign Surface Area shall be computed by using the smallest square, rectangle, or combination thereof that will encompass the extreme limits of the writing, representation, emblem, or other display, together with any material or color forming an integral part of the background of the display or used to differentiate the Sign from the backdrop or Structure against

which the Sign is placed, but not including any supporting framework, bracing or decorative fence or wall when such fence or wall otherwise meets the applicable regulations of this UDO and is clearly incidental to the display itself.

Sign Zone, Drive In/Drive

Through. That portion of a Single Use Site, Campus, Integrated Center, Business Park, or industrial park (or Outlot or Lot in an Integrated Center, Business Park, or industrial park) located adjacent to the final approach of an interior Access Drive to a Drive In/Drive/Through facility in which a freestanding Incidental Sign may be erected.

Sign Zone, Front. That portion of a Single Use Site, Campus, Integrated Center, Business Park, or industrial park which corresponds to the Minimum Front or Side-Corner Setback in which Freestanding Signs may be erected.

Sign Zone, Incidental. That portion of an Outlot or Lot in an Integrated Center, Business Park, or industrial park located at a critical turning point along in interior Access Drive or Private Street internal to the Integrated Center, Business Park or industrial park in which Freestanding Incidental Signs may be erected.

Sign, A-Frame. A portable Sign containing 2 Sign faces and whose framing is hinged at the apex at an angle less than 45 degrees.

Sign, Awning. Any Sign or graphic printed on or in some fashion attached directly to the material of an Awning.

Sign, Balloon. A Temporary Sign consisting of a bag made of light weight material which is either: (a)

filled with a gas lighter than air; or (b) continuously filled with blown air and designed to rise or float in the atmosphere or is attached to the ground or a Building.

Sign, Banner. A Sign of lightweight fabric or similar material mounted to a pole or Building at 2 opposite edges or 4 corners.

Sign, Box. Sign with copy printed on a plastic or acrylic sheet that is enclosed in a Sign Cabinet, with or without internal lighting, which can be single or double-faced.

Sign, Building. Any Sign placed upon or supported by a Building, including, by way of example but are not limited to Wall Signs, Projecting Signs, Awning Signs, Canopy Signs, Marquee Signs, Suspended Signs, and Roof Signs.

Sign, Cabinet. See Sign, Box.

Sign, Canopy. Any Sign or graphic printed on or in some fashion attached directly to a Canopy.

Sign, Changeable Copy. A Sign, or portion thereof, where the message copy includes characters, letters or illustrations that can be physically altered without altering the primary surface of the Sign. The message copy of a Changeable Copy Sign may be changed manually in the field or through remote electronic or electric techniques. Methods of changing the message copy include the use of: (a) changeable letters, numbers, symbols and similar characters; (b) changeable pictorial panels; or (c) rotating panels or other similar devices. See also Sign, Electronic Variable Message.

Sign, Directional. A Freestanding Sign located in a Directional Sign Zone.

Sign, Drive In/Drive Through. A Freestanding Sign located in a Drive In/Drive Through Sign Zone.

Sign, Electronic Variable Message (EVMS). A Sign, or portion thereof, where the message copy includes characters, letters or illustrations that can be changed or rearranged electronically without touching or physically altering the primary surface of the Sign. Message copy may be changed in the field or from a remote location.

Sign, Flag. A Sign of lightweight fabric or similar material mounted to a pole or Building at one edge or 2 corners.

Sign, Freestanding. A Sign that is attached to, erected on or supported by some Structure (such as a pole, mast or frame) that is not itself an integral part of or attached to a Building or Structure where the principal function of such Building or Structure is something other than the support of a Sign.

Sign, Ground. Any Freestanding Sign constructed in or on the ground surface with its Sign display surface extending upward from the ground surface.

Sign, Incidental. A Sign located in an Incidental Sign Zone.

Sign, Marquee. Any Sign or graphic printed on or attached directly to a Marquee.

Sign, Nonconforming. A Sign which qualifies as a legally established nonconforming Structure.

Sign, Outdoor Advertising. Any Structure erected with the intent of directing attention to or promoting a business, product, service, event, or activity that is not sold, produced,

manufactured, furnished, or conducted at the Lot upon which the Sign is located. Outdoor Advertising Signs may be static or electronic. Also known as a billboard or a permanent off-premise advertising Sign. An Outdoor Advertising Sign is also intended to be consistent with NCGS 136-128.

Sign, Pennant. A Sign of lightweight plastic, fabric, or other similar material which is suspended from a rope, wire or string, usually in a series, and which is designed to move in the wind.

Sign, Pole. Any Freestanding Sign which has its supportive Structure(s) anchored in the ground and which has the lowest portion of its Sign display surface elevated by more than 5 foot above the grade.

Sign, Portable. Any Sign or Sign Structure not securely attached to the ground or other permanent Structure, or a Sign designed to be transported from place to place by a person, including but not limited to: Signs transported by means of wheels; a Sign attached to a- or t-frames; a menu and sandwich board Sign; a balloon used as a Sign; table or Patio umbrellas which include a Sign; and, a Sign attached to or painted on a vehicle parked and visible from the public Right-of-Way, unless said vehicle is used in the normal day-to-day operation of the business.

Sign, Projecting. Any Sign which is affixed to a Building or wall in such a manner that the leading edge extends more than 18 inches beyond the surface of such Building or wall face.

Sign, Roof. Any Sign erected on or wholly constructed upon a roof of any Building and supported solely on

the roof Structure.

Sign, Spandrel. Any Sign that is a part of or attached to the Spandrel.

Sign, Suspended. Any Sign that is suspended from the underside of a horizontal plane surface and is connected to the horizontal plane surface.

Sign, T-Frame. A Portable Sign utilizing an inverted "T" style of framing to support the Sign.

Sign, Temporary. Any Sign or Sign Structure which is not permanently affixed or installed and is intended to be displayed for a definite period of time after the erection of such Sign. Examples of Temporary Signs include but are not limited to Signs erected or placed in connection with the following activities or occurrences: sale or lease of real estate; announcement of pending construction; special event; political campaign; garage sale; home improvement/remodeling; model home; and seasonal/holiday Signs.

Sign, Wall. Any Sign attached to or erected on a wall of a Building or Structure, with the exposed face of the Sign in a plane parallel to the plane of said wall, within 18 inches of said wall, and containing only one Sign surface.

Sign, Wind. A Sign of lightweight fabric or similar material attached at 1 end to a pole or similar apparatus so as to swing freely, inflate and flutter by movement of the wind.

Sign, Window. Any Sign placed: (a) inside of and within 2 feet of a window; or (b) upon a window and is intended to be seen from the exterior of the window.

Single Use Site. An area of

development (commercial/mixed-use or employment/campus) on 1 Lot occupied by 1 business. Any commercial/mixed-use or employment/campus development which does not qualify as an Integrated Center.

Sketch Plan. A graphic representation of a Project or Subdivision, drawn to an appropriate scale by hand or other drawing method, and capable of depicting the general pattern proposed for the development of a Project or Subdivision.

Sketch Plan Review. A cursory review of a concept plan or Sketch Plan for a proposed Subdivision, Project, Planned Unit Development, or other development in which staff provides initial review comments to a prospective petitioner on the design and layout of a proposed Subdivision, Project, Planned Unit Development, or other development.

Small Wireless Telecommunications Facility. See Wireless Telecommunications Facility, Small.

Solar access. The Access of a Solar Energy System to direct sunlight.

Solar Energy System. Any device or structural design feature whose primary purpose is to provide daylight for interior lighting or provide for the collection, storage, or distribution of solar energy for space heating, space cooling, electricity generation, or water heating.

Roof-mounted solar energy system. A solar energy system that is structurally mounted to the roof of a Building or Structure.

Ground-mounted solar energy system. A solar energy system that is

structurally mounted to the ground and is not roof-mounted.

Large-scale solar energy system. A Solar Energy System that occupies more than 40,000 square feet of surface area.

Small-Scale solar energy system. A Solar Energy System that occupies 21,780 square feet of surface area or less.

Spandrel. A roof-like Structure that covers the gasoline pump dispenser, serves as a second-tier canopy, may be a lighting source for the dispensing area, may identify the gasoline pumps by numerical or other designation, and may display Signs.

Special Event. Any commercial outdoor gathering, whether on public or private property, assembled with a common purpose for a period of 1 hour or longer. Special Events include, but are not limited to concerts, fairs, carnivals, circuparades, farmers markets, flea markets, fundraisers, marathons, walkathons, festivals, races, bicycle event, etc.

Special Use Permit. The Use of land or the Use of a Building or Structure on land which is allowed in the District applicable to the land only through the grant of a Special Use Permit.

Specified Anatomical Areas. Any of the following:

Less than completely and opaquely covered: (i) human genitals, pubic region; (ii) buttocks or (iii) female breasts below a point immediately above the top of the areolae; or,

Human male genitals in a discernibly turgid state, even if completely and opaquely covered.

Specified Sexual Activities: any of the following:

Human genitals in a state of sexual stimulation or arousal.

Acts of human masturbation, sexual intercourse or sodomy; or,

Fondling or other erotic touching of human genitals, pubic regions, buttocks or female breasts.

Specimen Tree. A tree which has been determined by the Town to be of notable interest or significant value because of its age, size, species, condition, rarity or special historical or ecological significance, or uniqueness and is thus designated as an important community asset.

Square. An Open Space for passive recreational use, usually bounded on all sides by Streets.

Staff. Any employee of the Town related to the administration, review, recommendation or approval process for development.

Storage, Outdoor. The storage of any product, goods, equipment, machinery, vehicles, boats, supplies, Building materials or commodities, including raw, semi-finished and finished materials for a period of time, the storage of which is not accessory to a residential Use, provided, however, that vehicular parking and the display of automobiles, boats, trucks or farm equipment associated with a legally established dealership shall not be deemed Outdoor Storage.

Storage, Self-Service. Structures containing generally small, individual, compartmentalized stalls or lockers offered for rent or lease to the public as individual storage spaces and characterized

by low parking demand. Premises may include retail or wholesale sales related to storage (e.g., boxes, locks, tape, protective material, etc.) and the screened storage of vehicles and boats.

Stormwater Control Measure.

A structural or nonstructural management-based practice used singularly or in combination to reduce non-point source input to receiving waters in order to achieve water quality protection goals.

Story. That part of a Building, with an open height of no less than 78 inches, except a mezzanine, included between the upper surface of 1 floor and the lower surface of the next floor, or if there is no floor above, then the ceiling next above. A Basement shall constitute a story only if it provided Finished Floor Area.

Stream. A body of concentrated flowing water in a natural low area or natural channel on the land surface for conveying water.

Stream, Intermittent. Means 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. The flow may be heavily supplemented by stormwater runoff. An Intermittent stream often lacks the biological and hydrological characteristics associated with the conveyance of water.

Stream, Perennial. Means 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 the most part of the year. Groundwater is the primary source of water for a perennial stream, but it also carries stormwater runoff. A perennial

stream exhibits the continuous conveyance of water.

Street. Any Public or Private Right-of-Way, with the exception of alleys, essentially open to the sky and open and dedicated to the general public for the purposes of vehicular and pedestrian travel affording access to abutting property, whether referred to as a Street, lane, road, drive, expressway, arterial, Thoroughfare, highway, or any other term commonly applied to a Right-of-Way for said purposes. A Street may be comprised of pavement, shoulders, gutters, curbs, Sidewalks, Parking Spaces, and similar features.

Street, Collector. A Street that collects traffic from Local Streets and connects with a Thoroughfare. Certain Collector Streets may be designated on the Comprehensive Plan as a collector.

Street, Cul-de-Sac. A Local Street having 1 open end and being permanently terminated at the other by a vehicular turnaround.

Street, Freeway. A Street designated on the Comprehensive Plan as a freeway.

Street, Frontage. A Street located along side and generally parallel with a more heavily traveled Street and which provides Access to abutting property(ies).

Street, Limited Access. A Street along which Access is restricted due to the acquisition of Access rights from adjoining properties by the appropriate governmental agency having jurisdiction over such Street.

Street, Local. A Street primarily designed and intended to carry low volumes of vehicular traffic movement at low speeds within the

immediate geographic area with direct Access to abutting properties.

Street, Private. A privately-held Right-of-Way constructed with the minimum pavement width standards and the minimum depth and materials standards set forth in the Engineering Design & Construction Standards. See Street.

Street, Public. A publicly dedicated, accepted and maintained Right-of-Way. See Street.

Street, Thoroughfare. A Street designated on the Comprehensive Plan as a Thoroughfare.

Structural Alteration of an Adult Establishment. Any change which would prolong the life of the supporting members of a Building or Structure such as bearing walls, columns, beams, or girders, except such changes as are ordered made pursuant to the provisions of G.S. 160A-425 or G.S. 160A 426, and any amendments thereto.

Structure. Anything constructed or erected, that requires location on the ground, or attachment to something having a fixed location on the ground. Among other things, Structures include Buildings, mobile homes, stairs, walls, Parking Areas, Loading Areas, towers, antenna, and Signs and excluding Swimming Pools, fences, and walls used as fences.

Structure-Mount. The placement of an antenna or Antenna Array on an existing Structure such as a water tower, athletic field light standards, or electric-line transmission towers.

Subdivider. The owner, developer, or authorized agent of the owner or developer of real estate, who is responsible for all designs,

reservations and improvements related to the petition for master plan, Preliminary Plan or Final Plat approval or the development of a Subdivision.

Subdivision. All divisions of a tract or parcel of land into 2 or more Lots, Building sites, or other divisions when any 1 or more of those divisions is created for the purpose of sale or Building development, whether immediate or future, and shall include all divisions of land involving the dedication of a new Street or a change in existing Streets; but the following shall not be included within this definition nor be subject to the regulations authorized by this UDO:

The combination or recombination of portions of previously subdivided and recorded Lots where the total number of Lots is not increased and the resultant Lots are equal to or exceed the standards of the local government as shown in its Subdivision regulations.

The division of land into parcels greater than 10 acres where no Street Right-of-Way dedication is involved.

The public acquisition by purchase of strips of land for the widening or opening of Streets or for public transportation system corridors.

The division of a tract in single ownership whose entire area is no greater than 2 acres into not more than 3 Lots, where no Street Right-of-Way dedication is involved and where the resultant Lots are equal to or exceed the standards of the local government, as shown in its Subdivision regulations.

The division of a tract into parcels

in accordance with the terms of a probated will or in accordance with intestate succession under Chapter 29 of the General Statutes [Reference. NCGS §160D-802].

Subdivision, Major - Non-Residential. A Subdivision of a tract of land, including any remainder of the original tract, for any non-residential, commercial, mixed use, or employment/campus development or Special Use Permit.

Subdivision, Major Residential.

A subdivision of a tract of land into 5 or more parcels or Lots, including any remainder of the original tract, for Detached Dwelling or Attached Dwelling purposes.

Any Detached Dwelling or Attached Dwelling Subdivision which involves the creation of new Streets, extension of water lines or sewer lines, or the creation of public improvements; or

A Subdivision for an Apartment Dwelling development.

Subdivision, Minor Residential.

A subdivision of a tract of land into 4 or less parcels or Lots, including any remainder of the original tract, for Detached Dwelling or Attached Dwelling purposes, which does not involve the creation of new Streets, extension of water lines or sewer lines, or the creation of public improvements.

Subdivision, Non-Residential Incremental. A type of Major Subdivision, Non-Residential; A Subdivision of a tract of land, including any remainder of the original tract, for any non-residential, commercial, mixed use, or employment/campus development or

Special Use Permit approval through the Incremental Plat approval process.

Sub-Lots. Portions of a Lot of record created in connection with the transfer of ownership of individual Dwelling Units in a Attached Dwelling Building or Apartment Dwelling Building.

Surface-Mount. The placement of an antenna or Antenna Array on the existing or proposed surface of a Building or Structure.

Swimming Pool. Any outdoor Structure intended or Used for the containment of water above or below ground level.

Tasting Room. A Use associated with a brewery, microbrewery, winery, or distillery as part of their operations and limited to 25% of the Gross Floor Area of the operation.

Tattoo Parlors. A business or premise where the skin of an individual is marked by puncturing it and inserting a pigment or pigments to make permanent marks or designs.

Tavern. See Bar.

Telecommunications. The transmission between or among points specified by the user of information of the user's choosing, without change in the form or content of the information as sent and received.

Telecommunications Antenna. See Antenna, Telecommunications.

Telecommunications Service. The offering of telecommunications for a fee directly to the public, or to such classes of users as to be effectively available directly to the public, regardless of the facilities used.

Telecommunications Tower. A Structure more than 10 feet tall, built or used to support 1 or more Telecommunications Antennas.

Temporary Construction Trailer. A mobile Structure used as an office in conjunction with a construction Project. The mobile Structure (construction trailer) is used as a temporary office to meet a short-term need while the permanent facility/facilities are being constructed.

Temporary Family Health Care Structure. As defined by NCGS §160D-915.

Temporary Real Estate Office. The Temporary Use of a Dwelling Unit or trailer within a residential development Project as a sales or rental office for the units on the same site.

Temporary Use. Unless otherwise specified by this Ordinance, something intended to, or that does, exist for fewer than 90 days.

Theater. A Building or part of a Building devoted to showing motion pictures, or for dramatic, dance, musical, or other live performances.

Tobacco Store. A retail use where the sale of tobacco products, tobacco-derived products, or vapor products exceeds 30% of the total gross sales for the business (including in-store and online sales).

Top of Bank. The landward edge of the stream channel during high water or bank full conditions at the point where the water begins to overflow onto the floodplain.

Town Council. The Town Council as defined by the Charter as amended.

Town Project. A Project to be constructed by the Town or for the

Town under contract with the Town Council.

Transfer Station. A facility where solid waste is transferred from a vehicle or container to another vehicle or container for transportation. The term does not include the following:

A facility where the solid waste that is transferred has been generated by the facility; or,

A facility where the solid waste that is transferred has been generated by the facility; or,

Transit Station. A Building or place used as a terminus for the assembly and dispersal of passengers traveling by some type of transit service. May be enclosed or outdoor.

Tree Dripline. A vertical line running directly underneath the tips of a tree's outermost branches.

Tree Preservation Area. An area shown on a Development Plan, master plan, and/or Preliminary Plan and recorded on the Final Plat for the preservation of existing native vegetation within which disturbance or planting of non-native vegetation is prohibited.

UDO Application/Permit. An UDO permit, Development Plan, Subdivision Plan or any other project that requires an application and permit. See the definition of project in this UDO.

UDO Permit. A permit stating that the proposed erection, construction, enlargement or moving of a Building or Structure, and Uses thereof, complies with the provisions of this UDO.

Underground Facilities. An Accessory Structure which is at

least 75% subterranean, utilized for storage of personal property or as a temporary shelter for people, such as a storm cellar or fallout shelter.

Use. The purpose or activity for which land, Buildings, or Structures are designed, arranged, or intended or which land, Buildings, or structures are occupied or maintained.

Use, Permitted. The use of land or the Use of a Building or Structure on land which is allowed, either as a matter of right or under limited conditions (i.e., as a Special Use Permit, an Accessory Use, a Home Occupation, or a Temporary Use) in the District applicable to the land.

Use, Prohibited. A Use not permitted in a zone District.

Variance. Permission granted by the Board of Adjustment to depart from the literal requirements of this UDO.

Vehicle, Business Non-Passenger. A vehicle of any Gross Vehicle Weight that is Used in a business and not primarily designed for the transport of passengers. Examples include but are not limited to delivery trucks, vehicles used in construction activities, street sweepers, mail trucks, etc.

Vehicle, Business Passenger. A vehicle with a Gross Vehicle Weight of less than 8,500 lbs. which is Used in a business, other than a customer's or employee's personal vehicle, that is used for business purposes designed primarily for the transport of passengers. An employee's personal vehicle which is used for business purposes and utilizes exterior signage or markings is considered a Business Passenger Vehicle when the exterior signage or markings are visible.

Vehicular Canopy. See Canopy, Vehicular.

Vehicle Leasing and Rental. A specific type of vehicle and equipment Use, or an establishment arranged, designed, or Used for the display, leasing, or rental of any new or used motor vehicle in operable condition.

Vehicle, Passenger. A vehicle that is designed primarily for the transport of passengers.

Vehicle Sales. The use of any Building or land for the display and sale or long- term lease of new or used automobiles, panel trucks or vans, boats, or motorcycles and including any warranty repair work and other repair service conducted as an Accessory Use.

Vehicle Service, Major. An establishment primarily engaged in the repair or maintenance of commercial and heavy truck motor vehicles, trailers, and similar large mechanical equipment, including paint, body and fender and major engine and engine part overhaul, provided it is conducted within a completely enclosed Building. Such use shall not include the sale of fuel, gasoline, or petroleum products. Also an establishment primarily engaged in major repairs to passenger cars including rebuilding or reconditioning of engines, motor vehicles or trailers; collision service including body or frame, straightening or repair, overall painting, or paint shop.

Vehicle Service, Minor. An establishment primarily engaged in the incidental minor repairs to include replacement of parts and service to passenger cars (e.g., tire repair/replacement, oil changes) or

general repair.

Vending Machine. Any automated machine that is placed outside of a Building or Structure that is designed to allow consumers to insert monies or other objects in exchange for goods.

Vendors, Charitable/Fundraising. A non-profit organization that is supported primarily by charity or that has a 501c3 classification by the internal revenue service and civic organizations/clubs that are operated by a corporation, association, person or persons for a social, educational or recreational purpose; selling a product within a temporary time frame to gain a donation or fund to help support a specific cause.

Veterinary Clinic/Hospital. A Building or place used for diagnosing or surgically or medically treating animals, by licensed practitioners of veterinary medicine, dentistry, or surgery for animals; including indoor boarding services for pets; and grooming as an accessory use.

Vista Termination. An end point of a unique view along a Street. The end point may be provided by a significant natural feature, Building, Playground, Plaza, Square, Park, Parkway, or greenbelt.

Waiver / Waived. Permission granted in connection with: (a) the approval of a Development Plan; (b) the approval of a Subdivision Plan; or (c) a Special Use Permit, to allow a deviation from the Development Standards or development requirements of this UDO.

Walkway. A defined pedestrian way, which may include stairs, typically improved with concrete or asphalt, which provides for pedestrian

movement on private property. A Walkway may or may not be in a pedestrian easement.

Warehouse. An establishment engaged in the storage of materials, equipment, or products within a Building for manufacturing Use or for distribution to wholesalers or retailers, as well as activities involving significant movement and storage of products or equipment. This definition excludes Uses that are engaged primarily in the storage of explosive, hazardous, or toxic materials.

Warehouse and Distribution

Center. A Building or Structure for the storage of goods, materials or products awaiting shipment to another location for wholesale or retail trade. At least 50% of the Gross Floor Area of the Uses shall be Uses for storage and distribution purposes.

Water body, Perennial. Means a natural or man-made basin that stores surface water permanently at depths sufficient to preclude growth of rooted plants, including lakes, ponds, sounds, non-stream estuaries and ocean. For the purpose of the riparian buffer protection program the water body must be part of a natural drainage way (i.e., connected by surface flow to a stream).

Whip Antenna. See Antenna, Whip.

Windblown Device. Any banner, pennant, spinner, streamer, propeller, disc, moored blimp, gas balloon, or flag that is designed to inform or attract attention, whether or not such device carries a message, all or part of which is set in motion by or remains inflated by wind, mechanical, electrical or any other means.

Wireless Telecommunication

Equipment. A Wireless Telecommunication Facility not located on a tower operated by a licensed wireless Telecommunication Service provider which consists of the equipment and Structures involved in the receiving or transmitting of electromagnetic waves associated with wireless Telecommunication Services. This also includes a Small Wireless Telecommunications Facility that meets both of the following qualifications: (1) each antenna is located inside an enclosure of no more than 6 cubic feet in volume or, in the case of an antenna that has exposed elements, the antenna and all of its exposed elements could fit within an imaginary enclosure of no more than 6 cubic feet; and (2) all other wireless equipment associated with the facility is cumulatively no more than 28 cubic feet in volume. The following types of associated ancillary equipment are not included in the calculation of equipment volume: electric meter, concealment elements, telecommunications demarcation box, ground-based enclosures, grounding equipment, power transfer switch, cut-off switch, and vertical cable runs for the connection of power and other services.

Wireless Telecommunication

Facility. Any facility operated by a licensed wireless Telecommunication Service provider which consists of the equipment and Structures involved in the receiving or transmitting of electromagnetic waves associated with wireless Telecommunication Services.

Wireless Telecommunications

Facility, Small. A wireless telecommunications facility that meets both of the following

qualifications:

Each antenna is located inside an enclosure of no more than 6 cubic feet in volume or, in the case of an antenna that has exposed elements, the antenna and all of its exposed elements could fit within an imaginary enclosure of no more than 6 cubic feet; and

All other wireless equipment associated with the facility is cumulatively no more than 28 cubic feet in volume. The following types of associated ancillary equipment are not included in the calculation of equipment volume: electric meter, concealment elements, telecommunications demarcation box, ground-based enclosures, grounding equipment, power transfer switch, cut-off switch, and vertical cable runs for the connection of power and other services. (Reference. NCGS §160D-931)

Wireless Telecommunications

Tower. A pole or other similar Structures used to support 1 or more Telecommunications Antennas that exceeds the Maximum Building Height in a specific District by more than 10 feet.

Yard. An Open Space, unobstructed to the sky, extending fully across the Lot while situated between the Front Lot Line, Side-Corner or -Interior Lot Line, or Rear Lot Line and the established Front Building Line, Side-Corner or -Interior Building Line, or Rear Building Line.

Yard, Aggregate Side. The total combined distance of both Side Yards on an individual interior Lot or Double Frontage Lot.

Yard, Front. An Open Space

unobstructed to the sky, extending fully across the Lot while situated between the Front Lot Line and the established Front Building Line

Yard, Minimum. An Open Space unobstructed to the sky, extended fully across the Lot situated between a Lot Line and a Setback line. Minimum Yards may be a Front Yard, a Side Yard, or a Rear Yard depending on which Lot Line the Minimum Yard abuts and is measured from.

Yard, Perimeter. An Open Space, unobstructed to the sky, extending fully across the Lot while situated between any Front Lot Line, Side Lot Line, and Rear Lot Line and the Minimum Front Setback, Minimum Side Setback, and Minimum Rear Setback.

Yard, Rear. An Open Space, unobstructed to the sky, extending fully across the Lot while situated between the Rear Lot Line and the established Rear Building Line.

Yard, Side - Corner. An Open Space, unobstructed to the sky, situated between the Side-Corner Lot Line and the established Side-Corner Building line. Any area of a Side-Corner Yard that intersects with a Front Yard shall be considered part of the Front Yard.

Yard, Side - Interior. An Open Space, unobstructed to the sky, situated between the Side-Interior Lot Line and the established Side-Interior Building line.

Zoning Vested Right. A right pursuant to NCGS § 160D-108 to undertake and complete the development and Use of property under the terms and conditions of an approved Site-specific Development Plan.

Zoning Vested Rights Certificate.

A certificate issued by the Director after a determination by the approval authority at a public hearing, for which notice was provided, and which specifies the Site-specific Development Plan or phased Development Plan which has been approved by the approval authority for the establishment of vested rights.

