Grow Zebulon

UNIFIED DEVELOPMENT ORDINANCE

Effective Date 1.1.2020 – Amended April 17, 2025

ACKNOWLEDGEMENTS



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Amendments made since UDO adoption

ORDINANCE #	DATE ADOPTED	TITLE	AFFECTED UDO SECTION(S)	DESCRIPTION
2020-48	June 1, 2020	Window Signage	5.11.9	Created flexibility with for window signage.
2020-49	June 1, 2020	Detached Accessory Structures	4.4.7,H	Establish dimensional regulations for detached accessory structures
2021-32	September 1, 2020	Mobile Food Vendors	4.5.4.A	Defines some vendors to be exempt from permit.
2021-33	September 1, 2020	Street Grades	6.10.7.F	Uses Standard Specification Details for Street Grades.
2021-44	November 2, 2020	Grading in Conservation Subdivisions	6.24.I & 6.2.5.C.4.a	Limits grading within Conservation Subdivisions.
2021-45	November 2, 2020	Sidewalks in Conservation Subdivisions	6.8.1	Requires sidewalks on at least one side of the street in conservation subdivisions.
2021-55	March 1, 2021	Signs in Downtown Districts	3.5.3.E, 3.5.4.E, 5.11.9.E	Allows monument signs in downtown and regulates height based on zoning district
2021-65	May 3, 2021	160D Updates	Multiple in Chapters 1, 2, 3, 4, 5, 6, 8, 9, 10	Update to conform with NCGS 160D
2022-13	October 4, 2021	Downtown Building Design	3.5.3.F.12	Regulate Color and Design in DTC District
2022-14	October 4, 2021	Art Galleries and Artisan Studios	4.2.3, 4.3.5, 9.4	Establish Art Galleries and Artisan Studios as new uses
2022-15	October 4, 2021	Pawn Shops and Vape, Tobacco, & CBD Shops	4.2.3, 4.3.5, 9.4	Establish Pawn Shops and Vape, Tobacco, & CBD Shops as a new use
2022-16	October 4, 2021	Auto-Oriented Uses	4.3.5 and 4.3.1.F.12	Establish new design regulations for auto-oriented uses
2022-17	October 4, 2021	Corrections	3.4.5, 3.4.6, 3.4.7	Reduction of front yard setbacks in industrial districts
2022-18	October 4, 2021	Correction	4.2.3, 4.3.5.G,	Corrections for residential uses and design guidelines
2022-19	October 4, 2021	Corrections	5.1.3, 5.1.4, 5.3.1, 5.3.2, 5.3.3, 5.8.4.H, 5.8.7	Lot Access, DTC Design, Guest Parking corrections.

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Amendments made since UDO adoption

Ordinance #	Date Adopted	Title	Affected UDO Section(s)	Description
2022-20	October 4, 2021	Corrections	9.4	Spelling Corrections in Definitions
2022-40	May 2, 2022	Dumpster Enclosure	5.3.1 & 5.3.2	Material Requirements for Dumpster Enclosures
2022-41	May 2, 2022	SCM Landscaping	5.6.19	Required Landscaping around SCM
2022-49	June 6, 2022	Flood Hazard Update	3.8.2 & 9.4	Updated Regulations and Definitions per Model Ordinance
2023-05	August 9, 2022	Utility Allocation Policy	1.5.7	Added in requirement for new developments to meet Utility Allocation Policy
2023-09	November 7, 2022	Public Notification	2.3.6	750-foot mailing radius, mailed and posted notices for annexations
2023-10	November 7, 2022	Ground Signs	5.11.9.E	Allows ground signs for industrial uses
2023-11	November 7, 2022	Building Heights	5.3.3.E.8	Allows multi-family dwellings an option of height deviations with a Conditional Zoning or PUD.
2023-12	November 7, 2022	Article 10 Corrections	Article 10	Corrects several errors in Article 10
2023-38	May 1, 2023	Transportation Impact Analysis	6.13	Changes thresholds and scope of TIAs.
2024-08	September 11, 2023	New Use	Article 4 & 9	Added "Daycare – Drop-in" as new use
2024-09	September 11, 2023	RV Park as Planned Development	Article 4	Allow for "RV Parks" to be considered as part of a Planned Development
2024-10	September 11, 2023	Process Update	Article 4	Modify processes to include Construction Drawing Review as new process.
2024-11	September 11, 2023	Contractor Signs	Article 5	Create new sign type for "Contractor Signs"
2025-11	October 7, 2024	Legislative Update	Article 4, 5, 6 &9	Updated the following items to align with updated state legislation: Exemptions from required Sewer and Water Connection, addition of Sports Wagering use type, Triplex and Quadplex Standards to meet single family detached, and Update of parking spaces size.

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Ordinance #	Date Adopted	Title	Affected UDO Section(s)	Description
2025-25	April 17, 2025	Regional Mixed-Use District	Article 2, 3, 4 & 5	Addition of a new Regional Mixed-Use Zoning District

USING THIS ORDINANCE

This document is the Town of Zebulon's Unified Development Ordinance (or "UDO"). It contains the rules that control how land can be used in the Town, what kinds of uses may be located in particular locations, and how new development must be configured. The following paragraphs describe this document and how to use it.

The UDO replaces Chapter 152 of the Town Code of Ordinances (the Land Use Ordinance), upon its effective date – January 1, 2020. While this document implements the Town's adopted policy guidance, like the Comprehensive Plan, it is regulatory (not advisory) in nature, and is a legal document that carries the force of law.

The Town's zoning map is the graphical depiction of the location of the zoning districts, and is adopted by reference in the UDO. All the land within the Town's corporate limits and extra-territorial jurisdiction has a zoning district designation. The UDO makes several revisions to the Town's prior zoning district line up, including the creation and establishment of two new downtown zoning districts to be applied to lands around the downtown. The UDO also creates three new zoning districts (commercial neighborhood, industrial campus, and planned development) which are made available for request but not proactively established on the zoning map. The UDO also consolidates the Town's prior six residential zoning districts into three: suburban, neighborhood, and urban. The UDO converts several special use districts to general use districts; such as the RMF SUD, TR SUD, and HB SUD.

This document contains 10 articles that consolidate similar kinds of provisions, like procedures, zoning districts, use standards, or development standards into individual articles. It includes a text formatting system comprised of numbered section and subsection headings that are designed to help code users understand how the text in the document is organized. Section headings include different color backgrounds and subsection headings use underlining to help them be more visible and easier to navigate.

The top of almost every page includes a listing of the particular article number and name, as well as the appropriate section number and name of the text on that particular page. This allows users to quickly navigate through the document using the tops of the pages. Page numbers are included at the bottom of each page. Page numbers include the article number so that a user may quickly see what article a particular page is located in (which is helpful for navigating or referencing the document). Some articles, like Article 2: Procedures, also include an introductory section that explains how the regulations in the article are structured and how to use them effectively. Where possible, provisions in a particular article are listed in alphabetical order to allow users to quickly locate the desired text.

Throughout the document, users will see underlined text. Underlined text shows cross references to other sections or subsections in the document. As with the table of contents entries, users of the digital version of this document will be able to click on a cross reference, and the digital document will automatically scroll to the location in the document being cross referenced. In addition to the text layout and formatting improvements, this UDO includes graphics and illustrations. The document also includes an index with cross references to key terms used in the UDO.

Readers are reminded that the UDO is a "living" document. In other words, the text in the document and the zoning map can change from time-to-time. Users should also be sure that they are using the most recent version of the UDO document and zoning map. Questions about the UDO, the zoning map, or other aspects of the development review process should be directed to the Town's Planning Department at 919.269.7455. The Planning Department offices are open during normal business hours at 1003 North Arendell Avenue in Zebulon. Information is also available on the Town's website at www.townofzebulon.org.

Thank you for reviewing this material, and we look forward to serving you.

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1: GENERAL PROVISIONS

1.1. TITLE

This Ordinance is officially titled as the "Town of Zebulon, North Carolina Unified Development Ordinance," and may be referred to as "the Unified Development Ordinance," "this Ordinance," or by one or more other abbreviated references ("the UDO," "this UDO," or "UDO").

1.2. EFFECTIVE DATE

This Ordinance shall be in full force and effect on January 1, 2020, and it repeals and replaces the Town of Zebulon Land Use Ordinance, as originally adopted on September 8, 1992, and as subsequently amended.

1.3. AUTHORITY

The authority to enact, administer, and enforce this UDO is derived from the following sources:

1.3.1. GENERAL ASSEMBLY

The authority granted to the Town of Zebulon by the General Assembly of the State of North Carolina.

1.3.2. NORTH CAROLINA GENERAL STATUTES

The North Carolina General Statutes, including:

A. Chapter 160A, Article 8 (Police Powers);
B. Chapter 160A, Article 15 (Streets, Traffic, and Parking);
C. Chapter 160D (Planning and Regulation of Development);
D. Chapter 143, Article 21 (Water and Air Resources); and
E. Chapter 113A, Article 4 (Sedimentation and Pollution Control).

1.3.3. TOWN CHARTER

The Zebulon Town Charter.

1.3.4. OTHER RELEVANT LAWS

A. All other relevant laws of the State of North Carolina; and
B. Any special legislation for the Town of Zebulon enacted by the North Carolina General Assembly.

1.4. PURPOSE AND INTENT

The purpose of this Ordinance is to promote the public health, safety, morals, and general welfare of the community, and to ensure that all development within the Town's planning jurisdiction is generally consistent with the Town's adopted policy guidance pertaining to growth and development. More specifically, this Ordinance is intended to pursue the following:

1.4.1. KEEP TOWN RESIDENTS AND VISITORS SAFE

A. The UDO is intended to protect the health and safety of all Town residents and visitors by ensuring the provision of adequate open space between uses for light, air, and fire safety.
B. The UDO seeks to require appropriate setbacks for buildings and other structures to facilitate the safe movement of vehicular and pedestrian traffic, ensure the provision of adequate fire lanes, and maintenance of an adequate distance between residential uses and the dust, noise, and fumes created by vehicular traffic.

C. The UDO also seeks to secure the safety of landowners and residents from flooding, fire, seismic activity, and dangers presented from extreme weather events, to the extent possible.

1.4.2. FOSTER A CONVENIENT, COMPATIBLE ARRANGEMENT OF LAND USES

A. The UDO is intended to establish a compact and convenient arrangement of land uses across the landscape in ways that promote orderly growth and compatibility between different kinds of land uses like residential, commercial, mixed-use, and agriculture.

B. The UDO strives to produce a sustainable balance of land uses (residential, commercial, industrial, etc.) in order to assist with the fiscal wellbeing of the Town and to ensure a diverse tax base.

C. The UDO seeks to promote redevelopment of underutilized sites served by public infrastructure while at the same time protecting existing established development and neighborhoods from incompatible infill and redevelopment.

1.4.3. PROTECT THE NATURAL ENVIRONMENT

A. The UDO intends to protect air and water quality, preserve open space, protect natural resource areas (like wetlands and riparian areas), and preserve a sufficient amount of wildlife habitat.

B. The UDO promotes sustainable development practices, like energy conservation, low-impact development, and alternative modes of transportation that do not contribute to the formation of greenhouse gases.

1.4.4. ENSURE PROPERLY FUNCTIONING INFRASTRUCTURE

A. The UDO seeks to ensure sufficient and adequately functioning infrastructure, including transportation, potable water, wastewater, recreation, stormwater management, and communications through standards requiring dedication of sufficient land for such facilities, and requirements to construct or make payment in-lieu of constructing required infrastructure.

B. The UDO seeks to improve Town-wide and regional connectivity for vehicles, pedestrians, and bicyclists through new extension and connection provisions for greenways, trails, bicycle lanes, sidewalks, and streets.

C. The UDO seeks to coordinate the development of streets with other public facilities so as to better manage and lessen congestion in the streets as well as provisions that ensure the construction of necessary community service facilities.

1.4.5. ESTABLISH A UNIQUE SENSE OF PLACE

The UDO promotes the Town's unique "sense of place" in eastern Wake County by promoting revitalization of the downtown and surrounding areas, encouraging the establishment of new greenways, and establishing new requirements for open space set-asides.

1.4.6. PROMOTE A STRONG AND DIVERSE ECONOMY

The UDO emphasizes high-quality, aesthetically-appealing development and site features as a means of attracting and retaining talent and promoting the Town's economic competitiveness.

1.4.7. PROVIDE ADEQUATE AND DESIRABLE HOUSING

A. The UDO encourages urban densities in appropriate locations such as downtown while also providing for a wider variety of housing types, sizes, and standards of quality in order to meet changing housing preferences and housing challenges facing Town residents.

B. The UDO also intends to preserve established neighborhood character and ensure that infill development and redevelopment maintain compatibility with established residential surroundings.

1.5. APPLICABILITY

1.5.1. TERRITORIAL JURISDICTION

This Ordinance shall apply to any development that occurs within the corporate limits and extraterritorial jurisdiction (ETJ) of the Town of Zebulon, unless expressly provided otherwise by the terms of this Ordinance. When referenced together, the land area within the corporate limits and the ETJ shall be referred to as the Town's "planning jurisdiction."

1.5.2. DEVELOPMENT SUBJECT TO THIS ORDINANCE

Except as otherwise provided in writing elsewhere in this Ordinance (e.g., Section 1.5.3, Activities Exempted from this Ordinance), any of the following activities shall be subject to the requirements in this Ordinance:

A. ANY CONSTRUCTION

Any construction, reconstruction, erection, installation, placement, relocation, renovation, remodeling, demolition, or alteration in the size of a building or other structure on land.

B. NEW USES OR CHANGES IN USE

The establishment of a new use of land or structure, a new open-air use of land, or any change in such use.

C. CHANGES IN INTENSITY

Any change in the intensity of the use of land or a structure, such as:

1. An increase in the number of businesses, establishments, offices, dwelling units, or lodging units comprising the use;
2. An increase in the number of off-street parking spaces provided by the use;
3. An increase in the volume or characteristics of vehicular traffic generated by the use;
4. An increase in noise levels, thermal conditions, or emissions of waste materials associated with the use;
5. An increase in the minimum landscaping, screening, or buffering requirements associated with the use;
6. An increase in the number of off-street parking spaces;
7. An increase in the number of signs, sign face area, or sign height; or
8. An increase in the duration of a temporary or seasonal use.

D. CHANGES IN IMPERVIOUS SURFACE

Any land-disturbing activity that increases or changes the amount of impervious or partially impervious cover or that otherwise decreases the infiltration of precipitation or surface water runoff into the soil.

E. ALTERATION OF TOPOGRAPHY

An alteration of the natural topography of land, such as mining, grading, ditching, extracting earth materials, dredging, excavation, filling, or deposition of soil.

F. REMOVAL OF REQUIRED VEGETATION

The removal of required vegetative cover, such as site clearing or the removal of protected existing trees.

G. ALTERATION OF WATERCOURSE

Any alteration of the channel, bank, shore, floodway, or floodplain of a watercourse, body of water, or wetland.

H. DIVISION OF LAND

Any division of a parcel of land into two or more lots, building sites, or other divisions for the purpose of sale or building development (whether immediate or future) except where

exempted by State law, and any division of land involving dedication of a new street or a change in existing streets.

1.5.3. ACTIVITIES EXEMPTED FROM THIS ORDINANCE

The following activities do not constitute development subject to this Ordinance, but may be subject to other provisions in the Town Code of Ordinances:

A. INSPECTION
The inspection, maintenance, or repair of an existing transportation facility (e.g., roadway, walkway, trail, railroad tracks, traffic control device, etc.) or an existing utility, stormwater management device, or public service facility (pipe, cable, valve, catch basin, outlet, ditch, basin, bulk refuse container pad, etc.), if no substantial engineering redesign is involved;

B. MAINTENANCE
The ordinary maintenance and repair of existing structures, where no activities identified in Section 1.5.2, Development Subject to this Ordinance, or subject to State Building Code(s) requirements are involved;

C. PLANTING
The ordinary planting or maintenance of vegetative landscaping or gardens not otherwise required by this Ordinance;

D. CHANGE IN OWNERSHIP
A change in the ownership or form of ownership of any parcel or structure;

E. CHANGES IN TITLE
The creation or termination of easements, covenants, condominium titles, or other rights in land or development, where no street right-of-way dedication in involved; or

F. EXEMPT DIVISION OF LAND
Any division of land proposed as one of the activities specially listed as excluded from the definition of "subdivision" in Section 9.4, Definitions.

1.5.4. APPLICATION TO GOVERNMENTAL UNITS

To the extent allowed by law, this Ordinance shall apply to any development by Town, county, state, or federal agencies within the Town's planning jurisdiction, and any land, buildings, and structures—including uses thereof—owned or otherwise controlled by such agencies. Where this Ordinance does not control the development of land, buildings, and structures, such agencies are encouraged to meet the provisions of this Ordinance.

1.5.5. EMERGENCY EXEMPTIONS

The Town Manager may, without any otherwise required prior notice or public hearing, authorize Town agencies to deviate from the provisions of this Ordinance during and after an emergency (such as a hurricane or other storm, flooding, chemical spill or leak) when the need to act quickly to secure the public health, safety, or welfare makes it impossible to submit to the normal procedures and requirements of this Ordinance.

1.5.6. MINIMUM REQUIREMENTS

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

1.5.7. UTILITY ALLOCATION POLICY

In order to preserve and enhance property values, manage its limited water supply as a vital natural resource, promote economic development, and incentivize smart growth practices,

the allocation of Zebulon's potable water and sanitary capacity shall adhere to an approved Utility Allocation Policy for the following development processes:

A. Site Plan for development of non-residential site (new or redevelopment)
B. Site Plan for residential development consisting of three or more dwellings
C. Conditional Rezoning requests
D. Planned Development requests
E. Special Land Use Requests
F. Major Subdivision Requests

1.6. ADOPTED POLICY GUIDANCE

1.6.1. POLICY GUIDANCE IDENTIFIED

The administration, enforcement, and amendment of this Ordinance shall be accomplished in accordance with the Town's adopted policy guidance. This includes the Comprehensive Plan and all other Town-adopted policy guidance pertaining to land use and development.

1.6.2. CONFORMANCE

A. ADVISORY

Adopted policy guidance is advisory in nature and does not carry the effect of law. Except as provided in Section 160D-605 of the North Carolina General Statutes, consistency with adopted policy guidance shall not be a requirement for the continuing validity of any provision of this Ordinance.

B. CONSISTENCY

1. This Ordinance is intended to promote development that is consistent with the goals, objectives, policies, strategies, and actions contained in the Town's adopted policy guidance.
2. Consistency between a decision made under this Ordinance and the Town's adopted policy guidance is desirable, but is not a legal requirement.
3. Decisions on applications for amendments to the text of this Ordinance or to the Official Zoning Map shall be accompanied by a statement of consistency recognizing if the proposed decision is or is not consistent with the Town's adopted policy guidance in accordance with Section 160D-605 of the North Carolina General Statutes.

C. AMENDMENT UPON INCONSISTENCY

1. To the extent this Ordinance is or becomes inconsistent with the Town's adopted policy guidance, either this Ordinance or the adopted policy guidance, as appropriate, should be amended to retain consistency.
2. All amendments to this Ordinance's text or to the Official Zoning Map should maintain and enhance consistency between this Ordinance and adopted policy guidance.
3. The Board of Commissioners may, as part of the approval of an amendment to the text of this Ordinance or the Official Zoning Map, declare that the Town's adopted policy guidance is also amended for consistency with the approved amendment.

1.7. PROCEDURES MANUAL

The Procedures Manual is a separate document that supplements the procedures and requirements in this Ordinance with application forms, submittal requirements, certification statements for inclusion on plans or plats, the timing of review, and other resource information for applicants.

1.7.1. The Planning Director, with assistance from the Public Works Director, shall maintain the Procedures Manual.

1.7.2. Material in the Procedures Manual is supplemental and is not intended to replace any of the standards or requirements of this Ordinance or other regulatory document. In the event of a conflict between the Procedures Manual and other adopted ordinance of the Town, the adopted ordinance shall control.

1.8. RELATIONSHIP TO OTHER LAWS AND AGREEMENTS

1.8.1. REVIEW OF PRIVATE AGREEMENTS

A. The Town may review and comment on private agreements, when necessary, including, but not limited to: the establishment and operation of an owners' association; maintenance of private infrastructure held in common by an owners' association; maintenance and operation of off-street parking agreements; easements in favor of the Town; or access easements in favor of the general public.

B. The Town is not responsible for monitoring or enforcing private agreements, covenants, or deed restrictions between individuals or members of an owners' association.

1.8.2. EXISTING AGREEMENTS OR VESTED RIGHTS

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

1.9. CONFLICT

1.9.1. CONFLICTS WITH STATE OR FEDERAL LAW

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

1.9.2. CONFLICTS WITH OTHER TOWN CODES OR LAWS

If a provision of this Ordinance is inconsistent with another provision found in other adopted ordinances of the Town, the more restrictive provision shall govern, unless the terms of the more restrictive provision specifies otherwise.

1.9.3. CONFLICTS BETWEEN THE STANDARDS IN THIS ORDINANCE

A. GENERALLY

In cases where two or more standards in this Ordinance conflict with one another, the more restrictive standard shall control.

B. DEVELOPMENT REVIEW PROCEDURES

In cases where the standards in Section 2.3, Application Processing, or information in the Procedures Manual conflict with the standards in Section 2.2, Application Review Procedures, the standards in Section 2.2, Application Review Procedures, shall control.

C. OVERLAY DISTRICTS

1. In cases where applicable overlay zoning district standards are in conflict with applicable general zoning district standards, the overlay district standards shall control.
2. In cases where applicable overlay zoning district standards are in conflict with applicable conditional zoning district standards, the more restrictive standards shall control.

D. AUTHORIZED DEVIATIONS OR INCENTIVES

Development configured in accordance with an allowable deviation (e.g., administrative adjustment) or incentive (e.g., sustainable development incentives) authorized by this Ordinance shall not be considered to conflict with otherwise applicable more restrictive standards in this Ordinance.

1.9.4. CONFLICTS WITH PRIVATE AGREEMENTS

In cases where the standards in this Ordinance conflict with private agreements, covenants, or deed restrictions and the standards in this Ordinance are more restrictive, the standards in this Ordinance shall control.

1.9.5. DETERMINATION OF THE MORE RESTRICTIVE STANDARD

The more restrictive provision is the one that imposes greater restrictions or burdens, or more stringent controls.

1.10. TRANSITIONAL PROVISIONS

The standards in this section address existing violations, nonconformities, and applications in process at the time this Ordinance becomes effective.

1.10.1. PRIOR VIOLATIONS CONTINUE

A. Any violation of the previous UDO shall continue to be a violation under this Ordinance, unless the development complies with the express terms of this Ordinance or the statute of limitations on enforcement has expired in accordance with Section 8.3, Statute of Limitations

B. Any violation of the previous UDO that is no longer a violation under this Ordinance shall not be considered a violation.

C. Violations of this Ordinance shall be subject to the penalties set forth in Article 8: Enforcement, unless the development complies with the express terms of this Ordinance.

1.10.2. EXISTING NONCONFORMITIES

If any use, building, structure, lot, sign, or site feature legally existed on January 1, 2020, but does not fully comply with the standards of this Ordinance, the use, building, structure, lot, sign, or site feature is considered nonconforming under this Ordinance and shall be subject to the requirements in Article 7: Nonconformities.

1.10.3. PENDING APPLICATIONS

A. FINAL ACTION PENDING

1. Any development application filed and accepted as complete before January 1, 2020, but still pending final action as of that date, may be decided in accordance with either the regulations in affect at the time the application was determined complete or the regulations in this Ordinance, as requested by the applicant in accordance with Section 143-755 of the North Carolina General Statutes.
2. To the extent an application is approved and proposes development that does not comply with this Ordinance, the subsequent development, although permitted, shall be nonconforming and subject to the provisions of Article 7: Nonconformities.
3. If the development subject to an application approved under the Town's prior development regulations fails to comply with the required time frames, it shall expire and future development shall be subject to the requirements of this Ordinance.

B. FILED, BUT NOT COMPLETE APPLICATIONS

Applications that have been filed prior to January 1, 2020, but not determined to be complete by the Planning Director shall be reviewed and decided in accordance with this Ordinance.

1.10.4. APPROVED APPLICATIONS

The following standards apply to applications approved prior to January 1, 2020:

A. Any development approvals shall remain valid until their expiration date.

B. Developments with valid approvals or permits may be carried out in accordance with the terms and conditions of their approval and the development standards in effect at the time of approval, provided the permit or approval is valid and has not expired.

C. Portions of developments, including subdivisions, reserved as future development sites where no lot lines are shown on a preliminary plat, site plan, or other approved plan of development shall comply with the provisions of this Ordinance.

D. If an approval expires or is revoked (e.g., for failure to comply with the terms and conditions of approval), any subsequent development of the site shall be applied for in accordance with the procedures and standards of this Ordinance.

E. Timelines for the commencement or expiration of development in accordance with an approved application shall be suspended in the event of legal challenge.

1.10.5. EXISTING DEVELOPMENT

A. EXISTING SPECIAL USE ZONING DISTRICT DESIGNATION

1. Land subject to a special use zoning district designation on January 1, 2020 shall continue to be subject to the district designation and all applicable conditions of approval after January 1, 2020.

2. Amendments to the zoning district designation of a lot after January 1, 2020 shall only be to a zoning district established in this Ordinance and in accordance with Section 2.2.24, Zoning Map Amendment, or Section 2.2.13, Planned Development, as appropriate.

B. PRIOR APPROVED PLANNED RESIDENTIAL DEVELOPMENT

1. A planned residential development subject to a special use permit approved prior to January 1, 2020 is authorized to continue to subject to its master plan, special use permit, and all associated conditions of approval.

2. Amendments to a planned residential development established prior to January 1, 2020 shall only be considered in accordance with Section 2.2.13, Planned Development.

C. PRE-EXISTING CONDITIONAL OR SPECIAL USE PERMIT

1. Development subject to a conditional or special use permit issued prior to January 1, 2020 shall continue to be subject to all permit requirements and conditions of approval even in cases where the use type no longer requires a conditional or special use permit in this Ordinance.

2. Amendments to a conditional or special use permit established prior to January 1, 2020 shall only be in accordance with the standards in Section 2.2.18, Special Use Permit, unless the use is permitted by-right in this Ordinance.

D. ESTABLISHED USES WITHOUT A SPECIAL USE PERMIT

1. If a use was a lawfully established by-right use before January 1, 2020 and that use is subsequently made a special use in Table 4.2.3, Principal Use Table, the pre-existing use shall be considered a lawfully-established special use.

2. Any changes to a pre-existing lawfully-established special use after January 1, 2020 shall be in accordance with the standards of this Ordinance.

1.11. ZONING DISTRICT TRANSLATION

On January 1, 2020, land zoned with a zoning district classification from the previous Land Use Ordinance shall be translated or reclassified to one of the zoning district classifications in this Ordinance as set forth in Section 3.1.3, Zoning Districts Established. Table 1.11, Zoning District Translation, summarizes the translation or reclassification of the zoning districts used in the previous ordinance to the zoning districts used in this Ordinance. (For example, the table shows that all lands classified as Residential-30 (R-30) in the previous ordinance (under the column titled "Districts in the Former Land Use Ordinance") are now classified Residential Suburban (R2) in this Ordinance (under the column titled "Districts in this UDO")).

TABLE 1.11: ZONING DISTRICT TRANSLATION

DISTRICTS IN THE FORMER LAND USE ORDINANCE		DISTRICTS IN THIS UDO [1]	
RESIDENTIAL DISTRICTS			
R-80W	Residential – 80W	R1	Residential Watershed
R-40W	Residential – 40W		
R-30	Residential – 30	R2	Residential Suburban
R-20	Residential – 20		
R-13	Residential – 13	R4	Residential Neighborhood
R-10	Residential - 10		
R-8	Residential – 8	R6	Residential Urban
RMF	Residential Multi-Family	RMF	Residential Multi-Family
RMF SUD	Residential Multi-Family Special Use District		
RMH	Residential Mobile Home (30, 20, 13, 10, 8)		[DELETE] [2]
COMMERCIAL DISTRICTS			
		NC	Neighborhood Commercial [NEW]
GB	General Business	GC	General Commercial
HB	Heavy Business	HC	Heavy Commercial
HB SUD	Heavy Business Special Use District		
IL	Light Industrial	LI	Light Industrial
		CI	Campus Industrial [NEW]
IH	Heavy Industrial	HI	Heavy Industrial
IH SUD	Heavy Industrial Special Use District		
MIXED USE DISTRICTS			
TR	Transitional Residential	OI	Office and Institutional
TR SUD	Transitional Residential Special Use District		
MA	Medical Arts		
CB	Central Business	DTP	Downtown Periphery
		DTC	Downtown Core
		PD	Planned Development [NEW]
SPECIAL USE DISTRICTS			
R-13 SUD	Residential – 13 Special Use District	R-13 SUD	Residential – 13 Special Use District

TABLE 1.11: ZONING DISTRICT TRANSLATION			
DISTRICTS IN THE FORMER LAND USE ORDINANCE		DISTRICTS IN THIS UDO [1]	
CA SUD	Commercial Amusement Special Use District	CA SUD	Commercial Amusement Special Use District
NOTES: [1] This table does not list the parallel conditional zoning districts established in Section 3.1.3, Zoning Districts Established. [2] Land within a RMH district shall be translated into the appropriate residential district and included within the proposed Manufactured Housing Overlay (MHO) District.			

1.12. SEVERABILITY

If any section, subsection, illustration, sentence, boundary, clause, or phrase of this Ordinance is for any reason held by a court of competent jurisdiction to be invalid, the BOC hereby declares that it would have passed this Ordinance and any section, subsection, illustration, sentence, boundary, clause, and phrase thereof, irrespective of the fact that some portion of this Ordinance may be declared invalid.

2



Grow Zebulon

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2: PROCEDURES

2.1. HOW TO USE THIS ARTICLE

Article 2: Procedures, includes the information for how to submit an application for development, how it will be reviewed, and what happens after a decision on an application is made by the Town.

2.1.1. PURPOSE AND INTENT

This article sets out the review procedure used by the Town for each of the development application types subject to this Ordinance. The intent of these provisions is to:

A. Identify the steps in the review process for each type of application;

B. Increase predictability for applicants by standardizing the text describing the different development application review procedures;

C. Establish measurable review criteria for decision-makers to use in making a decision on an application; and

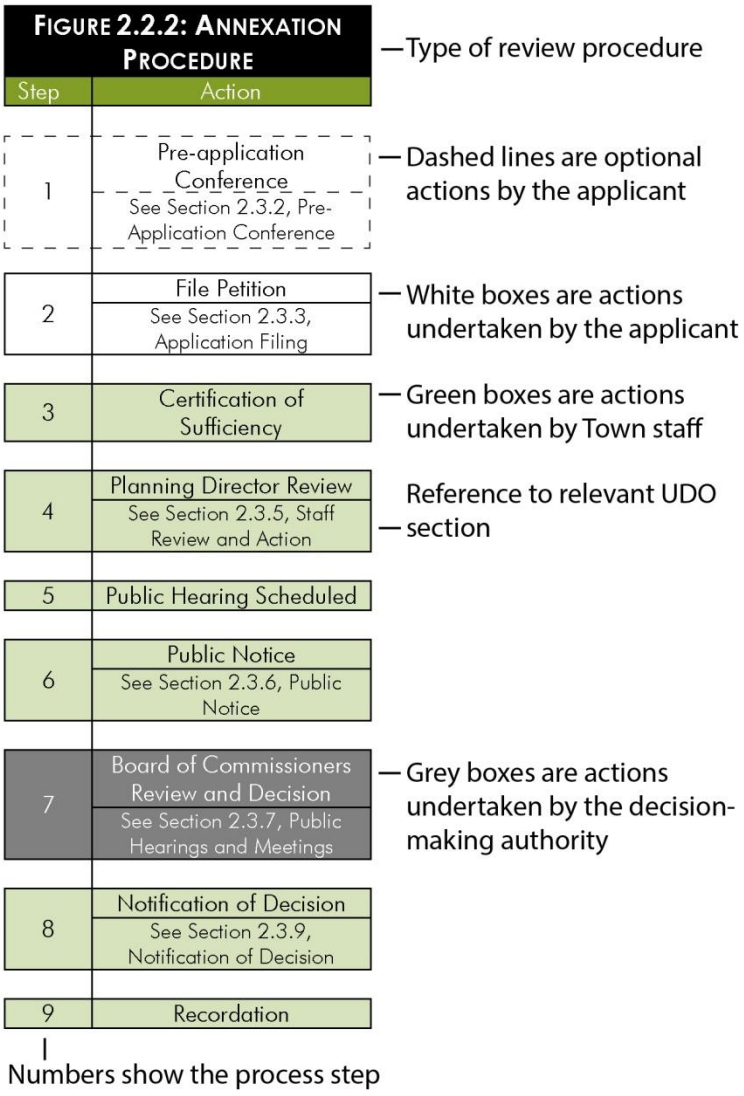
D. Comply with all applicable state and federal laws.

2.1.2. ARTICLE CONTENTS

A. Article 2 is comprised of three main sections: how to use the article (Section 2.1, How to Use this Article), a section called "application review procedures" (Section 2.2, Application Review Procedures) that describes the application review procedures (in alphabetical order) for each type of development application, and an "application processing" (Section 2.3, Application Processing) section that explains the standardized process used by the Town in the review of an application.

B. Each application review procedure includes a procedural flowchart that depicts the steps in the review process (See Figure 2.1.2.B: Flowchart Example). Each step is sequentially numbered from the top (the beginning) to the bottom (the end). White boxes in the flowchart indicate actions of the applicant. Boxes with dashed lines show optional steps that may be undertaken by the applicant. Green boxes indicate actions of Town staff. Grey boxes show public meetings or legislative public hearings (as appropriate), and black boxes show quasi-judicial public hearings.

FIGURE ARTICLE CONTENTS: FLOWCHART EXAMPLE



2.1.3. STEPS IN THE DEVELOPMENT REVIEW PROCESS

A. The first step in the development review process is to determine the specific type(s) of development application to be submitted. Table 2.2, Application Review Procedures, describes all the application review procedures in this Ordinance and the review authorities who decide them.

B. The second step is to find the relevant application procedure in Section 2.2, Application Review Procedures, and review that information to better understand the steps and the criteria used in the decision-making process.

C. The third step is to review the application processing information in Section 2.3, Application Processing, to understand how the Town will process the application.

D. Step four is to review the Procedures Manual for application forms, submittal requirements, application fees, and application review schedules.

E. Applications that are not prepared, filed, and determined to be complete in accordance with this article and the Procedures Manual will not be processed by the Town.

2.1.4. FOR ADDITIONAL INFORMATION

Applicants who need additional information on how to file an application should schedule a pre-application conference with Town staff (see Section 2.3.2, Pre-application Conference) to better understand the review requirements and relevant procedural steps associated with their particular application.

2.2. APPLICATION REVIEW PROCEDURES

Table 2.2, Application Review Procedures, lists the development application procedures (in alphabetical order), identifies the section of this Ordinance where the information may be found, whether or not a pre-application conference is required or is optional, and the review authority(ies) who review and decide the application type.

TABLE 2.2: APPLICATION REVIEW PROCEDURES

Pre-application Conference: "M" = Mandatory "O" = Optional "·" = not applicable
Type of Action: "R"=Recommendation "D"=Decision "A"=Appeal
Table symbols: | | =Public Meeting < >=Legislative Public Hearing / \ =Quasi-Judicial Hearing
[ ] =see Notes

Review Procedure	Section Reference	Pre-application Conference	Review Authorities					
			Planning Director [1]	Technical Review Committee		Planning Board [2]	Board of Commissioners	Board of Adjustment
Administrative Adjustment	2.2.1	M	D	·		·	·	/A\
Annexation [3]	2.2.2	O	·	·		·	<D>	·
Appeal	2.2.3	O	·	·		·	·	/D\
Building Permit	2.2.4	O	[4]	·		·	·	·
Certificate of Occupancy	2.2.5	O	[4]	·		·	·	·
Conditional Rezoning [2]	2.2.6	M	·	[6]		|R|	|D|	·
Construction Drawing	2.2.7	O	·	D		·	·	·
Development Agreement	2.2.8	M	·	·		·	<D>	·
Exempt Subdivision [5]	2.2.9	O	D	·		·	·	/A\
Expedited Subdivision	2.2.10	M	D	·		·	·	/A\
Final Plat	2.2.11	O	D	·		·	·	/A\
Floodplain Development Permit	2.2.12	O	D	·		·	·	/A\
Interpretation	2.2.13	O	D	·		·	·	/A\
Non-Residential Site Plan	2.2.14	M	·	D		[2]	[2]	/A\
Planned Development [2]	2.2.15	M	·	[6]		|R|	|D|	·

TABLE 2.2: APPLICATION REVIEW PROCEDURES

Pre-application Conference: "M" = Mandatory "O" = Optional "·" = not applicable
Type of Action: "R"=Recommendation "D"=Decision "A"=Appeal
Table symbols: | | =Public Meeting < >=Legislative Public Hearing / \ =Quasi-Judicial Hearing
[ ] =see Notes

Review Procedure	Section Reference	Pre-Application Conference	Review Authorities					
			Planning Director [1]	Technical Review Committee		Planning Board [2]	Board of Commissioners	Board of Adjustment
Reasonable Accommodation	2.2.16	M						/D\
Residential Preliminary Plan	2.2.17	M	·	D		[2]	[2]	/A\
Sign Permit	2.2.18	O	D	·		·	·	/A\
Special Use Permit	2.2.19	M	·	[6]		·	/D\	·
Temporary Use Permit	2.2.20	O	D	·		·	·	/A\
UDO Text Amendment [2]	2.2.21	M	·	·		|R|	|D|	·
Variance	2.2.22	M	·	·		·	·	/D\
Vested Rights Determination	2.2.23	M	·	·		·	<D>	·
Zoning Compliance Permit	2.2.24	O	D	·		·	·	/A\
Zoning Map Amendment [2]	2.2.25	M	·	·		|R|	|D|	·

NOTES:

[1] The Planning Director may delegate review authority in accordance with Section 9.1.9, Delegation of Authority.

[2] Applications subject to a recommendation by the Planning Board shall first be heard by the Board of Commissioners and the Planning Board in a joint legislative public hearing noticed in accordance with Section 2.3.6, Public Notice. Following the joint public hearing, the application is considered by the Planning Board during a public meeting and then by the Board of Commissioners in a second public meeting. Public meetings are not subject to public notification requirements in Section 2.3.6, Public Notice.

[3] In the event land being annexed is also subject to another application (such as a zoning map amendment), the annexation shall be reviewed and decided prior to any subsequent application.

[4] Building permits and certificates of occupancy are issued in cooperation with the Wake County Building Inspector.

[5] The exempt subdivision review procedure is provided as a courtesy, and is not mandated.

[6] The TRC shall conduct a preliminary review of a site or concept plan attached to an application prior to consideration by the Board of Commissioners.

2.2.1. ADMINISTRATIVE ADJUSTMENT

A. PURPOSE AND INTENT

The purpose for this section is to establish a clear procedure and measurable review criteria for the administrative consideration of requests for minor deviations to certain numeric standards in this Ordinance (like zoning district dimensional standards). The intent of the procedure is to provide relief from practical difficulties in complying with the standards of this Ordinance. Administrative adjustments should only be granted when the proposed development advances the purposes of this Ordinance, and the proposed development can maintain compatibility with its surroundings.

FIGURE 2.2.1: ADMINISTRATIVE ADJUSTMENT PROCEDURE

Step	Action
1	Pre-application Conference See Section 2.3.2, Pre-application Conference
2	File Application See Section 2.3.3 Application Filing
3	Completeness Determination See Section 2.3.3.G, Determination of Application Completeness
4	Planning Director Review and Decision See Section 2.3.5, Staff Review and Action
5	Notification of Decision See Section 2.3.9, Notification of Decision

B. APPLICABILITY

1. An administrative adjustment may be requested for a modification or deviation of up to 10 percent of any zoning district dimensional standard in Article 3: Districts, , a numeric standard in Article 4: Uses, a numeric standard in Article 5: Development Standards, a numeric requirement in Article 6: Subdivisions, or a numeric requirement in Section 9.3, Rules of Measurement.
2. In no instance shall an administrative adjustment application seek to reduce the required minimum lot area, exceed the maximum residential density on a lot, reduce the minimum required distance between two use types, or reduce the standards pertaining to flood protection, stormwater management, or erosion control.
3. Applications for planned developments, zoning map amendments, or variances may not include requests for administrative adjustments.

C. TIMING

1. An administrative adjustment may be requested either as a stand-alone application, or in combination with another application for development review.
2. In cases when submitted with another application, the administrative adjustment portion of the application shall be reviewed and decided prior to the other portion(s) of the application.

D. ADMINISTRATIVE ADJUSTMENT PROCEDURE

The administrative adjustment procedure is described in Figure 2.2.1, Administrative Adjustment Procedure, as supplemented by Section 2.3, Application Processing, and the Procedures Manual.

E. DECISION BY PLANNING DIRECTOR

The decision on an administrative adjustment shall be made by the Planning Director in accordance with the standards in Section 2.2.1.F, Administrative Adjustment Review Standards.

F. ADMINISTRATIVE ADJUSTMENT REVIEW STANDARDS

An administrative adjustment shall be approved if the applicant demonstrates all of the following:

1. The administrative adjustment does not exceed the maximum allowable threshold;
2. The administrative adjustment will result in development that is consistent with the character of development on surrounding land, and is compatible with surrounding land uses;
3. The administrative adjustment:
   a. Is required to compensate for some unusual aspect of the site or the proposed development that is not shared by landowners in general; or
   b. Supports an objective or goal from the purpose and intent statements of the zoning district where it is located; or
   c. Is necessary to allow for proper functioning of on-site wastewater or stormwater management devices;
   d. Saves healthy existing trees; or
   e. Promotes some other written goal, objective, or purpose of this Ordinance.
4. The administrative adjustment will not pose a danger to the public health or safety;
5. The administrative adjustment will not negatively impact the function or performance of on-site wastewater or stormwater management devices;
6. Adverse impacts resulting from the administrative adjustment will be fully mitigated; and
7. The development standard being adjusted is not the subject of a previously approved administrative adjustment, condition of approval, or variance on the same site.

G. AMENDMENT

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

H. EXPIRATION

If an administrative adjustment is associated with another permit or development approval, the expiration of the administrative adjustment shall be the same as the permit or development approval with which it is associated. In all other cases, the administrative adjustment shall run with the land.

I. APPEAL

Appeal of a decision on an administrative adjustment shall be reviewed and decided by the BOA in the nature of certiorari and in accordance with Section 2.2.3, Appeal.

2.2.2. ANNEXATION

A. PURPOSE AND INTENT

The purpose of this section is to establish a procedure for the consideration of voluntary annexation petitions from landowners seeking to add additional lands to the corporate limits of the Town.

B. APPLICABILITY

1. The Board of Commissioners may review and decide voluntary annexation petitions from:
   - **a.** The owners of land that are contiguous with the Town's corporate limits; and
   - **b.** The owners of land that are not contiguous to the corporate limits when the proposed voluntary annexation complies with the following standards:
     - **i.** The land proposed for annexation is no more than three miles from the contiguous corporate limits; and
     - **ii.** No portion of the land proposed for annexation is closer to the contiguous corporate limits of another municipality unless the land is subject to an approved annexation agreement that includes the land within the Town's ultimate planning jurisdiction; and
     - **iii.** If the land proposed for annexation is part of a recorded subdivision, all lots in the recorded subdivision are part of the annexation petition; and
     - **iv.** The combined total land area associated with the annexation, when added to all other noncontiguous land areas annexed by the Town does not exceed 10 percent of the land area located within the Town's contiguous corporate limits.
2. The Town may accept voluntary annexation petitions from landowners that do not meet the criteria in subsection (1) above, but may not decide them until the application is consistent with subsection (1) above.
3. In cases where the Town may not voluntarily annex land, it may use a development agreement (see Section 2.2.8, Development Agreement) to extend Town utilities to the land prior to annexation.

FIGURE 2.2.2: ANNEXATION PROCEDURE

Step	Action
1	Pre-application Conference See Section 2.3.2, Pre-application Conference
2	File Petition See Section 2.3.3, Application Filing
3	Certification of Sufficiency
4	Planning Director Review See Section 2.3.5, Staff Review and Action
5	Public Hearing Scheduled
6	Public Notice See Section 2.3.6, Public Notice
7	Board of Commissioners Review and Decision See Section 2.3.7, Public Hearings and Meetings
8	Notification of Decision See Section 2.3.9, Notification of Decision
9	Recordation

C. TIMING

In cases where land proposed for annexation is subject to any additional development applications reviewed in accordance with this Ordinance, the annexation application shall be reviewed and decided prior to the decision on any other applications.

D. APPLICATION SUBMITTAL

1. The annexation petition shall be signed by all the owners of land proposed for annexation.

2. An annexation petition shall include a signed statement declaring whether or not any vested right with respect to the land subject to the petition has been established under Section 160D-108 of the North Carolina General Statutes.

E. ANNEXATION PROCEDURE

1. The annexation procedure is described in Figure 2.2.2, Annexation Procedure, as supplemented by Section 2.3, Application Processing, and the Procedures Manual.
2. Following receipt of an annexation petition the Town Clerk shall investigate and certify whether the petition is legally sufficient. Only legally sufficient petitions shall be considered by the Town.
3. The Planning Director shall review the petition and comment on the Town's ability to provide municipal services.

F. BOARD OF COMMISSIONERS REVIEW AND DECISION

1. The Board of Commissioners, after the conclusion of a legislative public hearing, shall decide the application in accordance with Section 2.2.2.G, Annexation Review Standards.
2. The decision shall be one of the following:
   a. Approval of the annexation petition;
   b. Denial of the annexation petition; or
   c. Remand of the annexation petition to Town staff for further consideration.

G. ANNEXATION REVIEW STANDARDS

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

1. The annexation petition bears the signatures of all landowners within the area to be annexed;
2. The area to be annexed can be adequately served by the same municipal services provided within the Town's primary corporate limits;
3. The debt obligations from serving the subject lands do not exceed the anticipated revenues to the Town; and
4. The public health, safety, and welfare of Town residents and the residents of the lands proposed for annexation will be best served by the annexation.

H. RECORDING

An ordinance approving a voluntary annexation adopted by the Town, together with a map of the annexed area, shall be recorded in the office of the Wake County Register of Deeds within 14 days of the adoption of the annexation.

I. EFFECT

1. Within 60 days of annexation, the BOC shall adopt a zoning district classification for the land involved. The BOC may consider a Town-initiated or landowner-initiated zoning map amendment immediately following approval of the annexation.
2. Upon the effective date of annexation, the land shall be subject to the debts, laws, ordinances and regulations of the Town, and shall be entitled to the same privileges and benefits as other parts of the Town.

J. AMENDMENT

A decision on an annexation shall not be amended.

K. EXPIRATION

1. A decision on an annexation shall not expire.
2. Land may be de-annexed only by act of the North Carolina General Assembly.

L. APPEAL

1. Any decision by the Board of Commissioners shall be subject to review by the Superior Court of Wake County.
2. Petitions for review must be filed with the Clerk of Court within 30 days of the date the decision is filed in the office of the appropriate review authority and delivered by personal delivery, electronic mail, or first-class mail to the applicant, landowner, and to any person who has submitted a written request for a copy, prior to the date the decision becomes effective.

2.2.3. APPEAL

A. PURPOSE AND INTENT

This appeal procedure is proposed to establish a clear and predictable procedure for persons with standing to appeal a decision, or interpretation by a Town official.

B. APPLICABILITY

1. Appeals of decisions or interpretations by a Town official made pursuant to this Ordinance shall be reviewed and decided by the Board of Adjustment (BOA) in accordance with this section.
2. Appeals of decisions made by the Board of Commissioners or BOA shall be to the Superior Court for Wake County, in accordance with state law.
3. In the event an applicant wishes to appeal a standard outside this Ordinance, or a decision by a staff member not addressed by this Ordinance, the appeal shall be made to the Town Manager in accordance with Town policy.

C. INITIATION

An appeal shall be initiated by filing a written notice of appeal with the Planning Director within 30 days of the date the written determination or decision being appealed is received by the applicant (except where otherwise specified in this Ordinance).

D. APPEAL PROCEDURE

The Appeal procedure is described in Figure 2.2.3, Appeal Procedure, as supplemented by Section 2.3, Application Processing, and the Procedures Manual.

E. REVIEW AND DECISION BY THE BOARD OF ADJUSTMENT

1. The BOA, at the conclusion of a quasi-judicial public hearing, shall decide the application for the appeal.
2. The decision shall be based on the competent, material, and substantial evidence in the record of the appeal, as supplemented by arguments presented at the quasi-judicial hearing, and the standards in Section 2.2.3.F, Appeal Review Standards.
3. The decision shall be one of the following:
   a. Affirmation of the decision or interpretation (in whole or in part);
   b. Modification of the decision or interpretation (in whole or in part); or
   c. Reversal of the decision or interpretation (in whole or in part).
4. A vote to reverse or modify a decision or determination shall require approval of a majority of a quorum present at the hearing.
5. Each decision shall be made in writing and reflect the BOA's determination of contested facts and their application to the standards in this Ordinance.

FIGURE 2.2.3: APPEAL PROCEDURE

Step	Action
1	Pre-application Conference See Section 2.3.2, Pre-application Conference
2	File Notice of Appeal See Section 2.3.3, Application Filing
3	Completeness Determination See Section 2.3.3.G, Determination of Application Completeness
4	Record Assembly & Transmittal Provided to the BOA and the applicant
5	Public Hearing Scheduled
6	Public Notice See Section 2.3.6, Public Notice
7	Board of Adjustment Review and Decision See Section 2.3.7, Public Hearings and Meetings
8	Notification of Decision See Section 2.3.9, Notification of Decision

6. The written decision shall be signed by the Chair or other duly authorized member of the BOA.
7. The decision of the BOA shall be effective upon the filing of the written decision in the offices of the Planning Department.

F. APPEAL REVIEW STANDARDS

1. The BOA is limited to the following determinations in considering the appeal:
   a. Whether the decision-maker erred in the interpretation of this Ordinance; or
   b. Whether the decision-maker erred in determining whether a standard of this Ordinance was met.
2. The BOA shall not hear any evidence or make any decision based on hardships or special conditions except as part of an application for a variance.

G. EFFECT

1. An appeal stops all proceedings and actions by the applicant.
2. A Town official may file a certification requiring the applicant to continue with some portion of the development activity only in cases where a stop of development activity would cause imminent peril to life or property.
3. If certification by a Town official is filed, development activity specified in the certification shall not be stayed except through issuance of a restraining order by a court of competent jurisdiction.
4. The appellant may file for an expedited hearing of the appeal, and the BOA shall meet to consider the appeal with 15 days of the date the request is filed.
5. The filing of an appeal prevents the filing of an application for a zoning map amendment, special use permit, zoning compliance permit, or building permit for the same land subject to an appeal application, as well as the filing of a text amendment application by the same party filing the appeal until the appeal application is decided or appealed to the courts.

H. AMENDMENT

A decision on an appeal shall not be amended, but may be appealed to the Superior Court for Wake County.

I. EXPIRATION

A decision on an appeal shall not expire.

J. APPEAL

1. Any decision by the BOA shall be subject to review by the Superior Court of Wake County by proceedings in the nature of certiorari and in accordance with Section 160D-1402 of the North Carolina General Statutes.
2. Petitions for review must be filed with the Clerk of Court within 30 days of the date the decision is filed in the office of the appropriate review authority and delivered by personal delivery, electronic mail, or first-class mail to the applicant, landowner, and to any person who has submitted a written request for a copy, prior to the date the decision becomes effective.

2.2.4. BUILDING PERMIT

A. PURPOSE AND INTENT

The purpose for the building permit procedure is to establish a consistent process for the review and approval of construction activities for consistency with all applicable building codes to give reasonable assurance that new development is safe from structural failure, fire hazards, electrical shock, or any other applicable health risks, as well as to establish a permanent record of work performed and inspections conducted.

B. APPLICABILITY

Unless exempted in accordance with this Ordinance or the State Building Code(s), no construction, reconstruction, addition, alteration, repair, movement to another site, removal, demolition of any building or structure, or changes in use triggering the need for application of a different set of building code requirements shall occur until a building permit is approved in accordance with the procedures and standards of this section.

C. EXEMPTIONS

The following forms of development are exempted from the requirement to obtain a building permit, but shall be subject to the standards in Section 2.2.24, Zoning Compliance Permit:

1. Storage and accessory buildings that serve a residential principal use, are 12 linear feet in length or less on any dimension, and do not include electrical service or running water;
2. Patios and at-grade walkways;
3. Playground equipment and play structures provided as accessory uses to a single-family residential dwelling; or
4. Fences or privacy walls of 6 feet in height or less, except that all retaining walls shall require a building permit.

D. BUILDING PERMIT PROCEDURE

The building permit procedure is described in Figure 2.2.4, Building Permit Procedure, as supplemented by Section 2.3, Application Processing, information posted on Wake County's digital Permit Portal, and the Procedures Manual.

FIGURE 2.2.4: BUILDING PERMIT PROCEDURE

Step	Action
1	Pre-application Conference See Section 2.3.2, Pre-application Conference
2	File Application (with plot plan if development is exempt from site plan requirements) See Section 2.3.3, Application Filing
3	Completeness Determination See Section 2.3.3.G, Determination of Application Completeness
4	Inspections Director Review and Decision See Section 2.3.5, Staff Review and Action
5	Notification of Decision See Section 2.3.9, Notification of Decision
6	Obtain Approved Permit and Schedule Required Inspections As needed
7	Obtain Certificate of Occupancy See Section 2.2.5, Certificate of Occupancy

E. DECISION BY INSPECTIONS DIRECTOR

The decision on a building permit shall be made by the Wake County Building Inspections Director following approval of the request by the Planning Director. Decisions on building permit applications shall be in accordance with the standards in Section 2.2.4.F, Building Permit Review Standards.

F. BUILDING PERMIT REVIEW STANDARDS

A building permit shall be issued if the application complies with:

1. The applicable sections of the State Building Code(s);
2. The standards in Section 160D-403 of the North Carolina General Statutes;
3. Any applicable requirements of the Wake County Environmental Services Department;
4. The site plan, if applicable;
5. The zoning compliance permit;
6. All other standards or conditions of any prior, applicable permits, and development approvals; and
7. All other applicable requirements of this Ordinance, the Town Code of Ordinances, state law, and federal law.

G. EXPIRATION

1. A building permit shall expire and become null and void if the development it authorizes is not commenced within six months of the permit issuance.
2. If development authorized by a building permit commences but fails to achieve at least one passing inspection (foundation, footing, framing, mechanical, etc.) for a continuous period of 12 months, the permit shall expire and become null and void.

H. APPEAL

1. An appeal of a decision on a building permit may be filed with the North Carolina Commissioner of Insurance, in accordance with Section 160D-1127 of the North Carolina General Statutes.
2. Appeal of decisions on building inspections shall be made to the Wake County Permits and Inspections Department in accordance with their procedures and requirements.

2.2.5. CERTIFICATE OF OCCUPANCY

A. PURPOSE AND INTENT

The purpose for the certificate of occupancy procedure is to establish a consistent and standardized method to document a development's compliance (or pending compliance) with all applicable building codes and Town requirements prior to occupancy or initiation.

B. APPLICABILITY

Except where exempted by Section 2.2.9.C, Exemptions, no land, newly erected building or structure, or existing building or structure that has been moved or enlarged or changed in use shall be occupied or used until a certificate of occupancy certifying that the land, building, or structure, and its use complies with this Ordinance and the applicable standards of the State Building Code(s) is issued in accordance with this section.

C. EXEMPTIONS

Development exempted from Section 2.2.4, Building Permit, shall also be exempted from this section.

D. CERTIFICATE OF OCCUPANCY PROCEDURE

The certificate of occupancy procedure is described in Figure 2.2.5, Certificate of Occupancy Procedure, as supplemented by Section 2.3, Application Processing, and the Procedures Manual.

FIGURE 2.2.5: CERTIFICATE OF OCCUPANCY PROCEDURE

Step	Action
1	File Request with Planning Director
2	Completeness Determination See Section 2.3.3.G, Determination of Application Completeness
3	Planning Director Review and Decision See Section 2.3.5, Staff Review and Action
4	Notification of Decision See Section 2.3.9, Notification of Decision

E. DECISION BY PLANNING DIRECTOR

The decision on a certificate of occupancy shall be made by the Planning Director. Decisions on certificates of occupancy applications shall be in accordance with the standards in Section 2.2.5.F, Certificate of Occupancy Review Standards.

F. CERTIFICATE OF OCCUPANCY REVIEW STANDARDS

A certificate of occupancy shall be approved if the land, building, structure, or proposed use complies with:

1. All relevant standards of this Ordinance;
2. Any other applicable Town requirements;
3. All applicable conditions of approval;
4. The building permit;
5. The applicable State Building Code(s) requirements; and
6. All applicable state and federal requirements.

G. PERFORMANCE GUARANTEE

The Planning Director may require the applicant to submit a performance guarantee (see Section 6.6, Performance Guarantees, in an amount necessary to ensure that any work not completed as specified in the development permit or approval will be completed within the specified timeframe for a certificate of occupancy.

H. TEMPORARY CERTIFICATE OF OCCUPANCY

1. In cases where it would be unreasonable to require the applicant to comply with all the requirements of this procedure prior to commencement of the proposed use, transfer of lots in a subdivision, or occupancy of any buildings (due to weather conditions or other

issues beyond the applicant's control, but not including financial hardship), the Planning Director may approve the issuance a temporary certificate of occupancy by the Wake County Inspections Director, provided:

a. The Wake County Inspections Director approves of the temporary certificate;

b. The commencement or occupancy will not violate any health or safety considerations of any applicable codes;

c. A performance guarantee, submitted in accordance with Section 6.6, Performance Guarantees, is provided for any required infrastructure or other required site feature; and

d. The duration of the temporary certificate of occupancy shall not exceed six months.

2. If all remaining work is not completed within the specified timeframe of the temporary certificate of occupancy, the Planning Director shall take action in accordance with Article 8: Enforcement.

I. EXPIRATION

A certificate of occupancy shall not expire.

J. APPEAL

1. Appeal of decisions on certificates of occupancy shall be made to the Wake County Permits and Inspections Department in accordance with their procedures and requirements.

2. An appeal pertaining to a State Building Code(s) issue shall be filed with to the North Carolina Commissioner of Insurance in accordance with Section 160D-1127 of the North Carolina General Statutes.

2.2.6. CONDITIONAL REZONING

A. PURPOSE AND INTENT

The purpose of this section is to provide a uniform means for amending the Official Zoning Map to establish a conditional zoning district. In cases where the standards of a general use zoning district are inadequate to ensure that development allowed by the district will conform to the Town's adopted plans or to appropriately address the impacts expected to be generated by development, a landowner may apply for a conditional rezoning. The conditional rezoning, if approved, establishes a parallel conditional zoning district that is equivalent to a corresponding general use zoning district, except as modified through additional conditions restrictions that the applicant and Town mutually agree are necessary to ensure conformance with adopted plans and to adequately address expected development impacts.

B. APPLICABILITY

This procedure sets out the requirements for amendments to the zoning district designation of land within the Town's planning jurisdiction as well as for land coming into the Town's planning jurisdiction via annexation in accordance with the standards in Section 160D-703 of the North Carolina General Statutes.

C. PROCEDURES DISTINGUISHED

Applications filed as a conditional rezoning application may not be converted to a map amendment application to establish a general use zoning district during the review process, and shall instead be withdrawn and resubmitted as a zoning map amendment application (see Section 2.2.25, Zoning Map Amendment).

D. APPLIED TO ENTIRE SITE

1. Applications for a conditional rezoning submitted after January 1, 2020, shall include all the land area within a recorded lot or site that is the subject of the application.
2. Conditional rezoning applications may not establish bi-furcated zoning classifications where only a portion of a lot or site is subject to a particular conditional zoning district classification.

FIGURE 2.2.6: CONDITIONAL REZONING PROCEDURE

Step	Action
1	Pre-application Conference See Section 2.3.2, Pre-application Conference
2	File Application See Section 2.3.3, Application Filing
3	Completeness Determination See Section 2.3.3.G, Determination of Application Completeness
4	TRC Review of Site or Concept Plan See Section 2.3.5, Staff Review and Action
5	
6	Public Notice See Section 2.3.6, Public Notice
7	Joint Public Hearing by Planning Board & Board of Commissioners See Section 2.3.7, Public Hearings and Meetings
8	Review by Planning Board See Section 2.3.7, Public Hearings and Meetings
9	Review and Decision by Board of Commissioners See Section 2.3.7, Public Hearings and Meetings
10	Notification of Decision See Section 2.3.9, Notification of Decision

E. CONDITIONAL REZONING PROCEDURE

The conditional rezoning procedure is described in Figure 2.2.6, Conditional Rezoning Procedure, as supplemented by Section 2.3, Application Processing, and the Procedures Manual.

F. APPLICATION SUBMITTAL

1. Conditional rezoning applications may only be initiated by the landowner(s) of the land subject to the application, or their authorized agents.
2. All conditions of approval proposed by the applicant must be included with the conditional zoning application.
3. Conditional rezoning applications shall include a site plan or concept plan depicting the proposed development configuration that shall be reviewed by the TRC prior to the joint public hearing.
4. The application shall include a transportation impact analysis for review, when required by Section 6.13, Transportation Impact Analysis.

G. JOINT PUBLIC HEARING

Following provision of public notice for a public hearing in accordance with Section 2.3.6, Public Notice, the Planning Board and Board of Commissioners shall conduct a joint legislative public hearing on the conditional rezoning application.

H. REVIEW BY PLANNING BOARD

1. The Planning Board, following the close of the joint public hearing, shall review the application and the information presented during the joint public hearing during a follow-up public meeting, and shall make a recommendation on the conditional rezoning application in accordance with Section 2.2.6.K, Conditional Rezoning Review Standards.
2. In making its recommendation, the Planning Board shall prepare a written consistency statement including each of the following:
   a. Whether the conditional rezoning application is recommended for approval, denial, or remanded to Town staff; and
   b. The degree to which the conditional rezoning is or is not consistent with the Town's adopted policy guidance; and
   c. The ways in which the conditional rezoning is or is not consistent with the Town's adopted policy guidance; and
   d. Whether approval of the conditional rezoning amends or does not amend the Town's adopted policy guidance; and
   e. If the adopted policy guidance is amended as part of the application approval, a description of the change in conditions to meet the development needs of the Town that were taken into account as part of the approval; and
   f. An explanation of why the recommendation is reasonable; and
   g. An explanation of why the recommendation is in the public interest.
3. During its review of a conditional rezoning application, the Planning Board may suggest revisions to the proposed conditions (including the concept plan), consistent with the provisions of Section 2.2.6.L, Conditions of Approval. Only those revisions agreed to in writing by the applicant shall be incorporated into the application.

I. BOARD OF COMMISSIONERS REVIEW AND DECISION

1. The Board of Commissioners, after the conclusion of the joint public hearing conducted with the Planning Board, and receipt of a recommendation on the conditional rezoning application by the Planning Board, shall decide the application during a follow-up public meeting in accordance with Section 2.2.6.K, Conditional Rezoning Review Standards.
2. The decision shall be one of the following:
   a. Adoption of the conditional rezoning application as proposed;
   b. Adoption of a revised conditional rezoning application;
   c. Denial of the conditional rezoning application; or
   d. Remand of the conditional rezoning application to the Planning Board for further consideration.

3. In making its decision, the Board of Commissioners shall adopt a written consistency statement including each of the following:
   a. Whether the conditional rezoning application is approved, denied, or remanded; and
   b. The degree to which the conditional rezoning is or is not consistent with the Town's adopted policy guidance; and
   c. The ways in which the conditional rezoning is or is not consistent with the Town's adopted policy guidance; and
   d. Whether approval of the conditional rezoning amends or does not amend the Town's adopted policy guidance; and
   e. If the adopted policy guidance is amended as part of the application approval, a description of the change in conditions to meet the development needs of the Town that were taken into account as part of the approval; and
   f. An explanation of why the action taken by the Board of Commissioners is reasonable; and
   g. An explanation of why the action taken by the Board of Commissioners is in the public interest.

J. DESIGNATION ON OFFICIAL ZONING MAP

The Planning Director shall make changes to the Official Zoning Map promptly after approval of a conditional rezoning application by the Board of Commissioners.

K. CONDITIONAL REZONING REVIEW STANDARDS

The advisability of an amendment to the Official Zoning Map is a matter committed to the legislative discretion of the Board of Commissioners and is not controlled by any one factor. In determining whether to adopt or deny a proposed conditional rezoning, the Board of Commissioners may weigh the relevance of and consider the following:

1. Whether the proposed conditional rezoning advances the public health, safety, or welfare;
2. Whether and the extent to which the proposed conditional rezoning is appropriate for its proposed location, and is consistent with the purposes, goals, objectives, and policies of the town's adopted policy guidance;
3. Whether an approval of the conditional rezoning is reasonable and in the public interest;
4. Whether and the extent to which the concept plan associated with the conditional rezoning is consistent with this Ordinance; and
5. Any other factors as the Board of Commissioners may determine to be relevant.

L. CONDITIONS OF APPROVAL

1. Only conditions mutually agreed to by the owner(s) of the property that is the subject of a conditional zoning district designation, and the Board of Commissioners may be approved as part of a conditional rezoning application establishing a conditional zoning district.
2. Conditions shall be limited to those that address conformance of development and use of the site with Town regulations and adopted plans and that address the impacts reasonably expected to be generated by the development or use of the site.
3. Conditions shall be in writing and may be supplemented with text or plans and maps.
4. Unless subject to an approved condition, all requirements of a corresponding general zoning district shall apply to a conditional zoning district.
5. No condition shall be made part of the application which:
   a. Is less restrictive than any applicable overlay zoning district standard;

b. Specifies the ownership status, race, religion, or other characteristics of the occupants of housing units;
c. Establishes a minimum size of a dwelling unit;
d. Establishes a minimum value of buildings or improvements;
e. Excludes residents based upon race, religion, or income; or
f. Obligates the Town to perform in any manner relative to the approval of the conditional rezoning or development of the land.

M. EFFECT

1. Lands subject to a conditional rezoning shall be subject to all the standards, conditions, and plans approved as part of that application. These standards, plans, and approved conditions are perpetually binding on the land as an amendment to this Ordinance and the Official Zoning Map, and may only be changed in accordance with the procedures established in this Ordinance.
2. Development located outside the Town of Zebulon's corporate limits shall comply with all Town policies related to annexation and the extension of utilities.

N. AMENDMENT

Amendments to an approved conditional rezoning application may only be considered in accordance with the following:

1. MINOR CHANGES

a. Subsequent plans and permits for development within a conditional rezoning district may include minor changes. Minor changes are limited to changes that have no material effect on the character of the proposed development or changes that address technical considerations that could not reasonably be anticipated at the time of the conditional rezoning approval.
b. The following minor changes may be approved by the Planning Director, in consultation with other appropriate Town staff:
i. Changes to the location of entrances or driveways, the rearrangement of internal streets, turn lanes, drives, or access restrictions;
ii. Changes to the configuration of parking areas, but not the number of parking spaces;
iii. Changes to the configuration or location of open space or placement of required amenities, provided the amount of open space (whether passive or active) is unchanged;
iv. Changes to the configuration of landscape yards, including types of materials, provided minimum width and planting requirements are met;
v. Changes to proposed building elevations or facades, including materials, provided that the change retains the same general architectural character and provided the development still complies with the applicable design requirements; and
vi. Changes to the arrangement or location of buildings provided there is no increase in the number of buildings, size, or amount of impervious surface.

2. SIGNIFICANT CHANGES CONSIDERED AMENDMENTS

a. Changes that materially affect the basic character or configuration of the proposed development or that exceed the scope of a minor change are considered amendments. Amendments include, but are not limited to:
i. Changes in use designations;
ii. Density/intensity increases;
iii. Decreases in open space;

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

v. Change in the location of any public easement.

b. Amendments shall be reviewed and considered in accordance with the procedures and standards established for the original approval of a conditional rezoning application.

O. APPEAL

1. Any decision by the Board of Commissioners shall be subject to review by the Superior Court of Wake County.

2. Petitions for review must be filed with the Clerk of Court within 30 days of the date the decision is filed in the office of the appropriate review authority and delivered by personal delivery, electronic mail, or first-class mail to the applicant, landowner, and to any person who has submitted a written request for a copy, prior to the date the decision becomes effective.

2.2.7. CONSTRUCTION DRAWING

A. PURPOSE AND INTENT

The purpose for the Construction Drawing procedure is to establish a consistent and predictable process for the review of proposed development, through a detailed representation of the proposal. Construction Drawing review is an analysis to ensure that allowable development is configured in accordance with required utilities and constructions standards, not a consideration of whether or not a proposed development is allowed.

FIGURE 2.2.7: CONSTRUCTION DRAWING PROCEDURE

Step	Action
1	Pre-application Conference See Section 2.3.2, Pre-application Conference
2	File Application See Section 2.3.3, Application Filing
3	Completeness Determination See Section 2.3.3.G, Determination of Application Completeness
4	Technical Review Committee Review and Decision See Section 2.3.5, Staff Review and Action
5	Notification of Decision See Section 2.3.9, Notification of Decision

B. APPLICABILITY

1. Except for development exempted from Construction Drawing review in accordance with Section 2.2.9.C, Exemptions, all forms of development that involve construction, moving, or significant alteration of a building or habitable structure, that result in the increase in the amount of impervious surface on a lot, or that involve the provision of landscaping, off-street parking, stormwater management devices, or similar site features shall be subject to Construction Drawing review in accordance with this section.
2. Changes in use that trigger requirements for sidewalk provision or changes to roadway configuration shall also require site plan approval.

C. EXEMPTIONS

The following forms of development are exempted from construction drawing review, but shall require a plot plan and shall be subject to the standards in Section 2.2.4, Building Permit, or Section 2.2.24, Zoning Compliance Permit, as appropriate:

3. Construction of a single-family detached dwelling on an individual lot;
4. Establishment of an accessory use or structure; and
5. Changes of use that do not result in the need for additional off-street parking spaces, additional screening, differing stormwater practices, or additional landscaping.

D. CONSTRUCTION DRAWING PROCEDURE

The Construction Drawing procedure is described in Figure 2.2.7, Construction Drawing Procedure, as supplemented by Section 2.3, Application Processing, and the Procedures Manual.

E. APPLICATION

The application shall include details sheets and to scale engineered plans.

F. DECISION BY TECHNICAL REVIEW COMMITTEE

The Technical Review Committee shall review and decide the application in accordance with Section 2.2.7.G, Construction Drawing Review Standards.

G. CONSTRUCTION DRAWING REVIEW STANDARDS

A Construction Drawing shall be approved on a decision the application complies with:

1. All standards or conditions of any prior applicable permits and development approvals;
2. All applicable requirements of this Ordinance and the Town Code of Ordinances; and
3. All applicable county, state, and federal requirements.

H. EFFECT

1. CONSTRUCTION PLANS

a. Construction Drawing plans for all public improvements included with or filed subsequent to the Non-Residential Site Plan or Residential Preliminary Plan shall be approved prior to street and utility construction in accordance with the applicable Town standards.

b. In the case of a multi-phase site plan, any street and utility construction plans shall include all improvements within a phase and all public improvements outside the phase but necessary to serve development within that phase.

2. PERFORMANCE GUARANTEES

All public improvements that have not been installed by the developer, inspected, and accepted by the Town shall comply with the requirements in Section 6.6, Performance Guarantees, prior to the issuance of a certificate of occupancy.

I. AMENDMENT

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

J. EXPIRATION

If the work authorized by a Construction Drawing approval is not commenced within one year from the date of issuance, the approval shall become null and void.

K. APPEAL

Appeal of the decision on a site plan shall be reviewed and decided by the BOA in the nature of certiorari and in accordance with Section 2.2.3, Appeal.

2.2.8. DEVELOPMENT AGREEMENT

A. PURPOSE AND INTENT

The purpose for the development agreement procedure is to establish a flexible process for the establishment and review of large-scale development projects likely to build out over several years. This procedure is intended to:

1. Provide more regulatory certainty for applicants;
2. Establish a schedule for development to allow the Town to plan accordingly;
3. Coordinate the provision of public facilities;
4. Allow for vesting periods that exceed those in the General Statutes or in Section 2.2.23, Vested Rights Determination; and
5. Improve management of environmentally sensitive lands.

B. APPLICABILITY

1. At the request of an applicant, the Board of Commissioners may enter into a development agreement with a developer for a development of any size and for any duration, provided the duration is specified in the agreement.
2. All development agreements shall be subject to Sections 160D-1001 – 160D-1012 of the North Carolina General Statutes, and the provisions of this section.

C. DEVELOPMENT AGREEMENT PROCEDURE

The development agreement procedure is described in Figure 2.2.8, Development Agreement Procedure, as supplemented by Section 2.3, Application Processing, and the Procedures Manual.

D. REVIEW AND DECISION BY BOARD OF COMMISSIONERS

1. The Board of Commissioners, after the conclusion of a legislative public hearing, shall review and decide the application in accordance with Section 2.2.8.E, Development Agreement Review Standards. The decision shall be the one of the following:
   a. Enter into the development agreement, as submitted;
   b. Enter into the development agreement, subject to changes agreed to in writing by the developer; or
   c. Not enter into the development agreement.
2. Approval of a development agreement shall be by ordinance.

E. DEVELOPMENT AGREEMENT REVIEW STANDARDS

For the Town to participate in a development agreement, a development subject to the agreement must:

FIGURE 2.2.8: DEVELOPMENT AGREEMENT PROCEDURE

Step	Action
1	Pre-application Conference See Section 2.3.2, Pre-application Conference
2	File Application See Section 2.3.3, Application Filing
3	Completeness Determination See Section 2.3.3.G, Determination of Application Completeness
4	Planning Director Review See Section 2.3.5, Staff Review and Action
5	Public Hearing Scheduled
6	Public Notice See Section 2.3.6, Public Notice
7	Board of Commissioners Review and Decision See Section 2.3.7, Public Hearings and Meetings
8	Notification of Decision See Section 2.3.9, Notification of Decision
9	Recordation
10	Annual Review

1. Comply with the requirements in Section 160D-1001 through Section 160D-1012 of the North Carolina General Statutes;
2. Indicate the proposed phasing; and
3. Demonstrate the impact on existing and future provisions of capital improvements by the Town, including at least one of the following: transportation, potable water, sanitary sewer, solid waste, stormwater management, educational, parks and recreation, and health systems and facilities.

F. RECORDATION

Within 14 days after entering into a development agreement, the applicant shall record the agreement in the office of the Wake County Register of Deeds.

G. ANNUAL REVIEW

During any period of time in which a permit or development approval subject to a development agreement is active, the Planning Director shall review the development at least once every year for compliance with the agreement and file a report with the Board of Commissioners.

H. AMENDMENT

1. MUTUAL CONSENT

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

2. MATERIAL CHANGES ARE AMENDMENTS

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

I. EXPIRATION

A development agreement shall run for the duration of its term unless the agreement is terminated.

J. APPEAL

1. A decision by the Board of Commissioners on a development agreement shall be subject to review by the Wake County Superior Court.
2. Petitions for review must be filed with the Clerk of Court within 30 days of the date the decision is filed in the office of the appropriate review authority and delivered by personal delivery, electronic mail, or first-class mail to the applicant, landowner, and to any person who has submitted a written request for a copy, prior to the date the decision becomes effective.

2.2.9. EXEMPT SUBDIVISION

A. PURPOSE AND INTENT

The purpose for this exempt subdivision procedure is to establish a clear and predictable procedure for a landowner to determine and document that a proposed division of land is exempted from the subdivision requirements of this Ordinance in accordance with Section 160D-802 of the North Carolina General Statutes. Exempt subdivision reviews are provided as a courtesy, and may not be mandated by the Town.

FIGURE 2.2.9: EXEMPT SUBDIVISION PROCEDURE

Step	Action
1	File Application See Section 2.3.3, Application Filing
2	Completeness Determination See Section 2.3.3.G, Determination of Application Completeness
3	Planning Director Review and Certification See Section 2.3.5, Staff Review and Action
4	Notification of Decision See Section 2.3.9, Notification of Decision
5	Recordation, if applicable

B. APPLICABILITY

1. The following forms of land division are exempt subdivisions that are exempted from the subdivision requirements of this Ordinance (but remain subject to other applicable provisions of this Ordinance, such as flood hazard reduction requirements):
   - **a.** A combination or recombination of portions of previously subdivided and recorded lots that does not increase the total number of lots, and the resultant lots are equal to or exceed the standards of this Ordinance;
   - **b.** The division of land into parcels, each greater than ten acres in area, where no street right-of-way dedication is involved;
   - **c.** Public acquisition involving the purchase of strips of land for the widening or opening of streets;
   - **d.** Division of a tract of land in single ownership, where the total area of all land in the land division is no greater than two acres, the division creates no more than three lots, where no street right-of-way dedication is involved, and the resultant lots are equal to or exceed the standards of this Ordinance; or
   - **e.** The division of a tract into parcels in accordance with the terms of a probated will or in accordance with Chapter 29 of the North Carolina General Statutes.
2. Divisions of land that are not consistent with these criteria shall not be considered exempt subdivisions, and shall be subject to the applicable review procedure and subdivision requirements of this Ordinance.

C. EXEMPT SUBDIVISION COURTESY REVIEW PROCEDURE

The exempt subdivision courtesy review procedure is described in Figure 2.2.9, Exempt Subdivision Courtesy Review Procedure, as supplemented by Section 2.3, Application Processing, and the Procedures Manual.

D. CERTIFICATION BY PLANNING DIRECTOR

The certification of an exempt subdivision shall be made by the Planning Director in accordance with the standards in Section 2.2.9.E, Exempt Subdivision Review Standards.

E. EXEMPT SUBDIVISION REVIEW STANDARDS

A division of land shall be certified as an exempt subdivision if it:

1. Is excluded from the definition of a subdivision in accordance with Section 160D-802 of the North Carolina General Statutes;

2. Complies with all applicable standards in Article 3: Districts;
3. Complies with all standards or conditions of any applicable permits and development approvals; and
4. Complies with all other applicable requirements in the Town Code of Ordinances.

F. RECORDATION

If an exempt subdivision plat or other document is prepared by the applicant, it shall be certified by the Planning Director. An exempt subdivision plat may be recorded in the office of the Wake County Register of Deeds, by a landowner at the landowner's discretion.

G. EFFECT

1. A division of land determined to be an exempt subdivision shall be exempted from the subdivision standards of this Ordinance, but development of land within an exempt subdivision shall remain subject to the requirements of the Wake County Environmental Services Department.
2. In the event a division of land does not qualify as an exempt subdivision, it shall be reviewed in accordance with the applicable subdivision procedure and shall be subject to all applicable subdivision standards in this Ordinance.
3. Divisions of land determined to be exempt subdivisions shall not be further divided into more than one additional lot (plus the residual parcel) within five years from the date of the exempt subdivision determination, or the subdivision shall be processed as an expedited subdivision or preliminary plat, as appropriate.

H. AMENDMENT

An exempt subdivision certification shall not be amended.

I. EXPIRATION

An exempt subdivision certification shall not expire.

J. APPEAL

Appeal of exempt subdivision certification shall be reviewed and decided by the BOA in the nature of certiorari and in accordance with Section 2.2.3, Appeal.

2.2.10. EXPEDITED SUBDIVISION

A. PURPOSE AND INTENT

The purpose for this expedited subdivision review procedure is to allow certain land divisions to be reviewed via an expedited review procedure based on their small size and limited likelihood to create significant impacts on surrounding lands.

FIGURE 2.2.10: EXPEDITED SUBDIVISION PROCEDURE

Step	Action
1	Pre-application Conference See Section 2.3.2, Pre-application Conference
2	File Application See Section 2.3.3, Application Filing
3	Completeness Determination See Section 2.3.3.G, Determination of Application Completeness
4	Planning Director Review and Decision See Section 2.3.5, Staff Review and Action
5	Notification of Decision See Section 2.3.9, Notification of Decision
6	Recordation

B. APPLICABILITY

1. The standards in this section shall apply to divisions of land meeting all the following criteria:
   a. The proposed division of land is not exempted from the subdivision standards of this Ordinance in accordance with Section 2.2.9, Exempt Subdivision;
   b. The proposed division will not result in more than three lots (including any residual or "parent" parcel);
   c. The area of land subject to the division shall be comprised of at least five acres under common ownership;
   d. No land included in an expedited subdivision application shall have been the subject of an expedited subdivision application approval within the preceding ten years; and
   e. No extension of public streets, public water distribution line, public sewer distribution line, or other public utility is proposed.
2. Divisions of land that are not consistent with these criteria shall not be considered expedited subdivisions, and shall be subject to the applicable review procedure and subdivision requirements of this Ordinance.
3. Expedited subdivisions are not exempted from applicable zoning district dimensional requirements.

C. EXPEDITED SUBDIVISION REVIEW PROCEDURE

The expedited subdivision procedure is described in Figure 2.2.10, Expedited Subdivision Review Procedure, as supplemented by Section 2.3, Application Processing, and the Procedures Manual.

D. APPLICATION SUBMITTAL

Applications for an expedited subdivision shall be prepared by a registered land surveyor or professional engineer licensed to practice in North Carolina.

E. DECISION BY PLANNING DIRECTOR

The decision on an expedited subdivision shall be made by the Planning Director in accordance with the standards in Section 2.2.10.F, Expedited Subdivision Review Standards.

F. EXPEDITED SUBDIVISION REVIEW STANDARDS

1. An expedited subdivision shall be approved if the application complies with the following:
   a. The expedited subdivision plat is on a sheet or sheets suitable for recording with the Wake County Register of Deeds;

b. The expedited subdivision plat is prepared and sealed by a licensed professional land surveyor or licensed professional engineer;

c. The expedited subdivision plat complies with all applicable standards in this Ordinance and Section 47-30 of the North Carolina General Statutes;

d. The expedited subdivision plat includes all required certifications;

e. The applicant has secured all required state and federal permit approvals;

f. The lots in the subdivision have been approved the by Wake County Environmental Services Department.

g. All lots in the expedited subdivision comply with the applicable dimensional requirements for the zoning district where located; and

h. No land included in an expedited subdivision application shall have been the subject of an expedited subdivision application approval within the preceding ten years.

2. Expedited subdivisions of land located within a special flood hazard area shall comply with the standards in Section 3.8.2, Flood Hazard Overlay (FHO) District, and any recorded plats shall include the following statement:

"Use of land within a floodplain or flood hazard overlay is substantially restricted by the Town of Zebulon."

G. RECORDATION

1. Once an expedited subdivision is approved, a signed statement of the approval shall be entered on the face of the plat by the Planning Director. The expedited subdivision plat may not be recorded without this certification. Failure to record the expedited subdivision plat in accordance with Section 2.2.10.J, Expiration, shall render the expedited subdivision plat null and void.

2. Land may not be conveyed or construction started until the expedited subdivision is recorded.

3. A copy of the recorded plat shall be filed with the Planning Director within five business days of recording or the final plat shall be null and void.

H. EFFECT

1. Building permits may be issued following recordation of the expedited subdivision plat.

2. Land subject to an expedited subdivision approval shall not be further subdivided as an expedited subdivision within ten years of the date of the prior expedited subdivision approval.

I. AMENDMENT

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

J. EXPIRATION

An expedited subdivision plat shall be null and void unless it is recorded in the office of the Wake County Register of Deeds within 30 days of approval.

K. APPEAL

Appeal of a decision on an expedited subdivision shall be reviewed and decided by the BOA in the nature of certiorari and in accordance with Section 2.2.3, Appeal.

2.2.11. FINAL PLAT

A. PURPOSE AND INTENT

1. The purpose for this final plat procedure is to ensure proposed subdivisions of land have been completed in substantial conformity with a preliminary plat (as applicable) as well as the applicable regulations of this Ordinance prior to the conveyance of lots. These standards are intended to ensure preparation and recordation of a map (plat) of sufficient detail to readily determine and accurately reproduce the location, bearing, radius (as applicable) and length of each of the following elements of a subdivision:

- **a.** Every street or private accessway;
- **b.** Lot lines;
- **c.** Easement boundaries;
- **d.** Lands or resources dedicated or reserved for use by the general public;
- **e.** Land or resources owned in common by landowners of the subdivision;
- **f.** Unbuildable resource or conservation lands;
- **g.** Addresses;
- **h.** Street names;
- **i.** Stormwater management infrastructure; and
- **j.** Sidewalks and greenways.

FIGURE 2.2.11: FINAL PLAT PROCEDURE

Step	Action
1	Pre-application Conference See Section 2.3.2, Pre-application Conference
2	File Application See Section 2.3.3, Application Filing
3	Completeness Determination See Section 2.3.3.G, Determination of Application Completeness
4	Planning Director Review and Decision See Section 2.3.5, Staff Review and Action
5	Notification of Decision See Section 2.3.9, Notification of Decision
6	Recordation

B. APPLICABILITY

1. A final plat shall be required for any development subject to a preliminary plat (see Section 2.2.17, Residential Preliminary Plan).

2. An applicant with an approved preliminary plat shall not file an application for final plat review until all required improvements serving the subdivision are installed and inspected by the Town, or the developer provides a performance guarantee for those required improvements in accordance with Section 6.6, Performance Guarantees.

C. FINAL PLAT REVIEW PROCEDURE

The final plat procedure is described in Figure 2.2.11, Final Plat Review Procedure, as supplemented by Section 2.3, Application Processing, and the Procedures Manual.

D. FINAL PLAT REVIEW STANDARDS

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

1. The final plat is on a sheet or sheets suitable for recording with the Wake County Register of Deeds;

2. The final plat is prepared and sealed by a licensed professional land surveyor or licensed professional engineer;

3. The final plat complies with the standards in Section 47-30 of the North Carolina General Statutes;

4. The final plat includes all applicable certifications identified in the Procedures Manual;

5. All lots have been certified by Wake County Environmental Resources as capable of accommodating the wastewater generated from the proposed use, in cases when the lot(s) is not served by a centralized wastewater system;
6. The applicant has secured all required state, federal, and other applicable permit approvals;
7. The final plat is in substantial conformance with the preliminary plat;
8. All required improvements depicted on the preliminary plat and final plat are installed, inspected, and accepted by the Town, or are subject to a performance guarantee (see Section 6.6, Performance Guarantees);
9. The final plat complies with all standards and conditions of any applicable permits and development approvals; and
10. The final plat complies with all other applicable requirements in this Ordinance and the Town Code of Ordinances.
11. Final plats of land located within a special flood hazard area shall comply with the standards in Section 3.8.2, Flood Hazard Overlay (FHO) District, and any recorded plats shall include the following statement:

    "Use of land within a floodplain or flood hazard overlay is substantially restricted by the Town of Zebulon."

E. RECORDATION

1. Once a final plat is approved, a signed statement of the approval shall be entered on the face of the plat by the Planning Director. The final plat may not be recorded without this certification.
2. Failure to record the final plat in accordance with Section 2.2.10.H, Expiration, shall render the final plat null and void.
3. A copy of the recorded final plat shall be filed with the Planning Director within five business days of recording, or the final plat shall be null and void.

F. EFFECT

1. GENERAL

a. Approval of a final plat allows the sale or conveyance of lots within the subdivision.
b. Building permits may be issued following recordation of the final plat.
c. There is no requirement that all land subject to a preliminary plat be included within a single final plat.

2. ACCEPTANCE OF PUBLIC INFRASTRUCTURE

a. Approval and recordation of a final plat constitutes dedication by the owner of the public of the right-of-way of each public street, or alley, shown on the plat.
b. Approval of the final plat does not constitute acceptance for maintenance responsibility of any improvements within a right-of-way or easement and the Town assumes no responsibility to open, operate, repair, or maintain any improvements until it is in the public interest to do so.
c. Improvements within right-of-ways or easements, such as streets, drainage facilities, or sidewalks may be accepted for maintenance by the Town, when deemed appropriate, in the Town's sole discretion.
d. The subdivider shall retain responsibility for public improvements until maintenance responsibility is accepted by the Town, NCDOT, or a public utility provider, as appropriate.

G. AMENDMENT

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

H. EXPIRATION

1. A final plat shall be null and void unless it is recorded in the office of the Wake County Register of Deeds within 60 days of approval.
2. If a final plat is not recorded within two years of an associated preliminary plat approval, then the preliminary plat shall expire.
3. An expired preliminary plat may be resubmitted in accordance with Section 2.2.17, Residential Preliminary Plan, and shall be reviewed in accordance with the standards of this Ordinance.
4. A recorded final plat shall not expire.

I. APPEAL

Appeal of a decision on a final plat shall be reviewed and decided by the BOA in the nature of certiorari and in accordance with Section 2.2.3, Appeal.

2.2.12. FLOODPLAIN DEVELOPMENT PERMIT

A. PURPOSE AND INTENT

The purpose for this floodplain development permit procedure is to establish a development review procedure for development within a special flood hazard area in order to reduce the potential for damage to land, development, and loss of life from flooding or floodwaters in areas subject to periodic inundation.

B. APPLICABILITY

a. Development proposed within the Flood Hazard Overlay (FHO) district or on land in a special flood hazard area as defined by the National Flood Insurance Program (NFIP) shall obtain a floodplain development permit in accordance with this section prior to or concurrent with an application for a site plan or building permit, as appropriate.

b. Development that is proximate to and may be impacted by unmapped streams or where regulatory flood elevations are not delineated in the NFIP, in accordance with Section 3.8.2.D.3, Standards for Floodplains without Established Base Flood Elevations, shall also obtain a floodplain development permit in accordance with these standards.

FIGURE 2.2.12: FLOODPLAIN DEVELOPMENT PERMIT PROCEDURE

Step	Action
1	Pre-application Conference See Section 2.3.2, Pre-application Conference
2	File Application See Section 2.3.3 Application Filing
3	Completeness Determination See Section 2.3.3.G, Determination of Application Completeness
4	Planning Director Review and Decision See Section 2.3.5, Staff Review and Action
5	Notification of Decision See Section 2.3.9, Notification of Decision
6	File Elevation/ Floodproofing Certificate See Section 3.8.2.C.2, Development Application, Permit and Certification Requirements

C. FLOODPLAIN DEVELOPMENT PERMIT PROCEDURE

The floodplain development permit procedure is described in Figure 2.2.12, Floodplain Development Permit Procedure, as supplemented by Section 2.3, Application Processing, and the Procedures Manual.

D. DECISION BY PLANNING DIRECTOR

The decision on a floodplain development permit shall be made by the Planning Director based on the standards in Section 2.2.12.E, Floodplain Development Review Standards.

E. FLOODPLAIN DEVELOPMENT REVIEW STANDARDS

A floodplain development permit shall be approved if it complies with the following:

1. The permit is issued prior to the commencement of development; and
2. The development complies with all applicable standards in Section 3.8.2, Flood Hazard Overlay (FHO) District.

F. EFFECT

Approval of a floodplain development permit authorizes an applicant to obtain all required elevation certificates or other required certificates and proceed with development following issuance of a building permit.

G. ELEVATION CERTIFICATES

1. Unless exempted in accordance with Section 3.8.2, Flood Hazard Overlay (FHO) District, development subject to this section shall also file elevation or floodproofing certificates in accordance with Section 3.8.2.C.2, Development Application, Permit and Certification Requirements, no more than 21 days after completing the lowest habitable floor.
2. The Planning Director shall review the certificate and advise the applicant of any errors or deficiencies, which shall be corrected prior to any further work progressing. Failure to correct errors or deficiencies on an elevation or floodproofing certificate shall be a violation of this Ordinance subject to the provisions in Section 8.8.4, Stop Work Orders.

H. AMENDMENT

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

I. REVOCATION

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

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

J. EXPIRATION

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

K. APPEAL

Appeal of a decision on a floodplain development permit shall be reviewed and decided by the BOA in the nature of certiorari and in accordance with Section 2.2.3, Appeal.

2.2.13. INTERPRETATION

A. PURPOSE AND INTENT

The purpose for this interpretation procedure is to provide a process where an applicant may request documentation from the Planning Director regarding the meaning of language in this Ordinance, unlisted use types, boundaries on the Official Zoning Map, or conditions applied to an approval.

FIGURE 2.2.13: INTERPRETATION PROCEDURE

Step	Action
1	Pre-Application Conference See Section 2.3.2, Pre-application Conference
2	File Formal Request See Section 2.3.3 Application Filing
3	Planning Director Review and Interpretation See Section 2.3.5, Staff Review and Action
4	Notification of Interpretation See Section 2.3.9, Notification of Decision

B. APPLICABILITY

The Planning Director is responsible for written interpretations of the following:

1. The meaning of the text in this Ordinance;
2. The location and extent of zoning district boundaries on the Official Zoning Map, including boundaries associated with the Flood Hazard Overlay (FHO) district;
3. Interpretations of whether an unlisted use is comparable to a use listed in Table 4.2.3, Principal Use Table;
4. Definitions of undefined terms;
5. Compliance with conditions of approval; and
6. Other aspects of this Ordinance.

C. INTERPRETATIONS DISTINGUISHED

1. Only interpretations issued in accordance with this procedure are subject to appeal as an administrative decision.
2. Any written or oral interpretations that do not meet the strict requirements of this section are advisory interpretations.
3. Advisory interpretations have no binding effect and are not considered administrative decisions subject to appeal.

D. INTERPRETATION PROCEDURE

The Interpretation procedure is described in Figure 2.2.13, Interpretation Procedure, as supplemented by Section 2.3, Application Processing, and the Procedures Manual.

E. INTERPRETATION REVIEW STANDARDS

1. OFFICIAL ZONING MAP BOUNDARIES

Interpretation of district boundaries on the Official Zoning Map shall be in accordance with the standards in Section 3.2.3, Interpretation of Official Zoning Map Boundaries, and consistent with the Town's adopted policy guidance.

2. UNLISTED USES

Interpretation of whether an unlisted use is similar to a use identified in Table 4.2.3, Principal Use Table, shall be based on consistency with the Town's adopted policy guidance and the following standards:

a. The function, product, or physical characteristics of the use;
b. The impact on adjacent lands created by the use;
c. The type, size, and nature of buildings and structures associated with the use;
d. The type of sales (retail, wholesale), and the size and type of items sold and displayed on the premises;

e. The types of items stored (such as vehicles, inventory, merchandise, chemicals, construction materials, scrap and junk, and raw materials including liquids and powders);
f. The volume and type of vehicle traffic generated by the use, and the parking demands of the use;
g. Any processing associated with the use, including assembly, manufacturing, warehousing, shipping, distribution, and whether it occurs inside or outside a building;
h. Any dangerous, hazardous, toxic, or explosive materials associated with the use;
i. The amount and nature of any nuisances generated on the premises, including noise, smoke, odor, glare, vibration, radiation, and fumes; and
j. Any prior applicable interpretations made by the Planning Director or decisions made by the BOA.

3. UNDEFINED TERM

If a term in this Ordinance is undefined or the meaning is unclear, the Planning Director may interpret the term based upon appropriate definitions in any of the following sources:

a. Planning-related definitions in publications prepared or offered by the American Planning Association or the Urban Land Institute;
b. The Oxford Dictionary of Construction, Surveying, and Civil Engineering;
c. The North Carolina General Statutes;
d. The North Carolina Administrative Code;
e. The State Building Code(s);
f. Black's Law Dictionary; or
g. Other professionally accepted source.

4. TEXT PROVISIONS AND PRIOR APPROVALS

Interpretation of this text and approved applications shall be based on the standards in Section 9.1, Rules of Language Construction, and the following considerations:

a. When the legislative intent of a provision is unclear, the Planning Director shall consider the clear and plain meaning of the provision's wording, as defined by the meaning and significance given specific terms used in the provision, as established in Section 9.4, Definitions, and by the common and accepted usage of the term;
b. The intended purpose of the provision, as indicated by purpose statements, its context and consistency with surrounding and related provisions, and any legislative history related to its adoption;
c. The general purposes served by this Ordinance, as set forth in Section 1.4, Purpose and Intent; and
d. Consistency with the Town's adopted policy guidance.

5. EFFECT

a. GENERAL

i. A written interpretation shall be binding on subsequent decisions by the Planning Director or other administrative officials in applying the same provision of this Ordinance or the Official Zoning Map in the same circumstance, unless the interpretation is modified in accordance with this section, the interpretation is later determined to have been made in error, or the text of this Ordinance is amended.
ii. The Planning Director shall maintain a record of written interpretations that shall be available in the Planning Department for public inspection, on reasonable request, during normal business hours.

b. APPROVAL OF UNLISTED USE

i. After the Planning Director determines the use category or use type in which the unlisted use is best classified, then the unlisted use shall be subject to all applicable requirements of that use category or use type.

ii. After making an interpretation of an unlisted use, the Planning Director shall determine whether the unlisted use is likely to be common or recur frequently, and whether its omission is likely to lead to uncertainty and confusion. On determining that the unlisted use is likely to be common and would lead to confusion if unlisted, the Planning Director shall initiate an application for an amendment to the text of this Ordinance. Until final action is taken on the text amendment, the Planning Director's decision shall be binding.

iii. If after making an interpretation of an unlisted use, the Planning Director determines that the unlisted use is of an unusual or transitory nature, and unlikely to recur frequently, the determination shall be binding without further action or amendment of this Ordinance.

6. APPEAL

Appeal of an interpretation by the Planning Director shall be reviewed and decided by the BOA in the nature of certiorari and in accordance with Section 2.2.3, Appeal.

2.2.14. NON-RESIDENTIAL SITE PLAN

A. PURPUSE AND INTENT

The purpose for the Non-Residential Site Plan procedure is to establish a consistent and predictable process for the review of proposed non-residential development, through a graphical representation of the proposal. Non- Residential Site Plan review is an analysis to ensure that allowable development is configured in accordance with the standards in this Ordinance, not a consideration of whether or not a proposed development is allowed.

FIGURE 2.2.14: NON-RESIDENTIAL SITE PLAN PROCEDURE

Step	Action
1	Pre-application Conference See Section 2.3.2, Pre-application Conference
2	File Application See Section 2.3.3, Application Filing
3	Completeness Determination See Section 2.3.3.G, Determination of Application Completeness
4	Technical Review Committee Review and Decision See Section 2.3.5, Staff Review and Action
5	Notification of Decision See Section 2.3.9, Notification of Decision
6	File Construction Drawings or Final Plat, as appropriate

B. APPLICABILITY

1. Except for development exempted from Non-Residential Site Plan review in accordance with Section 2.2.9.C, Exemptions, all forms of commercial development that involve construction, moving, or significant alteration of a building or habitable structure, that result in the increase in the amount of impervious surface on a lot, or that involve the provision of landscaping, off-street parking, stormwater management devices, or similar site features shall be subject to Commercial Site Plan review in accordance with this section.
2. Changes in use that trigger requirements for sidewalk provision or changes to roadway configuration shall also require site plan approval.

C. EXEMPTIONS

The following forms of development are exempted from site plan review, but shall require a plot plan and shall be subject to the standards in Section 2.2.4, Building Permit, or Section 2.2.24, Zoning Compliance Permit, as appropriate:

1. Construction of a single-family detached dwelling on an individual lot;
2. Establishment of an accessory use or structure; and
3. Changes of use that do not result in the need for additional off-street parking spaces, additional screening, differing stormwater practices, or additional landscaping.

D. NON-RESIDENTIAL SITE PLAN PROCEDURE

The site plan procedure is described in Figure 2.2.14, Non-Residential Site Plan Procedure, as supplemented by Section 2.3, Application Processing, and the Procedures Manual.

E. APPLICATION

The application shall include a transportation impact analysis for review, when required by Section 6.13, Transportation Impact Analysis.

F. DECISION BY TECHNICAL REVIEW COMMITTEE

The Technical Review Committee shall review and decide the application in accordance with Section 2.2.14.G, Non-Residential Site Plan Review Standards.

G. SITE PLAN REVIEW STANDARDS

A site plan shall be approved on a decision the application complies with:

1. All standards or conditions of any prior applicable permits and development approvals;
2. All applicable requirements of this Ordinance and the Town Code of Ordinances; and
3. All applicable county, state, and federal requirements

H. EFFECT

1. Approval of a non-residential site plan authorizes the submittal of construction drawings. Construction drawings shall be required in cases where public infrastructure (e.g., streets, waterlines, sanitary., streets, waterlines, sanitary sewer, etc.) is extended to serve the development.

I. AMENDMENT

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

J. EXPIRATION

If a construction drawing is not submitted within one year from the date of issuance, the approval shall become null and void.

K. APPEAL

Appeal of the decision on a site plan shall be reviewed and decided by the BOA in the nature of certiorari and in accordance with Section 2.2.3, Appeal.

2.2.15. PLANNED DEVELOPMENT

A. PURPOSE AND INTENT

The purpose for this planned development procedure is to provide a uniform means for amending the Official Zoning Map to establish a Planned Development (PD) zoning district. The planned development district creates opportunities for master planned development that is developed under unified control in accordance with more flexible standards and procedures that are conducive to creating high quality, mixed-use, pedestrian-oriented development that makes efficient use of land while protecting natural resources. It is the intent of these standards to allow an applicant to propose a wide variety of allowable uses and the flexible application of some of the development standards in Article 5: Development Standards, in return for a higher quality of development with more amenities than might otherwise result from a strict application of the standards in this Ordinance.

B. APPLICABILITY

The standards in this section may be applied to any land except land in the Residential Watershed (R1) district.

C. PLANNED DEVELOPMENT PROCEDURE

The planned development procedure is described in Figure 2.2.15, Planned Development Procedure, as supplemented by Section 2.3, Application Processing, and the Procedures Manual.

FIGURE 2.2.15 PLANNED DEVELOPMENT: PLANNED DEVELOPMENT PROCEDURE

Step	Action
1	Pre-application Conference See Section 2.3.2, Pre-application Conference
2	File Application See Section 2.3.3, Application Filing
3	Completeness Determination See Section 2.3.3.G, Determination of Application Completeness
4	TRC Review of Master Plan See Section 2.3.5, Staff Review and Action
5	Joint Public Hearing Scheduled
6	Public Notice See Section 2.3.6, Public Notice
7	Joint Public Hearing by Planning Board & Board of Commissioners See Section 2.3.7, Public Hearings and Meetings
8	Planning Board Review and Recommendation See Section 2.3.7, Public Hearings and Meetings
9	Board of Commissioners Review and Decision See Section 2.3.7, Public Hearings and Meetings
10	Notification of Decision See Section 2.3.9, Notification of Decision

D. APPLICATION

1. The application shall include a master plan depicting the general configuration and relationship of the principal elements of the proposed development, including uses, general building types, density/intensity, resource protection, pedestrian and vehicular circulation, open space, public facilities, and phasing. The TRC shall review and comment on the master plan prior to the joint public hearing.
2. The application shall also include a statement of terms and conditions document that identifies how the proposed development will meet or exceed the standards in Section 3.5.5, Planned Development (PD) District, how any required

environmental mitigation will take place, and outline how public facilities will be provided to serve the planned development.

3. To ensure unified control, the application shall also include a copy of the title to all land that is part of the proposed planned development zoning district classification.
4. The application shall include a transportation impact analysis for review, when required by Section 6.13, Transportation Impact Analysis.

E. JOINT PUBLIC HEARING

Following provision of public notice for a public hearing in accordance with Section 2.3.6, Public Notice, the Planning Board and Board of Commissioners shall conduct a joint legislative public hearing on the planned development application.

F. REVIEW BY PLANNING BOARD

1. The Planning Board, following the close of the joint public hearing, shall review the application and the information presented during the joint public hearing during a follow-up public meeting, shall make a recommendation on the planned development application in accordance with Section 2.2.15.H, Planned Development Review Standards.
2. In making its recommendation, the Planning Board shall prepare a written consistency statement including each of the following:
   a. Whether the planned development application is recommended for approval, denial, or remanded to Town staff; and
   b. The degree to which the planned development is or is not consistent with the Town's adopted policy guidance; and
   c. The ways in which the planned development is or is not consistent with the Town's adopted policy guidance; and
   d. Whether approval of the planned development amends or does not amend the Town's adopted policy guidance; and
   e. If the adopted policy guidance is amended as part of the application approval, a description of the change in conditions to meet the development needs of the Town that were taken into account as part of the approval; and
   f. An explanation of why the recommendation is reasonable; and
   g. An explanation of why the recommendation is in the public interest.
3. During its review of a planned development application, the Planning Board may suggest revisions to the master plan or terms and conditions statement, consistent with the provisions of Section 2.2.15.I, Conditions of Approval. Only those revisions agreed to in writing by the applicant shall be incorporated into the application.

G. REVIEW AND DECISION BY BOARD OF COMMISSIONERS

1. The Board of Commissioners, after the conclusion of the joint public hearing conducted with the Planning Board, and receipt of a recommendation on the planned development application by the Planning Board, shall decide the application during a follow-up public meeting in accordance with Section 2.2.15.H, Planned Development Review Standards.
2. The decision shall be one of the following:
   a. Approval of the planned development subject to the master plan and statement of terms and conditions in the application;
   b. Approval of the planned development subject to additional or revised conditions related to the master plan or statement of terms and conditions;
   c. Denial of the planned development; or
   d. Remand of the planned development application back to the Planning Board for further consideration.

3. In making its decision, the Board of Commissioners shall adopt a written statement including each of the following:
   a. Whether the planned development application (and associated zoning map amendment) is approved, denied, or remanded; and
   b. The degree to which the planned development application (and associated zoning map amendment) is or is not consistent with the Town's adopted policy guidance; and
   c. The ways in which the planned development application (and associated zoning map amendment) is or is not consistent with the Town's adopted policy guidance; and
   d. Whether approval of the planned development application also amends or does not amend the Town's adopted policy guidance; and
   e. If the adopted policy guidance is amended as part of the application approval, a description of the change in conditions to meet the development needs of the Town that were taken into account as part of the approval; and
   f. An explanation of why the action taken by the Board of Commissioners is reasonable; and
   g. An explanation of why the action taken by the Board of Commissioners is in the public interest.

H. PLANNED DEVELOPMENT REVIEW STANDARDS

The advisability of amending the Official Zoning Map to establish a planned development district is a matter committed to the legislative discretion of the Board of Commissioners and is not controlled by any one factor. In determining whether to adopt or deny a planned development application, the Board of Commissioners may consider the standards in Section 2.2.25.J, and the standards for the district in Section 3.5.5, Planned Development (PD) District.

I. CONDITIONS OF APPROVAL

1. Only conditions mutually agreed to by the owner(s) of the property that is the subject of a planned development application and the Board of Commissioners may be approved as part of a planned development application establishing a planned development district.
2. Conditions shall be limited to those that address conformance of development and use of the site with Town regulations and adopted plans and that address the impacts reasonably expected to be generated by the development or use of the site.
3. Conditions shall be in writing and may be supplemented with text or plans and maps.
4. No condition shall be made part of the application which:
   a. Specifies the ownership status, race, religion, or other characteristics of the occupants of housing units;
   b. Establishes a minimum size of a dwelling unit;
   c. Establishes a minimum value of buildings or improvements;
   d. Excludes residents based upon race, religion, or income; or
   e. Obligates the Town to perform in any manner relative to the approval of the planned development district or development of the land.

J. DESIGNATION ON THE OFFICIAL ZONING MAP

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

K. EFFECT

1. Lands rezoned to a PD district shall be subject to the approved master plan and the approved statement of terms and conditions.
2. The master plan and terms and conditions are binding on the land as an amendment to the Official Zoning Map.
3. The applicant may apply for and obtain subsequent development permits and approvals necessary to implement the master plan in accordance with the appropriate procedures and standards set forth in this Ordinance.
4. Any permits or approvals shall comply with the master plan and the statement of terms and conditions.
5. Only those portions of the development subject to an approved master plan and statement of terms and conditions shall be included in development activities.

L. AMENDMENT

1. MINOR CHANGES

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

b. The following minor changes may be approved by the Planning Director, in consultation with other appropriate own staff:

- **i.** Changes to the location of entrances or driveways, the rearrangement of internal streets, turn lanes, drives, or access restrictions;
- **ii.** Changes to the configuration of parking areas, but not the number of parking spaces;
- **iii.** Changes to the configuration or location of open space or placement of required amenities, provided the amount of open space (whether passive or active) is unchanged;
- **iv.** Changes to the configuration of landscape yards, including types of materials, provided minimum width and planting requirements are met;
- **v.** Changes to the proposed building elevation or facade, including materials, provided that the change retains the same general architectural character and remains consistent with the design parameters established in the PD approval; and
- **vi.** Changes to the arrangement or location of buildings provided there is no increase in the number of buildings, size, or amount of impervious surface.

2. SIGNIFICANT CHANGES CONSIDERED AMENDMENTS

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

- **i.** Changes in use designations;
- **ii.** Density/intensity increases;
- **iii.** Decreases in open space;
- **iv.** Substantial changes in the location of streets (particularly if streets are to be deleted or access points to the development moved so traffic flows both inside and outside the development are affected); and
- **v.** Change in the location of any public easement.

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

M. EXPIRATION

1. If no application for approval of a preliminary plat or site plan for any part of the approved master plan is submitted within two years after approval of the planned development, the Town may initiate a zoning map amendment application to rezone the land back to its prior zoning classification or any other base zoning classification determined to be appropriate. Such time period shall not be extended with transfer of ownership.

2. Upon written request submitted at least 30 days before expiration of the two-year period provided in subsection (1) above, and upon a showing of good cause, the Planning Director may grant one extension not to exceed one year for the applicant to submit required development applications.

N. APPEAL

1. Appeal of a decision by the Board of Commissioners on a planned development shall be subject to review by the Superior Court of Wake County.

2. Petitions for review must be filed with the Clerk of Court within 30 days of the date the decision is filed in the office of the appropriate review authority and delivered by personal delivery, electronic mail, or first-class mail to the applicant, landowner, and to any person who has submitted a written request for a copy, prior to the date the decision becomes effective.

2.2.16. REASONABLE ACCOMMODATION

A. PURPOSE

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

B. APPLICABILITY

1. For the purposes of this section, an eligible person is a person who meets the definition of a disabled or handicapped person under federal law.
2. A person recovering from substance abuse is considered a person with a disability or handicap provided they are not currently engaging in the illegal use of controlled substances.

C. REASONABLE ACCOMMODATION PROCEDURE

The reasonable accommodation procedure is described in Figure 2.2.16, Reasonable Accommodation Procedure, as supplemented by Section 2.3, Application Processing, and the Procedures Manual.

FIGURE 2.2.16: REASONABLE ACCOMMODATION PROCEDURE

Step	Action
1	Pre-application Conference See Section 2.3.2, Pre-application Conference
2	File Notice of Appeal See Section 2.3.3, Application Filing
3	Completeness Determination See Section 2.3.3.G, Determination of Application Completeness
4	Public Hearing Scheduled
5	Public Notice See Section 2.3.6, Public Notice
6	Board of Adjustment Review and Decision See Section 2.3.7, Public Hearings and Meetings
7	Notification of Decision See Section 2.3.9, Notification of Decision

D. APPLICATION

1. An application for reasonable accommodation may be made by any of the following:
   a. A person with a disability or handicap, or their legal representative; or
   b. A provider of housing for persons with disabilities or handicaps.
2. An application for reasonable accommodation shall also include the following:
   a. The basis for the claim that the applicant or persons receiving services from the applicant is considered disabled or handicapped under federal law;
   b. The Ordinance provision from which the reasonable accommodation is being requested; and
   c. An explanation of why the reasonable accommodation is necessary to make specific land or development available for the applicant.

E. REVIEW AND DECISION BY THE BOARD OF ADJUSTMENT

1. The BOA, at the conclusion of a quasi-judicial public hearing, shall decide the application for the reasonable accommodation.
2. The decision shall be based on the competent, material, and substantial evidence, as supplemented by arguments presented at the quasi-judicial hearing, and the standards in Section 2.2.16.F, Reasonable Accommodation.
3. The decision shall be one of the following:
   a. Approval of the reasonable accommodation application as proposed;

b. Approval of the reasonable accommodation application with revisions; or
c. Denial of the application.

4. Each decision shall be made in writing and reflect the BOA's determination of contested facts and their application to the standards in this Ordinance.
5. The written decision shall be signed by the Chair or other duly authorized member of the BOA.
6. The decision of the BOA shall be effective upon the filing of the written decision in the offices of the Planning Department.

F. REASONABLE ACCOMMODATION REVIEW STANDARDS

1. A reasonable accommodation application shall be approved on a finding the proposed accommodation:
a. Will be used by an individual or individuals with a disability or handicap protected under federal law;
b. Is the minimum needed to provide accommodation; and
c. Is reasonable and necessary.

2. For the purposes of this section, an accommodation is reasonable if it would not undermine the legitimate purposes of this Ordinance, it does not constitute a substantial alteration of this Ordinance or other Town standard, and it will not impose significant financial and administrative burden upon the Town.
3. For the purposes of this section, an accommodation is necessary if it would provide direct or meaningful improvement of the effects of the particular disability or handicap, and would afford handicapped or disabled persons equal opportunity to use housing in the Town.

G. EFFECT

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

H. AMENDMENT

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

I. EXPIRATION

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

J. APPEAL

Appeal of a decision on a reasonable accommodation request shall be reviewed and decided by the BOA in the nature of certiorari and in accordance with Section 2.2.3, Appeal.

2.2.17. RESIDENTIAL PRELIMINARY PLAN

A. PURPOSE AND INTENT

The purpose for this preliminary plan procedure is to establish a fair, consistent, and predictable procedure for the review of requests to divide land into a series of lots for development or sale in ways that promote the health, safety, and welfare of the citizens of the Town of Zebulon. The intent of these standards is to ensure:

1. Orderly growth and development;
2. Coordination of transportation and utility networks;
3. Preservation of open space for purposes of recreation or natural resource protection;
4. Protection from flooding, damaging sedimentation, and decreased surface water quality; and
5. Distribution of population in ways that supports infrastructure investment and diminishes the impact of traffic and overcrowding.

FIGURE 2.2.17: RESIDENTIAL PRELIMINARY PLAN PROCEDURE

Step	Action
1	Pre-application Conference See Section 2.3.2, Pre-application Conference
2	File Application See Section 2.3.3, Application Filing
3	Completeness Determination See Section 2.3.3.G, Determination of Application Completeness
4	Technical Review Committee Review and Decision See Section 2.3.5, Staff Review and Action
5	Notice of Decision See Section 2.3.9, Notification of Decision
6	File Construction Drawings or Final Plat, as appropriate

B. APPLICABILITY

Divisions of land that do not qualify as an exempt subdivision (see Section 2.2.9, Exempt Subdivision), or an expedited subdivision (see Section 2.2.10, Expedited Subdivision), shall be reviewed and decided as a preliminary plat in accordance with these standards.

C. PRELIMINARY PLAT REVIEW PROCEDURE

The preliminary plan procedure is described in Figure 2.2.17, Residential Preliminary Plan Review Procedure, as supplemented by Section 2.3, Application Processing, and the Procedures Manual.

D. APPLICATION

The application shall include a transportation impact analysis for review, when required by Section 6.13, Transportation Impact Analysis.

E. REVIEW AND DECISION BY THE TECHNICAL REVIEW COMMITTEE

The Technical Review Committee shall review and decide the application in accordance with Section 2.2.17.F, Residential Preliminary Plan Review Standards.

F. PRELIMINARY PLAN REVIEW STANDARDS

1. An application for a preliminary plan shall be approved, provided:
   - **a.** The preliminary plan is prepared and sealed by a licensed professional land surveyor, registered professional landscape architect, or licensed professional engineer;
   - **b.** The preliminary plan complies with the applicable standards in Section 47-30 of the North Carolina General Statutes;
   - **c.** The preliminary plan includes all applicable certifications identified in the Procedures Manual;

d. All lots have been certified by Wake County Environmental Resources as capable of accommodating the wastewater generated from the proposed use, in cases when the lot(s) is not served by a centralized wastewater system;

e. The preliminary plan is in substantial conformance with all applicable requirements in Article 3: Districts;

f. The preliminary plan complies with all standards and conditions of any applicable permits and development approvals;

g. The name of the subdivision shall not duplicate or be similar to the name of an existing subdivision in Wake County or the town; and

h. The preliminary plan complies with all other applicable requirements in this Ordinance and the County Code of Ordinances.

2. Preliminary plan containing parcels of land located within a special flood hazard area shall comply with the standards in Section 3.8.2, Flood Hazard Overlay (FHO) District, and any recorded plats shall include the following statement:

> "Use of land within a floodplain or flood hazard overlay is substantially restricted by the Town of Zebulon."

G. EFFECT

1. Approval of a preliminary plan authorizes the submittal of construction drawings, and/or a final plat. Construction drawings shall be required in cases where public infrastructure (e.g., streets, water lines, sanitary sewer, etc.) is being extended to serve lots in the development.

2. Approval of a preliminary plan shall not constitute the approval for recording a subdivision with the Wake County Register of Deeds, or approval for the conveyance of lots.

H. AMENDMENT

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

1. EXPIRATION

An approved preliminary plan shall be valid for two years from the date of approval.

2. EXTENSION

a. An applicant may request an extension of a preliminary plan approval in writing to the Planning Director at least 30 days prior to expiration.

b. Extension requests shall be reviewed and decided by the Technical Review Committee.

c. A preliminary plan may be extended once for a maximum duration of one year.

I. APPEAL

Appeal of a decision on a preliminary plan shall be reviewed and decided by the BOA in the nature of certiorari and in accordance with Section 2.2.3, Appeal.

2.2.18. SIGN PERMIT

A. PURPOSE AND INTENT

The purpose of this section is to provide a uniform mechanism for reviewing applications for sign permits to ensure all signs comply with the standards of Section 5.11, Signage.

B. APPLICABILITY

All signs, including temporary signs, but excluding signs exempted from obtaining sign permits in Section 5.11, Signage, shall obtain a sign permit in accordance with this section before being erected, replaced, relocated, or altered.

C. SIGN PERMIT PROCEDURE

The sign permit procedure is described in Figure 2.2.18, Sign Permit Procedure, as supplemented by Section 2.3, Application Processing, and the Procedures Manual.

D. DECISION BY PLANNING DIRECTOR

The decision on a sign permit shall be made by the Planning Director in accordance with the standards in Section 2.2.18.E, Sign Permit Review Standards.

E. SIGN PERMIT REVIEW STANDARDS

A sign permit shall be approved on a decision the application complies with:

1. The standards in Section 5.11, Signage;
2. The State Building Code(s);
3. All standards or conditions of any prior applicable permits and developments approvals; and
4. All other applicable requirements of this Ordinance and in the Town Code of Ordinances.

F. AMENDMENT

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

FIGURE 2.2.18: SIGN PERMIT PROCEDURE

Step	Action
1	Pre-application Conference See Section 2.3.2, Pre-application Conference
2	File Application See Section 2.3.3, Application Filing
3	Completeness Determination See Section 2.3.3.G, Determination of Application Completeness
4	Planning Director Review and Decision See Section 2.3.5, Staff Review and Action
5	Notification of Decision See Section 2.3.9, Notification of Decision
6	Schedule Required Inspections, as needed

G. EXPIRATION

If the work authorized by a sign permit is not commenced within six months from the date of issuance, the permit shall become null and void.

H. APPEAL

Appeal of the decision on a sign permit shall be reviewed and decided by the BOA in the nature of certiorari and in accordance with Section 2.2.3, Appeal.

2.2.19. SPECIAL USE PERMIT

A. PURPOSE AND INTENT

This section sets out the procedure for consideration of an application for a special use permit. A special use is a use that may be appropriate in a zoning district, but because of its nature, extent, and external effects, requires special consideration of its location, design, and methods of operation before it can be deemed appropriate in the district and compatible with its surroundings.

B. APPLICABILITY

Applications for uses identified as requiring a special use in Table 4.2.3, Principal Use Table, shall be reviewed in accordance with the procedures and standards of this section.

C. SPECIAL USE PERMIT PROCEDURE

The Special Use Permit procedure is described in Figure 2.2.19, Special Use Permit Procedure, as supplemented by Section 2.3, Application Processing, and the Procedures Manual.

D. APPLICATION

1. An application for a special use permit shall include a site plan that depicts the proposed use and site configuration. The TRC shall review and comment on the site plan prior to consideration of the application by the Board of Commissioners.
2. The application shall include a transportation impact analysis for review, when required by Section 6.13, Transportation Impact Analysis.

E. REVIEW AND DECISION BY BOARD OF COMMISSIONERS

Following the conclusion of a quasi-judicial public hearing, the Board of Commissioners shall review and decide the application in accordance with Section 2.2.19.F, Special Use Permit Review Standards. The decision shall be the one of the following:

1. Approval of the special use and concept plan as proposed;
2. Approval of a revised special use or concept plan;
3. Denial of the special use and concept plan; or
4. Remand of the special use application for further consideration.

F. SPECIAL USE PERMIT REVIEW STANDARDS

A special use shall be approved upon a determination that the special use:

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

FIGURE 2.2.19: SPECIAL USE PERMIT PROCEDURE

Step	Action
1	Pre-application Conference See Section 2.3.2, Pre-application Conference
2	File Application See Section 2.3.3, Application Filing
3	Completeness Determination See Section 2.3.3.G, Determination of Application Completeness
4	TRC Review of Site Plan See Section 2.3.5, Staff Review and Action
5	Public Hearing Scheduled
6	Public Notice See Section 2.3.6, Public Notice
7	Board of Commissioners Review and Decision See Section 2.3.7, Public Hearings and Meetings
8	Notification of Decision See Section 2.3.9, Notification of Decision
9	TRC Review and Decision on Site Plan (See Section 2.2.17, Site Plan)

2. Complies with all required standards, conditions, and specifications of this Ordinance, including Article 4: Uses;
3. Will not substantially injure the value of the abutting land, or the special use is a public necessity;
4. Will be in harmony with the area in which it is to be located;
5. Is in general conformity with the Town's adopted policy guidance; and
6. Includes a concept plan that accurately depicts the proposed use's configuration.

G. CONDITIONS OF APPROVAL

1. The Board of Commissioners may apply conditions of approval to assure that the use will be harmonious with the area where proposed and consistent with the purpose and intent of this Ordinance.
2. The Board of Commissioners may apply conditions limiting the permit to a specified duration or may place limits on the availability of proposed residential dwelling units to coincide with the provision or maintenance of adequate public facilities.
3. All conditions shall be identified in the approval, the notice of decision, and on the associated site plan.

H. EFFECT

1. A special use approval is perpetually binding and run with the land, unless amended or limited in duration by the reviewing authority.
2. An action invalidating a special use condition of approval (such as an intensity or hours of operation limitation) shall render the special use permit null and void.
3. Special uses shall meet all applicable state and federal requirements for location and operation. Failure to maintain compliance with those requirements may result in the revocation of the special use.

I. AMENDMENT

Amendments of a special use permit or an associated concept plan may only be reviewed and considered in accordance with the procedures and standards established for its original approval.

J. EXPIRATION

1. REPLACEMENT

If a special use is replaced by a use otherwise permitted by right in the zoning district, the special use permit approval is deemed abandoned and the special use permit approval is null and void.

2. FAILURE TO COMPLETE CONSTRUCTION

Unless otherwise stated in the special use permit approval, a special use permit shall expire and become null and void two years after the date of issuance if:

a. The authorized use has not commenced;
b. No substantial construction activity has taken place; or
c. Construction activities have started, but the value of all construction activity is less than five percent of the estimated total cost of construction.

3. EXTENSION

a. An applicant may request an extension of a special use permit approval in writing to the Planning Director at least 60 days prior to expiration.
b. Extension requests shall be reviewed and decided by the Board of Commissioners.
c. Up to one extension for a maximum period of one year may be granted if:

i. The applicant has proceeded towards completion of construction in good faith and with due diligence; and

ii. Conditions have not changed to the extent that a new application is warranted in the sole discretion of the Board of Commissioners.

K. APPEAL

1. A decision by the BOC on a special use permit shall be subject to review by the Superior Court of Wake County by proceedings in the nature of certiorari and in accordance with Section 160D-1402 of the North Carolina General Statutes.

2. Petitions for review must be filed with the Clerk of Court within 30 days of the date the decision is filed in the office of the appropriate review authority and delivered by personal delivery, electronic mail, or first-class mail to the applicant, landowner, and to any person who has submitted a written request for a copy, prior to the date the decision becomes effective.

2.2.20. TEMPORARY USE PERMIT

A. PURPOSE AND INTENT

The purpose of this section is to establish a uniform mechanism for reviewing temporary uses, structures, and special events to ensure they comply with the standards in Section 4.5, Temporary Uses. Temporary uses include temporary structures and activities that are proposed on an individual lot or site for a limited duration and that have a clear commencement and cessation.

B. APPLICABILITY

The provisions of this section shall apply to all proposed temporary uses, temporary structures, and special events set forth in Section 4.5, Temporary Uses, but shall not be applied to applications for temporary signage, which are subject to the standards in Section 2.2.18, Sign Permit.

C. TEMPORARY USE PERMIT PROCEDURE

The Temporary Use Permit procedure is described in Figure 2.2.20, Temporary Use Permit Procedure, as supplemented by Section 2.3, Application Processing.

FIGURE 2.2.20: TEMPORARY USE PERMIT PROCEDURE

Step	Action
1	Pre-application Conference See Section 2.3.2, Pre-application Conference
2	File Application See Section 2.3.3, Application Filing
3	Completeness Determination See Section 2.3.3.G, Determination of Application Completeness
4	Planning Director Review and Decision See Section 2.3.5, Staff Review and Action
5	Notification of Decision See Section 2.3.9, Notification of Decision

D. DECISION BY PLANNING DIRECTOR

The decision on a temporary use permit shall be made by the Planning Director in accordance with the standards in Section 2.2.20.E, Temporary Use Permit Review Standards.

E. TEMPORARY USE PERMIT REVIEW STANDARDS

An application for a temporary use permit shall be approved provided it complies with the following:

1. The temporary use permit complies with all applicable requirements in Section 4.5, Temporary Uses;
2. The applicant has written permission from the landowner, or is otherwise authorized to make use of the land;
3. The applicant has obtained the appropriate permits and licenses from the Town and other agencies;
4. The temporary use meets public utility and Town requirements for proper connection to water, sewer, electrical and other utility service connections, as applicable;
5. The temporary use does not violate the applicable conditions of approval that apply to a site or use on the site;
6. The proposed site contains sufficient land area for the temporary use and for the parking and traffic movement associated with the temporary use, without impacting environmentally sensitive lands;
7. The temporary use is located outside the FHO district or a special flood hazard area; and
8. Includes a concept plan or plot plan that accurately depicts the proposed use's configuration.

F. AMENDMENT

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

G. EXPIRATION

Approval of a temporary use permit shall be effective beginning on the date of approval and shall remain effective for the period indicated in the permit.

H. APPEAL

Appeal of the Planning Director's decision on a temporary use permit shall be reviewed and decided by the BOA in the nature of certiorari and in accordance with Section 2.2.3, Appeal.

2.2.21. UDO TEXT AMENDMENT

A. PURPOSE AND INTENT

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

B. APPLICABILITY

The standards and requirements of this section shall apply to applications to revise the text of this Ordinance.

C. TEXT AMENDMENT PROCEDURE

The text amendment procedure is described in Figure 2.2.21, Text Amendment Procedure, as supplemented by Section 2.3, Application Processing, and the Procedures Manual.

D. JOINT PUBLIC HEARING

Following provision of public notice for a public hearing in accordance with Section 2.3.6, Public Notice, the Planning Board and Board of Commissioners shall conduct a legislative joint public hearing on the UDO text amendment application.

E. REVIEW BY PLANNING BOARD

1. The Planning Board, following the close of the joint public hearing, shall review the application and the information presented during the joint public hearing during a follow-up public meeting, and shall make a recommendation on an application in accordance with Section 2.2.21.G, UDO Text Amendment Review Standards.
2. In making its recommendation, the Planning Board shall prepare a written consistency statement including each of the following:
   a. Whether the text amendment application is recommended for approval, denial, or remanded to Town staff; and
   b. The degree to which the text amendment is or is not consistent with the Town's adopted policy guidance; and

FIGURE 2.2.21: UDO TEXT AMENDMENT PROCEDURE

Step	Action
1	Pre-application Conference See Section 2.3.2, Pre-application Conference
2	File Application See Section 2.3.3, Application Filing
3	Completeness Determination See Section 2.3.3.G, Determination of Application Completeness
4	Planning Director Review See Section 2.3.5, Staff Review and Action
5	Town Attorney Legal Sufficiency Review
6	Public Hearing Scheduled
7	Public Notice See Section 2.3.6, Public Notice
8	Joint Public Hearing See Section 2.3.7, Public Hearings and Meetings
9	Planning Board Review and Recommendation See Section 2.3.7, Public Hearings and Meetings
10	Board of Commissioners Review and Decision See Section 2.3.7, Public Hearings and Meetings
11	Notification of Decision See Section 2.3.9, Notification of Decision

c. The ways in which the text amendment is or is not consistent with the Town's adopted policy guidance; and
d. Whether approval of the text amendment also amends or does not amend the Town's adopted policy guidance; and
e. If the adopted policy guidance is amended as part of the application approval, a description of the change in conditions to meet the development needs of the Town that were taken into account as part of the approval; and
f. An explanation of why the recommendation is reasonable; and
g. An explanation of why the recommendation is in the public interest.

F. REVIEW AND DECISION BY BOARD OF COMMISSIONERS

1. The Board of Commissioners, after the conclusion of the joint public hearing conducted with the Planning Board, and receipt of a recommendation on the UDO text amendment by the Planning Board, shall decide the application during a follow-up public meeting in accordance with Section 2.2.21.G, UDO Text Amendment Review Standards.
2. Nothing shall require the BOC to wait for or consider the recommendation of the Planning Board on the text amendment application.
3. The decision shall be one of the following:
a. Adoption of the text amendment as proposed;
b. Adoption of a revised text amendment;
c. Denial of the text amendment; or
d. Remand of the text amendment application to the Planning Board for further consideration.
4. In making its decision, the Board of Commissioners shall adopt a written statement including each of the following:
a. Whether the text amendment application is approved, denied, or remanded; and
b. The degree to which the text amendment application is or is not consistent with the Town's adopted policy guidance; and
c. The ways in which the text amendment application is or is not consistent with the Town's adopted policy guidance; and
d. Whether approval of the text amendment application also amends or does not amend the Town's adopted policy guidance; and
e. If the adopted policy guidance is amended as part of the application approval, a description of the change in conditions to meet the development needs of the Town that were taken into account as part of the approval; and
f. An explanation of why the action taken by the Board of Commissioners is reasonable; and
g. An explanation of why the action taken by the Board of Commissioners is in the public interest.

G. UDO TEXT AMENDMENT REVIEW STANDARDS

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

1. Enhances the public's health, safety, and welfare;
2. Is consistent with the Town's adopted policy guidance;
3. Is not in conflict with any provision of this Ordinance or the Town Code of Ordinances;
4. Is required by changed conditions;
5. Addresses a demonstrated community need;

6. Addresses an unforeseen matter not present when the Ordinance was adopted;
7. Is consistent with the purpose and intent of the zoning districts in this Ordinance, or would improve compatibility among uses and ensure efficient development within the Town;
8. Would result in a logical and orderly development pattern;
9. Addresses other factors determined to be relevant by the Board of Commissioners; and
10. Would not result in significantly adverse impacts on the natural environment, including water, air, noise, stormwater management, wildlife, vegetation, and the natural functioning of the environment.

H. AMENDMENT

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

I. EXPIRATION

UDO text amendments shall not expire.

J. APPEAL

1. A decision by the BOC shall be subject to review by the Wake County Superior Court.
2. Petitions for review must be filed with the Clerk of Court within 30 days of the date the decision is filed in the office of the appropriate review authority and delivered by personal delivery, electronic mail, or first-class mail to the applicant, landowner, and to any person who has submitted a written request for a copy, prior to the date the decision becomes effective.

2.2.22. VARIANCE

A. PURPOSE AND INTENT

The purpose of this section is to allow certain deviations from the dimensional standards of this Ordinance (such as height, yard setback, lot coverage, or similar numerical standards) when the landowner demonstrates that, owing to special circumstances or conditions beyond the landowner's control (such as topographical conditions, narrowness, shallowness, or shape of a specific parcel of land), a literal application of the standards would result in undue and unique hardship to the landowner and the deviation would not be contrary to the public interest. This section also includes standards for variance from the Town's special flood hazard area standards in Section 3.8.2, Flood Hazard Overlay (FHO) District, as well as the procedures and standards for variances from the watershed protection standards included in Section 3.3.2, Residential Watershed (R1) District.

B. APPLICABILITY

1. Development that would otherwise be subject to undue and unique hardship from the applications of the standards in this Ordinance may seek relief from the standards in accordance with this section.
2. No variance may be sought that increases development density (e.g., units per acre) beyond that allowed in a base zoning district, or that would permit a use not allowed in a zoning district.

C. VARIANCE PROCEDURE

The variance procedure is described in Figure 2.2.22, Variance Procedure, as supplemented by Section 2.3, Application Processing, and the Procedures Manual.

D. BOARD OF ADJUSTMENT REVIEW AND DECISION

1. The BOA, after the conclusion of a quasi-judicial public hearing, shall decide the application for a variance.
2. The decision shall be based on the evidence in the record, as supplemented by the arguments presented at the quasi-judicial hearing, and the standards in Section 2.2.22.G, Variance Review Standards.
3. The decision shall be one of the following:
   a. Approval of the variance as proposed;
   b. Approval of the variance with revisions; or
   c. Denial of the variance.
4. The concurring vote of four-fifths of the BOA shall be necessary to grant a variance.
5. Each decision shall be made in writing and reflect the BOA's determination of facts and their application to the standards in this Ordinance.

FIGURE 2.2.22: VARIANCE PROCEDURE

Step	Action
1	Pre-application Conference See Section 2.3.2, Pre-application Conference
2	File Application See Section 2.3.3, Application Filing
3	Completeness Determination See Section 2.3.3.G, Determination of Application Completeness
4	Planning Director Review See Section 2.3.5, Staff Review and Action
5	Public Hearing Scheduled
6	Public Notice See Section 2.3.6, Public Notice
7	Board of Adjustment Review and Decision See Section 2.3.7, Public Hearings and Meetings
8	Notification of Decision See Section 2.3.9, Notification of Decision
9	Recordation

6. The written decision shall be signed by the Chair or other duly authorized member of the BOA.
7. The decision of the BOA shall be effective upon the filing of the written decision.

E. NOTIFICATION OF DECISION

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

F. RECORDATION

If a variance application is approved, the notice of decision may be recorded by the applicant in the office of the Wake County Register of Deeds.

G. VARIANCE REVIEW STANDARDS

The standards in this section are organized into the standards applicable to variances from the zoning-related provisions, the flood hazard overlay provisions, and the watershed protection provisions.

1. ZONING-RELATED VARIANCE STANDARDS

a. REQUIRED FINDINGS OF FACT

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

i. Unnecessary hardship would result from the strict application of the Ordinance. It shall not be necessary to demonstrate that, in the absence of the variance, no reasonable use can be made of the property.
ii. The hardship results from conditions that are peculiar to the property, such as location, size or topography. Hardships resulting from personal circumstances, as well as hardships resulting from conditions that are common to the neighborhood or the general public, may not be the basis for granting a variance.
iii. The hardship did not result from actions taken by the applicant or the property owner. The act of purchasing property with knowledge that circumstances exist that may justify the granting of the variance shall not be regarded as a self-created hardship.
iv. The requested variance is consistent with the spirit, purpose, and intent of the ordinance, such that public safety is secured, and substantial justice is achieved.

b. OTHER CONSIDERATIONS

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

i. The variance approval is the minimum necessary to make possible the reasonable use of the land, building, or structure.
ii. All property taxes on the land subject to the variance application have been paid in full.
iii. None of the following may be used as the basis for approving a variance:
    1. Neither the nonconforming use of lands, buildings, or structures in the same zoning district, or the permitted use of lands, buildings, or structures in other zoning districts, or personal circumstances;
    2. A request for a particular use that is expressly, or by inference, prohibited in the zoning district;
    3. Hardships resulting from factors other than application of the relevant standards of this ordinance;

4. The fact that land or a structure may be utilized more profitably or be more marketable with a variance;
5. The citing of other conforming or nonconforming uses of land or structures in the same or other zoning districts; or
6. Financial hardship.

2. FLOOD HAZARD OVERLAY VARIANCE STANDARDS

In addition to the standards for a zoning variance, variances from the flood hazard overlay standards in this Ordinance shall be reviewed and decided in accordance with the standards in Section 3.8.2, Flood Hazard Overlay (FHO) District, and the following:

a. REQUIRED FINDINGS OF FACT

A variance from the flood hazard area standards shall be approved on a finding the applicant demonstrates all of the following standards are met:

i. There is a good and sufficient cause to grant the variance;
ii. The variance is the minimum necessary to provide relief;
iii. Failure to grant the variance would result in exceptional hardship to the landowner; and
iv. Granting the variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisance, cause fraud on or victimization of the public, or conflict with this Ordinance.

b. OTHER CONSIDERATIONS

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

i. Approval of the variance will not render the building in violation of applicable federal, state, or local requirements;
ii. Approval of the variance will not result in any increase in flood levels within any designated floodway or non-encroachment area during the base flood discharge;
iii. The variance is issued prior to any other prerequisite permit or development approvals;

c. HISTORIC SITES OR STRUCTURES

Reconstruction or rehabilitation of structures listed on the National Register of Historic Places or the State Inventory of Historic Places may occur in a flood hazard area without need for obtaining a variance in accordance with this subsection.

d. REQUIRED FINDINGS FOR DENIAL

All of the following factors shall be considered by the BOA if an application for a variance to the flood hazard area standards is denied:

1. The danger that materials may be swept onto other lands and injure others;
2. The danger to life and land due to flooding or erosion damage;
3. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual landowner;
4. The importance of the services provided by the proposed facility to the community;
5. The necessity to the facility of a waterfront location as a functionally dependent facility;
6. The availability of alternative locations, not subject to flooding or erosion damage, for the proposed use;
7. The compatibility of the proposed use with existing and anticipated development;

8. The relationship of the proposed use to the town's adopted policy guidance and the town's floodplain management program;
9. The safety of access to the use in times of flood for ordinary emergency vehicles;
10. The expected height, velocity, duration, rate of rise, and sediment transport of the floodwaters and the effects of wave action, if applicable, expected at the site; and
11. The costs of providing governmental services during and after flood conditions including maintenance and repair of public utilities and facilities such as sewer, gas, electrical and water systems, and streets and bridges.

3. WATERSHED PROTECTION VARIANCE STANDARDS

a. VARIANCES DISTINGUISHED

i. Variances from the water supply watershed standards in Section 3.3.2, Residential Watershed (R1) District, in the shall take the form of a minor variance or a major variance.

ii. Major variances pertain to any of the following:
   1. i) The relaxation, by a factor greater that 10 percent, of any management requirement under the low-density option;
   2. ii) The relaxation, by a factor greater than five percent, of any buffer, density or built upon area requirement under the high-density option; or
   3. iii) Any variation in the design, maintenance or operation requirements of a wet detention pond or other approved stormwater management system.

iii. Minor variances pertain to a relaxation, by a factor of up to ten percent of any buffer, density, or built-upon area requirement under the low-density option.

b. REQUIRED FINDINGS OF FACT

Before the Watershed Review Board may grant a variance, it shall make the following three findings, which shall be recorded in the permanent record of the case, and shall include the factual reasons on which they are based:

i. There are practical difficulties or unnecessary hardships in the way of carrying out the strict letter of the ordinance. In order to determine that there are practical difficulties or unnecessary hardships, the Board must find that the five following conditions exist:
   1. In complying with the provisions of this Ordinance, the applicant can secure no reasonable return from, nor make reasonable use of, their property. Merely proving that the variance would permit a greater profit to be made from the property will not be considered adequate to justify the granting of a minor variance. Moreover, the BOA shall consider whether the variance is the minimum possible deviation from the terms of this Ordinance that will make possible the reasonable use of the property;
   2. The hardship results from the application of the ordinance to the property rather than from other factors such as deed restrictions or other hardship;
   3. The hardship is due to the physical nature of the applicant's property, such as size, shape or topography, which is different from that of neighboring property;
   4. The hardship is not the result of the actions of an applicant who knowingly or unknowingly violates the ordinance, or who purchases the property after the effective date of the ordinance and then comes to the Board for relief; and
   5. The hardship is peculiar to the applicant's property, rather than the result of conditions that are widespread. If other properties are equally subject to the

hardship created in the restriction, then granting a variance would be special privilege denied to others, and would not promote equal justice.

ii. The variance is in harmony with the general purpose and intent of this Ordinance and preserves its spirit.

iii. In the granting of the variance, the public safety and welfare have been assured and substantial justice has been done. The BOA shall not grant a variance if it finds that doing so would in any respect impair the public health, safety, or general welfare.

c. CONDITIONS OF APPROVAL

i. In granting a variance approval, the BOA may attach conditions regarding the location, character, and other features of the proposed building, structure, or use as it may deem advisable.

ii. If a variance for the construction, alteration, or use of property is granted, the construction, alteration or use shall be in accordance with the approved site plan.

d. PRIOR DENIAL

The BOA shall refuse to hear an appeal or an application for a variance previously denied if it finds that there have been no substantial changes in conditions or circumstances bearing on the appeal or application.

e. EXPIRATION

A variance issued in accordance with this section shall be considered a watershed protection permit and shall expire if a building permit or watershed occupancy permit for the use is not obtained by the applicant within six months from the date of the decision.

f. ADDITIONAL PROVISIONS FOR MAJOR VARIANCES

i. Generally

If the application calls for the granting of a major variance, and if the BOA decides in favor of granting the variance, the BOA shall prepare a preliminary record of the hearing with all deliberate speed. The preliminary record of the hearing shall include the following:

1. The variance application;
2. The hearing notices;
3. The evidence presented;
4. Motions, offers of proof, objections to evidence and rulings on them;
5. Proposed findings and exceptions; and
6. The proposed decision, including all conditions proposed to be added to the permit.

ii. Action by the Environmental Management Commission

The preliminary record shall be sent to the Environmental Management Commission for its review as follows:

1. If the Commission concludes from the preliminary record that the variance qualifies as a major variance and that the property owner can secure no reasonable return from, nor make any practical use of the property unless the proposed variance is granted, and the variance, if granted, will not result in a serious threat to the water supply, then the Commission shall approve the variance as proposed or approve the proposed variance with conditions and stipulations.

2. The Commission shall prepare a decision and send it to the BOA. If the Commission approves the variance as proposed, the BOA shall prepare a final decision granting the proposed variance.
3. If the Commission approves the variance with conditions and stipulations, the BOA shall prepare a final decision, including those conditions and stipulations, granting the proposed variance.
4. If the Commission concludes from a preliminary record that the variance qualifies as a major variance and that the property owner can secure a reasonable return from or make a practical use of the property without the variance or the variance, if granted, will result in a serious threat to the water supply, then the Commission shall deny approval of the variance as proposed.
5. The Commission shall prepare a decision and send it to the BOA.
6. The BOA shall prepare a final decision denying the variance as proposed.

H. INSUFFICIENT GROUNDS FOR APPROVING VARIANCES

The following factors shall not constitute sufficient grounds for approval of any variance:

1. A request for a particular use that is expressly, or by inference, prohibited in the zoning district;
2. Hardships resulting from factors other than application of requirements of this Ordinance;
3. The fact that land or a structure may be utilized more profitably or be more marketable with a variance; or
4. The citing of other nonconforming or conforming uses of land or structures in the same or other zoning districts.

I. CONDITIONS OF APPROVAL

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

1. A variance granted subject to a condition of approval shall be permitted as long as there is compliance with the condition.
2. Violation of a condition of approval shall be deemed a violation of this Ordinance.
3. If a violation or invalidation of a condition of approval occurs, the Planning Director may revoke the authorization for the development subject to the variance.

J. EFFECT

1. GENERAL

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

2. NOTIFICATION REGARDING FLOOD INSURANCE COSTS

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

b. The notification shall be maintained by the Planning Director with the record of the variance action.

3. RECORDS

Upon request, the Planning Director shall report all flood-related variances approved in accordance with this section to the Federal Emergency Management Agency and the State of North Carolina.

K. AMENDMENT

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

L. EXPIRATION

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

2. A variance shall expire and become invalid if the property owner changes development on the site such that the extraordinary and exceptional conditions that warranted the hardship and variance no longer do so.

M. APPEAL

1. Any decision by the BOA shall be subject to review by the Superior Court of Wake County by proceedings in the nature of certiorari and in accordance with Section 160D-1402 of the North Carolina General Statutes.

2. Petitions for review must be filed with the Clerk of Court within 30 days of the date the decision is filed in the office of the appropriate review authority and delivered by personal delivery, electronic mail, or first-class mail to the applicant, landowner, and to any person who has submitted a written request for a copy, prior to the date the decision becomes effective.

2.2.23. VESTED RIGHTS DETERMINATION

A. PURPOSE AND INTENT

The purpose for this section is to establish a clear procedure for an applicant to request vesting or protection from changes in this Ordinance that take place after approval of the application but prior to completion of an approved site-specific development plan.

B. APPLICABILITY

1. A vested right may be established, in accordance with Section 160D-108 of the North Carolina General Statutes, and this section.
2. A vested rights determination shall be limited to development included in a site-specific development plan. For the purposes of this section, a site-specific development plan shall be limited to any one of the following development approvals:
   a. Special use permits;
   b. Preliminary plats;
   c. Planned developments; or
   d. Site plans.
3. An application for a vested rights determination shall be processed concurrently or after the approval of a special use permit, preliminary plat, planned development, or site plan.

C. VESTED RIGHTS DETERMINATION PROCEDURE

The Vested Rights procedure is described in Figure 2.2.23, Vested Rights Determination Procedure, as supplemented by Section 2.3, Application Processing, and the Procedures Manual.

D. BOARD OF COMMISSIONERS REVIEW AND DECISION

1. The Board of Commissioners, after the conclusion of a legislative public hearing, shall decide the application in accordance with Section 2.2.23.E, Vested Rights Determination Review Standards.
2. The decision shall be one of the following:
   a. Approval of the vested rights determination as proposed;
   b. Approval of a revised vested rights determination; or
   c. Denial of vested rights determination.

FIGURE 2.2.23: VESTED RIGHTS DETERMINATION PROCEDURE

Step	Action
1	Pre-application Conference See Section 2.3.2, Pre-application Conference
2	File Application See Section 2.3.3 Application Filing
3	Completeness Determination See Section 2.3.3.G, Determination of Application Completeness
4	Planning Director Review See Section 2.3.5, Staff Review and Action
5	Public Hearing Scheduled
6	Public Notice See Section 2.3.6, Public Notice
7	Board of Commissioners Review and Decision See Section 2.3.7, Public Hearings and Meetings
8	Notification of Decision See Section 2.3.9, Notification of Decision

E. VESTED RIGHTS DETERMINATION REVIEW STANDARDS

A vested rights determination shall be approved if:

1. The vested rights determination is for an approved site-specific development plan;
2. The development is valid and unexpired; and
3. Any required variances have been obtained.

F. EFFECT

1. A vested rights certificate shall be approved prior to issuance of a building permit.
2. Each document used to establish a site-specific development plan shall bear the following notation:
   "Approval of this plan establishes a zoning vested right under Section 160D-108 of the North Carolina General Statutes. Unless terminated at an earlier date, the vested right shall be valid until _____(date)."
3. The establishment of a vested right shall not preclude the application of overlay zoning district provisions that impose additional requirements but do not affect the allowable type and intensity of use, or through ordinances that are general in nature and are applicable to all property subject to land use regulation by the Town, including building, fire, plumbing, electrical, and mechanical codes.

G. AMENDMENT

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

H. EXPIRATION

1. In no instance shall a vested right determination provide a vested right for a period of longer than five years from the date of approval.
2. A vested right determination shall expire and become null and void:
   - **a.** At the end of the applicable vesting period; or
   - **b.** If a building permit application for the development subject to the determination is not submitted within two years of the approval of the vested rights determination associated with a special use permit, preliminary plat, or site plan, or five years of the approval of a vested rights determination associated with a planned development; or
   - **c.** Upon a finding by the Board of Commissioners after notice and a public hearing, that:
     - **i.** Natural or man-made hazards on or in the immediate vicinity of the land, if uncorrected, would pose a serious threat to the public health, safety, and welfare if the project were to proceed as contemplated;
     - **ii.** The landowner or landowner's representative intentionally supplied inaccurate information or made material misrepresentations which affected the approval of the site-specific development plan;
     - **iii.** The landowner failed to comply with any condition imposed upon the establishment of the site-specific development plan or vested rights determination; or
   - **d.** Upon payment to the affected landowner of compensation for all costs, expenses, and other losses incurred by the landowner, including all fees paid in consideration of financing, and all architectural, planning, marketing, legal, and other consultant fees incurred after approval of the determination by the town, together with interest at the legal rate until paid. Compensation shall not include any diminution in the value of the land which is caused by such action; or
   - **e.** With the written consent of the affected landowner.
3. Upon enactment or promulgation of a state or federal law or regulation that precludes development as contemplated in the site-specific development plan, the Board of Commissioners may modify the affected provisions of the determination by ordinance, if after conducting a hearing, it finds the changed conditions created by the change in the state or federal law have a fundamental effect on the site-specific development plan.

I. APPEAL

1. A decision by the Board of Commissioners of a vested rights determination shall be subject to review by the Superior Court of Wake County.
2. Petitions for review must be filed with the Clerk of Court within 30 days of the date the decision is filed in the office of the appropriate review authority and delivered by personal delivery, electronic mail, or first-class mail to the applicant, landowner, and to any person who has submitted a written request for a copy, prior to the date the decision becomes effective.

2.2.24. ZONING COMPLIANCE PERMIT

A. PURPOSE AND INTENT

The purpose of a zoning compliance permit is to ensure no development occurs until there is assurance the development complies with the requirements of this Ordinance and all other applicable requirements.

B. APPLICABILITY

A zoning compliance permit is required for issuance of a building permit, any change in use, or commencement of activity that does not require issuance of a building permit. Nothing shall prevent a zoning compliance permit from being issued concurrently with a building permit.

C. ZONING COMPLIANCE PERMIT PROCEDURE

The zoning compliance permit procedure is described in Figure 2.2.24, Zoning Compliance Permit Procedure, as supplemented by Section 2.3, Application Processing, and the Procedures Manual.

FIGURE 2.2.24: ZONING COMPLIANCE PERMIT PROCEDURE

Step	Action
1	Pre-application Conference
2	File Application See Section 2.3.3 Application Filing
3	Completeness Determination See Section 2.3.3.G, Determination of Application Completeness
4	Planning Director Review and Decision See Section 2.3.5, Staff Review and Action
5	Notification of Decision See Section 2.3.9, Notification of Decision

D. DECISION BY PLANNING DIRECTOR

The decision on a zoning compliance permit shall be made by the Planning Director in accordance with the standards in Section 2.2.24.E, Zoning Compliance Permit Review Standards.

E. ZONING COMPLIANCE PERMIT REVIEW STANDARDS

A zoning compliance permit shall be approved on a decision the application complies with:

1. All standards or conditions of any prior applicable permits and developments approvals;
2. Any applicable requirements of the Wake County Environmental Resources; and
3. All applicable requirements of this Ordinance and in the Town Code of Ordinances.

F. EFFECT

1. Approval of a zoning compliance permit authorizes an applicant to apply for a building permit, commence construction, or proceed with the approved development in cases where a building permit is not required.
2. If the zoning compliance permit application is filed concurrently with a building permit application, approval of the zoning compliance permit authorizes the Town to complete its review of the building permit application.

G. AMENDMENT

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

H. EXPIRATION

A zoning compliance permit shall expire and become null and void one year after the date of issuance if the authorized use has not commenced.

I. APPEAL

Appeal of the Planning Director's decision on a zoning compliance permit shall be reviewed and decided by the BOA in the nature of certiorari and in accordance with Section 2.2.3, Appeal.

2.2.25. ZONING MAP AMENDMENT

A. PURPOSE AND INTENT

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

B. APPLICABILITY

This procedure sets out the requirements for amendments to the zoning district designation of land within the Town's planning jurisdiction as well as for land coming into the Town's planning jurisdiction via annexation in accordance with the standards in Sections 160D-602 through 160D-605 of the North Carolina General Statutes.

C. PROCEDURES DISTINGUISHED

1. This zoning map amendment procedure shall be used in the consideration of traditional map amendment.
2. Conditional rezoning (see Section 2.2.6, Conditional Rezoning) applications are applications that include conditions agreed to by the applicant and the Town that seek to either further limit development beyond that allowed within a specific base zoning district, or otherwise deviate from the minimum standards that would otherwise apply.
3. Applications filed as either a traditional zoning map amendment or conditional rezoning application may not be converted to the other form of map amendment application during the review process, and shall instead be withdrawn and resubmitted as a new application.

D. ZONING MAP AMENDMENT PROCEDURE

The zoning map amendment procedure is described in Figure 2.2.25, Zoning Map Amendment Procedure, as supplemented by Section 2.3, Application Processing, and the Procedures Manual.

FIGURE 2.2.25: ZONING MAP AMENDMENT PROCEDURE

Step	Action
1	Pre-application Conference See Section 2.3.2, Pre-application Conference
2	File Application See Section 2.3.3, Application Filing
3	Completeness Determination See Section 2.3.3.G, Determination of Application Completeness
4	Planning Director Review See Section 2.3.5, Staff Review and Action
5	Public Hearing Scheduled
6	Public Notice See Section 2.3.6, Public Notice
7	Joint Public Hearing See Section 2.3.7, Public Hearings and Meetings
8	Review and Recommendation by Planning Board See Section 2.3.7, Public Hearings and Meetings
9	Board of Commissioners Review and Decision See Section 2.3.7, Public Hearings and Meetings
10	Notification of Decision See Section 2.3.9, Notification of Decision

E. APPLICATION SUBMITTAL

Applications may be initiated by the Board of Commissioners, the Planning Board, the Planning Director, all landowner(s) or contract purchasers of the land in the proposed application.

F. JOINT PUBLIC HEARING

Following provision of public notice for a public hearing in accordance with Section 2.3.6, Public Notice, the Planning Board and Board of Commissioners shall conduct a joint legislative public hearing on the zoning map amendment application.

G. REVIEW BY PLANNING BOARD

1. The Planning Board, following the close of the joint public hearing, shall review the application and the information presented during the joint public hearing during a follow-up public meeting, and shall make a recommendation on the zoning map amendment application in accordance with Section 2.2.25.J, Zoning Map Amendment Review Standards.
2. In making its recommendation, the Planning Board shall prepare a written consistency statement including each of the following:
   - **a.** Whether the zoning map amendment application is recommended for approval, denial, or remanded to Town staff; and
   - **b.** The degree to which the zoning map amendment is or is not consistent with the Town's adopted policy guidance; and
   - **c.** The ways in which the zoning map amendment is or is not consistent with the Town's adopted policy guidance; and
   - **d.** Whether approval of the zoning map amendment also amends or does not amend the Town's adopted policy guidance; and
   - **e.** If the adopted policy guidance is amended as part of the application approval, a description of the change in conditions to meet the development needs of the Town that were taken into account as part of the approval; and
   - **f.** An explanation of why the recommendation is reasonable; and
   - **g.** An explanation of why the recommendation is in the public interest.

H. BOARD OF COMMISSIONERS REVIEW AND DECISION

1. The Board of Commissioners, after the conclusion of the joint public hearing conducted with the Planning Board, and receipt of a recommendation on the zoning map amendment by the Planning Board, shall decide the application during a follow-up public meeting in accordance with Section 2.2.25.J Zoning Map Amendment Review Standards.
2. The decision shall be one of the following:
   - **a.** Adoption of the zoning map amendment as proposed;
   - **b.** Adoption of the zoning map amendment to a zoning district designation of lesser intensity;
   - **c.** Denial of the zoning map amendment; or
   - **d.** Remand of the zoning map amendment application to the Planning Board for further consideration.
3. The Board of Commissioners shall not rely upon any representations made by the applicant that if the application is granted, the subject land will be used for limited types of uses permitted in the requested zoning district. Rather, the Board of Commissioners shall consider the full range of use types allowable in the proposed zoning district designation.
4. In making its decision, the Board of Commissioners shall adopt a written statement including each of the following:
   - **a.** Whether the zoning map amendment application is approved, denied, or remanded; and
   - **b.** The degree to which the zoning map amendment is or is not consistent with the Town's adopted policy guidance; and
   - **c.** The ways in which the zoning map amendment is or is not consistent with the Town's adopted policy guidance; and

d. Whether approval of the zoning map amendment amends or does not amend the Town's adopted policy guidance; and

e. If the adopted policy guidance is amended as part of the application approval, a description of the change in conditions to meet the development needs of the town that were taken into account as part of the approval; and

f. An explanation of why the action taken by the Board of Commissioners is reasonable; and

g. An explanation of why the action taken by the Board of Commissioners is in the public interest.

I. DESIGNATION ON OFFICIAL ZONING MAP

The Planning Director shall make changes to the Official Zoning Map promptly after approval of a zoning map amendment application by the Board of Commissioners.

J. ZONING MAP AMENDMENT REVIEW STANDARDS

The advisability of an amendment to the Official Zoning Map is a matter committed to the legislative discretion of the Board of Commissioners and is not controlled by any one factor. In determining whether to adopt or deny a proposed zoning map amendment, the Board of Commissioners may weigh the relevance of and consider the following:

1. Whether the proposed zoning map amendment advances the public health, safety, or welfare;

2. Whether and the extent to which the proposed rezoning is appropriate for its proposed location, and is consistent with the purposes, goals, objectives, and policies of the Town's adopted policy guidance.

3. Whether an approval of the rezoning is reasonable and in the public interest.

4. Other factors as the Board of Commissioners may determine to be relevant.

K. REVIEW OF REGIONAL MIXED-USE ZONING

1. Any property seeking a Zoning Map Amendment to the Regional Mixed-Use (RMU) zoning classification will provide a master plan in accordance with Section 3.5.5.E.1 Master Plan Requirements as part of the Zoning Map Amendment review.

L. EFFECT

1. Lands subject to an approved map amendment shall be subject to all the applicable standards in this Ordinance, which shall be binding and shall run with the land.

2. Development located outside the Zebulon corporate limits shall comply with all Town policies related annexation and the extension of utilities.

M. AMENDMENT

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

N. APPEAL

1. Any decision by the Board of Commissioners shall be subject to review by the Superior Court of Wake County.

2. Petitions for review must be filed with the Clerk of Court within 30 days of the date the decision is filed in the office of the appropriate review authority and delivered by personal delivery, electronic mail, or first-class mail to the applicant, landowner, and to any person who has submitted a written request for a copy, prior to the date the decision becomes effective.

2.3. APPLICATION PROCESSING

2.3.1. PURPOSE AND INTENT

A. This section describes the standard (or common) procedural steps and rules generally applicable to all development applications reviewed under this Ordinance, unless otherwise specified in Section 2.2, Application Review Procedures. It is the intent of this section to establish a uniform set of processes to foster greater efficiency and predictability for applicants, adjacent landowners, elected officials, and Town staff.

B. The subsections in this section are listed sequentially and are intended to describe the procedures that take place during the application submittal, review, and decision notification process.

2.3.2. PRE-APPLICATION CONFERENCE

A. PURPOSE

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

B. APPLICABILITY

1. PRE-APPLICATION CONFERENCE REQUIRED

a. A pre-application conference between the applicant and Town staff is required before submittal of some applications, in accordance with Table 2.2, Application Review Procedures.

b. Pre-application conferences are optional for other applications.

c. There are no limits on the number of pre-application conferences that may be conducted, though the Town may charge an application fee for the third or subsequent pre-application conference on the same project or development site.

2. DISCUSSIONS NON-BINDING

Discussions at a pre-application conference are not binding on the Town and do not constitute submittal or review of an application.

C. SCHEDULING

Applicants shall contact the Planning Director to schedule a pre-application conference.

D. PROCEDURE

1. Following receipt of a request for a pre-application conference, the Planning Director shall schedule the conference and notify the applicant of the time and location. During the conference, Town staff members will explain the application review process and any special issues or concerns regarding the subject proposal.

2. The applicant is encouraged to submit a sketch or conceptual plan, if appropriate, to Town staff prior to or during the pre-application conference, but there is no requirement to submit any material in advance of the conference.

E. EFFECT

When required, a completed pre-application conference entitles an applicant to take the next step in the application process. Applications for development proposals that mandate a pre-application conference will not be accepted until after the mandatory pre-application conference has been completed.

2.3.3. APPLICATION FILING

A. AUTHORITY TO FILE APPLICATIONS

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

B. APPLICATION CONTENT

The Town of Zebulon shall establish application content and forms, which shall be contained in the Procedures Manual. The Procedures Manual shall be maintained by the Planning Director.

C. APPLICATION FEES

1. The Board of Commissioners shall establish application fees, and may amend and update those fees as necessary. Fees shall cover the costs of review, including public notification, as required.
2. No action shall be taken on an application and no application approval shall be issued until all required application fees are paid in full.

D. SUBMITTAL AND REVIEW SCHEDULE

The Procedures Manual contains specific rules for submittal and review schedules (including time frames for review) for the various types of development applications.

E. APPLICATION FILING

1. Applications shall be submitted to the Town in the form established in the Procedures Manual, along with the appropriate application fee.
2. An application shall not be considered to be submitted until determined to be complete in accordance with Section 2.3.3.G, Determination of Application Completeness.
3. No application shall be reviewed or decided until after it is determined to be complete.
4. No application shall be accepted for development proposed on a lot or site until property taxes are paid in full, as determined by the Wake County Tax Assessor.

F. BURDEN OF PRESENTING COMPLETE APPLICATION

The burden of presenting and maintaining a complete application shall be solely upon the applicant.

G. DETERMINATION OF APPLICATION COMPLETENESS

On receiving a development application, the Planning Director shall determine, within a reasonable period of time, whether the application is complete or incomplete. A complete application is one that:

1. Contains all information and materials identified in the Procedures Manual as required for submittal of the particular type of application;
2. Is in the form and number of copies required by the Procedures Manual;
3. Is legible and printed to scale (where appropriate);
4. Is signed by the person with the authority to file the application;
5. Includes information in sufficient detail to evaluate whether or not the application complies with the applicable review standards in this Ordinance;
6. Is accompanied by the fee established for the particular type of application;
7. Includes material associated with a pre-application conference, if one is required;
8. Includes the written summary of a neighborhood meeting, if one was conducted prior to application submittal; and

9. Is not subject to the limitations described in Section 2.3.12, Limitation on Subsequent Similar Applications, and may be resubmitted in accordance with Section 2.3.3.A, Authority to File Applications.

H. APPLICATION INCOMPLETE

If the application is incomplete, the Planning Director shall notify the applicant of the deficiencies. The applicant may correct the deficiencies and resubmit the application for completeness determination in accordance with Section 2.3.3.D, Submittal and Review Schedule.

I. APPLICATION COMPLETE

1. On determining that the application is complete, it shall be considered as submitted, and the Town shall notify the applicant and commence review in accordance with the procedures and standards of this Ordinance.

2. Nothing shall preclude the Planning Director or a review authority from re-evaluating an application for completeness in the event application inadequacies are revealed at a date subsequent to an application being declared complete.

2.3.4. NEIGHBORHOOD MEETING

A. PURPOSE

The purpose of the neighborhood meeting is to inform landowners and occupants of nearby lands about a development application that is going to be reviewed under this Ordinance, and to provide the applicant an opportunity to hear comments and concerns about the development proposal prior to the public hearing process. The neighborhood meeting is proposed as a means of resolving potential conflicts and outstanding issues with nearby landowners, where possible, in a more informal context.

B. APPLICABILITY

1. Neighborhood meetings shall be conducted prior to filing of an application for the following types of development applications:

- **a.** Conditional rezonings;
- **b.** Planned developments;
- **c.** Site plans in the DTC or DTP districts;
- **d.** Special use permits; or
- **e.** Zoning map amendments that establish a more dense or intense zoning district.

2. A neighborhood information meeting is optional for any other proposed development application.

C. PROCEDURE

In cases when a neighborhood meeting is conducted, it shall comply with the following procedure:

1. TIMING

- **a.** The meeting should be held at a time of day when the maximum number of neighbors may attend.
- **b.** The meeting shall take place no less than three days before the application is filed with the Town.

2. FORM

- **a.** The neighborhood information meeting can take the form of a meeting or gathering between the applicant, or the applicant's representative, and landowners or other interested parties.

b. Multiple meetings may take place, but notification for each meeting shall be provided.

3. LOCATION

a. The neighborhood meeting shall take place in a public or community space as close as possible to the site where development is proposed.

b. In the event no public or community space is suitable, the meeting may take place at another Town-owned site, subject to a prior reservation made by the applicant.

4. NOTIFICATION

a. The applicant shall provide notification of the neighborhood meeting via first class mail to all landowners and occupants within 300 linear feet of the outer perimeter of the site where development is proposed.

b. Mailed notice shall be provided no less than ten days prior to the date of the neighborhood meeting.

5. INFORMATION PROVIDED

The applicant shall provide the following information in the neighborhood meeting invitation:

a. The purpose of the neighborhood meeting;

b. A description of the proposed development;

c. The time, date, and location of the meeting;

d. Telephone and email contact information for the applicant or applicant's representative; and

e. Any additional information that would promote understanding of the development proposal.

6. CONDUCT OF MEETING

At the meeting, the applicant shall explain the development proposal and the proposed application, respond to questions and concerns neighbors raise about the application, and propose ways to resolve conflicts and concerns.

7. STAFF ATTENDANCE

Town staff shall not attend a neighborhood meeting in a professional capacity. Nothing shall limit a Town staff member from attending a neighborhood meeting as an interested citizen.

8. WRITTEN SUMMARY

The applicant shall submit a written summary of the neighborhood meeting with the application materials. At a minimum, the written summary shall include all of the following:

a. An affidavit of mailing listing all parties (including mailing address) who were mailed a meeting invitation;

b. A copy of the meeting invitation;

c. A sign-in sheet of meeting attendees; and

d. A list of the items discussed, including any questions posed by attendees and the answers provided.

2.3.5. STAFF REVIEW AND ACTION

A. INITIAL STAFF REVIEW

1. Following application completeness determination, it shall be distributed by the Planning Director to all appropriate staff and review agencies for review and comment.

2. Applications shall be reviewed during the review cycle in place when the application is determined to be complete.
3. In considering the application, the Planning Director or other Town staff (as appropriate), shall review the application, relevant support material, and any comments or recommendations from other staff and review agencies to which the application was referred.
4. If deficiencies in complying with applicable standards of this Ordinance are identified, the Planning Director shall notify the applicant of such deficiencies and provide the applicant a reasonable opportunity to discuss them and revise the application accordingly.

B. STAFF REPORT AND RECOMMENDATION

1. The Planning Director shall prepare a written staff report on any application to be reviewed or decided by the Planning Board, Board of Commissioners, or the Board of Adjustment.
2. The staff report shall conclude whether the application complies with all applicable review standards of this Ordinance, and recommend one of the decisions authorized for the particular type of application, based on the review standards applicable to the application type, in accordance with Section 2.2, Application Review Procedures.
3. The staff report will not include a recommendation from Town staff on applications decided through the quasi-judicial process.
4. In cases where the staff finds an application does not comply with the provisions of this Ordinance the staff report shall cite the specific code section(s) in question and the reasons why the application fails to comply.
5. The staff report may identify and recommend modifications to the development proposal that specify how compliance deficiencies might be corrected and how adverse effects of the development application (if any) might be mitigated.
6. A staff report is not required for applications decided by the Planning Director, or the Technical Review Committee, though one may be prepared.

C. DISTRIBUTION AND AVAILABILITY OF APPLICATION AND STAFF REPORT

In cases where a staff report is prepared, the Planning Director shall take the following actions within a reasonable time period before the application is scheduled for review:

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

D. APPLICATIONS SUBJECT TO DECISION BY STAFF

1. In cases where a development application is decided by the Planning Director or other designated Town staff member, the appropriate Town staff member shall make one of the following decisions, based on the review standards set forth in Section 2.2, Application Review Procedures:
   a. Approve the application;
   b. Disapprove the application; or
   c. Delay decision making for a specified time to allow the applicant to revise the application for compliance with the requirements in this Ordinance.
2. In some instances, Town staff may decide an application contingent upon further revision by the applicant in accordance with the direction provided in the decision.

2.3.6. PUBLIC NOTICE

A. PUBLIC MEETING DISTINGUISHED

Public meetings conducted in accordance with this Ordinance are not public hearings, and do not require the provision of public notification in accordance with this section.

B. PUBLIC HEARING SCHEDULING

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

C. PUBLIC NOTIFICATION REQUIREMENTS

1. All development applications subject to public notification shall comply with the appropriate standards in the North Carolina General Statutes. More specifically, Section 160D-601(a) for published notice, Section 160D-602(a) for mailed notice, and Section 160D-602(c) for posted notice.
2. Table 2.3.6.C, Public Notification Requirements, summarizes the provisions related to public notice. In computing the required time periods, the day the notice is published, mailed, or posted shall not be included, but the day of the hearing shall be included.

TABLE 2.3.6.C: PUBLIC NOTIFICATION REQUIREMENTS

Application Type	Type of Public Notification "X"=Required		
	Published Notice [1]	Mailed Notice [2]	Posted Notice [3]
Annexation	X	X	X
Appeal	X	X [4]	·
Conditional Rezoning	X	X	X
Development Agreement	X	X	X
Planned Development	X	X	X
Reasonable Accommodation	X	X [4]	·
Special Use Permit	X	X	X
UDO Text Amendment	X	·	·
Variance	X	X	X
Vested Rights Determination	X	X	·
Zoning Map Amendment	X	X	X

NOTES:
[1] Published notice shall be provided once a week for two successive calendar weeks, with the first notice published between 10 and 25 days before the public hearing.
[2] Mailed notice shall be provided to the applicant, affected landowners, and landowners of abutting land between 10 and 25 days before the public hearing.
[3] Posted notice shall be provided between 10 and 25 days before the public hearing.
[4] Mailed notice shall only be required in cases where an appeal pertains to a particular lot or site.

D. PUBLISHED NOTICE REQUIREMENTS

1. When the provisions of Section 160D-601 of the North Carolina General Statutes require that public notice be published, the designated review authority shall publish a notice in a newspaper that is regularly published at least one time per week and that has general circulation in the Town.
2. The content and form of the notice shall comply with the applicable requirements in the North Carolina General Statutes.

E. MAILED NOTICE REQUIREMENTS

When the provisions of Section 160D-602(a) of the North Carolina General Statutes require that public notice be mailed, the designated review authority shall provide the required mailed public notice in accordance with the following:

1. Mailed notice specified in Table 2.3.6.C, Public Notification Requirements, shall be mailed to:
   a. The applicant, if different from the landowner; and
   b. All landowners within 750-feet of the outer boundaries of the subject parcel or parcels whose address is known by reference to the latest county tax listing.
2. Notice shall be deemed mailed by its deposit in the United States first class mail, properly addressed, postage paid. The content and form of the notice shall comply with Section 2.3.6.G, Notice Content, and Section 160D-602(a) of the North Carolina General Statutes.
3. A copy of the mailed notice shall be maintained in the offices of the designated review authority for public inspection during normal business hours.
4. Mailed notice shall not be required when a zoning map amendment includes more than 50 lots or tracts owned by at least 50 different landowners, provided the Town publishes a map (occupying at least ½ of a newspaper page) showing the boundaries of the affected area in a newspaper of general circulation once a week for two successive calendar weeks between 10 days and 25 days before the public hearing. Affected landowners residing outside the newspaper circulation area shall be notified via first class mail pursuant to Section 2.3.6.E, Mailed Notice Requirements.

F. POSTED NOTICE REQUIREMENTS

When the provisions of Section 160D-602(c) of the North Carolina General Statutes require that public notice be posted, the Planning Director shall provide the required posted public notice in accordance with the following:

1. A sign (or signs) shall be placed on the subject property in a conspicuous location so as to be clearly visible to the traveled portion(s) of the respective street(s). Where the land subject to the notice does not have frontage on a public street, the sign shall be erected on the nearest street right-of-way.
2. The content and form of the notice shall comply with Section 2.3.6.G, Notice Content, and Section 160D-602(c) of the North Carolina General Statutes.

G. NOTICE CONTENT

Unless expressly indicated otherwise by the North Carolina General Statutes, all notices by mail or publication shall:

1. Identify the date, time, and place of the public hearing;
2. Describe the land involved by county parcel identification number (PIN), street address, or by its relationship to a fronting street and the nearest cross street (if applicable);
3. Describe the nature and scope of the proposed development or action; and
4. Identify the means to contact a Town official for further information.

H. CONSTRUCTIVE NOTICE

1. Minor defects in any notice shall not impair the notice or invalidate proceedings if a bona fide attempt is made to comply with applicable notice requirements. Minor defects in notice may include, but are not limited to:
   a. Errors such as landowner name, title, or address existing in the county tax listing; or
   b. Typographical or grammatical errors that do not impede communication of the notice to affected parties.
2. Failure of a party to receive written notice shall not invalidate subsequent action. A posted notice that becomes no longer visible due to weather, theft, or other unintended circumstances shall not invalidate proceedings if a bona fide attempt is made to comply with applicable posted notice requirements. In all cases, however, the requirements for the timing of the notice and for specifying the time, date, and place of a public hearing and the location of the subject property shall be strictly adhered to.

2.3.7. PUBLIC HEARINGS AND MEETINGS

A. JOINT PUBLIC HEARINGS

Table 2.2, Application Review Procedures, identifies the kinds of development applications subject to a joint legislative public hearing by the Board of Commissioners and the Planning Board, which shall be conducted in accordance with the following requirements:

1. PROCEDURE

a. Joint legislative public hearings shall not be conducted until after provision of required public notification in accordance with Section 2.3.6, Public Notice.
b. The joint legislative public hearing shall be open to the public and shall be conducted in accordance with the Board of Commissioner's adopted rules of procedure for public hearings.
c. Attendees shall be afforded the opportunity to comment during a joint public hearing, as authorized in the adopted rules of procedure.

2. RECORD

a. A recording may be made of all joint public hearings and the recordings shall be maintained in accordance with Town policy.
b. Accurate minutes shall also be kept of all proceedings, but a transcript need not be made.

B. LEGISLATIVE PUBLIC HEARINGS

Table 2.2, Application Review Procedures, identifies the kinds of development applications decided following completion of a legislative public hearing, which shall be conducted in accordance with the following requirements:

1. PROCEDURE

a. Legislative public hearings shall not be conducted until after provision of required public notification in accordance with Section 2.3.6, Public Notice.
b. The legislative public hearing shall be open to the public and shall be conducted in accordance with the review authority's adopted rules of procedure for public hearings.
c. Attendees shall be afforded the opportunity to comment during a public hearing, as authorized in the adopted rules of procedure.

2. VOTING

a. The Board of Commissioners shall consider the application, relevant support materials, staff report, any recommendations, and public comments. After the conclusion of the public hearing, it shall make one of the decisions authorized for the

particular type of application based on the review standards applicable to the application type, as set forth in Section 2.2, Application Review Procedures.

b. A Board of Commissioners member shall not vote on an application where the outcome of the matter being considered is reasonably likely to have a direct, substantial, and readily identifiable financial impact on the member in accordance with Section 160D-109 of the North Carolina General Statutes.

c. A decision of the Board of Commissioners on an application shall be decided by a simple majority of the Board of Commissioners, excluding any members who are recused from voting due to a conflict of interest.

3. APPLICATION REVISION

a. An applicant may revise an application during a public hearing in response to recommendations or suggestions of the Board of Commissioners.

b. The Board of Commissioners may approve an application modified during a public hearing provided that all changes are properly identified in the motion of approval by the Board of Commissioners.

c. In cases where an application has been modified during a public hearing, the applicant shall submit any necessary site plans, plats, or other construction documents depicting the modification to the appropriate Town staff for consideration and approval prior to issuance of any development permit approvals.

4. REMAND

a. The Board of Commissioners may delay a decision on the application if additional information is requested of the applicant.

b. The Board of Commissioners may remand the application to the Planning Board and/or Town staff for further consideration of new information or specified issues or concerns, if appropriate.

5. RECORD

a. A recording may be made of all public hearings and the recordings shall be maintained in accordance with town policy.

b. Accurate minutes shall also be kept of all proceedings, but a transcript need not be made.

C. QUASI-JUDICIAL PUBLIC HEARINGS

Table 2.2, Application Review Procedures, identifies the kinds of development applications decided following a quasi-judicial public hearing, which shall be conducted in accordance with 160D-406, the review authority's rules of procedure, and the following requirements:

1. NOTICE REQUIRED

Quasi-judicial public hearings shall not be conducted until after provision of required public notification in accordance with Section 2.3.6, Public Notice.

2. OPPORTUNITY TO PRESENT TESTIMONY AND EVIDENCE

a. Parties with standing may participate fully in the evidentiary hearing, including presenting evidence, cross-examining witnesses, objecting to evidence, and making legal arguments;

b. Non-parties may present competent, material, and substantial evidence that is not repetitive subject to the approval of the chairperson.

3. LIMITATION ON EVIDENCE

a. The Chair or other presiding officer may limit or exclude incompetent evidence, immaterial evidence, repetitive evidence, and personal attacks.

b. Decisions shall not be based upon hearsay evidence though such evidence may be entered into the record.

4. EX PARTE COMMUNICATION

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

5. VOTING

a. GENERALLY

The review authority shall consider the application, relevant support materials, staff report, any recommendations, and public comments. After the conclusion of the public hearing, it shall make one of the decisions authorized for the particular type of application based on the review standards applicable to the application type, as set forth in Section 2.2, Application Review Procedures.

b. CLEARLY STATE FACTORS FOR DECISION

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

c. CONFLICTS OF INTEREST

i. A review authority member shall not participate in or vote on any quasi-judicial matter in a manner that would violate affected persons' constitutional rights to an impartial decision maker. Impermissible violations of due process include, but are not limited to:

1. A member having a fixed opinion prior to hearing the matter that is not susceptible to change;

2. An undisclosed ex parte communication;

3. A close family, business, or other associational relationship with an affected person; or

4. A financial interest in the outcome of the matter.

ii. If an objection is raised to a member's participation and that member does not recuse themselves, the remaining members shall, by majority vote, rule on the objection.

6. APPLICATION REVISION

a. An applicant may revise an application during a public hearing in response to recommendations or suggestions of the review authority.

b. The review authority may approve an application modified during a public hearing provided all changes are properly identified in the motion of approval by the review authority.

c. In cases where an application has been modified during a public hearing, the applicant shall submit any necessary site plans, plats, or other construction documents depicting the modification to the appropriate Town staff prior to issuance of any development permit approvals.

7. DELAY OF DECISION

The review authority may delay a decision on the application if additional information is requested of the applicant."

8. RECORD

a. A recording may be made of all public hearings and the recordings shall be maintained in accordance with Town policy.

b. Accurate minutes shall also be kept of all proceedings, but a transcript need not be made.

D. PUBLIC MEETINGS

Table 2.2, Application Review Procedures, identifies the kinds of development applications subject to a required public meeting, which shall be conducted in accordance with the review authority's rules of procedure and the following requirements:

1. PROCEDURE

a. The public meeting shall be open to the public and shall be conducted in accordance with the review authority's adopted rules of procedure for public meetings.

b. There is no requirement to allow public comment or testimony during a public meeting, though it may be provided at the Chair or other presiding officer's discretion.

2. VOTING

a. A decision of a review authority shall be decided by a simple majority of the members present and voting.

b. A review authority member shall recuse themselves from voting on an application where the outcome of the matter being considered is reasonably likely to have a direct, substantial, or readily identifiable financial impact on them or a member of their immediate family.

2.3.8. CONDITIONS OF APPROVAL

A. Unless expressly authorized in Section 2.2, Application Review Procedures, conditions of approval for conditional rezonings, planned developments, and other quasi-judicial applications shall be limited to those deemed necessary to ensure compliance with the review standards for the particular type of application, or to prevent or minimize adverse effects from the proposed development on surrounding lands.

B. All conditions of approval shall be related in both type and amount to the anticipated impacts of the proposed development on the public and surrounding development.

C. All conditions of approval shall be expressly set forth in the notice of decision or development permit approval.

D. Conditions of approval associated with a conditional rezoning may be proposed by the applicant, Town staff, the Planning Board, or the Board of Commissioners, but only those conditions mutually approved by the Board of Commissioners and the applicant may be included as part of the application approval.

2.3.9. NOTIFICATION OF DECISION

Except for building permits, certificates of occupancy, and zoning compliance permits, all decisions on applications filed under this Ordinance shall be in writing, and configured in accordance with the following:

A. CONTENT

The notification of decision on an application shall be issued in the name of the applicant or applicant's agent, as appropriate, and shall identify the following:

1. The land or matter subject to the application;

2. A reference to any approved plans, as appropriate;

3. The approved use(s), if any; and

4. Any conditions of approval or other applicable requirements.

B. TIMING

Except where otherwise stated in this Ordinance, the Planning Director shall provide the applicant written notification of a decision or action within 30 days after a final decision on a development application.

C. COPY OF DECISION

In addition to providing notification of a decision on an application to an applicant, the Planning Director shall make a copy of the decision available to the public in the offices of the Planning Department during normal business hours.

2.3.10. EFFECT

A. EFFECT

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

B. PERMIT PREREQUISITE

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

C. TRANSFER

1. Except when otherwise specified, development approvals may be transferred from one owner to another, provided the land, structure, or use type continues to be used for the same purpose for which the approval was granted.
2. The terms, requirements, and conditions of the approval shall continue to apply to all subsequent owners or interests.

2.3.11. CONTINUANCE, POSTPONEMENT, AND WITHDRAWAL

An applicant may request that a review authority's consideration of a development application be continued, postponed, or withdrawn by submitting a written request to the appropriate review authority.

A. PROCEDURE FOR APPLICATIONS SUBJECT TO A PUBLIC HEARING

1. In cases where an applicant seeks a continuance or postponement of an application subject to a public hearing, but public notification of the hearing has not yet been provided, the Planning Director shall consider and decide the request.
2. If public notification of the pending public hearing has been provided in accordance with this Ordinance, the request for continuance or postponement shall be placed on the public hearing agenda and be considered by the review authority. Additional public notification may be required.
3. A request for continuance or postponement may be approved in cases where the applicant needs additional time to prepare evidence, secure approval from outside agencies, bring the application into closer alignment with the Town's adopted policy guidance or the requirements of this Ordinance, or for good cause, as determined by the review authority.

B. WITHDRAWAL

1. An applicant may withdraw an application at any time.
2. If an applicant withdraws an application for the same land after public notification two times within a single calendar year, the same application may not be resubmitted for a period of one year from the date of the second withdrawal.
3. Application fees for withdrawn applications shall not be refunded.

2.3.12. LIMITATION ON SUBSEQUENT SIMILAR APPLICATIONS

A. APPLICATION DENIED

If a development application requiring a public hearing is denied, no application proposing the same or similar development on all, or part of the same site shall be submitted within one year after the date of denial unless the review authority approves a reduction in this time limit in accordance with subsection (B) below. For the purposes of this section, "the same or similar development" shall mean:

1. The same use type(s) in the same approximate location(s) as the denied application; or
2. The same use type(s) in the same approximate building configuration (e.g., building height, floor area, massing) as the denied application.

B. REDUCTION IN TIME LIMIT

The owner of land subject to this subsection, or the owner's authorized agent, may submit a written request for reduction of the time limit, along with a fee to defray the cost of processing the request, to the Planning Director, who shall transmit the request to the review authority. The review authority may grant the request only on a finding by two-thirds of its membership that the owner or agent has demonstrated that:

1. There is a substantial change in circumstances relevant to the issues or facts considered during review of the prior application that might reasonably affect the review authority's application of the relevant review standards to the development proposed in the new application; or
2. New or additional information is available that was not available at the time of review of the prior application and that might reasonably affect the review authority's application of the relevant review standards to the development proposed in the new application; or
3. The new application proposed to be submitted is materially different from the prior application; or
4. The final decision on the prior application was based on a material mistake of fact.

3



Grow Zebulon

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3: DISTRICTS

3.1. INTRODUCTORY PROVISIONS

3.1.1. COMPLIANCE WITH DISTRICT STANDARDS REQUIRED

Land within the Town's planning jurisdiction as identified in Section 1.5, Applicability, shall not be developed except in accordance with the applicable zoning district regulations of this article and the Official Zoning Map.

3.1.2. TYPES OF ZONING DISTRICTS

All land within the Town's planning jurisdiction shall be located in one or more of the following types of zoning districts:

A. All land subject to these standards shall be classified into one of the "general," "conditional," or "special use" zoning districts identified in Table 3.1.3, Zoning Districts Established.

B. Land located in any general, conditional, or special use zoning district may also be classified into one or more "overlay" zoning districts.

C. General, conditional, special use, and overlay zoning districts shall be depicted on the Town's Official Zoning Map in accordance with Section 3.1.4.A, Official Zoning Map.

D. In cases where land is within an overlay zoning district, the standards in the overlay zoning district shall apply in addition to the standards governing development in the underlying general, conditional, or special use zoning district.

E. Land in the Town's planning jurisdiction shall be classified or reclassified into a general, conditional, or overlay zoning district only in accordance with the procedures and requirements set forth in Section 2.2.24, Zoning Map Amendment, Section 2.2.13, Planned Development, or Section 2.2.6, Conditional Rezoning, as appropriate.

F. Land in the Town's planning jurisdiction may not be reclassified into a special use zoning district. Land designated as a special use district may only be reclassified as a general or conditional zoning district.

3.1.3. ZONING DISTRICTS ESTABLISHED

A. Table 3.1.3, Zoning Districts Established, sets out the general, conditional, and special use zoning districts established by this Ordinance.

B. General zoning districts are grouped into Residential, Commercial, and Mixed Use District categories.

TABLE 3.1.3: ZONING DISTRICTS ESTABLISHED

Zoning District Abbreviation	Zoning District Name
GENERAL ZONING DISTRICTS	
Residential Districts	
R1	Residential Watershed
R2	Residential Suburban
R4	Residential Neighborhood
R6	Residential Urban
RMF	Residential Multi-family
Commercial Districts	
NC	Neighborhood Commercial
GC	General Commercial
HC	Heavy Commercial

TABLE 3.1.3: ZONING DISTRICTS ESTABLISHED	
ZONING DISTRICT ABBREVIATION	**ZONING DISTRICT NAME**
LI	Light Industrial
CI	Industrial Campus
HI	Heavy Industrial
Mixed Use Districts	
OI	Office and Institutional
DTP	Downtown Periphery
DTC	Downtown Core
RMU	Regional Mixed Use
PD	Planned Development
CONDITIONAL ZONING DISTRICTS	
R1-C	Residential Watershed - Conditional
R2-C	Residential Suburban – Conditional
R4-C	Residential Neighborhood – Conditional
R6-C	Residential Urban – Conditional
RMF-C	Residential Multi-family – Conditional
NC-C	Neighborhood Commercial – Conditional
GC-C	General Commercial – Conditional
HC-C	Heavy Commercial – Conditional
LI-C	Light Industrial – Conditional
CI-C	Campus Industrial – Conditional
HI-C	Heavy Industrial – Conditional
OI-C	Office and Institutional – Conditional
DTP-C	Downtown Periphery – Conditional
DTC-C	Downtown Core – Conditional
SPECIAL USE ZONING DISTRICTS	
R-13 SUD	Residential 13 – Special Use
CA-SUD	Commercial Amusement – Special Use

3.1.4. ORGANIZATION OF THESE ZONING DISTRICT STANDARDS

A. OFFICIAL ZONING MAP

Section 3.1.4.A, Official Zoning Map, establishes the Official Zoning Map and describes how it is updated and interpreted.

B. GENERAL ZONING DISTRICTS

1. Sections 3.3.1, 3.4.1, and 3.5.1, Summary Purpose and Intent Statements, set out a series of purpose and intent statements broadly applicable to each individual district type in the Residential, Commercial, and Mixed Use districts.
2. Sections 3.3 through 3.5 include the detailed purpose statement, dimensional standards, and example images for each general zoning district listed in Table 3.1.3, Zoning Districts Established.
3. The black lettered circles included in each dimensional standards table correspond to the black lettered circles in the dimensional and development configuration example images for the same zoning district.
4. The development, lot pattern, dimensional, and lot configuration example diagrams are for illustrative purposes only. In cases where an image conflicts with the text for the district or some other portion of this Ordinance, the text, not the illustration, shall control.

5. The range of allowable uses for each zoning district is identified in Table 4.2.3, Principal Use Table.
6. Some zoning districts include district-specific standards that apply to all lands in the particular zoning district classification.

C. CONDITIONAL ZONING DISTRICTS

Section 3.6, Conditional Districts, sets out the standards applicable to the conditional zoning districts listed in Table 3.1.3, Zoning Districts Established.

D. SPECIAL USE ZONING DISTRICTS

The special use zoning districts are established in Section 3.7, Special Use Districts. This section also includes the district-specific standards for each special use district.

E. OVERLAY ZONING DISTRICTS

The overlay zoning districts are established in Section 3.8, Overlay Zoning Districts . This section also includes the district-specific standards for each overlay district.

3.1.5. GENERALLY APPLICABLE DIMENSIONAL STANDARDS

In addition to the dimensional standards in each individual zoning district, the following bulk and dimensional standards shall apply to all development in the Town's planning jurisdiction.

A. MAXIMUM DENSITY MAY BE INCREASED

Unless otherwise indicated in this Ordinance, the maximum density for a general or conditional zoning district may be increased beyond the amount listed in Sections 3.3 through 0 of this Ordinance in cases where:

1. Single-family detached, attached, or duplex dwellings are configured in accordance with the provisions in Section 5.2, Design Guidelines; and
2. Any form of allowable residential development is configured in accordance with the standards in Section 5.12, Sustainability Incentives.

B. MAXIMUM HEIGHT MAY BE INCREASED

Unless otherwise indicated in this Ordinance, the maximum height for a general or conditional zoning district may be increased beyond the amount listed in Sections 3.3 through 0 of this Ordinance in cases where development is configured in accordance with the standards in Section 5.12, Sustainability Incentives.

C. REDUCTIONS PROHIBITED

Except where otherwise authorized by this Ordinance:

1. Lots created after January 1, 2020, shall meet the minimum lot dimensional requirements for the district where located.
2. No lot shall be reduced in area below the minimum requirements for the district where located except as part of a planned development, conditional rezoning application, or in recognition of the provision of sustainable development features in accordance with Section 5.12, Sustainability Incentives.

D. REQUIRED YARDS

1. The land area between a lot line and the boundary of a required setback is considered as a required yard.
2. The location of front (or street), side, or rear yards on irregularly shaped lots shall be determined by the Planning Director in accordance with Section 9.3, Rules of Measurement. Wherever possible, the Planning Director shall interpret these boundaries in ways that minimize nonconformities.
3. Except where otherwise provided in Section 9.3.5, Setback Encroachments, required yards shall not be subject to encroachment by a building, structure, or outdoor use area.

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

F. DOUBLE COUNTING OF REQUIRED AREAS
No land area or other required space counted as part of a required yard, setback, lot area, or similar feature on one lot may be simultaneously counted towards the requirements on another lot.

G. EXCEEDING MAXIMUM LIMITATIONS
No building or development shall exceed the maximum height limit, impervious surface limitation, maximum parking requirement, or residential density for the zoning district where located, unless allowed in accordance with this Ordinance

H. FAILURE TO MEET MINIMUM REQUIREMENTS
No lot shall be altered in a manner that results in creation of a nonconformity except where authorized by this Ordinance.

3.2. OFFICIAL ZONING MAP

3.2.1. GENERALLY

A. The Official Zoning Map designates the location and boundaries of the general, conditional, special use, and overlay zoning districts established in this Ordinance.

B. The Flood Insurance Rate Map (FIRM) shall designate the location and boundaries of the FHO district, as amended by any associated Flood Insurance Studies (FIS).

C. The Official Zoning Map shall be maintained in a digital format and paper copies shall be kept on file in the Planning Department and are available for public inspection during normal business hours.

D. The digital version of the Official Zoning Map maintained in the offices of the Planning Department shall be the final authority as to the status of the current zoning district classification of land in the Town's planning jurisdiction, and shall only be amended in accordance with Section 2.2.6, Conditional Rezoning, Section 2.2.13, Planned Development, or Section 2.2.24, Zoning Map Amendment, as appropriate.

E. The Planning Director shall maintain digital copies of superseded versions of the Official Zoning Map for historical reference, as appropriate.

3.2.2. INCORPORATED BY REFERENCE

A. The Official Zoning Map, as amended, is hereby incorporated by reference herein and made part of this Ordinance.

B. The Flood Insurance Rate Maps (FIRM) prepared by FEMA and the associated Flood Insurance Study (FIS) are hereby incorporated by reference herein and made part of this Ordinance.

3.2.3. INTERPRETATION OF OFFICIAL ZONING MAP BOUNDARIES

The Planning Director shall be responsible for determination of boundaries on the Official Zoning Map in accordance with the standards in Section 2.2.12, Interpretation, and the following standards:

A. Boundaries shown as approximately following a utility line or a street, alley, railroad, or other public accessway shall be interpreted as following the centerline of the right-of-way or easement for the utility line or accessway.

B. If a street, alley, railroad, or utility easement forming the boundary between two separate zoning districts is abandoned or removed from dedication, the district boundaries shall be construed as following the centerline of the abandoned or vacated roadbed or utility easement.

C. Boundaries shown as approximately following a lot line shall be interpreted as following the lot line as it existed when the boundary was established. If a subsequent minor adjustment (such as from settlement of a boundary dispute or overlap) results in the lot line moving 10 feet or less, the zoning boundary shall be interpreted as moving with the lot line.

D. Boundaries shown as approximately following a river, stream, canal, lake, or other watercourse shall be interpreted as following the centerline of the watercourse as it actually exists, and as moving with that centerline to the extent the watercourse moves as a result of natural processes (flooding, erosion, sedimentation, etc.).

E. Boundaries shown parallel to or as extensions of features indicated in this subsection shall be interpreted as such.

F. Boundaries shown as following the boundary of the Town limits shall be interpreted as following the boundary of municipal incorporation.

G. Where the actual location of existing physical or natural features vary from that shown on the Official Zoning Map, or in other circumstances that are not covered by this subsection, the Planning Director shall have the authority to determine the district boundaries (see Section 2.2.12, Interpretation).

H. Wherever a single lot is located within two or more different zoning districts, each portion of the lot shall be subject to all the regulations applicable to the zoning district where it is located.

I. If the specific location of a depicted boundary cannot be determined from application of the above standards, it shall be determined by using the Official Zoning Map's scale to determine the boundary's distance from other features shown on the map.

J. Interpretations of the Flood Hazard Overlay (FHO) district boundary shall be made by the Floodplain Administrator, in accordance with the standards in Section 3.8.2, Flood Hazard Overlay (FHO) District.

K. In the case of FHO district boundaries, the FEMA work maps, if available, shall be used for scaling.

3.2.4. CHANGES TO OFFICIAL ZONING MAP

A. Changes made in zoning district boundaries on the Official Zoning Map shall be considered an amendment to this Ordinance.

B. Changes to the Official Zoning Map approved by the Board of Commissioners shall be entered on the Official Zoning Map by the Planning Director promptly after the approval.

C. Where the ordinance enacting a zoning district boundary change contains wording explaining or clarifying the location of the new boundary, the Planning Director shall enter the boundary on the Official Zoning Map in accordance with the ordinance wording.

D. Upon entering the most recently approved amendment on the Official Zoning Map, the Planning Director shall also change the date of the map to indicate the date of its latest revision.

3.3. GENERAL RESIDENTIAL ZONING DISTRICTS

3.3.1. SUMMARY PURPOSE AND INTENT STATEMENTS

The residential zoning districts are proposed to provide a comfortable, healthy, safe, and pleasant environment in which to live and recreate. More specifically, they are intended to:

A. Provide appropriately located lands for residential development that are consistent with the goals, objectives, and policies of the Town's adopted policy guidance;

B. Ensure adequate light, air, privacy, and open space areas for each dwelling, and protect residents from the negative effects of noise, excessive population density, traffic congestion, flooding, and other significant adverse environmental impacts;

C. Protect residential areas from fires, explosions, toxic fumes and substances, and other public safety hazards;

D. Provide for residential housing choice, affordability, and diversity with varying housing densities, types, and designs, including accessory dwelling units;

E. Provide for safe and efficient vehicular access and circulation and promote bicycle- and pedestrian-friendly neighborhoods;

F. Provide safe and efficient access to public transit facilities and alternative forms of transportation, like greenways;

G. Provide for public services and facilities needed to serve residential areas and accommodate public and low intensity neighborhood-serving nonresidential uses in the higher density residential districts while protecting residential areas from incompatible nonresidential development;

H. Create neighborhoods and preserve existing "small-town" community character while accommodating new development and redevelopment consistent with the Town's goals and objectives; and

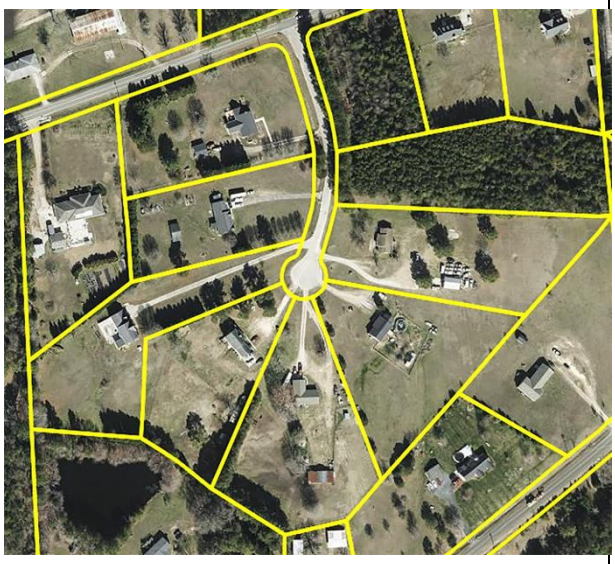
I. Preserve the unique character and historic resources of the traditional neighborhoods and the community.

3.3.2. RESIDENTIAL WATERSHED (R1) DISTRICT

A. DISTRICT CHARACTER

The Residential Watershed (R1) district is established in accordance with Section 143.214.5 of the North Carolina General Statutes for the purposes of protecting water quality within the Little River Water Supply Watershed. The R1 district has a rural character comprised of single-family detached dwellings at very low densities, farms, agricultural uses, and vacant lands generally located at the edges of the Town's planning jurisdiction. Residential densities are very low at one unit an acre or less, and impervious surfaces are limited in order to minimize stormwater runoff and degraded drinking water quality. Conservation subdivisions that result in large portions of land remaining undeveloped or under agricultural use are encouraged, provided they do not negatively impact the rural aesthetics of the district. Land uses or site features that degrade water quality such as improperly functioning on-site wastewater disposal systems, inadequate erosion control measures, or the deposition of waste are prohibited.

B. EXAMPLE LOT PATTERN



C. DIMENSIONAL STANDARDS

STANDARD	REQUIREMENT [1]		
	WITHIN CRITICAL AREAS	WITHIN BALANCE AREAS	CONSERVATION SUBDIVISION
Minimum Development Size (acres)	None	None	10
Maximum Residential Density (units/acre) [2]	0.5	1	As allowed within critical or balance areas
Minimum Lot Area (square feet)	80,000	40,000	6,500
Minimum Lot Width (linear feet)	70	70	70
Maximum Built-Upon Area (% of lot area)	6	12 [3] [4]	As allowed within critical or balance areas [3] [4]
Minimum Open Space Set-Aside (% of development size)	10	10	50 [5]
Minimum Street Setback (feet)	20	20	20
Minimum Side Setback (feet)	15	15	5
Minimum Rear Setback (feet)	25	25	5
Maximum Building Height (feet)	35	35	35

NOTES:
[1] Land area within the R1 district shall be classified as Critical Area or Balance Area in accordance with the Little River Water Supply Watershed regulations established by the North Carolina Environmental Management Commission.
[2] Maximum residential density may not be increased through compliance with residential design guidelines or incorporation of sustainable development features.
[3] Built-upon area may be configured so that a maximum of 10% of the development's total acreage is 70% built upon. Built-upon area shall include the total footprint of all proposed principal and accessory structures as a percentage of the total acreage of the tract being developed, excluding the footprint associated with lawfully established development in place prior to May 4, 2009.
[4] Development using the "10/70" option described in Note [2] shall include stormwater control measures to minimize concentrated stormwater flow and to minimize impact to receiving waters. Stormwater control measures shall be reviewed and approved by the Town and Wake County.
[5] Development using the "10/70" option described in Note [2] shall set aside all land not used for building lots or streets as open space. Nothing shall prohibit farming or the placement of potable water or septic facilities within open space set-aside areas.

D. DEVELOPMENT EXAMPLES





E. DISTRICT-SPECIFIC STANDARDS

The following standards shall apply to all lands within the Residential Watershed (R1) district:

1. COMPLIANCE WITH LITTLE RIVER RESERVOIR WATER SUPPLY WATERSHED INTERLOCAL AGREEMENT

Land within the R1 district shall comply with the provisions in the Little River Reservoir Water Supply Watershed Interlocal Agreement.

2. EXEMPTION OF EXISTING DEVELOPMENT

a. Lawfully established development in existence prior to May 4, 2009, shall be exempted from these standards, and shall not be included within calculations of built-upon area.

b. Additions to existing development exempted from these standards taking place after May 4, 2009, shall be subject to these provisions, and shall be included within calculations of built-upon area.

3. ZONING MAP AMENDMENT PROHIBITED

a. Land located within the Little River Water Supply Watershed, as designated by the North Carolina Environmental Management Commission, shall not be rezoned to a different general zoning district designation.

b. Nothing shall limit the establishment of a Residential Watershed Conditional (R1-C) district, provided that all conditions place greater restrictions on proposed development then those applied to the general Residential Watershed (R1) district.

4. PROHIBITED LAND USES

The following uses shall be prohibited within the land area occupied by the R1 zoning district:

a. Sites for land application of residuals or petroleum-contaminated soils;

b. Landfills, incinerators, or waste processing facilities; or
c. Solid waste management facilities.

5. WATERSHED BUFFER REQUIRED

a. All development within the R1 district shall maintain a 50-foot-wide vegetated buffer along all sides of any perennial waters indicated on the most recent USGS 1:24,000 (7.5 minute) scale topographic maps , or in other Town-adopted studies.
b. Development shall be generally prohibited within watershed buffers, but street crossings and greenways trails may be permitted where no alternative exists. In cases where street crossings or greenway trails are located within the buffer, they shall direct stormwater runoff away from receiving waters and shall include stormwater control measures to minimize concentrated stormwater flow and minimize impacts to receiving waters.

6. STREETS

a. Streets shall be located outside of watershed critical areas and required watershed buffers, to the maximum extent practicable.
b. In cases where streets must be located within a watershed critical area or watershed buffer, streets shall be designed and constructed to direct stormwater runoff away from receiving waters and shall include stormwater control measures to minimize concentrated stormwater flow and minimize impacts to receiving waters.

7. PUBLIC WATER AND SEWER

Development within the R1 district shall not be served by public water or sanitary sewer systems.

8. STORMWATER CONTROL MEASURES

Development required to provide stormwater control measures shall ensure they are configured to divert stormwater runoff away from surface waters and incorporate best management practices to minimize water quality impacts.

9. EROSION AND SEDIMENTATION CONTROL

Development disturbing more than one acre of land area shall be subject to an approved erosion and sedimentation control plan (see Section 6.9, Soil Erosion & Sedimentation).

10. ENFORCEMENT

Development that violates these standards shall be subject to the provisions in Article 8: Enforcement.

3.3.3. RESIDENTIAL SUBURBAN (R2) DISTRICT

A. DISTRICT CHARACTER

The Residential Suburban (R2) district has a suburban character typically comprised of single-family detached residential uses in somewhat peripheral locations of the Town's planning jurisdiction. Allowable residential densities are around two units an acre, but may be increased based on design quality or open space provision. Lot sizes are generally larger than in urban portions of the Town, and tend to be landscaped or include undisturbed vegetation. The establishment of small-lot/small-home developments like conservation subdivisions, bungalow courts, and pocket neighborhoods are encouraged when compatible with their surroundings. Most uses are not served by public potable water and sanitary wastewater services, though neighborhood-scale water and wastewater facilities may be present. Most buildings are low-rise in height, or between one and three stories tall. Off-street parking is common. Neighborhood-scale or low-intensity nonresidential and institutional uses like schools, religious institutions, parks, and minor utility uses are allowed, provided they do not detract from the quiet, residential character of the district.

B. EXAMPLE LOT PATTERN



C. DIMENSIONAL STANDARDS- RESIDENTIAL

C. DIMENSIONAL STANDARDS- RESIDENTIAL	Traditional Format	Complies with Residential Design Guidelines	Conservation Subdivision	Bungalow Court/Pocket Neighborhood
SINGLE-FAMILY DETACHED DEVELOPMENT				
Minimum Development Size (acres)	N/A	N/A	10	3 (max. size)
Maximum Residential Density (units/acre)	1.45	2	2	3
Minimum Lot Area (square feet)	30,000	21,780	6,000	6,000
Minimum Lot Width (linear feet)	150	150	30	30
Maximum Lot Coverage (% of lot area)	30	35	75	65
Minimum Street Setback (feet)	50; may be reduced to 35 measured to front edge of a covered porch		20	20; 0 from alley
Minimum Side Setback (feet)	15	15	5	5/side; 15 total
Minimum Rear Setback (feet)	25	25	5	15
Maximum Building Height (feet/stories)	35/3	35/3	35/3	35/3
DUPLEX DEVELOPMENT				
Maximum Residential Density (units/acre)	2	2.5	N/A	N/A
Minimum Lot Area (square feet)	21,780/unit	17,400/unit		
Minimum Lot Width (linear feet)	150	150		
Maximum Lot Coverage (% of lot area)	30	35		

Minimum Street Setback (feet)	50; may be reduced to 35 measured to front edge of a covered porch			
Minimum Side Setback (feet)	15	15		
Minimum Rear Setback (feet)	25	25		
Maximum Building Height (feet/stories)	35/3	35/3		
Minimum Spacing Between Principal Buildings on the Same Lot (feet)	15	15		

D. DIMENSIONAL STANDARDS – NON-RESIDENTIAL

Minimum Lot Area (square feet)	20,000
Minimum Lot Width (linear feet)	100
Maximum Lot Coverage (% of lot area)	45
Minimum Street Setback (feet)	50
Minimum Side Setback (feet)	15
Minimum Rear Setback (feet)	25
Maximum Building Height (feet)	35/2
Minimum Spacing Between Principal Buildings on the Same Lot (feet)	15

E. DEVELOPMENT EXAMPLES







F. DISTRICT-SPECIFIC STANDARDS

placeholder

3.3.4. RESIDENTIAL NEIGHBORHOOD (R4) DISTRICT

A. DISTRICT CHARACTER

The Residential Neighborhood (R4) district has a neighborhood-scale or character with individual developments arranged along major transportation corridors within the Town's corporate limits. The district allows a wide variety of dwelling unit types at moderate densities of around three units per acre, though densities may be increased based on design quality or open space provision. Residential neighborhoods include a variety of different lot sizes and housing types to promote diverse housing options for Town residents (though some require approval of special use permits). Landscaping and careful siting helps preserve compatibility between different housing types located adjacent to one another. Residential and nonresidential uses are typically served by public potable water and sanitary wastewater services, and there is a fine-grained network of greenways and sidewalks that allow for mobility within and between neighborhoods. Residential uses maintain modest building heights of between one and three stories. Neighborhood-scale or low-intensity nonresidential and institutional uses like schools, religious institutions, parks, and minor utility uses are permitted to support neighborhood character and convenience.

B. EXAMPLE LOT PATTERN



C. DIMENSIONAL STANDARDS-RESIDENTIAL

C. DIMENSIONAL STANDARDS-RESIDENTIAL	Traditional Format	Complies with Residential Design Guidelines	Conservation Subdivision	Bungalow Court/Pocket Neighborhood
SINGLE-FAMILY DETACHED DEVELOPMENT				
Minimum Development Size (acres)	N/A	N/A	10	3 (max. size)
Maximum Residential Density (units/acre)	4.35	5	4	4
Minimum Lot Area (square feet)	10,000	8,700	6,000	6,000
Minimum Lot Width (linear feet)	75	70	30	30
Maximum Lot Coverage (% of lot area)	30	35	75	65
Minimum Street Setback (feet)	30; may be reduced to 20 measured to front edge of a covered porch		20	20; 0 from alley
Minimum Side Setback (feet)	10	10	5	5/side
Minimum Rear Setback (feet)	25	25	5	15
Maximum Building Height (feet/stories)	35/3	35/3	35/3	35/3
DUPLEX DEVELOPMENT				
Maximum Residential Density (units/acre)	3.35	4	N/A	N/A
Minimum Lot Area (square feet)	13,000/unit	10,890/unit		
Minimum Lot Width (linear feet)	100	100		

Maximum Lot Coverage (% of lot area)	30	35		
Minimum Street Setback (feet)	30; may be reduced to 20 measured to front edge of a covered porch			
Minimum Side Setback (feet)	12	12		
Minimum Rear Setback (feet)	25	25		
Maximum Building Height (feet/stories)	35/3	35/3		
Minimum Spacing Between Principal Buildings on the Same Lot (feet)	25	25		
C. DIMENSIONAL STANDARDS-RESIDENTIAL	**Traditional Format**	**Complies with Residential Design Guidelines**	**Conservation Subdivision**	**Bungalow Court/Pocket Neighborhood**
SINGLE-FAMILY ATTACHED DEVELOPMENT				
Maximum Residential Density (units/acre)	3.35	4	N/A	N/A
Minimum Lot Area (square feet)	9,500/unit	7,600/unit		
Minimum Development Width (linear feet)	170	140		
Maximum Lot Coverage (% of total area)	40	45		
Minimum Street Setback (feet)	5 from interior streets			
Minimum Side Setback (feet)	None			
Minimum Rear Setback (feet)	None			
Minimum Perimeter Setback Around Development (feet)	30	30		
Maximum Building Height (feet/stories)	35/3	35/3		
Minimum Spacing Between Principal Buildings on the Same Lot (feet)	30	30		
TRIPLEX/QUADPLEX DEVELOPMENT				
Minimum Development Size (acres)	1	N/A	N/A	N/A
Maximum Residential Density (units/acre)	4			
Minimum Lot Area (square feet)	7,600/unit			
Minimum Development Width (linear feet)	140			
Maximum Lot Coverage (% of total area)	45			
Minimum Street Setback (feet)	30			
Minimum Side Setback (feet)	12			
Minimum Rear Setback (feet)	25			
Maximum Building Height (feet/stories)	40/3			
Minimum Spacing Between Principal Buildings on the Same Lot (feet)	25			

MULTI-FAMILY DEVELOPMENT

Minimum Development Size (acres)	1	N/A	N/A	N/A
Maximum Residential Density (units/acre)	4			
Minimum Development Width (linear feet)	140			
Maximum Lot Coverage (% of total area)	45			
Minimum Street Setback (feet)	5 from interior streets			
Minimum Side Setback (feet)	None			
Minimum Rear Setback (feet)	None			
Minimum Perimeter Setback Around Development (feet)	30			
Maximum Building Height (feet/stories)	40/3			
Minimum Spacing Between Principal Buildings on the Same Lot (feet)	30			

D. DIMENSIONAL STANDARDS – NON-RESIDENTIAL

Minimum Lot Area (square feet)	12,000
Minimum Lot Width (linear feet)	80
Maximum Lot Coverage (% of lot area)	45
Minimum Street Setback (feet)	30
Minimum Side Setback (feet)	10
Minimum Rear Setback (feet)	25
Maximum Building Height (feet)	35/2
Minimum Spacing Between Principal Buildings on the Same Lot (feet)	25

E. DEVELOPMENT EXAMPLES







F. DISTRICT-SPECIFIC STANDARDS

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3.3.5. RESIDENTIAL URBAN (R6) DISTRICT

A. DISTRICT CHARACTER

The Residential Urban (R6) district is found in the urban portions of Town proximate to downtown and major transportation corridors. Development is typically more compact with more impervious surfaces than that found in the Town's suburban areas. Urban areas maintain a wide diversity of land uses and are more likely to be proximate to non-residential districts. Compatibility between adjacent land uses is maintained through landscaping, screening, design quality, and site configuration that seeks to control noise, odors, lighting, and incompatible views between developments. The district allows almost all forms of residential development, including therapeutic living arrangements (like nursing homes), retirement communities, and group homes. Densities are in the range of five dwelling units an acre, though they may be increased beyond five units an acre based on design quality. Conservation subdivisions are not permitted in the R6 district. Lot sizes for individual units tend to be smaller and as such, there is an increased reliance on common open space and public recreation amenities, including greenways and a well-connected sidewalk network. The district allows a variety of institutional and neighborhood-supporting non-residential and mixed uses.

B. EXAMPLE LOT PATTERN



C. DIMENSIONAL STANDARDS- RESIDENTIAL	Traditional Format	Complies with Residential Design Guidelines	Bungalow Court/ Pocket Neighborhood
SINGLE-FAMILY DETACHED DEVELOPMENT			
Maximum Development Size (acres)	N/A	N/A	3
Maximum Residential Density (units/acre)	5.44	6	4
Minimum Lot Area (square feet)	8,000	7,200	6,000
Minimum Lot Width (linear feet)	70	70	30
Maximum Lot Coverage (% of lot area)	30	35	65
Minimum Street Setback (feet)	30; may be reduced to 20 measured to front edge of a covered porch		20; 0 from alley
Minimum Side Setback (feet)	10	10	5/side
Minimum Rear Setback (feet)	25	25	15
Maximum Building Height (feet/stories)	35/3	35/3	35/3
DUPLEX DEVELOPMENT			
Maximum Residential Density (units/acre)	4.15	6	N/A
Minimum Lot Area (square feet)	10,500/unit	7,200/unit	
Minimum Lot Width (linear feet)	95	95	
Maximum Lot Coverage (% of lot area)	30	35	
Minimum Street Setback (feet)	30; may be reduced to 20 measured to front edge of a covered porch		

Minimum Side Setback (feet)	12	12	
Minimum Rear Setback (feet)	25	25	
Maximum Building Height (feet/stories)	35/3	35/3	
Minimum Spacing Between Principal Buildings on the Same Lot (feet)	25	25	
C. DIMENSIONAL STANDARDS-RESIDENTIAL	**Traditional Format**	**Complies with Residential Design Guidelines**	**Bungalow Court/ Pocket Neighborhood**
SINGLE-FAMILY ATTACHED DEVELOPMENT			
Maximum Residential Density (units/acre)	4.15	6	N/A
Minimum Lot Area (square feet)	10,500/unit	7,200/unit	
Minimum Development Width (linear feet)	140	120	
Maximum Lot Coverage (% of total area)	30	35	
Minimum Street Setback (feet)	5 from interior streets		
Minimum Side Setback (feet)	None		
Minimum Rear Setback (feet)	None		
Minimum Perimeter Setback Around Development (feet)	25	25	
Maximum Building Height (feet/stories)	35/3	35/3	
Minimum Spacing Between Principal Buildings on the Same Lot (feet)	25	25	
TRIPLEX AND QUADPLEX DEVELOPMENT			
Minimum Development Size (acres)	1	N/A	N/A
Maximum Residential Density (units/acre)	6		
Minimum Lot Area (square feet)	7,200/unit		
Minimum Development Width (linear feet)	120		
Maximum Lot Coverage (% of total area)	35		
Minimum Street Setback (feet)	30		
Minimum Side Setback (feet)	12		
Minimum Rear Setback (feet)	25		
Maximum Building Height (feet/stories)	40/3		
Minimum Spacing Between Principal Buildings on the Same Lot (feet)	25		
MULTI-FAMILY DEVELOPMENT			
Minimum Development Size (acres)	1	N/A	N/A
Maximum Residential Density (units/acre)	6		

Minimum Development Width (linear feet)	120
Maximum Lot Coverage (% of total area)	35
Minimum Street Setback (feet)	5 from interior streets
Minimum Side Setback (feet)	None
Minimum Rear Setback (feet)	None
Minimum Perimeter Setback Around Development (feet)	25
Maximum Building Height (feet/stories)	40/3
Minimum Spacing Between Principal Buildings on the Same Lot (feet)	25

D. DIMENSIONAL STANDARDS – NON-RESIDENTIAL

Minimum Lot Area (square feet)	10,000
Minimum Lot Width (linear feet)	75
Maximum Lot Coverage (% of lot area)	35
Minimum Street Setback (feet)	30
Minimum Side Setback (feet)	10
Minimum Rear Setback (feet)	25
Maximum Building Height (feet/stories)	35/2
Minimum Spacing Between Principal Buildings on the Same Lot (feet)	25

E. DEVELOPMENT EXAMPLES







F. DISTRICT-SPECIFIC STANDARDS

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3.3.6. RESIDENTIAL MULTI-FAMILY (RMF) DISTRICT

A. DISTRICT CHARACTER

The Residential Multi-Family (RMF) is the most dense of the residential districts and allows the broadest range of residential use types, include various forms of mixed-use development. The RMF district is typically configured as a single development on one or two lots, though are also some examples of multiple lot developments throughout the Town. Multi-family development is typically more dense than its immediate surroundings, and can also serve as an effective transition between single-family detached development and adjacent commercial or employment uses. Buildings in the RMF district tend to have shared site access, shared building access, common site features (like recreation space) owned in common, and centralized service functions. Residential densities are slightly higher for most forms of allowable residential development than is permitted in the other residential districts, though multi-family density is double that in the other residential districts. In addition to higher density development, the RMF districts allows a broad range of institutional uses and some low intensity neighborhood-serving non-residential uses to allow Town residents to take care of some of their daily needs without need of an automobile, should they desire to do so. Uses that are potentially detrimental to residential development and low density development comprised of uniform building types or styles are generally discouraged in the RMF district.

B. EXAMPLE LOT PATTERN



C. DIMENSIONAL STANDARDS- RESIDENTIAL	Traditional Format	Complies with Residential Design Guidelines	Bungalow Court/ Pocket Neighborhood
SINGLE-FAMILY DETACHED DEVELOPMENT			
Maximum Development Size (acres)	N/A	N/A	3
Maximum Residential Density (units/acre)	6.25	7	4
Minimum Lot Area (square feet)	6,900	6,200	6,000
Minimum Lot Width (linear feet)	70	60	30
Maximum Lot Coverage (% of lot area)	35	40	65
Minimum Street Setback (feet)	30; may be reduced to 20 measured to the front edge of a covered porch		20; 0 from alley
Minimum Side Setback (feet)	10	10	5/side
Minimum Rear Setback (feet)	25	25	15
Maximum Building Height (feet/stories)	35/3	35/3	35/3
DUPLEX DEVELOPMENT			
Maximum Residential Density (units/acre)	5	7	N/A
Minimum Lot Area (square feet)	8,700/unit	6,200/unit	
Minimum Lot Width (linear feet)	95	95	

Maximum Lot Coverage (% of lot area)	35	40	
Minimum Street Setback (feet)	30; may be reduced to 20 measured to the front edge of a covered porch		
Minimum Side Setback (feet)	12	12	
Minimum Rear Setback (feet)	25	25	
Maximum Building Height (feet/stories)	35/3	35/3	
Minimum Spacing Between Principal Buildings on the Same Lot (feet)	25	25	
C. DIMENSIONAL STANDARDS-RESIDENTIAL	**Traditional Format**	**Complies with Residential Design Guidelines**	**Bungalow Court/ Pocket Neighborhood**
SINGLE-FAMILY ATTACHED DEVELOPMENT			
Maximum Residential Density (units/acre)	5	7	N/A
Minimum Lot Area (square feet)	8,700/unit	6,200/unit	
Minimum Development Width (linear feet)	140	120	
Maximum Lot Coverage (% of total area)	35	40	
Minimum Street Setback (feet)	5 from interior streets		
Minimum Side Setback (feet)	None		
Minimum Rear Setback (feet)	None		
Minimum Perimeter Setback Around Development (feet)	25	25	
Maximum Building Height (feet/stories)	35/3	35/2	
Minimum Spacing Between Principal Buildings on the Same Lot (feet)	25	25	
TRIPLEX AND QUADPLEX DEVELOPMENT			
Maximum Residential Density (units/acre)	7	N/A	N/A
Minimum Lot Area (square feet)	6,200/unit		
Minimum Development Width (linear feet)	120		
Maximum Lot Coverage (% of total area)	40		
Minimum Street Setback (feet)	30		
Minimum Side Setback (feet)	12		
Minimum Rear Setback (feet)	25		
Maximum Building Height (feet/stories)	40/3		
Minimum Spacing Between Principal Buildings on the Same Lot (feet)	25		
MULTI-FAMILY DEVELOPMENT			
Maximum Residential Density (units/acre)	12	N/A	N/A

Minimum Development Width (linear feet)	120		
Maximum Lot Coverage (% of total area)	40		
Minimum Street Setback (feet)	5 from interior streets		
Minimum Side Setback (feet)	None		
Minimum Rear Setback (feet)	None		
Minimum Perimeter Setback Around Development (feet)	25		
Maximum Building Height (feet/stories)	50/4		
Minimum Spacing Between Principal Buildings on the Same Lot (feet)	25		

D. DIMENSIONAL STANDARDS- MIXED-USE

Maximum Residential Density (units/acre)	12
Minimum Lot Area (square feet)	30,000
Minimum Lot Width (linear feet)	120
Maximum Lot Coverage (% of lot area)	45
Minimum Street Setback (feet)	30
Minimum Side Setback (feet)	10
Minimum Rear Setback (feet)	25
Maximum Building Height (feet/stories)	50/4
Minimum Spacing Between Principal Buildings on the Same Lot (feet)	25

E. DIMENSIONAL STANDARDS – NON-RESIDENTIAL

Minimum Lot Area (square feet)	10,000
Minimum Lot Width (linear feet)	120
Maximum Lot Coverage (% of lot area)	45
Minimum Street Setback (feet)	30
Minimum Side Setback (feet)	10
Minimum Rear Setback (feet)	25
Maximum Building Height (feet/stories)	35/3
Minimum Spacing Between Principal Buildings on the Same Lot (feet)	25

F. DEVELOPMENT EXAMPLES







G. DISTRICT-SPECIFIC STANDARDS

Reserved

3.4. GENERAL COMMERCIAL ZONING DISTRICTS

3.4.1. SUMMARY PURPOSE AND INTENT STATEMENTS

The commercial zoning districts are intended to ensure a wide range of office, retail, service, industrial, and related uses necessary to meet resident and visitor needs, and more specifically to:

A. Provide appropriately located lands for the full range of business uses needed by the Town's residents, businesses, and workers, consistent with the goals, objectives, and policies in the Town's adopted policy guidance;

B. Strengthen the Town's economic base, and provide employment opportunities close to home for residents of the Town and surrounding areas;

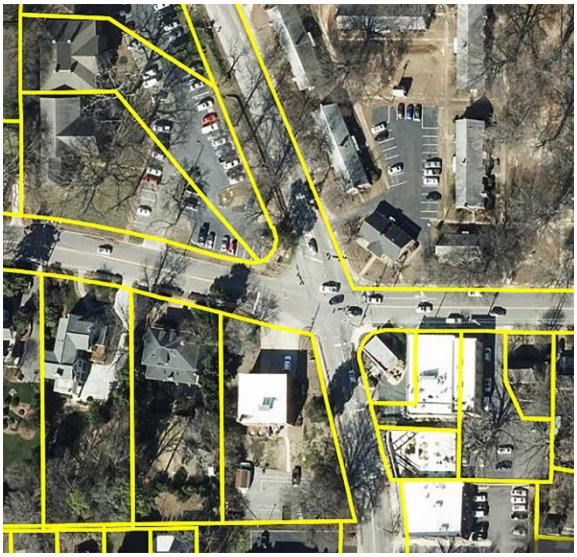
C. Create suitable environments for various types of business uses, and protect them from the adverse effects of incompatible uses;

D. Provide safe and efficient access to alternative forms of transportation like public transit facilities, sidewalks, trails, and greenways;

E. Preserve the unique character and historic resources of the downtown area while increasing opportunities for urban development in areas already well-served by infrastructure; and

F. Minimize the impact of business development on residential districts and sensitive natural environments.

3.4.2. NEIGHBORHOOD COMMERCIAL (NC) DISTRICT

A. DISTRICT CHARACTER	B. EXAMPLE LOT PATTERN
The Neighborhood Commercial (NC) district is intended for low intensity, neighborhood-serving commercial and mixed-use development around significant roadway intersections located along the edges of neighborhoods. The NC district provides employment, shopping, personal service, and entertainment uses for the benefit of nearby residents in a compact, pedestrian-oriented, and walkable context. The district allows offices, personal services, and small-scale retail and a variety of institutional uses. As a means of providing additional housing options, the district allows live/work dwellings and upper story residential over ground-floor non-residential uses. Non-residential buildings are small-scale, with small footprints, and with building heights around two stories. Buildings are close to the street edge and off-street parking is primarily to the side or rear of buildings. Industrial development and higher density residential uses are not permitted. District regulations discourage uses that are too intense or that draw the majority of their patrons from outside the immediate area.	

C. DIMENSIONAL STANDARDS- NONRESIDENTIAL	
Minimum Lot Area (square feet)	10,000
Minimum Lot Width (linear feet)	120
Maximum Lot Coverage (% of lot area)	45
Maximum Building Footprint (square feet)	3,500 (excluding residential floor area)
Minimum Street Setback (feet)	10
Maximum Street Setback (feet)	50
Off-Street Parking Setback from Lot Lines Bordering Streets (feet)	20; 0 from alleys
Minimum Side Setback (feet)	10
Minimum Rear Setback (feet)	25
Maximum Building Height (feet/stories)	35/3
Minimum Spacing Between Principal Buildings on the Same Lot (feet)	25

D. DIMENSIONAL STANDARDS- MIXED-USE	
Maximum Residential Density (units/acre)	4
Minimum Lot Width (linear feet)	140
Maximum Lot Coverage (% of lot area)	45
Maximum Building Footprint (square feet)	3,500 (excluding residential floor area)
Minimum Street Setback (feet)	10
Off-Street Parking Setback from Lot Lines Bordering Streets (feet)	20

Minimum Side Setback (feet)	10
Minimum Rear Setback (feet)	25
Maximum Building Height (feet/stories)	40/3
Minimum Spacing Between Principal Buildings on the Same Lot (feet)	25

E. DIMENSIONAL STANDARDS-RESIDENTIAL	Traditional Format	Complies with Residential Design Guidelines	Bungalow Court/Pocket Neighborhood
SINGLE-FAMILY RESIDENTIAL DEVELOPMENT			
Maximum Development Size (acres)	N/A	N/A	3 (max. size)
Maximum Residential Density (units/acre)	4.35	5	4
Minimum Lot Area (square feet)	10,000	8,700	6,000
Minimum Lot Width (linear feet)	75	70	30
Maximum Lot Coverage (% of lot area)	30	35	30
Minimum Street Setback (feet)	20	20	20; 0 from alley
Minimum Side Setback (feet)	10	10	5/side
Minimum Rear Setback (feet)	25	25	15
Maximum Building Height (feet/stories)	35/3	35/3	35/3
DUPLEX DEVELOPMENT			
Maximum Residential Density (units/acre)	3.35	4	N/A
Minimum Lot Area (square feet)	13,000/unit	10,890/unit	
Minimum Development Width (linear feet)	100	100	
Maximum Lot Coverage (% of total area)	30	35	
Minimum Street Setback (feet)	20	20	
Minimum Side Setback (feet)	12	12	
Minimum Rear Setback (feet)	25	25	
Maximum Building Height (feet/stories)	35/3	35/3	
Minimum Spacing Between Principal Buildings on the Same Lot (feet)	25	25	
TRIPLEX/QUADPLEX DEVELOPMENT			
Minimum Lot Area (square feet)	4		
Minimum Development Width (linear feet)	140		
Maximum Lot Coverage (% of total area)	45		
Minimum Street Setback (feet)	20		
Minimum Side Setback (feet)	12		
Minimum Rear Setback (feet)	25		
Maximum Building Height (feet/stories)	35/3		
Minimum Spacing Between Principal Buildings on the Same Lot (feet)	25		

F. DEVELOPMENT EXAMPLES







G. DISTRICT-SPECIFIC STANDARDS

All nonresidential use types permitted in the NC district shall be subject to the following standards:

1. Outdoor storage is prohibited.
2. Hours of operation for commercial uses shall be restricted to between 6:00 a.m. and midnight.
3. Drive-through or drive-up facilities are prohibited.
4. Except for street lighting, no exterior lighting shall be located higher than 15 feet above ground or pavement.
5. To the maximum extent practicable, off-street parking lots shall be located to the side or rear of buildings.
6. Where possible, access to off-street parking areas shall be via an alley or driveway located to the side or rear of a lot.

3.4.3. GENERAL COMMERCIAL (GC) DISTRICT

A. DISTRICT CHARACTER	B. EXAMPLE LOT PATTERN
The General Commercial (GC) district is intended to provide a wide range of general retail, business, and service uses to Town residents. GC areas are typically located at major street intersections and along primary roadway corridors. Development in the GC district is comprised of a mix of individual buildings on individual sites and multi-tenant or multi-building developments. Several forms of residential use types are authorized in the district, though provision on upper floors of mixed-use buildings is encouraged. Uses in the district are subject to standards intended to ensure development is compatible with adjacent residential neighborhoods, ensure that the traffic carrying capacity along the Town's major roadways is not impaired due to unsafe turning movements, and that development is well landscaped and aesthetically pleasing. In order to maintain compatibility with surrounding uses and ensure a high quality of development, all activities, including storage shall be indoors or be fully screened from view from the street or from lands in lower-intensity zoning districts.	

C. DIMENSIONAL STANDARDS –NON-RESIDENTIAL/MIXED-USE/MULTI-FAMILY/ QUADPLEX/TRIPLEX	
Maximum Residential Density (units/acre)	7 (applied to residential uses only)
Minimum Lot Area (square feet)	6,000
Minimum Lot Width (linear feet)	50
Maximum Lot Coverage (% of lot area)	80
Minimum Street Setback (feet)	30
Minimum Side Setback (feet)	none required; 5 if provided
Minimum Rear Setback (feet)	0 if abutted by an alley; otherwise 25
Maximum Building Height (feet/stories)	50; height may increase by 2 feet for each additional foot of setback up to 100 feet in height
Minimum Spacing Between Principal Buildings on the Same Lot (feet)	25

D. DIMENSIONAL STANDARDS – SINGLE-FAMILY ATTACHED/ DUPLEX	Traditional Format	Complies with Residential Design Guidelines
Maximum Residential Density (units/acre)	5.5	7
Minimum Lot Area (square feet)	6,000	6,000
Minimum Development Width (linear feet)	50	50
Maximum Lot Coverage (% of total area)	80	85
Minimum Street Setback (feet)	30	30
Minimum Side Setback (feet)	None	None
Minimum Rear Setback (feet)	None	None
Perimeter Setback Around Development (feet)	25	25

Maximum Building Height (feet/stories)	35/3	35/3
Minimum Spacing Between Principal Buildings on the Same Lot (feet)	25	25
E. DIMENSIONAL STANDARDS – SINGLE-FAMILY DETACHED	**Traditional Format**	**Complies with Residential Design Guidelines**
Maximum Residential Density (units/acre)	5.5	7
Minimum Lot Area (square feet)	6,000	6,000
Minimum Lot Width (linear feet)	60	50
Maximum Lot Coverage (% of lot area)	80	85
Minimum Street Setback (feet)	30	30
Minimum Side Setback (feet)	12	12
Minimum Rear Setback (feet)	25	25
Maximum Building Height (feet/stories)	35/3	35/3

F. DEVELOPMENT EXAMPLES





G. DISTRICT-SPECIFIC STANDARDS

Reserved

3.4.4. HEAVY COMMERCIAL (HC) DISTRICT

A. DISTRICT CHARACTER

The Heavy Commercial (HC) district is intended to accommodate the widest form of commercial activities, including automobile oriented commercial uses, shopping centers, large retail uses, and intensive forms of commercial development. The HC district is characterized primarily by larger lots with low-rise single-use buildings configured for easy access by patrons travelling in automobiles. Uses may include outdoor activity, and hours of operation that extend beyond typical business hours. Buildings may be single-tenant or multi-tenant. Heavy commercial uses often include surface off-street parking areas, areas of outdoor storage and display, loading areas, and often include "outparcel" lots, or a series of lots served by shared circulation and ingress/egress points. Uses in the district serve Town residents as well as visitors from other areas. The district does allow mixed-use development, including buildings with upper floor residential, though low and moderate-density residential use types are prohibited given the commercially-intense nature of the district. Heavy industrial uses are also prohibited to ensure safe and efficient commercial traffic through the district.

B. EXAMPLE LOT PATTERN



C. DISTRICT DIMENSIONAL STANDARDS

STANDARD	REQUIREMENT	
	MIXED-USE DEVELOPMENT	NON-RESIDENTIAL DEVELOPMENT
Minimum Residential Density (units/acre)	4	N/A
Minimum Lot Area (square feet)	6,000	6,000
Minimum Lot Width (linear feet)	50	50
Maximum Lot Coverage (% of lot area)	85	80
Minimum Street Setback (feet)	30	30
Minimum Side Setback (feet)	0; 5 if provided	0; 5 if provided
Minimum Rear Setback (feet)	0 if abutted by an alley; otherwise 25	0 if abutted by an alley; otherwise 25
Maximum Building Height (feet/stories)	50; height may increase by 2 feet for each additional foot of setback up to 100 feet in height	
Minimum Spacing Between Principal Buildings on the Same Lot (feet)	25	25

D. DEVELOPMENT EXAMPLES





E. DISTRICT-SPECIFIC STANDARDS

Reserved

3.4.5. LIGHT INDUSTRIAL (LI) DISTRICT

A. DISTRICT CHARACTER

The Light Industrial (LI) district is established to accommodate agricultural and light manufacturing uses, including assembly, fabrication, processing, distribution, storage, and wholesales sale of finished or semi-finished products from previously prepared materials. The district also allows commercial activities intended to serve the primary businesses in the district and their employees. Uses allowed in the district do not require large amounts of land or large building areas for operation nor large yard areas for isolation or protection from adjoining premises or activities. Activities take place almost entirely indoors and result in minimal exterior movement of vehicles, materials, and goods in areas around the district. Buildings are situated so as to have minimal visual impacts, and are well-screened from adjacent lower intensity uses. Heavy industrial uses and uses with significant adverse impacts on adjoining lands, single-family detached homes, and other low-intensity uses are prohibited.

B. EXAMPLE LOT PATTERN



C. DISTRICT DIMENSIONAL STANDARDS

STANDARD	REQUIREMENT	
	NON-RESIDENTIAL DEVELOPMENT	MIXED-USE DEVELOPMENT
Minimum Residential Density (units/acre)	N/A	3
Minimum Lot Area (square feet)	30,000	6,000/unit for residential; all others 30,000
Minimum Lot Width (linear feet)	150	150
Maximum Lot Coverage (% of lot area)	65	75
Minimum Street Setback (feet)	25	20
Minimum Side Setback (feet)	20	20
Minimum Rear Setback (feet)	25	25
Maximum Building Height (feet/stories)	50; height may increase by 2 feet for each additional foot of setback up to 100 feet in height	
Minimum Spacing Between Principal Buildings on the Same Lot (feet)	25	25

D. DEVELOPMENT EXAMPLES





E. DISTRICT-SPECIFIC STANDARDS

Reserved

3.4.6. CAMPUS INDUSTRIAL (CI) DISTRICT

A. DISTRICT CHARACTER

The Campus Industrial (CI) district is established to accommodate modern, technologically-based, clean industrial development that takes place in highly controlled environments. Buildings and site activities are organized into a campus format, where off-street parking and services are centrally located to the site and serve two or more different structures. Operations within the buildings typically include bio-engineering, pharmaceuticals, precision fabrication and assembly, light manufacturing, research and development, offices, and related activities. Processing, materials storage, and service areas take place within enclosed buildings or are screened from view. Live/work structures and upper story residential uses are allowed. The district does not allow heavy industrial or retail, except as accessory uses. Land or structures may not be used for any purpose that causes noxious or offensive odors, gas fumes, smoke, dust, vibration, or noise that substantially interferes with other nearby uses.

B. EXAMPLE LOT PATTERN



C. DISTRICT DIMENSIONAL STANDARDS

STANDARD	REQUIREMENT	
	NON-RESIDENTIAL DEVELOPMENT	MIXED-USE DEVELOPMENT
Minimum Residential Density (units/acre)	N/A	3
Minimum Lot Area (square feet)	40,000	6,000/unit for residential; all others 40,000
Minimum Lot Width (linear feet)	150	150
Maximum Lot Coverage (% of lot area)	65	75
Minimum Street Setback (feet)	25	20
Minimum Side Setback (feet)	20	20
Minimum Rear Setback (feet)	25	25
Maximum Building Height (feet/stories)	50; height may increase by 2 feet for each additional foot of setback up to 100 feet in height	
Minimum Spacing Between Principal Buildings on the Same Lot (feet)	25	25

D. DEVELOPMENT EXAMPLES



E. DISTRICT-SPECIFIC STANDARDS

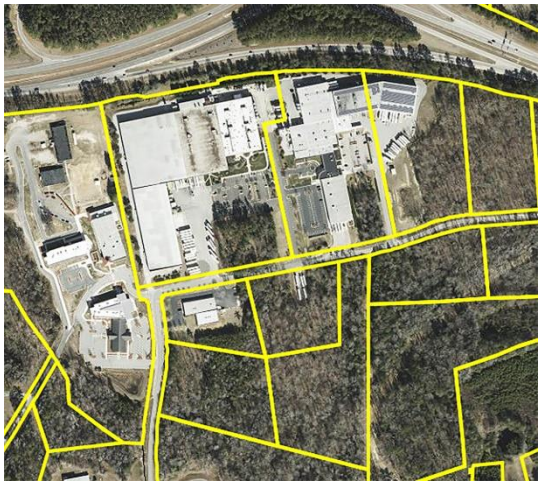
Reserved

3.4.7. HEAVY INDUSTRIAL (HI) DISTRICT

A. DISTRICT CHARACTER

The Heavy Industrial (HI) district is established to accommodate heavy manufacturing, assembly, fabrication, processing, distribution, storage, and research and development. It is typically located in areas with good access to surface transportation by trucks and rail. Development takes place on larger lots and is often enclosed by security fencing. The district accommodates large-scale industrial uses including outdoor operations or storage with extensive movement of vehicles, materials, and goods, truck traffic and greater potential for adverse environmental and visual impacts on neighboring lands. The district also allows limited forms of heavier commercial use types but residential development is prohibited (except for caretaker quarters as an accessory use). District standards are intended to prevent the establishment of any use types that would interrupt industrial operations.

B. EXAMPLE LOT PATTERN



C. DISTRICT DIMENSIONAL STANDARDS

STANDARD	REQUIREMENT
Minimum Lot Area (square feet)	30,000
Minimum Lot Width (linear feet)	150
Maximum Lot Coverage (% of lot area)	60
Minimum Street Setback (feet)	25
Minimum Side Setback (feet)	20
Minimum Rear Setback (feet)	25
Maximum Building Height (feet/stories)	50; height may increase by 2 feet for each additional foot of setback up to 100 feet in height
Minimum Spacing Between Principal Buildings on the Same Lot (feet)	25

D. DEVELOPMENT EXAMPLES



E. DISTRICT-SPECIFIC STANDARDS

Reserved

3.5. GENERAL MIXED USE ZONING DISTRICTS

3.5.1. SUMMARY PURPOSE AND INTENT STATEMENTS

The mixed use zoning districts are intended to accommodate development that mixes or blends different use types. More specifically, they are intended to:

A. Foster developments that mix residential and non-residential uses in the same building or in different buildings on the same development site;

B. Provide for living, shopping, and employment opportunities within close proximity to one another in a compact and orderly fashion;

C. Reduce dependence on the need for travel in an automobile to meet daily needs;

D. Encourage vibrant neighborhoods and centers of economic activity;

E. Allow for master planned development that surpasses the minimum expectations for development quality established in this Ordinance; and

F. Create appropriate amounts of flexibility to foster redevelopment, infill, downtown revitalization, and economic opportunities for Town residents.

3.5.2. OFFICE INSTITUTIONAL (OI) DISTRICT

A. DISTRICT CHARACTER	B. EXAMPLE LOT PATTERN
The Office Institutional (OI) District is established to accommodate office uses, institutional facilities, educational uses, research and development facilities, corporate headquarters, and multi-family residential uses in high quality single-building and multi-building developments. Buildings have a wide range of sizes and heights, based on their function. The district also accommodates the ancillary service uses necessary to support the predominant office and institutional development, but is not intended as a retail district. Retail, personal service, and other commercial uses permitted as accessory to an office or institutional use should not occupy more than ten percent of the floor area and should be configured to minimize visibility from off-site areas. The OI district also serves as a transition area between higher intensity commercial uses and nearby lower density single-family residential neighborhoods. Development in the OI district is subject to design standards to ensure it maintains compatibility with its surroundings.	

C. DIMENSIONAL STANDARDS- NONRESIDENTIAL	
Minimum Lot Area (square feet)	6,000
Minimum Lot Width (linear feet)	50
Maximum Lot Coverage (% of lot area)	65
Minimum Street Setback (feet)	20
Minimum Side Setback (feet)	None; 5 if provided
Minimum Rear Setback (feet)	25
Maximum Building Height (feet/stories)	30; may be increased by 2 feet for every additional foot of setback provided beyond the min.
Minimum Spacing Between Principal Buildings on the Same Lot (feet)	25

D. DIMENSIONAL STANDARDS- MIXED-USE	
Maximum Residential Density (units/acre)	7
Minimum Lot Area (square feet)	6,000
Minimum Lot Width (linear feet)	50
Maximum Lot Coverage (% of lot area)	70
Minimum Street Setback (feet)	20
Minimum Side Setback (feet)	None; 5 if provided
Minimum Rear Setback (feet)	25
Maximum Building Height (feet/stories)	30; may be increased by 2 feet for every additional foot of setback provided beyond the min.
Minimum Spacing Between Principal Buildings on the Same Lot (feet)	25

E. DIMENSIONAL STANDARDS- RESIDENTIAL	Traditional Format	Complies with Residential	Bungalow Court/Pocket Neighborhood

		Design Guidelines	
SINGLE-FAMILY DETACHED DEVELOPMENT			
Maximum Development Size (acres)	N/A	N/A	3 (max. size)
Maximum Residential Density (units/acre)	5.44	6	4
Minimum Lot Area (square feet)	8,000	7,200	6,000
Minimum Lot Width (linear feet)	70	70	30
Maximum Lot Coverage (% of lot area)	30	35	30
Minimum Street Setback (feet)	30; may be reduced to 20 measured to front edge of a covered porch		20; 0 from alley
Minimum Side Setback (feet)	10	10	5/side
Minimum Rear Setback (feet)	25	25	15
Maximum Building Height (feet/stories)	35/3	35/3	35/3
DUPLEX DEVELOPMENT			
Maximum Residential Density (units/acre)	4.15	6	N/A
Minimum Lot Area (square feet)	10,500/unit	7,200/unit	
Minimum Lot Width (linear feet)	95	95	
Maximum Lot Coverage (% of lot area)	30	35	
Minimum Street Setback (feet)	30; may be reduced to 20 measured to front edge of a covered porch		
Minimum Side Setback (feet)	12	12	
Minimum Rear Setback (feet)	25	25	
Maximum Building Height (feet/stories)	35/3	35/3	
Minimum Spacing Between Principal Buildings on the Same Lot (feet)	25	25	
SINGLE-FAMILY ATTACHED DEVELOPMENT			
Maximum Residential Density (units/acre)	4.15	6	N/A
Minimum Lot Area (square feet)	10,500/unit	7,200/unit	
Minimum Development Width (linear feet)	140	120	
Maximum Lot Coverage (% of total area)	30	35	
Minimum Street Setback (feet)	5 from interior streets		
Minimum Side Setback (feet)	None		
Minimum Rear Setback (feet)	None		
Minimum Perimeter Setback Around Development (feet)	25	25	
Maximum Building Height (feet/stories)	35/3	35/3	
Minimum Spacing Between Principal Buildings on the Same Lot (feet)	25	25	
TRIPLEX/QUADPLEX DEVELOPMENT			
Minimum Development Size (acres)	1	N/A	N/A
Maximum Residential Density (units/acre)	6		

Minimum Lot Area (square feet)	7,200/unit		
Minimum Development Width (linear feet)	120		
Maximum Lot Coverage (% of total area)	35		
Minimum Street Setback (feet)	30		
Minimum Side Setback (feet)	12		
Minimum Rear Setback (feet)	25		
Maximum Building Height (feet/stories)	40/3		
Minimum Spacing Between Principal Buildings on the Same Lot (feet)	25		
MULTI-FAMILY DEVELOPMENT			
Maximum Residential Density (units/acre)	12	N/A	N/A
Minimum Development Width (linear feet)	120		
Maximum Lot Coverage (% of total area)	40		
Minimum Street Setback (feet)	5 from interior streets		
Minimum Side Setback (feet)	None		
Minimum Rear Setback (feet)	None		
Minimum Perimeter Setback Around Development (feet)	25		
Maximum Building Height (feet/stories)	50/4		
Minimum Spacing Between Principal Buildings on the Same Lot (feet)	25		

F. DEVELOPMENT EXAMPLES





G. DISTRICT-SPECIFIC STANDARDS

Reserved

3.5.3. DOWNTOWN CORE (DTC) DISTRICT

A. DISTRICT CHARACTER

The Downtown Core (DTC) district is the cultural and commercial heart of Zebulon. It contains the oldest commercial structures of three to four stories organized in uniform fashion on grid streets. The need for segregation of uses is limited except as necessary to avoid negative impacts from noxious or heavy industrial uses. Development is configured for an urban context. Buildings are built to the street with ground-floor nonresidential uses that energize pedestrian activity. There are civic gathering spaces and cultural attractions. The DTC district encourages mixed-use development and redevelopment of existing and underutilized lands with a greater emphasis placed on urban form and compatibility then on use type. The purpose of the DTC district is to preserve and protect the established development character while encouraging redevelopment and infill that is consistent with the established character of the district.

B. EXAMPLE LOT PATTERN



C. DIMENSIONAL STANDARDS

Maximum Residential Density (units/acre)	16
Minimum Lot Area (square feet)	None
Minimum Lot Width (linear feet)	None
Maximum Lot Coverage (% of lot area)	100
Minimum Lot Frontage Occupied by Building Wall and/or Public Gathering Area (% of lot frontage)	90
Minimum Street Setback (feet)	Must be within 150% of the average of lots on either side
Maximum Street Setback (feet)	30
Minimum Setback for Off-Street Parking (feet)	20
Minimum Side Setback (feet)	None; 3 if provided
Minimum Rear Setback (feet)	None
Minimum Building Height (feet)	15
Maximum Building Height (feet/stories)	60/5
Minimum Spacing Between Principal Buildings on the Same Lot (feet)	In accordance with applicable Fire Code
Minimum Required Open Space Set-Aside (% of lot area)	None

D. DEVELOPMENT EXAMPLES



placeholder

E. DISTRICT-SPECIFIC STANDARDS

1. BOUNDARY MODIFICATIONS

Applications seeking to reduce or remove lots from the DTC boundary or amend a DTC lot designation shall be prohibited unless initiated by the Board of Commissioners.

2. OFF-STREET PARKING AND LOADING

a. No minimum off-street vehicular parking is required, but if provided, it shall comply with the standards in Section 5.8.5, Parking Lot Configuration, except that landscaping shall not be required.

b. If off-street parking spaces or loading spaces are provided, they shall be at least 20 feet from a lot line and shall be either be either behind a building wall, screening wall meeting the standards of Level 4 (see Table 5.10.5, Screening Methods) or better, or be within a parking structure.

3. LANDSCAPING

Except for the provision of street trees in accordance with Section 5.6.13, Street Trees, landscaping is not required.

4. SCREENING

All service areas, equipment, and similar site features shall be screened in accordance with Section 5.10, Screening.

5. SIGNAGE

Signage types shall be limited to wall signs, window signs, projecting signs, ground signs, and suspended signs in accordance with Section 5.11, Signage.

6. EXTERIOR LIGHTING

Exterior lighting shall be provided in a manner necessary to illuminate building entrances and outdoor access to sidewalks and public gathering areas.

7. FENCES & WALLS

a. Fences shall not be located between the primary entrance of a building and the front lot line.

b. Fencing and privacy walls may be used to screen parking and service features to the sides or rear of a building.

8. STREETS

New development and redevelopment shall protect and extend mid-block and rear loaded alleys, to the maximum extent practicable.

9. SIDEWALKS

Sidewalks meeting the configuration characteristics on adjacent lots shall be provided between all building walls and an abutting street right-of-way.

10. BLOCK LENGTHS

The established pattern of streets and blocks shall be continued and shall not be interrupted or blocked by new buildings.

11. PUBLIC UTILITIES

Public water, public sewer, and street drainage infrastructure shall be required as a part of new development and redevelopment

12. DESIGN STANDARDS

All new development and redevelopment shall be configured in accordance with the following:

- **a.** Building paint colors shall be reviewed by the Planning Director and shall be in keeping with the context and character of surrounding buildings and visually distinct from immediately adjacent structures.
- **b.** The first floor of building facades adjacent to sidewalks shall be occupied by fenestration for at least 50% of the ground floor façade from grade to a height of 12 feet.
- **c.** Primary building entrances shall face streets and sidewalks, not parking lots.
- **d.** Building facades along sidewalks shall include weather protection for pedestrians.
- **e.** Primary entrances shall be flanked by public gathering spaces, outdoor dining areas, public art, or other feature that encourages pedestrian to congregate.
- **f.** Infill and new development shall meet the Mixed-Use Design Standards in Section 5.3.2 unless regulated above.

3.5.4. DOWNTOWN PERIPHERY (DTP) DISTRICT

A. DISTRICT CHARACTER	B. EXAMPLE LOT PATTERN
The Downtown Periphery (DTP) district includes the land around the immediate core of downtown as well as peripheral land that would benefit from being included in the downtown and developed at a higher density or intensity. Land in the DTP is strongly encouraged to redevelop from its current single-use, low-intensity development pattern to higher density mixed-use forms of development where uses are mixed vertically in a single building or horizontally on the same lot or site. The establishment of additional higher density forms of residential development is the key objective for the DTP district. Also encouraged are nonresidential and institutional uses that provide an experience to visitors in addition to goods and services. Development in the DTP should be consistent with traditional southern small-town character where emphasis is placed on pedestrian travel and Town streets and buildings include public art and opportunities for residents and visitors to gather and interact. The primary purpose of the DTP district is to expand the footprint of Zebulon's downtown in ways that promote pedestrian orientation, uses that will provide activity and vibrant "street life" for a least 12 hours per day.	

C. DIMENSIONAL STANDARDS		
Maximum Residential Density (units/acre)	Single-family detached	8
	Duplex/Triplex/Quad.	10
	Single-family attached	10
	Multi-family	12
	Mixed-Use	32
Minimum Lot Area (square feet)	Residential 3,000; Non-residential 10,000	
Minimum Lot Width (linear feet)	30	
Maximum Lot Coverage (% of lot area)	85	
Minimum Lot Frontage Occupied by Building Wall and/or Public Gathering Area (% of lot frontage)	75	
Minimum Street Setback (feet)	None	
Maximum Street Setback (feet)	40; may be increased to accommodate outdoor dining or a public gathering area	
Minimum Setback for Off-Street Parking (feet)	20	
Minimum Side Setback (feet)	None; 5 if provided	
Minimum Rear Setback (feet)	15	
Minimum Building Height (feet/stories)	Residential	Non-residential & Mixed Use
	12/1	20/2; may follow the residential standards if outdoor dining or a public gathering area is provided between the

		building and the street
Maximum Building Height (feet/stories)	60/4	
Minimum Spacing Between Principal Buildings on the Same Lot (feet)	15	
Minimum Required Open Space Set-Aside (% of lot area)	10 (provided as urban set-aside)	

D. DEVELOPMENT EXAMPLES





E. DISTRICT-SPECIFIC STANDARDS

1. BOUNDARY MODIFICATIONS

Except for the establishment of a PD district, applications seeking to revise the DTP district boundary may only be proposed after completion of, or amendment to, a small area plan for the downtown by Town staff, unless this requirement is waived by the Board of Commissioners.

2. OFF-STREET PARKING AND LOADING

a. No minimum off-street vehicular parking is required, but if provided, it shall comply with the standards in Section 5.8.5, Parking Lot Configuration, except that landscaping shall not be required.

b. If off-street parking spaces or loading spaces are provided, they shall be at least 20 feet from a lot line and shall be either be either behind a building wall, screening wall meeting the standards of Level 4 or better (see Table 5.10.5, Screening Methods), or be within a parking structure.

3. LANDSCAPING

a. Except for the provision of street trees in accordance with Section 5.6.13, Street Trees, landscaping is not required.

b. Lots located in the DTP district that abut lots in different zoning district other than DTC or PD shall provide a perimeter buffer in accordance with Table 5.6.10.F, Buffer Application.

4. SCREENING

All service areas, equipment, and similar site features shall be screened in accordance with Section 5.10, Screening.

5. SIGNAGE

Signage types shall be limited to wall signs, window signs, projecting signs, ground signs, and suspended signs in accordance with Section 5.11, Signage.

6. EXTERIOR LIGHTING

Exterior lighting shall be provided in a manner necessary to illuminate building entrances and outdoor access to sidewalks and public gathering areas.

7. FENCES & WALLS

- **a.** Except for single-family residential development, fences or walls shall not be located between the primary entrance of a building and the front lot line.
- **b.** Fencing and privacy walls may be used to screen parking and service features or yards to the sides or rear of a building.

8. STREETS

- **a.** Development in the DTP district shall continue or establish a grid street pattern where no street segment shall extend more than 500 feet without another street intersection, alley intersection, or mid-block pedestrian accessway.
- **b.** New development shall dedicate and construct new streets in the DTP district.
- **c.** Private streets are prohibited within the DTP district.
- **d.** Rear- or side-loaded alleys shall be provided and dedicated to the Town wherever possible.
- **e.** In cases where a rear- or side-loaded vehicular alley is not feasible to construct, new development shall provide a mid-block public pedestrian accessway with a minimum width of 12 feet.

9. SIDEWALKS

- **a.** Sidewalks meeting the configuration characteristics on adjacent lots shall be provided between all building walls and an abutting street right-of-way.
- **b.** Building facades along sidewalks shall include weather protection for pedestrians.

10. PEDESTRIAN ACCESSWAYS

Improved pedestrian accessways shall be provided between the primary entrance of all multi-family, non-residential, and mixed-use buildings and the adjacent public sidewalk system or public mid-block pedestrian accessways.

11. BLOCK LENGTHS

The established pattern of streets and blocks shall be continued and shall not be interrupted or blocked by new buildings.

12. PUBLIC UTILITIES

Public water, public sewer, and street drainage infrastructure shall be required as a part of new development and redevelopment

13. DESIGN STANDARDS

- **a.** All new development and redevelopment shall be configured in accordance with the applicable design standards in Section 5.3, Design Standards.
- **b.** An applicant may propose development that deviates from the applicable design standards subject to special review by the TRC, who shall determine if the proposed deviations:
  - **i.** Maintain consistency with the Town's adopted policy guidance;
  - **ii.** Support the purpose and intent statements of the DTP district generally,
  - **iii.** Result in a higher quality of development than would have otherwise resulted from a strict application of the design standards; and
  - **iv.** Mitigate any potential negative impacts that may result from the deviation.

14. COMPATIBILITY STANDARDS

New multi-family, non-residential, and mixed-use development that abuts or is across a street from single-family detached dwelling located in a different zoning district (other than DTC or PD) shall be configured in accordance with the following standards:

- **a.** The building shall maintain a maximum height of two stories or less within 150 linear feet of a lot line subject to these compatibility standards;

b. The use shall not include speakers that produce music or other noise that is audible beyond the lot line;

c. Drive throughs or other vehicular-related service area shall not be adjacent to a lot line subject to these compatibility standards;

d. Surface off-street parking areas that abut a lot line subject to these compatibility standards shall be screened by an opaque fence or privacy wall with a minimum height of six feet above grade;

e. Vending machines, service areas, mechanical equipment, loading areas, and similar functional elements shall be located as far as possible from lot lines subject to these compatibility standards, or shall be configured in a manner that prevents any negative impacts (visual, auditory, or otherwise); and

f. Refuse collection, recycling, and other waste-related activities shall be located as far as possible from a lot line subject to these standards.

3.5.5. REGIONAL MIXED-USE (RMU) DISTRICT

A. DISTRICT CHARACTER	B. EXAMPLE LOT PATTERN
The Regional Mixed Use (RMU) district is established to facilitate the development of vibrant, compact, and pedestrian-friendly "town center" areas. It aims to integrate a mix of residential, commercial, civic, and open space uses within a single cohesive development. This district encourages a high quality of life, efficient land use, and reduced dependency on automobiles by fostering a walkable urban environment.	

C. DIMENSIONAL STANDARDS	
Minimum Lot Area (square feet)	None
Minimum Lot Width (linear feet)	100
Maximum Lot Coverage (% of lot area)	75
Minimum Street Setback (feet)	None
Maximum Front Street Setback (feet)	15 Feet, unless the front area is used for outdoor public seating, plazas, or green space, in which additional feet for these purposes may be granted
Minimum Setback for Off-Street Parking (feet)	20
Minimum Side Setback (feet)	None; 5 if provided
Minimum Rear Setback (feet)	15
Maximum Building Height (feet/stories)	75/5
Minimum Spacing Between Principal Buildings on the Same Lot (feet)	None; 10 if provided
Minimum Required Open Space Set-Aside (% of lot area)	15% of development area, with at least half dedicated to urban open space or purposely constructed passive open space (site features listed in 5.7.5.A,2 are not creditable to this requirement.)

D. DEVELOPMENT EXAMPLES





E. DISTRICT-SPECIFIC STANDARDS

1. MASTER PLAN REQUIREMENT

- **a.** To rezone a tract of land to RMU, the applicant must establish a district master plan in addition to all other materials required for rezoning. This ensures that development within the RMU district substantially aligns with the Comprehensive Plan;
- **b.** Subsequent development applications, project phasing, and non-residential site plan review shall demonstrate substantial consistency with the master plan in addition to other applicable standards;
- **c.** Subdivisions within an RMU district shall substantially conform to the master plan;
- **d.** The master plan shall include the following features:
  - **i.** Depiction of development for all contiguous parcels under common ownership, with no more than 15 acres required per rezone application;
  - **ii.** On-site transportation circulation system, including the general location of public streets, existing or projected transit service, pedestrian and vehicular circulation features, and connections to existing and planned systems;
  - **iii.** Description of the development area, including acreage, types and mix of land uses, number of residential units (by use type), nonresidential floor area (by use type), residential density, and nonresidential intensity. The master plan applicant can provide a reasonable range for these figures, if necessary;
  - **iv.** General configuration and relationship of the principal elements of the proposed development, including general building types;
  - **v.** General location, amount, and type (active, passive, or urban) of open space, with at least 15% of the site dedicated to plaza or green space;
  - **vi.** Identification of environmentally sensitive lands, wildlife habitat, and resource protection areas;
  - **vii.** General location of on-site potable water and wastewater facilities and connections to existing systems;
  - **viii.** General location of on-site stormwater management facilities and connections to existing public systems;
  - **ix.** Phasing plan, if applicable.

2. STREET DESIGN STANDARDS

- **a.** Development in the RMU district shall establish a grid street pattern;
- **b.** Except in cases where an arterial street must be constructed, no street segment shall extend more than 500 feet without another street intersection, alley intersection, or mid-block pedestrian accessway;
- **c.** Any arterial street segment shall require pedestrian accessway every 750 feet;

d. New development shall dedicate and construct new streets in RMU district in accordance with the master plan;

e. Separate pedestrian and bicycle facilities must be provided on all streets. This can be achieved in the following ways:

i. Establishment of pedestrian street through a minimum 26-foot right-of-way only for non-motorized and emergency traffic, to serve as a primary street for the purposes of building siting;

ii. A shared-use path with a 10 ft minimum width on both sides of the street;

iii. Separate bicycle lane and sidewalks, with the bicycle lines physically separated from the vehicular travel lanes, all on both sides of the street except for when a two-way cycle track can be constructed on one side of the street;

iv. In areas with single-family, duplexes, or townhomes only, a shared bicycle/vehicular street with off-street sidewalks, all on both sides of the street;

f. Street parking shall be permitted on all streets wherever feasible;

g. All street parking must occur between vehicular travel lanes and bicycle lanes when bicycle lanes are present;

h. Private streets are prohibited within the RMU district; and

i. Rear- or side-loaded alleys shall be provided and dedicated to the Town wherever possible.

3. BUILDING AND SITE DESIGN

a. All non-residential, and mixed residential/non-residential development shall be configured in accordance with the applicable design standards in Section 5.3.2, Mixed-Use Design Standards**;**

b. All multi-family development can either 5.3.2 or 5.3.3 Multifamily Residential Design Standards;

c. Parcels featuring single-family, duplexes, or townhomes shall meet the dimensional standards of the Residential Urban (R6) district;

d. Development in the RMU zone shall conform to the following additional standards:

i. Buildings which front a right-of-way for non-motorized traffic must provide vehicular access is provided via rear alley way or parking area;

ii. Buildings may have a primary entrance that faces a side parking lot provided an equally prominent entrance is provided at the street front;

iii. Shade trees must be planted at 30-foot intervals within public spaces;

iv. RMU developments are exempt from parking minimums; however, parking lots remain subject to all other standards;

v. Shared parking is encouraged; and

vi. No specific buffering standards are required between use types within an RMU district, but a Type C buffer shall be required at the perimeter of the district master plan and shall be developed in accordance with project phasing.

4. COMPATIBILITY STANDARDS

New multi-family, non-residential, and mixed-use development that abuts or is across a street from a single-family detached dwelling located in a Residential Zoning District shall be configured in accordance with the following standards:

a. The building shall maintain a maximum height of two stories or less within 150 linear feet of a lot line subject to these compatibility standards;

b. The use shall not include speakers that produce music or other noise that is audible beyond the lot line;

c. Drive-throughs or other vehicular-related service area shall not be adjacent to a lot line subject to these compatibility standards;

d. Surface off-street parking areas that abut a lot line subject to these compatibility standards shall be screened by an opaque fence or privacy wall with a minimum height of six feet above grade;

e. Vending machines, service areas, mechanical equipment, loading areas, and similar functional elements shall be located as far as possible from lot lines subject to these compatibility standards, or shall be configured in a manner that prevents any negative impacts (visual, auditory, or otherwise); and;

f. Refuse collection, recycling, and other waste-related activities shall be located as far as possible from a lot line subject to these standards.

5. AMENDING THE MASTER PLAN

a. The property owner, authorized agent thereof, or a developer with authorization from the property owner or their agent, may submit an application to amend the master plan.

b. The Planning Director shall determine if the amendment can be approved administratively or must proceed to the Board of Commissioners.

c. The Planning Director may grant the following changes administratively:

i. A change not exceeding 10% in the number of residential units (by use type), non-residential area (by type), residential density, or non-residential intensity.

ii. Relocation of public utilities provided service levels remain consistent with the current master plan.

iii. Adjustment of the perimeter buffer if the master plan footprint expands or retracts.

iv. Any changes allowed through Administrative Adjustment Procedures (Section 2.2.1); and

d. If the Planning Director determines the requested amendment exceeds these standards, the Board of Commissioners shall review and decide the request after a public hearing.

3.5.6. PLANNED DEVELOPMENT (PD) DISTRICT

A. PURPOSE AND INTENT

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

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

B. GENERAL STANDARDS FOR ALL PLANNED DEVELOPMENTS

1. HOW ESTABLISHED

A planned development is established in a manner similar to the establishment of a conditional zoning district in accordance with the procedures and requirements in Section 2.2.13, Planned Development.

2. MASTER PLAN REQUIRED

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

- **a.** Include a statement of planning objectives for the district;
- **b.** Describe the specific ways in which any modifications to the generally applicable standards in this Ordinance will result in a development of higher quality than would have otherwise resulted if the development was established without any proposed modifications to the standards in this Ordinance.
- **c.** Identify the general location of individual development areas, identified by land use(s) and/or development density or intensity;
- **d.** Depict the general configuration and relationship of the principal elements of the proposed development, including general building types;
- **e.** Identify for the entire district and each development area the acreage, types and mix of land uses, number of residential units (by use type), nonresidential floor area (by use type), residential density, and nonresidential intensity;
- **f.** Identify the general location, amount, and type (whether designated for active, passive, or urban) of open space;

g. Identify the location of environmentally sensitive lands, wildlife habitat, and resource protection lands;

h. Identify the on-site transportation circulation system, including the general location of all public and private streets, existing or projected transit service, pedestrian and vehicular circulation features, and how they will connect with existing and planned systems;

i. Identify the general location of on-site potable water and wastewater facilities, and how they will connect to existing systems;

j. Identify the general location of on-site stormwater management facilities, and how they will connect to existing public systems; and

k. Identify the general location of all other on-site public facilities serving the development, including but not limited to parks, schools, bus shelters, and facilities for fire protection, police protection, EMS, and solid waste management.

3. COMPLIANCE WITH SUBDIVISION STANDARDS

Planned developments that include the division of land into two or more lots shall be subject to the subdivision standards in Article 6: Subdivisions, and shall be subject to the requirements of Section 2.2.14, Preliminary Plat, and Section 2.2.10, Final Plat, prior to the issuance of a building permit.

4. SITE PLAN REVIEW

a. The planned development master plan may take the form of a generalized concept plan for development that provides a general indication of building and site feature location, or may it may be configured to the level of detail associated with site plans and construction drawings depicting exact building placement, location and profile of public infrastructure, and configuration of site features like parking, landscaping, and similar elements.

b. In cases where the master plan is more general or conceptual in nature, the development proposed in the planned development designation shall also undergo site plan review in accordance with Section 2.2.17, Site Plan.

c. In cases where the master plan is detailed and meets the minimum requirements for a site plan in the opinion of the Board of Commissioners, the applicant shall request, and the Board of Commissioners may grant an exemption from subsequent site plan review.

d. If a site plan review exemption is granted by the Board of Commissioners, the proposed development shall fully comply with the development configuration depicted in the planned development master plan. Failure to comply with the approved master plan configuration shall require an amendment of the planned development application in accordance with Section 2.2.17.I, Amendment.

5. DENSITIES/INTENSITIES

The densities for residential development and the intensities for nonresidential development applicable in each development area of a PD district shall be as established in the master plan, and shall be consistent with adopted policy guidance.

6. DIMENSIONAL STANDARDS

The dimensional standards applicable in each development area of a PD district shall be as established in the master plan. The master plan shall include at least the following types of dimensional standards:

a. Minimum lot area;

b. Minimum lot width;

c. Minimum and maximum setbacks;

d. Maximum lot coverage;

e. Maximum building height;

f. Maximum individual building size;
g. Floor area ratio; and
h. Minimum setbacks from adjoining residential development or residential zoning districts.

7. DEVELOPMENT STANDARDS

a. All development in a PD district shall comply with the development standards of Article 5: Development Standards, and the subdivision and infrastructure design standards of Article 6: Subdivisions, unless modified in accordance with this section.
b. In no instance shall a planned development district seek to modify, waive, or reduce any of the following standards:
  i. Section 3.8, Overlay Zoning Districts; or
  ii. Section 6.5, Owners' Associations.
c. In cases where a planned development district is proposed as part of redevelopment of an existing site and the existing site does not comply with the standards in subsection (b) above, the development contemplated in the planned development shall not be required to achieve full compliance, but shall not increase the degree to which the development fails to comply with the standards in subsection (b) above.

8. CONSISTENCY WITH ADOPTED POLICY GUIDANCE

The PD zoning district designation, the master plan, and the terms and conditions document should be consistent with the Comprehensive Plan, and any applicable functional plans and small area plans adopted by the Town.

9. COMPATIBILITY WITH SURROUNDING AREAS

Development along the perimeter of a PD district shall be compatible with adjacent existing or proposed development. Where there are issues of compatibility, the master plan shall provide for transition areas at the edges of the PD district that provide for appropriate buffering and/or ensure a complementary character of uses. Determination of complementary character shall be based on densities/intensities, lot size and dimensions, building height, building mass and scale, hours of operation, exterior lighting, siting of service areas, or other aspects identified by the Board of Commissioners.

10. DEVELOPMENT PHASING PLAN

If development in the PD district is proposed to be phased, the master plan shall include a development phasing plan that identifies the general sequence or phases in which the district is proposed to be developed, including how residential and nonresidential development will be timed, how infrastructure (public and private) and open space will be provided and timed, and how development will be coordinated with the Town's capital improvements program.

11. CONVERSION SCHEDULE

a. The planned development application may include a conversion schedule that identifies the extent to which one type of residential use may be converted to another type of residential use or one type of nonresidential use may be converted to another type of nonresidential use (i.e., residential to residential, or nonresidential to nonresidential). These conversions may occur within development areas and between development areas, as long as they occur within the same development phase, as identified by the approved development phasing plan, and are consistent with established extents of conversion set down in the conversion schedule.
b. In the event an applicant seeks to revise the development in accordance with an approved conversion schedule, the applicant shall provide a revised site plan depicting the proposed conversions to the TRC for review and approval prior to commencing any conversions.

12. ON-SITE PUBLIC FACILITIES

a. DESIGN AND CONSTRUCTION

The master plan shall establish the responsibility of the developer/landowner to design and construct or install required and proposed on-site public facilities in compliance with applicable Town, state, and federal regulations.

b. DEDICATION

The master plan shall establish the responsibility of the developer/landowner to dedicate to the public the right-of-way and easements necessary for the construction or installation of required and proposed on-site public facilities in compliance with applicable Town, state, and federal regulations.

c. MODIFICATIONS TO STREET STANDARDS

In approving a master plan, the Board of Commissioners may approve modifications or reductions of street design standards—including those for right-of-way widths, pavement widths, required materials, provision of public transit amenities, and turning radii, with NCDOT approval, on finding that:

- **i.** The master plan provides for adequate separation/integration of vehicular, pedestrian, and bicycle traffic;
- **ii.** Access for emergency service vehicles is not substantially impaired;
- **iii.** Adequate parking is provided for the uses proposed; and
- **iv.** Adequate space for public utilities is provided within the street right-of-way.

13. USES

The uses allowed in a PD district are identified in Table 4.2.3, Principal Use Table, as allowed subject to a master plan. Allowed uses shall be established in the master plan. Allowed uses shall be consistent with adopted policy guidance, the purpose of the particular PD district, and subject to any additional limitations or requirements set forth in Section 4.3, Use-Specific Standards, for the PD district. Nothing shall limit an applicant from seeking to modify an otherwise applicable use-specific standard in accordance with the standards in Section 3.5.5.B.2, Master Plan Required.

C. PLANNED DEVELOPMENT TERMS AND CONDITIONS

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

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

D. AMENDMENTS TO APPROVED MASTER PLAN

Amendments or modifications to a master plan shall be considered in accordance with the standards in Section 2.2.13, Planned Development.

3.6. CONDITIONAL DISTRICTS

3.6.1. PURPOSE AND INTENT

The purpose of this conditional zoning districts section is to establish the range of available conditional zoning districts available for establishment in accordance with Section 2.2.24, Zoning Map Amendment. More specifically, these standards are intended to:

A. Provide an alternative to general zoning districts when a general zoning district may allow a range of uses that could have adverse impacts on public facilities or surrounding lands;

B. Create an adequate amount of flexibility in addressing the standards of this Ordinance to accommodate unique site-specific conditions or contexts;

C. Allow a landowner to propose, and the Board of Commissioners to consider, additional conditions or restrictions on the range of allowable uses, use-specific standards, development intensities, development standards, and other applicable regulations;

D. Allow a landowner to propose, and the Board of Commissioners to consider, a reduction in some development standards that would otherwise apply; and

E. Establish a legislative means to accommodate desirable development while avoiding or addressing anticipated problems that may arise from the proposed development.

3.6.2. CREATION

Land shall be classified into a conditional zoning district only in accordance with the procedures and requirements set forth in Section 2.2.6, Conditional Rezoning.

3.6.3. DISTRICTS ESTABLISHED

The conditional zoning districts, each bearing the designation "C" after the district name, are established in Table 3.1.3, Zoning Districts Established.

3.6.4. CONDITIONS, GENERALLY

Applications for the establishment of a conditional zoning district shall include conditions proposed in accordance with the following standards:

A. Conditions associated with a conditional zoning district may be proposed by an applicant or the Board of Commissioners. Regardless of how proposed, only those conditions agreed to by both the applicant and the Board of Commissioners shall be included in the approved conditional rezoning.

B. Conditions shall be subject to the standards in Section 2.2.6.L, Conditions of Approval.

C. Conditions associated with a conditional rezoning application may be either more restrictive or less restrictive than the standards applicable to the parallel general zoning district.

D. In cases where proposed conditions are less restrictive, the applicant shall provide an explanation as to why the proposed condition(s) is necessary, and the ways in which approval of the less restrictive condition(s) will result in development that is in closer alignment with the provisions in Section 1.4, Purpose and Intent, and the Town's adopted policy guidance.

E. Applicants are strongly encouraged to provide mitigation for any potential negative impacts anticipated to result from proposed conditions that are less restrictive than the parallel zoning district requirements.

F. Unless specifically modified in accordance with an approved condition, development in a conditional zoning district shall be subject to all the use and development standards and requirements that apply to development in the parallel general zoning district.

3.6.5. LIMITATIONS ON CONDITIONS

In no instance shall any of the following standards in this Ordinance be waived or reduced as part of an application for a conditional rezoning:

A. Any of the applicable overlay district standards in Section 3.8, Overlay Zoning Districts;

B. The maximum allowable residential density unless the landowner voluntarily complies with the provisions in Section 5.2, Design Guidelines, or the development is subject to a sustainable development incentive in accordance with Section 5.12, Sustainability Incentives;

C. Any applicable conservation subdivision standards in Section 6.2, Conservation Subdivision;

D. The multi-family design standards in Section 5.3.3, Multi-Family Residential Design Standards;

E. The commercial design standards in Section 5.3.1, Commercial Design Standards;

F. The mixed-use design standards in Section 5.3.2, Mixed-Use Design Standards;

G. The applicable greenway standards in Section 6.4, Greenways; and

H. The street and sidewalk standards in Section 6.10, Streets, and Section 6.8, Sidewalks.

3.6.6. DEVELOPMENT CONCEPT REQUIRED

A. All applications to establish a conditional zoning district classification shall be supplemented with one of the following:

1. A general written description of the proposed development configuration and associated conditions;

2. A conceptual plan depicting the generalized location of proposed development and site features of sufficient detail to depict the proposed conditions; or

3. A detailed plan meeting the minimum requirements for a site plan (see Section 2.2.17, Site Plan) that depicts building placement(s) and size(s) as well as the configuration of all site features along with the proposed conditions.

B. Development proposed in a conditional rezoning application that does not include a detailed plan describe in sub-section (3) above shall be subject to the requirements and procedures in Section 2.2.17, Site Plan, prior to the issuance of a building permit.

C. In cases where the plan associated with a conditional rezoning is detailed and meets the minimum requirements for a site plan in the opinion of the Board of Commissioners, the applicant shall request, and the Board of Commissioners may grant an exemption from subsequent site plan review.

D. If a site plan review exemption is granted by the Board of Commissioners, the proposed development shall fully comply with the development configuration depicted in the conditional rezoning application. Failure to comply with the plan approved as part the conditional rezoning shall require an amendment of the conditional rezoning application in accordance with Section 2.2.6.N, Amendment.

3.6.7. COMPLIANCE WITH SUBDIVISION REQUIREMENTS

Conditional rezoning proposals that include the division of land into two or more lots shall be subject to the subdivision standards in Article 6: Subdivisions, and shall be subject to the requirements of Section 2.2.14, Preliminary Plat, and Section 2.2.10, Final Plat, prior to the issuance of a building permit.

3.6.8. RELATIONSHIP TO OVERLAY DISTRICT STANDARDS

Regulations governing development in an overlay zoning district shall apply in addition to the regulations governing development in the conditional zoning district. If the standards governing a conditional zoning district expressly conflict with those governing an overlay zoning district, the more restrictive standards shall control.

3.7. SPECIAL USE DISTRICTS

3.7.1. PURPOSE AND INTENT

The purpose of the Special Use Districts (SUD) is to promote greater land use compatibility by allowing landowners to voluntarily place their properties within classifications in which a special use permit is required as a prerequisite to any use or development, subject to all of the terms and conditions adopted as part of the establishment of the special use district designation.

3.7.2. DISTINGUISHED FROM GENERAL OR CONDITIONAL ZONING DISTRICTS

A. Special use districts differ from general and conditional zoning districts because land in a special use district is subject to the terms and conditions of approval embodied in a special use permit that is attached to the approval of the amendment of the Official Zoning Map that establishes the special use district. The special use permit identifies the limitations, conditions, and other terms that apply to all development within a particular special use district and runs with the land until the zoning district designation is changed.

B. The special use permit applicable to land in a special use district is on file and is available for inspection in the offices of the Planning Department.

3.7.3. DISTRICTS ESTABLISHED

This Ordinance hereby establishes the following special use districts:

A. The Residential 13 Special Use District (R-13-SUD); and

B. The Commercial Amusement Special Use District (CA-SUD).

3.7.4. REVISION OR AMENDMENT

A. Any changes to the development located within a special use district shall require approval of an amendment to the Official Zoning Map in accordance with Section 2.2.6, Conditional Rezoning, Section 2.2.13, Planned Development, or Section 2.2.24, Zoning Map Amendment, as appropriate.

B. In no instance shall new lands be designated with the R-13-SUD or the CA-SUD zoning district classification after January 1, 2020.

3.7.5. ADDITIONAL STANDARDS FOR THE CA-SUD DISTRICT

In addition to the special use permit applicable to lands designated CA-SUD, the following standards shall also apply:

A. DISTRICT PURPOSE

For the purpose of promoting the health, safety and general welfare through the provision of suitable locations and standards of development for recreational, open space and amusement enterprises, there is hereby established a Commercial Amusement Special Use District. It is recognized that the public interest is best served by the district for high intensity uses, especially those designed to accommodate 1,000 persons or more, to provide for orderly and flexible development process. This district is adopted for the purposes of:

1. Permitting the use and development, on sites of suitable size and location, of stadiums, athletic fields, arenas, fairgrounds, convention centers and similar facilities in which 1,000 or more persons may be accommodated for a single or variety of purposes at one time;
2. Ensuring that the uses will be located at suitable locations and that appropriate standards of development will be undertaken to minimize negative impacts on adjoining properties; and
3. Providing a means of public-private partnership in development projects that promote the public welfare.

B. BASIC REQUIREMENTS

In furtherance of the above, the Commercial Amusement Special Use District is established as a district which:

1. Requires a more stringent review process for development standards than is imposed on conventional zoning districts;
2. Permits uses which are high traffic generators only if they are developed according to an approved development plan and defined standards which, together with certain incentives, are intended to encourage the clustering of uses under a single site plan served by a common system of ingress and egress; and
3. Requires landscaping of exterior yards, the provision of open space and the conservation of land.

C. MINIMUM DISTRICT SIZE

No application for a rezoning to Commercial Amusement Special Use District shall be considered for any area of less than ten acres of contiguous land.

D. TRANSITIONAL LANDSCAPING REQUIRED

1. Where any proposed development adjoins a residentially zoned property, except across a public street, there shall be provided a 50 feet transitional yard made of dense trees or shrubbery at least six feet high.
2. Where any proposed development adjoins a non-residential property, there shall be provided 25 feet of transitional yard which shall contain trees or a screening device.

E. MAXIMUM AMOUNT OF LAND DEVOTED TO BUILDINGS

1. No more than 30 percent of the land area, exclusive of parking and street surfaces, shall be devoted to enclosed buildings.
2. This restriction shall not apply for developments which provide no less than 10 percent of the land area as public parkland.

F. EXTERIOR LIGHTING

1. All lights shall be beamed down and away from adjoining properties.
2. To the extent practicable, all lights produced on site shall be contained within the perimeter of the site by design, orientation or shielding of the light source.

G. ALLOWABLE ACCESSORY USES

Accessory uses and structures incidental to any permitted use such as but not limited to concession stands, restaurants, stables and storage facilities shall be permitted.

H. DEVELOPMENT PHASING

1. Any development within the Commercial Amusement Special Use District shall be in accordance with a development plan approved by the Board of Commissioners. Plans shall be submitted in a similar manner as that required for preliminary subdivision plats.
2. In approving a development plan, the Board of Commissioners may authorize, because of the size of the project, phase development.
3. It is recognized that by developing in stages, it may not be possible to meet all of the purposes and standards of this part for each stage as would be the case in a single, complete development. Therefore, it is found to be reasonably necessary and expedient that provision be made for flexibility in administration of certain standards of this Ordinance to provide for temporary modifications in dealing with development in stages.
4. The Board of Commissioners is authorized to temporarily modify any development standards of this section subject to the following conditions:
   a. The Board of Commissioners, in granting any modification shall find that there is reasonable assurance that the overall development plan is viable;
   b. The spirit and intent of the purposes of this section will be maintained; and
   c. That reasonable and appropriate conditions and safeguards will be made to protect the public safety and welfare.

5. The Board of Commissioners shall fix a time and duration of like temporary modification not to exceed two years after the completion of the final stage. At the end of the time or duration of any temporary modification, the development shall meet all of the standards and requirements of this section.

3.8. OVERLAY ZONING DISTRICTS

3.8.1. GENERALLY

A. PURPOSE

Overlay zoning districts are superimposed over either all or a portion of one or more underlying general zoning districts or conditional zoning districts with the intent of supplementing generally applicable development regulations with additional development regulations that address special area-specific conditions, features, or plans while maintaining the character and purposes of the underlying zoning district.

B. ESTABLISHMENT

1. Table 3.8, Overlay Zoning Districts Established, sets out the overlay zoning districts established by this Ordinance.

TABLE 3.8: OVERLAY ZONING DISTRICTS ESTABLISHED

OVERLAY DISTRICT NAME	ABBREVIATION
Flood Hazard Overlay	FHO
Gateway Corridor Overlay	GCO
Local Historic Overlay	LHO
Manufactured Home Overlay	MHO

2. Some overlay district boundaries are depicted on the Official Zoning Map, though sub-areas within individual overlay districts may be shown on other maps or diagrams which are made a part of this Ordinance and maintained by the Town.

C. CLASSIFICATION

Land shall be classified or reclassified into an overlay zoning district only in accordance with the procedures and requirements set forth in Section 2.2.24, Zoning Map Amendment, and this section.

D. RELATIONSHIP TO UNDERLYING ZONING DISTRICTS

1. Regulations governing development in an overlay zoning district shall apply in addition to the regulations governing development in the underlying general or conditional zoning district, unless otherwise expressly stated.
2. If the standards governing an overlay zoning district expressly conflict with those governing an underlying general or conditional zoning district, the standards governing the overlay district shall control, unless otherwise stated.
3. Where land is classified into multiple overlay zoning districts and the standards governing one overlay zoning district expressly conflict with those governing another overlay district, the more restrictive standard shall apply.

3.8.2. FLOOD HAZARD OVERLAY (FHO) DISTRICT

A. STATUTORY AUTHORIZATION, FINDINGS OF FACTS, PURPOSE AND OBJECTIVES

1. STATUTORY AUTHORIZATION

The Legislature of the State of North Carolina has in Part 6, Article 21 of Chapter 143; Article 6 of Chapter 153A; Article 8 of Chapter 160A; and Article 7, 9, and 11 of Chapter 160D of the North Carolina General Statutes, delegated to local governmental units the authority to adopt regulations designed to promote the public health, safety, and general welfare.

2. FINDINGS OF FACT

a. The flood hazard areas of the town are subject to periodic inundation which results in loss of life, property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures of flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety and general welfare.

b. These flood losses are caused by the cumulative effect of obstructions in floodplains causing increases in flood heights and velocities, and by the occupancy in flood hazard areas of uses vulnerable to floods or hazardous to other lands which are inadequately elevated, flood proofed, or otherwise unprotected from flood damages.

c. Impervious surfaces associated with development in a watershed have the effect of: reducing the watershed's ability to absorb stormwater; increasing the velocity of stormwater runoff; and, creating erosion from uplands and depositing sediments into floodplains; cumulatively increasing the level of flood waters within the town.

d. Minimizing construction within the flood protection areas in the town within its zoning jurisdiction has been identified as an effective means for minimizing the risk of these losses.

3. STATEMENT OF PURPOSE

It is the purpose of this part to promote public health, safety and general welfare and to minimize public and private losses due to flood conditions in specific areas by provisions designed to:

a. Restrict or prohibit uses that are dangerous to health, safety, and property due to water or erosion hazards, or which result in damaging increases in erosion, flood heights or velocities;

b. Require that uses vulnerable to floods, including facilities which serve those uses, be protected against flood damage at the time of initial construction;

c. Control the alteration of natural floodplains, stream channels, and natural protective barriers which are involved in the accommodation of flood waters;

d. Control filling, grading, dredging, and other development which may increase erosion or flood damage; and

e. Prevent or regulate the construction of flood barriers which will unnaturally divert flood waters or which may increase flood hazards to other lands.

4. OBJECTIVES

The objectives of this part are:

a. To protect human life and health;

b. To minimize expenditure of public money for costly flood control projects;

c. To minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;

d. To minimize prolonged business interruptions;

e. To minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets and bridges located in floodplains;

f. Minimize damage to private and public property due to flooding;

g. Make flood insurance available to the community through the National Flood Insurance Program;

h. Maintain the natural and beneficial functions of floodplains;

i. To help maintain a stable tax base by providing for the sound use and development of flood prone areas in such a manner as to minimize flood blight areas; and

j. To ensure that potential home buyers are notified that property is in a flood area.

5. ADDITIONAL PROVISIONS

a. The Flood Protection Overlay District is applied in combination with the existing base zoning districts and has the effect of modifying the requirements, regulations and procedures to the extent expressly indicated in this chapter.

b. Determinations for existing buildings and structures.

i. For applications for building permits to improve buildings and structures, including alterations, movement, enlargement, replacement, repair, change of occupancy, additions, rehabilitations, renovations, substantial improvements, repairs of substantial damage, and any other improvement of or work on such buildings and structures, the Floodplain Administrator, in coordination with the Building Official, shall: Estimate the market value, or require the applicant to obtain an appraisal of the market value prepared by a qualified independent appraiser, of the building or structure before the start of construction of the proposed work; in the case of repair, the market value of the building or structure shall be the market value before the damage occurred and before any repairs are made;

ii. Compare the cost to perform the improvement, the cost to repair a damaged building to its pre-damaged condition, or the combined costs of improvements and repairs, if applicable, to the market value of the building or structure;

iii. Determine and document whether the proposed work constitutes substantial improvement or repair of substantial damage; and

iv. Notify the applicant if it is determined that the work constitutes substantial improvement or repair of substantial damage and that compliance with the flood resistant construction requirements of the NC Building Code and this ordinance is required.

c. It is the intent that the Town of Zebulon shall apply the Flood Protection Overlay District to all property within the area as delineated on the official zoning map of the Town of Zebulon. Whenever the provisions of this part impose greater restrictive standards than are required in or under any other ordinance, statute or agreement, the regulations and requirements of this part shall govern. Whenever the provisions of any other ordinance, statute or agreement require more restrictive standards than are required in this part, the provisions of such ordinance, statute or agreement shall govern.

B. GENERAL FLOODPLAIN PROVISIONS

1. LANDS TO WHICH THESE STANDARDS APPLY

This section shall apply to all Special Flood Hazard Areas and Future Conditions Flood Hazard Areas within the jurisdiction, including Extra-Territorial Jurisdictions (ETJs) of the Town of Zebulon

2. BASIS FOR ESTABLISHING THE AREAS OF SPECIAL FLOOD HAZARD

The Special Flood Hazard Areas and Future Conditions Flood Hazard Areas are those identified under the Cooperating Technical State (CTS) agreement between the State of North Carolina and FEMA in its FIS dated July 19, 2022 for Wake County and associated DFIRM panels, including any digital data developed as part of the Flood Insurance Study, which are adopted by reference and declared a part of the ordinance. Future revisions to the FIS and DFIRM panels that do not change flood hazard data within the jurisdictional authority of the Town of Zebulon are also adopted by reference and declared a part of this ordinance.

a. Flood Protection Zone 1 is the full extent of the FEMA 100-year floodplain as determined by the U.S. Army Corps of Engineers, North Carolina Division of Water Quality, or USGS 7.5-minute topography maps and shall remain undisturbed. Flood Protection Zone 1 is the most dynamic and hazardous zone, carrying debris and other projectiles during times of flooding. No new development is permitted within Flood

Protection Zone 1 except for stream bank or shoreline restoration or stabilization, water dependent structures, and public or private projects such as road crossings and installations, utility crossings and installations, and greenways, where no practical alternatives exist. Flood Protection Zone 1 shall remain undisturbed in its entirety except for exempted activities described herein.

b. Flood Protection Zone 2 shall be a minimum of 50 feet landward of all sides of perennial and intermittent surface waters, streams, lakes, and ponds as determined by the U.S. Army Corps of Engineers, North Carolina Division of Water Quality, or USGS 7.5-minute topography maps and shall remain undisturbed. A surface water shall be determined present if the feature is approximately shown on either the most recent version of the soil survey map prepared by the Natural Resources Conservation Service of the United States Department of Agriculture (USDA) or the most recent version of the 1:24,000 scale (7.5 minute) quadrangle topographic maps prepared by the United States Geologic Survey (USGS). An exception to this requirement may be allowed when surface waters are not present in accordance with the provisions of I5A NCAC 2B .0233(3)(a) or similar site-specific determination made using division-approved methodology. Disturbance of existing vegetation shall be minimized to the greatest extent possible except for the installation of artificial stream bank or shoreline stabilization, water dependent structures and public or private projects such as utility service lines, road crossings or greenways where no practical alternatives exists. No new impervious surface or regular maintenance (e.g. mowing) of vegetation can occur in Zone 2.

3. ESTABLISHMENT OF FLOODPLAIN DEVELOPMENT PERMIT

A floodplain development permit (see Section 2.2.11, Floodplain Development Permit) shall be required in conformance with the provisions of this part prior to the commencement of any development activities.

4. COMPLIANCE

No structure or land shall hereafter be located, extended, converted, or structurally altered without full compliance with the terms of this part and other applicable regulations. This part shall render no valid permitted or conforming structure nonconforming. An existing structure may be rebuilt if damaged or destroyed even if the structure fails to conform to these regulations. However, any increase in prior approved impervious surface area shall be subject to these regulations.

5. ABROGATION AND GREATER RESTRICTIONS

This part is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this part and another conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

6. INTERPRETATION

In the interpretation and application of this part, all provisions shall be:

a. Considered as minimum requirements;

b. Liberally construed in favor of the governing body; and

c. Deemed neither to limit nor repeal any other powers granted under state statutes.

7. FLOOD PROTECTION

a. The degree of flood protection required by this part is considered reasonable for regulatory purposes and is based on scientific and engineering consideration.

b. Larger floods can and will occur on rare occasions. Flood heights may be increased by manmade or natural causes.

c. This part does not imply that land outside the areas of special flood hazard or uses permitted within those areas will be free from flooding or flood damages.

d. This part shall not create liability on the part of the Town of Zebulon or by any officer or employee thereof for any flood damages that result from reliance on this part or any administrative decision lawfully made hereunder.

8. VIOLATIONS

a. Violation of the provisions of this ordinance or failure to comply with any of its requirements, including violation of conditions and safeguards established in connection with grants of variance or special exceptions, shall constitute a Class 1 misdemeanor pursuant to NC G.S. § 143-215.58.

b. Any person who violates this part or fails to comply with any of its requirements shall, upon conviction thereof, be fined not more than $100 or imprisoned for not more than 30 days, or both. Each day the violation continues shall be considered a separate offense.

c. Nothing herein contained shall prevent the Town of Zebulon from taking such other lawful action as is necessary to prevent or remedy any violation.

9. AGRICULTURE

a. Agriculture is subject to the provisions of the Food Security Act of 1985 and the Food, Agriculture, Conservation and Trade Act of 1990.

b. Silvicultural activities shall be subject to the provisions of the Forest Practices Guidelines related to Water Quality (15A NCAC 1I .0202-0209). The North Carolina Division of Forest Resources is responsible for implementing these provisions pertaining to silvicultural activities.

10. REQUIREMENTS FOR EROSION CONTROL

a. New nonresidential uses within 200 feet of flood protection areas requiring an erosion/sedimentation control plan under local or state law shall incorporate adequately designed, constructed and maintained spill containment structures if hazardous materials are used, stored, or manufactured on the premises.

b. Diffuse flow of runoff into flood protection areas shall be maintained by dispersing concentrated flow and reestablishing vegetation.

c. Vegetative cover shall be reestablished for all areas disturbed by development activities on sites adjoining the flood protection area and shall be maintained on a permanent basis.

11. CONSTRUCTION OF STREETS

a. The construction of new roads and bridges and nonresidential development shall minimize built upon area, divert storm water away from surface waters and employ best management practices (BMPs) to minimize water quality impacts.

b. Road construction shall use BMPs outlined in the North Carolina Department of Transportation document, "Best Management Practices for the Protection of Surface Waters."

c. BMPs shall not be constructed within jurisdictional waters.

C. ADMINISTRATION OF FLOOD PROVISIONS

1. DESIGNATION OF FLOODPLAIN ADMINISTRATION

The Land Use Administrator is hereby appointed to administer and implement the provisions in accordance with Section 10.7.1.D, Floodplain Administrator.

2. DEVELOPMENT APPLICATION, PERMIT AND CERTIFICATION REQUIREMENTS

Application for a development permit shall be made to the local administrator on forms furnished by him or her prior to any development activities. The development permit may include, but not be limited to, plans in duplicate drawn to scale showing: A complete description of all the development to be permitted under the floodplain development permit (e.g. house, garage, pool, septic, bulkhead, cabana, pier, bridge, mining,

dredging, filling, grading, paving, excavation or drilling operations, or storage of equipment or materials, etc.). Specifically, the following information is required:

a. Where base flood elevation data is provided in accordance with division (C)(10) below, the application for a development permit within the Zone A on the flood insurance rate map shall show:

i. The elevation in relation to NAVD 1988 of the proposed reference level of the lowest floor (including basement) of all new and substantially improved structures; and

ii. If the structure has been floodproofed in accordance with Section 3.8.2.D.2.b, Non-Residential Construction, the elevation in relation to NAVD 1988 to which the structure was floodproofed.

iii. Elevation in relation to NAVD 1988 to which any proposed utility systems will be elevated or floodproofed.

b. Where the base flood elevation data is not provided, the application for a development permit must show construction of the lowest floor at least two feet above the highest adjacent grade.

c. Where any watercourse will be altered or relocated as a result of proposed development, the application for a development permit shall include; a description of the extent of watercourse alteration or relocation; an engineering report on the effects of the proposed project on the flood-carrying capacity of the watercourse and the effects to properties located both upstream and downstream; and a map showing the location of the proposed watercourse alteration or relocation.

d. If non-residential floodproofing is used to meet the Regulatory Flood Protection Elevation requirements, a Floodproofing Certificate (FEMA Form 086-0-34), with supporting data, an operational plan, and an inspection and maintenance plan are required prior to the actual start of any new construction. It shall be the duty of the permit holder to submit to the Floodplain Administrator a certification of the floodproofed design elevation of the reference level and all attendant utilities, in relation to NAVD 1988. Floodproofing certification shall be prepared by or under the direct supervision of a professional engineer or architect and certified by same. The Floodplain Administrator shall review the certificate data, the operational plan, and the inspection and maintenance plan. Deficiencies detected by such review shall be corrected by the applicant prior to permit approval. Failure to submit the certification or failure to make required corrections shall be cause to deny a Floodplain Development Permit. Failure to construct in accordance with the certified design shall be cause to withhold the issuance of a Certificate of Compliance/Occupancy. When a structure is floodproofed, the applicant shall provide a certificate from a registered professional engineer or architect that the nonresidential floodproofed structure meets the floodproofing criteria in Section 3.8.2.D.2.b, Non-Residential Construction.

e. A final Finished Construction Floodproofing Certificate (FEMA Form 086-0-34), with supporting data, an operational plan, and an inspection and maintenance plan are required prior to the issuance of a Certificate of Compliance/Occupancy. It shall be the duty of the permit holder to submit to the Floodplain Administrator a certification of the floodproofed design elevation of the reference level and all attendant utilities, in relation to NAVD 1988. Floodproofing certificate shall be prepared by or under the direct supervision of a professional engineer or architect and certified by same. The Floodplain Administrator shall review the certificate data, the operational plan, and the inspection and maintenance plan. Deficiencies detected by such review shall be corrected by the applicant prior to Certificate of Occupancy. Failure to submit the certification or failure to make required corrections shall be cause to deny a Floodplain Development Permit. Failure to construct in accordance with the certified design shall be cause to deny a Certificate of Compliance/Occupancy.

f. When a structure requires flood certification, floor elevation or floodproofing certification a zoning inspection will be performed by the Land Use Administrator, or their designee, to ensure the proper placement of the foundation in relation to the required setbacks and/or approved site plan prior to the scheduling of a footing or any other type of inspection.

g. Development of all property within the Flood Protection Area Overlay District shall require that all plans submitted include delineated streams demonstrating compliance with the standards of this section. This plan shall be required to be submitted for all development, planned developments and any other type of development that increases the impervious area of the site except for single-family development on a single lot of record created prior to the adoption of this section. No land-disturbing activity shall take place prior to issuance of a grading permit.

h. Prior to issuance of grading permit for any property within the Flood Protection Area Overlay District, except for single-family development on a single lot of record created prior to the adoption of this section, a waters/wetlands jurisdictional assessment shall be performed by a U.S. Army Corps of Engineers' qualified environmental professional using Army Corps of Engineers and North Carolina Division of Water Quality criteria.

i. A statement that no fill material or other development shall encroach into the floodway or non-encroachment area of any watercourse unless the requirements of Section 3.8.2.D.4 have been met.

j. A statement, that all materials below BFE/RFPE must be flood resistant materials.

D. PROVISIONS FOR FLOOD HAZARD REDUCTION

1. GENERAL STANDARDS

In all special flood hazard areas and future conditions flood hazard areas the following provisions are required:

a. All new construction and substantial improvements shall be designed (or modified) and adequately anchored to prevent flotation, collapse and lateral movement of the structure;

b. All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage;

c. All new construction and substantial improvements shall be constructed by methods and practices that minimize flood damages;

d. All new electrical, heating, ventilation, plumbing, air conditioning equipment, and other service equipment shall be located at or above the RFPE or designed and installed to prevent water from entering or accumulating within the components during the occurrence of the base flood. These include, but are not limited to, HVAC equipment, water softener units, bath/kitchen fixtures, ductwork, electric/gas meter panels/boxes, utility/cable boxes, water heaters, and electric outlets/switches.

i. Replacements part of a substantial improvement, electrical, heating, ventilation, plumbing, air conditioning equipment, and other service equipment shall also meet the above provisions.

ii. Replacements that are for maintenance and not part of a substantial improvement, may be installed at the original location provided the addition and/or improvements only comply with the standards for new construction consistent with the code and requirements for the original structure.

e. All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system;

f. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters;

g. On-site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during flooding;

h. Nothing in this part shall prevent the repair, reconstruction or replacement of a building or structure existing on the effective date of this part and located totally or partially within the floodway, non-encroachment area or stream setback, provided there is no additional encroachment below the regulatory flood protection elevation in the floodway, non-encroachment area, or stream setback, and provided that the repair, reconstruction or replacement meets all of the other requirements of this part;

i. New solid waste disposal facilities and sites, hazardous waste management facilities, salvage yards and chemical storage facilities shall not be permitted, except by variance as specified in Section 2.2.21.G.2, Flood Hazard Overlay Variance Standards. A structure or tank for chemical or fuel storage incidental to an allowed use or to the operation of a water treatment plant or wastewater treatment facility may be located in a special flood hazard area or future conditions flood hazard area with the Land Use Administrators' approval only if the structure or tank is either elevated or floodproofed to at least the regulatory flood protection elevation and certified according to Section 3.8.2.C.2.c;

j. All subdivision proposals and other development proposals shall be consistent with the need to minimize flood damage;

k. All subdivision proposals and other development proposals shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize flood damage;

l. All subdivision proposals and other development proposals shall have adequate drainage provided to reduce exposure to flood hazards; and

m. All subdivision proposals and other development proposals shall have received all necessary permits from those governmental agencies for which approval is required by federal or state law, including § 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. § 1334.

n. When a structure is partially located in a Special Flood Hazard Area, the entire structure shall meet the requirements for new construction and substantial improvements.

o. When a structure is located in multiple flood hazard zones or in a flood hazard risk zone with multiple base flood elevations, the provisions for the more restrictive flood hazard risk zone and the highest BFE shall apply.

p. Fill is prohibited in the SFHA and Future Conditions Flood Hazard Areas , including construction of buildings on fill. This includes not approving Conditional Letters or Letters of Map Revision - Based on Fill (CLOMR-F or LOMR-F).

2. SPECIFIC STANDARDS

In all special flood hazard areas where base flood elevation (BFE) data has been provided and in future conditions flood hazard areas where future conditions flood elevations data has been provided, as set forth in Section 3.8.2.B.2, Basis for Establishing the Areas of Special Flood Hazard, or Sections 10.7.1.D.11and 10.7.1.D.12, the following provisions, in addition to Section 3.8.2.D.1, General Standards, are required.

a. RESIDENTIAL CONSTRUCTION

i. New construction or substantial improvement of any residential structure (including manufactured homes) shall have the lowest floor, including basement, elevated no lower than two feet above the base flood elevation.

ii. Should solid foundation perimeter walls be used to elevate a structure, openings sufficient to facilitate the unimpeded movements of flood waters shall be provided.

b. NON-RESIDENTIAL CONSTRUCTION

i. New construction and substantial improvement of any commercial, industrial, or other non-residential structure shall have the reference level, including basement, elevated no lower than the Regulatory Flood Protection Elevation, as defined in Chapter 9 of this ordinance.

ii. Structures located in Zones A, AE, AH, AO, A99, and X (Future) may be floodproofed to the Regulatory Flood Protection Elevation in lieu of elevation provided that all areas of the structure, together with attendant utility and sanitary facilities, below the Regulatory Flood Protection Elevation are watertight with walls substantially impermeable to the passage of water, using structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effect of buoyancy. For AO Zones, the floodproofing elevation shall be in accordance with Article 5, Section G (2).

iii. A registered professional engineer or architect shall certify that the floodproofing standards of this subsection are satisfied. The certification shall be provided to the Floodplain Administrator as set forth in Section 3.8.2.C.2.c along with the operational plan and the inspection and maintenance plan.

c. MANUFACTURED HOMES

i. Manufactured homes that are placed or substantially improved on sites outside a manufactured home park or subdivision; in a new manufactured home park or subdivision; in an expansion to an existing manufactured home park or subdivision; or, in an existing manufactured home park or subdivision on which a manufactured home has incurred substantial damage as the result of a flood, must be elevated on a permanent foundation so that the lowest floor of the manufactured home is elevated no lower than one foot above the base flood elevation and be securely anchored to an adequately anchored foundation system to resist flotation, collapse and lateral movement.

ii. Manufactured homes that are to be placed or substantially improved on sites in an existing manufactured home park or subdivision that are not subject to the provisions of Section 3.8.2.D.2.c.i of this chapter must be elevated so that the lowest floor of the manufactured home is elevated no lower than one foot above the base flood elevation, and be securely anchored to an adequately anchored foundation to resist flotation, collapse and lateral movement.

iii. Manufactured homes shall be anchored to prevent floatation, collapse or lateral movement. For the purpose of this requirement, manufactured homes must be anchored to resist flotation, collapse or lateral movement in accordance with the Regulations for Mobile Homes and Modular Housing adopted by the Commissioner of Insurance pursuant to G.S. § 143-143.15. Additionally, when the elevation would be met by an elevation of the chassis at least 36 inches or less above the grade at the sight, the chassis shall be supported by reinforced piers or other foundation elements of at least equivalent strength. When the elevation of the chassis is above 36 inches in height an engineering certification is required.

iv. No manufactured homes shall be permitted, except in an existing manufactured home park or subdivision. A replacement manufactured home may be placed on a lot in an existing manufactured home park or subdivision provided the anchoring and the elevation standards of Section 3.8.2.D.2.c, Manufactured Homes, are met.

v. An evacuation plan must be developed for evacuation of all residents of all new, substantially improved or substantially damaged manufactured home parks or

subdivisions located within flood prone areas. This plan shall be filed with and approved by the Land Use Administrator and the local Emergency Management Coordinator.

d. ELEVATED BUILDINGS

Fully enclosed area, of new construction and substantially improved structures, which is below the lowest floor:

i. Shall not be designed or used for human habitation, but shall only be used for parking of vehicles, building access or limited storage of maintenance equipment used in connection with the premises. Access to the enclosed area shall be the minimum necessary to allow for parking of vehicles (garage door) or limited storage of maintenance equipment (standard exterior door), or entry to the living area (stairway or elevator). The interior portion of the enclosed area shall not be finished or partitioned into separate rooms, except to enclose storage areas;

ii. Shall be constructed entirely of flood resistant materials below the regulatory flood protection elevation;

iii. Shall not be temperature-controlled or conditioned; and

iv. Shall include, in Zones AE and X (Future), flood openings to automatically equalize hydrostatic flood forces on walls by allowing for the entry and exit of flood waters. To meet this requirement, the openings must either be certified by a professional engineer or architect or meet or exceed the following minimum design criteria:

1. A minimum of two flood openings on different sides of each enclosed area subject to flooding;

2. The total net area of all flood openings must be at least one square inch for each square foot of enclosed area subject to flooding;

3. If a building has more than one enclosed area, each enclosed area must have flood openings to allow flood waters to automatically enter and exit;

4. The bottom of all required flood openings shall be no higher than one foot above the adjacent grade;

5. Flood openings may be equipped with screens, louvers, or other coverings or devices, provided they permit the automatic flow of flood waters in both directions; and

6. Enclosures made of flexible skirting are not considered enclosures for regulatory purposes, and, therefore, do not require flood openings. Masonry or wood underpinning, regardless of structural status, is considered an enclosure and requires flood openings as outlined above.

e. ADDITIONS/IMPROVEMENTS

i. Additions and/or improvements to pre-FIRM structures when the addition and/or improvements in combination with any interior modifications to the existing structure are:

1. Not a substantial improvement, the addition and/or improvements must be designed to minimize flood damages and must not be any more non-conforming than the existing structure; and

2. A substantial improvement, the existing structure and the addition and/or improvements must comply with the standards for new construction.

ii. Additions to post-FIRM structures with no modifications to the existing structure other than a standard door in the common wall shall require only the addition to comply with the standards for new construction.

iii. Additions and/or improvements to post-FIRM structures when the addition and/or improvements in combination with any interior modifications to the existing structure are:

1. Not a substantial improvement, the addition and/or improvements only must comply with the standards for new construction; or

2. A substantial improvement, both the existing structure and the addition and/or improvements must comply with the standards for new construction.

iv. Where an independent perimeter load-bearing wall is provided between the addition and the existing building, the addition(s) shall be considered a separate building and only the addition must comply with the standards for new construction.

v. Any combination of repair, reconstruction, rehabilitation, addition or improvement of a building or structure taking place during a One (1) year period, the cumulative cost of which equals or exceeds 50 percent of the market value of the structure before the improvement or repair is started must comply with the standards for new construction. For each building or structure, one (1) year period begins on the date of the first improvement or repair of that building or structure subsequent to the effective date of this ordinance. Substantial damage also means flood-related damage sustained by a structure on two separate occasions during a 10-year period for which the cost of repairs at the time of each such flood event, on the average, equals or exceeds 25 percent of the market value of the structure before the damage occurred. If the structure has sustained substantial damage, any repairs are considered substantial improvement regardless of the actual repair work performed. The requirement does not, however, include either:

1. Any project for improvement of a building required to correct existing health, sanitary or safety code violations identified by the building official and that are the minimum necessary to assume safe living conditions.

2. Any alteration of a historic structure provided that the alteration will not preclude the structure's continued designation as a historic structure.

f. RECREATIONAL VEHICLES

Recreational vehicles shall either:

i. Be on site for fewer than 180 consecutive days and be fully licensed and ready for highway use (a recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities, and has no permanently attached additions); or

ii. Recreational vehicles that do not meet the limitations of Temporary Placement shall meet all the requirements for new construction.

g. TEMPORARY NON-RESIDENTIAL STRUCTURES

Prior to the issuance of a floodplain development permit for a temporary structure, the applicant must submit to the Floodplain Administrator a plan for the removal of the structure(s) in the event of a hurricane, flash flood or other type of flood warning notification. The following information shall be submitted in writing to the Floodplain Administrator for review and written approval:

i. A specified time period for which the temporary use will be permitted. Time specified may not exceed three months, renewable up to one year;

ii. The name, address and phone number of the individual responsible for the removal of the temporary structure;

iii. The time frame prior to the event at which a structure will be removed (i.e., minimum of 72 hours before landfall of a hurricane or immediately upon flood warning notification);

iv. A copy of the contract or other suitable instrument with the entity responsible for physical removal of the structure; and

v. Designation, accompanied by documentation, of a location outside the special flood hazard area or future conditions flood hazard area, to which the temporary structure will be moved.

h. ACCESSORY STRUCTURES

When accessory structures (sheds, detached garages and the like) are to be placed within a special flood hazard area or future conditions flood hazard area, the following criteria shall be met:

i. Accessory structures shall not be used for human habitation (including working, sleeping, living, cooking or restroom areas);

ii. Accessory structures shall not be temperature-controlled;

iii. Accessory structures shall be designed to have low flood damage potential;

iv. Accessory structures shall be constructed and placed on the building site so as to offer the minimum resistance to the flow of flood waters;

v. Accessory structures shall be firmly anchored in accordance with Sections 3.8.2.D.1.and 3.8.2.D.1.b;

vi. All service facilities such as electrical shall be installed in accordance with Section 3.8.2.D.1.d; and

vii. Flood openings to facilitate automatic equalization of hydrostatic flood forces shall be provided below regulatory flood protection elevation in conformance with Section 3.8.2.D.2.d.iii.

i. FOOTPRINT

i. An accessory structure with a footprint less than 150 square feet that satisfies the criteria outlined above does not require an elevation or floodproofing certificate.

ii. Elevation or floodproofing certifications are required for all other accessory structures in accordance with Section 3.8.2.C.2, Development Application, Permit and Certification Requirements).

j. TANKS.

When gas and liquid storage tanks are to be placed within a Special Flood Hazard Area or Future Conditions Flood Hazard Area, the following criteria shall be met:

i. Underground tanks. Underground tanks in flood hazard areas shall be anchored to prevent flotation, collapse or lateral movement resulting from hydrodynamic and hydrostatic loads during conditions of the design flood, including the effects of buoyancy assuming the tank is empty;

ii. Above-ground tanks, elevated. Above-ground tanks in flood hazard areas shall be elevated to or above the Regulatory Flood Protection Elevation on a supporting structure that is designed to prevent flotation, collapse or lateral movement during conditions of the design flood. Tank-supporting structures shall meet the foundation requirements of the applicable flood hazard area;

iii. Above-ground tanks not elevated. Above-ground tanks that do not meet the elevation requirements of Article 5, Section B (2) of this Article shall be permitted in flood hazard areas provided the tanks are designed, constructed, installed, and anchored to resist all flood-related and other loads, including the effects of buoyancy, during conditions of the design flood and without release of contents in the floodwaters or infiltration by floodwaters into the tanks. Tanks shall be designed, constructed, installed, and anchored to resist the potential buoyant and other flood forces acting on an empty tank during design flood conditions.

iv. Tank inlets and vents. Tank inlets, fill openings, outlets and vents shall be:

1. At or above the Regulatory Flood Protection Elevation or fitted with covers designed to prevent the inflow of floodwater or outflow of the contents of the tanks during conditions of the design flood; and
2. Anchored to prevent lateral movement resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy, during conditions of the design flood.

k. OTHER DEVELOPMENT

i. Fences in regulated floodways and NEAs that have the potential to block the passage of floodwaters, such as stockade fences and wire mesh fences, shall meet the limitations of Article 5, Section F of this ordinance.

ii. Retaining walls, sidewalks and driveways in regulated floodways and NEAs. Retaining walls and sidewalks and driveways that involve the placement of fill in regulated floodways shall meet the limitations of 3.8.2.D.4 of this ordinance.

iii. Roads and watercourse crossings in regulated floodways and NEAs. Roads and watercourse crossings, including roads, bridges, culverts, low-water crossings and similar means for vehicles or pedestrians to travel from one side of a watercourse to the other side, that encroach into regulated floodways shall meet the limitations of 3.8.2.D.4 of this ordinance.

3. STANDARDS FOR FLOODPLAINS WITHOUT ESTABLISHED BASE FLOOD ELEVATIONS

Within the special flood hazard areas designated as Approximate Zone A and established in Section 3.8.2.A.2, Findings of Fact, where no base flood elevation (BFE) data has been provided by FEMA, the following provisions, in addition to Section 3.8.2.D.1, General Standards, and Section 3.8.2.D.2, Specific Standards, shall apply:

a. No encroachments, including fill, new construction, substantial improvements or new development shall be permitted within a distance of 20 feet each side from top of bank or five times the width of the stream, whichever is greater, unless certification with supporting technical data by a registered professional engineer is provided demonstrating that the encroachments shall not result in any increase in flood levels during the occurrence of the base flood discharge.

b. The BFE used in determining the regulatory flood protection elevation shall be determined based on one of the following criteria set in priority order:

i. If base flood elevation (BFE) data is available from other sources, all new construction and substantial improvements within those areas shall also comply with all applicable provisions of this part and shall be elevated or floodproofed in accordance with standards in Sections 10.7.1.D.11 and 10.7.1.D.12.

ii. All subdivision, manufactured home park and other development proposals shall provide base flood elevation (BFE) data if development is greater than five acres or has more than 50 lots/manufactured home sites. The base flood elevation (BFE) data shall be adopted by reference per Section 3.8.2.B.2, Basis for Establishing the Areas of Special Flood Hazard, to be utilized in implementing this part; or

iii. When base flood elevation (BFE) data is not available from a federal, state or other source as outlined above, the reference level shall be elevated to or above the regulatory flood protection elevation, as defined in Section 9.4, Definitions.

4. FLOODWAYS AND NON-ENCROACHMENT AREAS

Areas designated as floodways or non-encroachment areas are located within the special flood hazard areas established in Section 3.8.2.D.2, Specific Standards. The floodways and non-encroachment areas are extremely hazardous areas due to the velocity of flood waters that have erosion potential and carry debris and potential projectiles. The following provisions, in addition to standards outlined in Section 3.8.2.D.1,

General Standards, and Section 3.8.2.D.2, Specific Standards, shall apply to all development within those areas:

a. No encroachments, including fill, new construction, substantial improvements and other developments shall be permitted unless it has been demonstrated that:

i. The proposed encroachment would not result in any increase in the flood levels during the occurrence of the base flood, based on hydrologic and hydraulic analyses performed in accordance with standard engineering practice and presented to the Floodplain Administrator prior to issuance of floodplain development permit; or

ii. A conditional letter of map revision (CLOMR) has been approved by FEMA. A letter of map revision (LOMR) must also be obtained upon completion of the proposed encroachment.

b. If Subsection 3.8.2.D.3.a is satisfied, all development shall comply with all applicable flood hazard reduction provisions of this part.

c. No manufactured homes shall be permitted, except replacement manufactured homes in an existing manufactured home park or subdivision, provided the following provisions are met:

i. The anchoring and the elevation standards of Section 3.8.2.D.2.c, Manufactured Homes; and

ii. The no encroachment standard of Subsection 3.8.2.D.3.a.

E. SUBDIVISIONS WITHIN SPECIAL FLOOD HAZARD AREAS

1. STANDARDS

The following standards set forth in this division shall be applied to all subdivisions:

a. All subdivision proposals shall be consistent with the need to minimize flood damage;

b. All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize flood damage;

c. All subdivision proposals shall have adequate drainage provided to reduce exposure to flood hazards; and

d. Base flood elevation data shall be provided for all subdivision proposals that contain special flood hazard areas.

2. FLOODPLAIN WARNING SIGNS

a. Prior to the approval of the final plat of a subdivision that contains special flood hazard areas the developer shall cause to be erected a permanent floodplain warning sign.

b. This sign shall be at least two square feet in the area with lettering no less than one inch in height and be placed in plain view within the right-of-way nearest to the flood prone properties in new subdivisions or new phases of existing subdivisions.

c. This sign and its placement are subject to approval by the Board of Commissioners during final plat approval.

d. This sign shall read: "Area Subject to Flooding."

F. STANDARDS FOR AREAS OF SHALLOW FLOODING (ZONE AH).

Located within the Special Flood Hazard Areas established in this ordinance, are areas designated as shallow flooding areas. These areas are subject to inundation by 1-percent-annual-chance shallow flooding (usually areas of ponding) where average depths are one (1) to three (3) feet. Base Flood Elevations are derived from detailed hydraulic analyses are shown in this zone. In addition to requirements under Section 3.8.2.D, all new construction and substantial improvements shall meet the following requirements:

a. Adequate drainage paths shall be provided around structures on slopes, to guide floodwaters around and away from proposed structures.

G. CORRECTIVE PROCEDURES

1. VIOLATIONS TO BE CORRECTED

When the Floodplain Administrator finds violations of applicable state and local laws; it shall be his or her duty to notify the owner or occupant of the building of the violation. The owner or occupant shall immediately remedy each of the violations of law cited in such notification.

2. ACTIONS IN EVENT OF FAILURE TO TAKE CORRECTIVE ACTION:

If the owner of a building or property shall fail to take prompt corrective action, the Floodplain Administrator shall give the owner written notice, by certified or registered mail to the owner's last known address or by personal service, stating:

a. That the building or property is in violation of the floodplain management regulations;

b. That a hearing will be held before the Floodplain Administrator at a designated place and time, not later than ten (10) days after the date of the notice, at which time the owner shall be entitled to be heard in person or by counsel and to present arguments and evidence pertaining to the matter; and

c. That following the hearing, the Floodplain Administrator may issue an order to alter, vacate, or demolish the building; or to remove fill as applicable.

3. ORDER TO TAKE CORRECTIVE ACTION:

If, upon a hearing held pursuant to the notice prescribed above, the Floodplain Administrator shall find that the building or development is in violation of the Flood Damage Prevention Ordinance, he or she shall issue an order in writing to the owner, requiring the owner to remedy the violation within a specified time period, not less than sixty (60) calendar days, nor more One-hundred-eighty (180) calendar days. Where the Floodplain Administrator finds that there is imminent danger to life or other property, he or she may order that corrective action be taken in such lesser period as may be feasible.

4. APPEAL:

Any owner who has received an order to take corrective action may appeal the order to the Board of Adjustment by giving notice of appeal in writing to the Floodplain Administrator and the clerk within ten (10) days following issuance of the final order. In the absence of an appeal, the order of the Floodplain Administrator shall be final. The Board of Adjustment shall hear an appeal within a reasonable time and may affirm, modify and affirm, or revoke the order.

5. FAILURE TO COMPLY WITH ORDER:

If the owner of a building or property fails to comply with an order to take corrective action for which no appeal has been made or fails to comply with an order of the Board of Adjustment an appeal, the owner shall be guilty of a Class 1 misdemeanor pursuant to NC G.S. § 143-215.58 and shall be punished at the discretion of the court.

3.8.3. GATEWAY CORRIDOR OVERLAY (GCO) DISTRICT

A. PURPOSE AND INTENT

The Gateway Corridor Overlay (GCO) district regulations are intended to enhance the visual appeal of certain roadways in the Town, and to:

1. Designate, preserve, and enhance key roadways that serve as gateways to the Town in order to create aesthetically pleasing and welcoming entryways for residents and visitors;

2. Encourage redevelopment and investment in underutilized, outdated, or otherwise challenged corridors in the Town; and

3. Address development issues of special concern along these gateways, with specific requirements which relate to use, development form, traffic movement, access, environment, landscaping, visual quality, image, and aesthetics.

B. GATEWAY CORRIDOR PLAN REQUIRED

1. Prior to establishment of a GCO district for a specific gateway corridor, a gateway corridor plan for the specific area shall be adopted by the Board of Commissioners.
2. The gateway corridor plan shall describe the conditions, boundaries, development goals, and standards for the proposed GCO district. The plan shall, at a minimum, address the following:
   - **a.** The unique qualities of the corridor, such as significant buildings, views and vistas, and natural features which lend themselves to special consideration.
   - **b.** The value of the corridor as an entryway to the Town which can influence the perception of citizens and persons or businesses considering investment in the Town.
   - **c.** Transportation conditions on the corridor, including vehicular access, dedication of right-of-way, public transit, pedestrian and bicycle circulation, driveway limitations, and traffic impact.
   - **d.** The arrangement of uses along the corridor which shall create a visually pleasing impression.
   - **e.** The vision and general goals for development along the corridor, and specific recommendations for regulatory changes to achieve the vision and development goals.

C. GATEWAY CORRIDOR PLAN APPROVAL

The gateway corridor plan shall be forwarded to the Planning Board for its review and recommendation. Upon completion of its review, the plan along with the recommendations of the Planning Board shall be forwarded to the Board of Commissioners for review. A gateway corridor plan shall be approved by the Board of Commissioners for a specific gateway corridor before establishment of a GCO sub-district for the specific corridor.

D. ESTABLISHMENT OF A GATEWAY CORRIDOR OVERLAY SUB-DISTRICT

1. The standards establishing a specific GCO sub-district may only be established in accordance with Section 2.2.20, UDO Text Amendment, and Section 2.2.24, Zoning Map Amendment.
2. Corridor-specific standards shall be developed and included as a sub-district in this section.
3. Nothing shall limit amendment to Section 3.8.3.E, General Standards Applicable to All Gateway Corridor Sub-districts.

E. GENERAL STANDARDS APPLICABLE TO ALL GATEWAY CORRIDOR SUB-DISTRICTS

1. GCO district standards for a specific gateway corridor shall follow the policy direction in the gateway corridor plan approved by the Board of Commissioners. The GCO district shall, at a minimum, address the following elements:
   - **a.** The name and boundaries of the overlay district.
   - **b.** The development along the corridor to which the overlay district applies (typically all new development and certain expansions and remodels).
   - **c.** Any variations from the requirements of the underlying general zoning district(s).
   - **d.** The uses allowed in the district, if appropriate.
   - **e.** The development and form standards of the overlay district, including some or all of the following:
     - **i.** Dimensions (height, setbacks, build-to-lines, etc.);
     - **ii.** Streetscape landscaping;
     - **iii.** Sidewalks and pedestrian circulation features;
     - **iv.** Off-street parking;
     - **v.** Landscaping and tree preservation/reforestation;
     - **vi.** Open space set-asides;
     - **vii.** Signage;

viii. Exterior lighting;
ix. Building design and form;
x. Transit amenities; and
xi. Road access and traffic circulation.

f. The extent to which a general or district-specific standard may be modified.

F. INDIVIDUAL SUB-DISTRICT STANDARDS

[placeholder]

3.8.4. LOCAL HISTORIC OVERLAY (LHO) DISTRICT

[RESERVED]

3.8.5. MANUFACTURED HOME OVERLAY (MHO) DISTRICT

A. PURPOSE AND INTENT

The Manufactured Housing Overlay (MHO) district is established as a means of providing reasonable opportunities for the placement of manufactured dwellings in the Town's planning jurisdiction. More specifically, the district is intended to:

1. Provide alternative, affordable housing opportunities for low and moderate-income residents in residential areas by allowing for the use of manufactured dwellings.
2. Establish requirements designed to assure acceptable similarity in exterior appearance between manufactured dwellings and single-family dwellings constructed on adjacent or nearby lots.
3. Protect property values and preserve the character and integrity of the community or individual neighborhoods within the community.
4. Require new manufactured dwellings to meet the minimum requirements for manufactured dwellings in Section 4.3.3.I, Manufactured Dwelling.

B. ESTABLISHMENT

1. Manufactured Housing Overlay (MHO) districts shall only be established in accordance with Section 160D-910 of the North Carolina General Statutes and Section 2.2.24, Zoning Map Amendment.
2. In requesting the establishment of an MHO district, an applicant shall present factual information to ensure, in the discretion of the Board of Commissioners, that property values of surrounding lands are protected, that the character and integrity of the neighborhood are adequately safeguarded, and the proposed MHO district is consistent with these standards.
3. To assure acceptable similarity in exterior appearance between proposed manufactured dwellings and dwellings that are constructed on adjacent or nearby land, an applicant may, for illustrative purposes only, present examples of the types and design of such proposed dwellings.

C. DEVELOPMENT AUTHORIZED

1. Land within an MHO district may accommodate the following types of uses:
   a. A single manufactured home on an individual lot configured in accordance with Section 4.3.3.I, Manufactured Dwelling;
   b. A principal use authorized in the underlying general or conditional zoning district in accordance with Table 4.2.3, Principal Use Table;
   c. An accessory or temporary use associated with an allowed principal use.
2. Manufactured homes located on lots or sites outside of an MHO district shall be considered nonconforming in accordance with Section 7.6, Nonconforming Uses.

ARTICLE 4: USES

4

Grow Zebulon

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4: USES

4.1. CHAPTER ORGANIZATION

4.1.1. USES DISTINGUISHED

Chapter 4: Uses, contains all the standards related to the use of land in the Town's planning jurisdiction, and is organized by the three types of land use: principal, accessory, or temporary use.

A. Principal uses are the primary, permanent use types proposed on a lot (like a single-family home).

B. Accessory uses are subordinate to the principal use located on the same lot (like a detached garage serving a single-family home).

C. Temporary uses are uses allowed for a short duration of time (like a portable storage container used for the purposes of storing or moving a household's belongings).

4.1.2. CHAPTER ORGANIZATION

A. PRINCIPAL USES

1. Section 4.2, Principal Uses, explains the use organization system and sets out the summary use table, or the master listing of principal use types and the districts where they are allowed. Individual principal use types are defined in Section 9.4, Definitions.
2. Section 4.3, Use-Specific Standards, sets out the requirements for designated individual use types, regardless of the zoning district where it is located.

B. ACCESSORY USES

Section 4.4, Accessory Uses, sets out the general standards applicable to all accessory uses as well as any additional standards applicable to specific accessory uses.

C. TEMPORARY USES

Section 4.5, Temporary Uses, sets out the standards for temporary uses, including the districts where allowed, the maximum duration, and any additional standards applicable to specific temporary uses.

D. UNLISTED USES

Section 4.6, Unlisted Uses, describes the process used by the Town in determining how to address use types that are not already specifically listed in this Ordinance.

E. PROHIBITED USES

Section 4.7 Prohibited Uses, identifies the use types that are prohibited throughout the Town's planning jurisdiction.

4.2. PRINCIPAL USES

4.2.1. USE CLASSIFICATION SYSTEM

Individual uses of land, or use types, are organized into one of five use classifications as described below.

A. USE CLASSIFICATIONS

1. Use classifications are the top tier in the system and are the broadest groupings of land uses. There are five use classifications used in this Ordinance:
   - **a.** Residential uses;
   - **b.** Institutional uses;
   - **c.** Commercial uses;

d. Industrial uses; and
e. Agricultural uses.

2. The primary purpose of the use classifications is to serve as an organizing principal for grouping the different use types.

B. USE TYPES

1. Use types are the specific individual uses included within a particular use classification.
2. Individual use types are defined in Section 9.4, Definitions.

C. DEVELOPMENTS WITH MULTIPLE PRINCIPAL USES

1. Developments with multiple principal uses, such as shopping centers, shall incorporate only those use types allowed in the applicable zoning district.
2. In cases where a proposed development includes two or more use types, and one of those use types requires approval of a special use permit, the special use permit shall be approved prior to occupancy of any use types.

4.2.2. PRINCIPAL USE TABLE STRUCTURE

A. TABLE STRUCTURE

1. Table 4.2.3, Principal Use Table, lists principal use types and indicates whether the principal use type is permitted by-right, by a special use permit, allowed in a planned development district, or prohibited in a particular zoning district. It also includes a reference to any applicable specific standards that may apply to a particular use type.
2. Individual use types are listed alphabetically by use classification.
3. The right-most column includes a reference to any applicable use-specific standards associated with a use type. Unless otherwise stated in the standards, a use-specific standard applies to a particular use regardless of the zoning district where it is located.

B. USES PERMITTED BY-RIGHT

A "P" in a cell of the principal use table indicates that the specific use type is permitted by-right in the corresponding zoning district, subject to compliance with any additional use-specific standards referenced in the principal use table, and any other applicable standards in this Ordinance.

C. USES PERMITTED BY SPECIAL USE PERMIT

An "S" in a cell of the principal use table indicates that the specific use type is permitted in the corresponding zoning district only upon approval of a special use permit in accordance with Section 2.2.18, Special Use Permit, any additional use-specific standards referenced in the principal use table, and any other applicable requirements of this Ordinance.

D. USES ALLOWED IN A PLANNED DEVELOPMENT DISTRICT

1. An "A" in a cell of the principal use table indicates that the specific use type is permitted in a planned development district, provided the specific use type is included in the list of potential use types in the master plan or terms and conditions statement.
2. Allowed uses are subject to any additional use-specific standards referenced in the principal use table.
3. If a use type is listed as prohibited in a planned development district in Table 4.2.3, Principal Use Table, it may not be included in a master plan or terms and conditions statement.

E. USE-SPECIFIC STANDARDS

1. When a specific use type is permitted in a zoning district, there may be use-specific standards that are applicable. Such additional standards are referenced in the principal use table column titled "Use-Specific Standards." These standards shall apply to a specific use type regardless of the zoning district, unless otherwise specified.
2. Use types are also subject to any district standards listed in the applicable zoning district in Article 3: Districts.

4.2.3. PRINCIPAL USE TABLE

TABLE4.2.3: PRINCIPAL USE TABLE

A=Allowed (if listed in a PD master plan); P=Permitted subject to applicable use-specific standards; S=Requires approval of a special use permit and compliance with applicable use-specific standards; "·"=Prohibited

USE TYPE [1]	RESIDENTIAL					COMMERCIAL						MIXED USE					USE-SPECIFIC STANDARDS [2]
	R1	R2	R4	R6	RMF	NC	GC	HC	LI	CI	HI	OI	DTC	DTP	RMU	PD	
RESIDENTIAL USE CLASSIFICATION																	
Assisted Living Facility	·	·	·	S	S	·	P	·	·	·	·	P	·	P	P	A	4.3.3.A
Boarding/ Rooming House	·	S	S	S	P	P	·	·	·	·	·	S		P	P	A	4.3.3.B
Bungalow Court	·	P	P	P	P	P	·	·	·	·	·	S	·	P	P	A	4.3.3.C
Continuing Care Retirement Center	·	·	·	P	P	S	P	·	·	·	·	P	·	P	P	A	4.3.3.D
Duplex Dwelling	·	S	S	P	P	P	S	·	·	·	·	P		P	P	A	
Family Care Home	P	P	P	P	P	P	P	·	·	·	·	P		P	P	A	4.3.3.E
Group Home	·	·	·	S	S	S	·	·	·	·	·	S	·	S	·	A	4.3.3.F
Halfway House	·	·	·	S	S	·	·	·	·	·	·	S	·	·	·	A	4.3.3.G
Live/Work Dwelling	·	·	·	·	P	P	P	P	S	·	·	P	P	P	P	A	4.3.3.H
Manufactured Dwelling ·	[3]					·	·	·	·	·	·	[3]	·	·	·	A	4.3.3.I
Manufactured Dwelling Park	·	·	·	·	·	·	·	·	·	·	·	·	·	·	·	·	4.3.3.J
Mobile Home	·	·	·	·	·	·	·	·	·	·	·	·	·	·	·	·	4.3.3.K
Mobile Home Park	·	·	·	·	·	·	·	·	·	·	·	·	·	·	·	·	4.3.3.L
Multi-family Dwelling	·	·	S	S	P	·	P	·	·	·	·	P	P	P	P	A	4.3.3.M
Pocket Neighborhood	·	P	P	P	P	P	·	·	·	·	·	P	·	P	P	A	4.3.3.N
Nursing Home	·	·	S	S	S	S	P	·	·	·	·	P	·	P	P	A	
Single-family Attached Dwelling	·	·	S	S	P	·	P	·	·	·	·	P		P	P	A	4.3.3.O
Single-family Detached Dwelling	P	P	P	P	P	P	P	·	·	·	·	P		P	P	A	4.3.3.P
Triplex/Quadplex	·	·	S	P	P	P	P	·	·	·	·	P		P	P	A	4.3.3.Q
Upper-story Residential	·	·	·	P	P	P	P	P	P	P	·	P	P	P	P	A	4.3.3.R
INSTITUTIONAL USE CLASSIFICATION																	
Adult Day Care Center	·	·	·	·	S	·	P	P	·	·	·	P	·	S	P	A	4.3.4.A
Airport & Related Facilities	·	·	·	·	·	·	·	·	S	S	S	·	·	·	·	A	
Antenna Collocation, Major	S	S	S	S	P	P	P	P	P	P	P	P	P	P	P	A	4.3.4.B
Antenna Collocation, Minor	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	A	

TABLE4.2.3: PRINCIPAL USE TABLE

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USE TYPE [1]	RESIDENTIAL					COMMERCIAL						MIXED USE					USE-SPECIFIC STANDARDS [2]
	R1	R2	R4	R6	RMF	NC	GC	HC	LI	CI	HI	OI	DTC	DTP	RMU	PD	
Arboretum or Formal Garden	P	P	P	P	P	P	P	·	·	·	·	P	P	P	P	A	
Auditorium	·	·	·	·	·	·	P	P	S	P	·	P	P	P	P	A	4.3.4.C
Blood/Tissue Collection	·	·	·	·	·	·	·	·	·	·	·	S	·	S	S	·	
Broadcasting Studio	·	·	·	·	·	·	P	P	P	·	·	·	P	P	S	A	4.3.4.D
Cemetery, Columbarium, or Mausoleum	·	S	·	·	·	·	S	S	S	·	S	S	·	·	·	A	4.3.4.E
Child Day Care Center	·	S	S	S	P	P	P	P	·	·	·	P	P	P	P	A	4.3.4.F
Child Day Care, Drop In						P	P	P				P	P	P	P	A	
College or University	·	·	·	·	·	·	S	S	·	·	·	P	·	P	P	A	
Community/Youth/ Senior Center	·	·	·	·	P	P	P	P	·	·	·	P	P	P	P	A	4.3.4.G
Community Garden	P	P	P	P	P	P	·	·	·	·	·	·	·	P	P	A	
Coliseum or Arena	·	·	·	·	·	·	·	P	P	P	·	·	·	P	P	A	4.3.4.H
Conference or Convention Center	·	·	·	·	·	·	·	P	·	·	·	·	P	P	P	A	4.3.4.H
Cultural Facility, Library, or Museum	·	·	·	·	S	P	P	P	·	·	·	P	P	P	P	A	
Drug/Alcohol Treatment Facility	·	·	·	·	·	·	S	S	·	·	·	P	·	S		·	4.3.4.I
Fire/EMS/Police Station	·	·	·	P	P	P	P	P	P	P	P	P	P	P	P	A	
Fraternal Club or Lodge	·	S	S	P	P	S	P	P	·	·	·	P	·	S	P	A	4.3.4.J
Government Office	·	·	·	·	P	P	P	P	P	P		P	P	P	P	·	
Government Maintenance, Storage, Distribution	·	·	·	·	·	·	·	P	P	P	P	·	·	·	·	·	
Helicopter Landing Pad	·	·	·	·	·	·	·	·	P	P	P	S	·	·	S	A	4.3.4.K
Hospital	·	·	·	·	·	·	·	S	·	·	·	S	·	S	P	A	4.3.4.L
Indoor Private Recreation	·	P	P	P	P	P	P	·	·	·	·	P	·	P	P	A	
Outdoor Private Recreation	·	S	S	P	P	P	P	·	·	·	·	P	·	S	P	A	
Park (public or private)	P	P	P	P	P	P	P	P	P	P	·	P	P	P	P	A	
Passenger Terminal	·	·	·	·	·	P	P	P	P	P	P	P	P	P	P	A	
Post Office	·	·	·	·	·	P	P	P	·	·	·	P	P	P	P	A	

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	R1	R2	R4	R6	RMF	NC	GC	HC	LI	CI	HI	OI	DTC	DTP	RMU	PD	
Psychiatric Treatment Facility	·	·	·	·	·	·	·	·	·	S	·	S	·	·	·	·	
Religious Institution	·	S	S	P	P	S	P	P	·	·	·	P	·	S	P	A	4.3.4.M
School, Elementary	·	S	S	P	P	S	P	P	·	·	·	P	·	S	P	A	
School, High/Middle	·	S	·	·	·	S	P	P	·	·	·	P	·	S	P	A	4.3.4.N
School, Vocational	·	·	·	·	·	·	·	P	P	P	P	P	·	P	P	A	4.3.4.O
Small Wireless Facility	S	S	S	S	P	P	P	P	P	P	P	P	P	P	S	A	4.3.4.P; 4.3.4.S
Telecommunications Tower, Major	·	·	·	·	·	·	·	S	S	·	P	·	·	·	·	·	4.3.4.Q; 4.3.4.S
Telecommunications Tower, Minor or Concealed	·	·	S	S	S	S	S	S	P	P	P	S	·	·	·	A	4.3.4.Q; 4.3.4.S
Temporary Wireless Facility	·	S	S	S	S	S	P	P	P	P	P	P	S	S	·	A	4.3.4.R; 4.3.4.S
Urgent Care Facility	·	·	·	·	·	P	P	P	·	·	·	P	·	P	P	A	
Utility, Major	·	·	·	·	·	·	P	P	P	P	P	P	·	P	P	A	4.3.4.T
Utility, Minor	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	A	4.3.4.T
COMMERCIAL USE CLASSIFICATION																	
ABC Store	·	·	·	·	·	·	·	P	·	·	·	·	S	S	P	A	
Adult Business	·	·	·	·	·	·	·	S	·	·	·	·	·	·	·	·	4.3.5.A
Aircraft Parts, Sales, and Maintenance	·	·	·	·	·	·	·	·	P	P	P	·	·	·	·	A	
Animal Day Care / Grooming	·	·	·	·	·	P	P	P	P	·	P	·	·	P	S	A	4.3.5.B
Animal Shelter	·	·	·	·	·	·	·	·	S	·	S	·	·	·	·	·	4.3.5.C
Art Gallery						P	P	P				P	P	P	P	A	4.3.5.D
Artisan Studio						P	P	P		P		P	P	P	P	A	4.3.5.E
Auction House	·	·	·	·	·	·	P	P	P	·	P	·	·	P	P	A	
Automotive Repair and Servicing (without painting/ bodywork)	·	·	·	·	·	·	P	P	P	·	P	·	·	S	·	·	4.3.5.F
Automotive Sales and Rentals	·	·	·	·	·	·	P	P	P	·	P	·	·	P	·	A	4.3.5.G
Automotive Painting/Body Shop	·	·	·	·	·	·	·	P	P	·	P	·	·	·	·	·	4.3.5.H
Automotive Parts and Accessories Sales	·	·	·	·	·	·	P	P	·	·	·	·	·	P	·	A	
Automotive Wrecker Yard	·	·	·	·	·	·	·	·	P	·	P	·	·	·	·	·	4.3.5.I

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USE TYPE [1]	RESIDENTIAL					COMMERCIAL						MIXED USE					USE-SPECIFIC STANDARDS [2]
	R1	R2	R4	R6	RMF	NC	GC	HC	LI	CI	HI	OI	DTC	DTP	RMU	PD	
Bar, Cocktail Lounge, or Private Club	·	·	·	·	·	S	S	S	S	·	·	·	P	P	P	A	4.3.5.J
Bed and Breakfast	S	S	S	S	P	P	P	P	·	·	·	P	P	P	P	A	4.3.5.K
Boat and Marine Rental, Sales, and Service	·	·	·	·	·	·	P	P	P	·	P	·	·	·	·	A	
Bottle Shop (with on premise consumption)	·	·	·	·	·	S	S	P	S	·	·	·	P	P	P	A	4.3.5.L
Business Incubator	·	·	·	·	·	P	P	P	P	P	·	P	P	P	P	A	4.3.5.M
Campground	·	·	·	·	P	·	P	·	P	·	·	·	·	·	S	A	4.3.5.N
Car Wash or Automobile Detailing	·	·	·	·	·	·	P	P	P	·	·	·	·	P	·	A	4.3.5.O
Catering Establishment	·	·	·	·	·	·	P	P	P	·	P	·	P	P	·	A	
Check Cashing/Payday Lending Establishment	·	·	·	·	·	·	S	S	·	·	·	·	·	S	·	·	
Clothing Rental	·	·	·	·	·	·	P	P	·	·	·	·	P	P	P	A	
Coffee Shop	·	·	·	·	S	P	P	P	·	P	·	P	P	P	P	A	4.3.5.P
Commercial Recreation, Indoor	·	·	·	·	·	·	P	P	P	·	·	·	P	P	P	A	
Computer-Related Services	·	·	·	·	·	P	P	P	P	·	·	·	P	P	P	A	
Convenience Store (no gasoline sales)	·	·	·	·	·	P	P	P	·	S	·	·	P	P	P	A	
Convenience Store (with gasoline sales)	·	·	·	·	·	·	P	P	·	·	·	·	·	S	S	A	4.3.5.Q
Co-Working Space	·	·	·	·	·	P	P	P	P	P	·	P	P	P	P	A	4.3.5.R
Crematorium	·	·	·	·	·	·	·	S	S	·	S	·	·	·	·	·	
Equipment and Tool Rental	·	·	·	·	·	·	·	P	P	·	P	·	·	·	·	A	
Event Venue	S	·	·	·	·	P	P	P	·	P	·	·	P	P	P	A	4.3.5.S
Fairgrounds	·	·	·	·	·	·	·	S	S	·	S	·	·	·	S	·	
Financial Services Establishment	·	·	·	·	·	P	P	P	·	·	·	P	P	P	P	A	4.3.5.T
Flea Market	·	·	·	·	·	·	·	P	S	·	·	·	·	·	P	·	4.3.5.U
Funeral-Related Services	·	·	·	·	·	·	S	S	S	·	·	·	·	·	·	·	4.3.5.V
Games of Skill	·	·	·	·	·	·	S	S	·	·	·	·	·	·	S	·	4.3.5.W
Golf Course or Driving Range	·	S	S	·	·	·	·	P	·	·	·	·	·	·	S	A	4.3.5.X; 4.3.5.Y

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USE TYPE [1]	RESIDENTIAL					COMMERCIAL						MIXED USE					USE-SPECIFIC STANDARDS [2]
	R1	R2	R4	R6	RMF	NC	GC	HC	LI	CI	HI	OI	DTC	DTP	RMU	PD	
Grocery Store	·	·	·	·	·	P	P	P	·	·	·	·	P	P	P	A	
Gymnasium/ Fitness Center	·	·	·	·	S	P	P	P	S	·	·	P	P	P	P	A	4.3.5.Z
Hair, Nails, and Skin-Related Services	·	·	·	·	·	P	P	P	·	·	·	P	P	P	P	A	
Heavy Equipment, Sales, Rental, and Repair	·	·	·	·	·	·	·	·	P	·	P	·	·	·	·	A	4.3.5.AA
Hotel or Motel	·	·	·	·	·	·	P	P	P	·	·	·	P	P	P	A	
Kennel, Indoor/Outdoor	·	·	·	·	·	·	·	P	P	·	·	·	·	·	·	A	4.3.5.BB
Laundry or Cleaning Service	·	·	·	·	S	P	P	P	·	·	·	·	P	P	S	A	4.3.5.CC
Microbrewery, Microwinery, or Microdistillery	·	·	·	·	·	S	P	P	P	·	P	·	P	P	P	A	4.3.5.DD
Nightclub or Dance Hall	·	·	·	·	·	·	P	P	·	·	·	·	P	P	P	A	4.3.5.EE
Office, Medical	·	·	·	·	·	P	P	P	P	·	·	P	P	P	P	A	
Office, Professional	·	·	·	·	P	P	P	P	P	·	·	P	P	P	P	A	
Office, Sales or Service	·	·	·	·	·	P	P	P	·	P	·	P	P	P	P	A	
Outdoor Commercial Recreation	·	·	·	·	·	·	·	P	S	·	S	·	·	·	P	A	4.3.5.FF
Outdoor Storage	·	·	·	·	·	·	·	·	P	·	P	·	·	·	P	·	4.3.5.GG
Package and Printing Service	·	·	·	·	·	P	P	P	·	S	·	P	P	P	P	A	
Park and Ride Facility	·	·	·	·	P	P	P	P	P	P	P	P	P	P	P	A	
Parking Lot	·	·	·	·	P	P	P	P	P	P	P	P	P	P	P	A	4.3.5.HH
Parking Structure	·	·	·	·	S	S	P	P	P	P	P	P	P	P	P	A	4.3.5.II
Pawn Shop							P	P					P	P	S	A	4.3.5.JJ
Pharmacy	·	·	·	·	·	S	P	P	·	·	·	S	P	P	P	A	4.3.5.KK
Pool Hall	·	·	·	·	·	·	S	S	·	·	·	·	S	S	P	A	
Racetrack	·	·	·	·	·	·	·	·	S	·	S	·	·	·	P	·	
Recreational Vehicle Park	·	·	·	·	S	·	·	·	S	·	S	·	·	·	S	A	4.3.5.LL
Repair Shop	·	·	·	·	·	·	P	P	P	·	·	·	P	P	·	A	4.3.5.MM
Restaurant Indoor/Outdoor Seating	·	·	·	·	·	P	P	P	·	P	·	P	P	P	P	A	4.3.5.NN
Restaurant with Drive-through/Drive-up Service	·	·	·	·	·	·	P	P	·	P	·	P	·	·	P	A	4.3.5.NN

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	R1	R2	R4	R6	RMF	NC	GC	HC	LI	CI	HI	OI	DTC	DTP	RMU	PD	
Restaurant, Walk-up Only	·	·	·	·	P	P	P	P	P	P	·	P	P	P	P	A	4.3.5.NN
Retail, Bulky Item	·	·	·	·	·	·	S	P	P	·	·	·	·	·	P	A	4.3.5.OO
Retail, Large Format	·	·	·	·	·	·	S	P	P	·	·	·	·	S	P	A	4.3.5.PP
Retail Use, Other	·	·	·	·	·	P	P	P	P	·	·	·	P	P	P	A	
Self Service Storage, External Access Only	·	·	·	·	·	·	·	S	P	·	P	·	·	·	·	A	4.3.5.QQ
Self Service Storage, Internal Access Only	·	·	·	·	·	·	S	S	P	·	P	·	·	P	·	A	4.3.5.QQ
Shooting Range, Indoor	·	·	·	·	·	·	·	S	S	·	·	·	·	·	·	·	4.3.5.RR
Specialty Eating Establishment	·	·	·	·	·	P	P	P	·	·	·	S	P	P	P	A	4.3.5.SS
Tattoo and Piercing Establishment	·	·	·	·	·	·	P	P	·	·	·	·	·	S	S	A	
Theatre	·	·	·	·	·	P	P	P	·	·	·	·	P	P	P	A	
Truck Stop	·	·	·	·	·	·	·	P	P	·	P	·	·	·	·	·	4.3.5.TT
Vape, Tobacco, and CBD Shop							P	P					P	P	·	A	4.3.5.UU
Veterinary Clinic	·	·	·	·	·	P	P	P	·	·	·	·	P	P	P	A	4.3.5.VV
INDUSTRIAL USE CLASSIFICATION																	
Asphalt or Concrete Plant	·	·	·	·	·	·	·	·	S	·	S	·	·	·	·	·	4.3.6.A
Contractor Services/Yard	·	·	·	·	·	·	·	P	P	·	P	·	·	·	·	·	4.3.6.B
Electrical, Plastic, or Plumbing Fabrication	·	·	·	·	·	·	·	·	P	·	P	·	·	·	·	·	
Extractive Industry	·	·	·	·	·	·	·	·	S	·	S	·	·	·	·	·	4.3.6.C
Flex Space	·	·	·	·	·	·	·	P	P	P	P	·	·	P	·	A	4.3.6.D
Fuel Oil/Bottled Gas Distributor	·	·	·	·	·	·	·	·	·	·	S	·	·	·	·	·	4.3.6.E
Gas Energy Conversion	·	·	·	·	·	·	·	·	·	·	S	·	·	·	·	·	
General Industrial Services	·	·	·	·	·	·	·	S	P	P	P	·	·	S	·	A	
Landfill	·	·	·	·	·	·	·	·	·	·	S	·	·	·	·	·	4.3.6.F
Makerspace		·	·	·	·	·	P	P	P	P	P	·	P	P	P	A	4.3.6.G
Manufacturing, Heavy	·	·	·	·	·	·	·	·	S	S	P	·	·	·	·	·	4.3.6.H
Manufacturing, Light	·	·	·	·	·	·	·	·	P	P	P	·	·	·	·	A	4.3.6.H

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	R1	R2	R4	R6	RMF	NC	GC	HC	LI	CI	HI	OI	DTC	DTP	RMU	PD	
Metal Fabrication	·	·	·	·	·	·	·	·	P	P	P	·	·	·	·	A	
Public Convenience Center/Transfer Station	·	·	·	·	·	·	·	·	P	·	P	·	·	·	·	·	4.3.6.I
Recycling Center	·	·	·	·	·	·	·	S	P	·	P	·	·	S	·	A	4.3.6.J
Research and Development	·	·	·	·	·	·	·	S	P	P	P	S	·	P	S	A	
Salvage or Junkyard	·	·	·	·	·	·	·	·	S	·	S	·	·	·	·	·	4.3.6.K
Solar Farm	·	S	·	·	·	·	·	·	S	·	P	·	·	·	·	A	4.3.6.L
Truck or Freight Terminal	·	·	·	·	·	·	·	·	S	P	P	·	·	·	·	A	4.3.6.M
Warehouse, Distribution	·	·	·	·	·	·	·	·	P	P	P	·	·	·	·	A	4.3.6.N
Warehouse, Storage	·	·	·	·	·	·	·	·	P	P	P	·	·	P	·	A	4.3.6.N
Waste Composting	·	·	·	·	·	·	·	·	S	·	S	·	·	·	·	·	
Wholesale Sales	·	·	·	·	·	·	·	P	P	P	P	·	·	·	·	A	4.3.6.O
Wind Energy Conversion	·	S	·	·	·	·	·	S	S	S	S	·	·	·	·	A	4.3.6.P
AGRICULTURAL USE CLASSIFICATION																	
Agriculture and Horticulture	P	P	·	·	·	·	·	·	P	·	P	·	·	·	·	A	4.3.7.A
Agricultural Support Services	·	·	·	·	·	·	P	P	P	·	P	·	·	·	·	A	4.3.7.B
Animal Husbandry	P	S	·	·	·	·	·	·	·	·	S	·	·	·	·	A	4.3.7.C
Farmer's Market	·	·	·	·	P	P	P	P	·	·	·	·	P	P	P	A	4.3.7.D
Plant Nursery	·	S	·	·	·	·	P	P	·	·	·	·	·	·	S	A	

NOTES:
[1] Some use types may be further limited in allowable zoning districts or may require a different procedure for establishment in accordance with Section 4.7, Prohibited Uses, or Section 3.8 Overlay Zoning Districts.
[2] Uses are defined in Article 9, Measurement and Definitions.
[3] Manufactured housing is only permitted on lots in the manufactured home overlay district.

4.3. USE-SPECIFIC STANDARDS

Use-specific standards are the requirements applied to individual use types, unless otherwise stated to the contrary in this Ordinance. This section identifies the use-specific standards applied to principal use types identified in Table 4.2.3, Principal Use Table, as subject to "use-specific standards."

4.3.1. STANDARDS APPLIED TO ALL USES

Buildings of 50,000 square feet in area or that are comprised of materials that prohibit or degrade emergency communications signals from public safety providers shall include bi-directional repeaters for emergency services radio transmission.

4.3.2. STANDARDS APPLIED TO ANY SPECIAL USE

Any use type in this Ordinance subject to the requirement to obtain a special use permit by Table 4.2.3, Principal Use Table, shall be subject to any applicable use specific standards in Section 4.3, Use-Specific Standards, as well as the following requirements. Special use permit applications shall only be approved if the BOA finds that the use, as proposed, or as proposed with conditions will:

A. Be in harmony with the area and not substantially injurious to the value of properties in the general vicinity;

B. Be in conformance with all special requirements applicable to the use;

C. Will not adversely affect the health or safety of the public; and

D. Will adequately address the following review factors:

1. Site circulation and access;
2. Off-Street parking and loading;
3. Service entrances/areas;
4. Exterior lighting;
5. Signage;
6. Utilities;
7. Open space;
8. Environmental protection;
9. Landscaping;
10. Screening;
11. Compatibility with surrounding uses; and
12. Consistency with the Town's adopted policy guidance.

4.3.3. RESIDENTIAL USE TYPES

A. ASSISTED LIVING FACILITY

An assisted living facility shall comply with the following standards:

1. If provided, shared food preparation, service, and major dining areas shall be centrally located.
2. Common social and service facilities shall be provided at a minimum rate of 30 square feet per dwelling or rooming unit in addition to the minimum amount of required open space.
3. All facilities and services shall be solely for the use of residents and their guests.
4. Facilities for administrative services and limited medical services for the exclusive use of the residents may be located on the site.
5. For the purposes of density calculation, two bedrooms shall be equivalent to one dwelling unit.

B. BOARDING/ROOMING HOUSE

Boarding or rooming houses shall comply with the following standards:

1. The property owner or lessee must reside on the same premise as the boarding house with the structure clearly serving as that person's permanent residence;
2. Separate structures, accessory buildings and garages are not permitted to be used as boarding rooms;
3. No separate exterior doorways for individual boarding rooms shall be permitted;
4. Parking shall be provided and comply with the standards established for single-family detached dwellings except any additional parking beyond what can be

accommodated in a driveway no wider than to sufficiently park two cars must be out of the required setback and yards established in that zoning district;

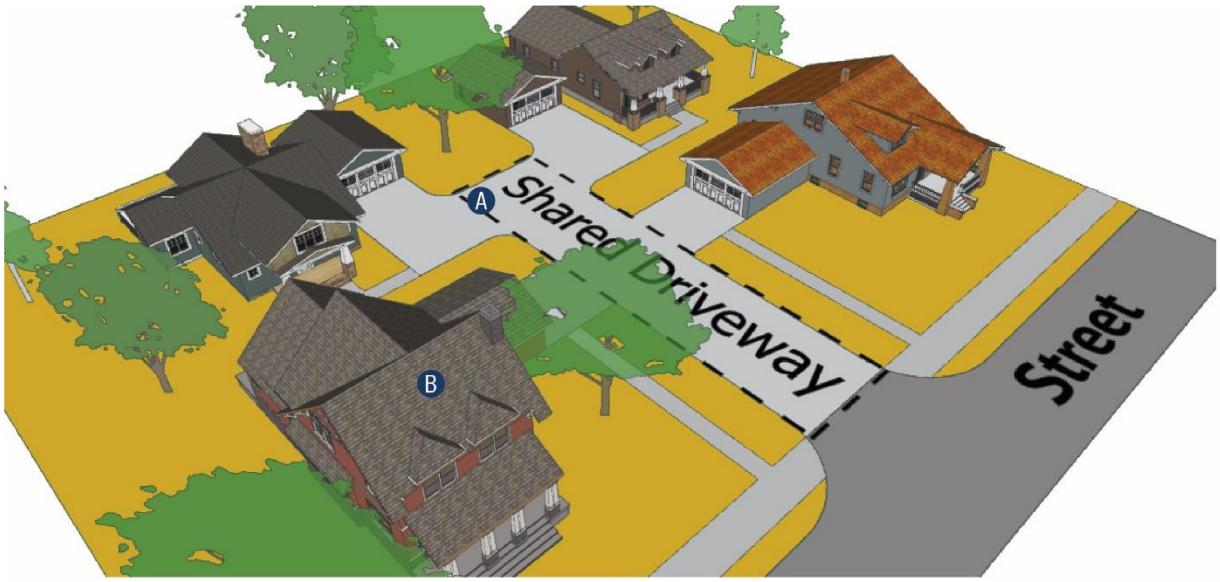
5. Parking for boarders shall not be served by a separate driveway from the driveway serving the principal residential structure;
6. Prompt disposal of all garbage in a sanitary condition is required; and
7. The use shall meet all relevant requirements in the Town's Code of Ordinances.

C. BUNGALOW COURT

A bungalow court is a voluntary single-family detached dwelling alternative that allows lot access via a shared driveway configured as a central motor court. A bungalow court shall:

1. Comply with the requirements in Section 5.2, Design Guidelines;
2. Be located on a site of at least one acre, but not more than three acres in area;
3. Be limited to single-family detached dwellings as the principal use;
4. Be configured so that each dwelling unit obtains vehicular access via a common shared driveway that is:
   a. Located on common area maintained by a homeowner's association;
   b. Comprised of concrete, brick, or pavers; and
   c. Located central to the development.
5. Be limited to no more than five dwelling units sharing the same common shared driveway (see Figure 4.3.3.C, Bungalow Court Development); and
6. Not exceed the maximum allowable density in the district where located.

FIGURE 4.3.3.C: BUNGALOW COURT DEVELOPMENT



LEGEND

A Shared Common Driveway Central to Development (Must be concrete, brick, or pavers)

B Maximum Five Single-Family Detached Dwellings



D. CONTINUING CARE RETIREMENT CENTER (CCRC)

1. PURPOSE AND INTENT

The purpose for these standards is to encourage the development of appropriate and adequate housing communities for the elderly. More specifically, these standards are intended to:

a. Permit creative approaches to development of a retirement center reflecting changes in the technological methods of treatment and development;

b. Provide a variety of housing types, living arrangements, design, and configuration that meet the differing needs of elderly residents;

c. Ensure that the types of specialized products, services, and uses necessary for the elderly are available in close proximity to housing;

d. Provide for an efficient use of land that can result in smaller networks of utilities and streets;

e. Ensure the safety and security of community residents;

f. Minimize any possible adverse impacts on surrounding neighborhoods through the preservation of natural features, the provision of underground utilities, and the provision of open-space areas.

2. ESTABLISHMENT

a. Continuing Care Retirement Communities may be established in accordance with the conditional rezoning provisions established in Section 2.2.24, Zoning Map Amendment.

b. A site plan must be submitted at the time of application that demonstrates how the proposed CCRC, while departing from the strict application of the conventional district requirements, is in keeping with the intent of this Ordinance.

c. Development within a CCRC shall conform to the site plan approved with establishment of the use as well as any requirements approved by the Board of Commissioners.

d. Modification of the site plan may be made by the Board of Commissioners subsequent to its initial approval upon application by the owner of the land.

3. DEVELOPMENT DENSITY

Maximum development density is based on the number of independent living units only and may not exceed five units per acre except as allowed in accordance with Section 4.3.3.D.4, Density Bonus.

4. DENSITY BONUS

A CCRC may exceed five dwelling units an acre in accordance with Table 4.3.3.D.4, CCRC Density Bonus, provided the Board of Commissioners makes a finding that the development will result in a significantly better environment than that would otherwise occur in accordance with the established permitted density.

TABLE 4.3.3.D.4: CCRC DENSITY BONUS

Amount Of Useable Open Space Provided (% Of Total Development Area) [1]	Maximum Allowable Density (Units/Acre)
20 to 29.99	5.25
30 to 39.99	5.5
40 to 49.99	5.75
50 or more	6

NOTES:
[1] Open space set-aside may be provided within the CCRC, as dedicated park land outside the CCRC, or as a combination.

5. DIMENSIONAL REQUIREMENTS

Table 4.3.3.D.5, CCRC Dimensional Requirements, sets out the dimensional standards for these uses, which shall apply in lieu of the zoning district dimensional standards.

TABLE 4.3.3.D.5: CCRC DIMENSIONAL REQUIREMENTS

Feature		Requirement
Minimum Development Size (acres)		5
Single-family Detached Dwellings	Minimum Lot Area (square feet)	3,500
	Minimum Front Setback (feet)	8; One side may be zero [1]
	Minimum Side Setback (feet)	15
	Minimum Rear Setback (feet)	15
	Minimum Lot Width (feet)	N/A
	Maximum Height (feet)	35

TABLE 4.3.3.D.5: CCRC DIMENSIONAL REQUIREMENTS	
FEATURE	**REQUIREMENT**
Minimum Spacing Between Buildings on the Same Lot (feet)	30 + 5 for each building story beyond 2
Maximum Building Height	35 [2]
Total Lot Coverage in the Development (% of development area)	70
Open Space Set-Aside (% of total development area)	20 [3]
NOTES: [1] Single-family detached homes shall be at least ten feet apart. [2] Building height may be increased beyond 35 feet provided the setback from all lot lines equals or exceeds the building's height. [3] Up to one-half of the open space set-aside may be covered by water.	

6. DEVELOPMENT STANDARDS

a. PERIMETER PLANTING STRIP
A Type B perimeter buffer configured in accordance with Section 5.6.10, Perimeter Buffers, shall be installed around the perimeter of the development.

b. PERIMETER FENCING
To ensure the safety and security of residents within a CCRC, the development shall be surrounded by a perimeter wall or fence with a minimum height of four feet.

c. ACCESS AND CIRCULATION
Access and circulation shall adequately provide for firefighting equipment, service deliveries and refuse collection.

d. UNDERGROUND UTILITIES
Underground installation of telephone, power and cable TV lines is encouraged but not required.

e. PEDESTRIAN PATHS
Pedestrian paths shall form a logical, safe, and convenient system for pedestrian and handicap access to all on-site buildings and facilities as well as major off-site destinations.

E. FAMILY CARE HOME

1. A lot containing a family care home shall not be located within one-half mile (2,640 feet) of another lot containing a family care home or a group home.
2. Any family care home shall maintain a valid license to operate from the North Carolina Department of Health and Human Services.

F. GROUP HOME

A group home shall comply with the following standards:

1. A lot containing a group home shall not be located within one-half mile (2,640 feet) of another lot containing a family care home or another group home;
2. The use shall be operated in a manner that is compatible with the surrounding neighborhood and shall not be detrimental to adjacent lands as a result of traffic, noise, refuse, parking, loitering, or other activities;

3. The number of occupants shall in a group home shall be limited to the maximum number that may be accommodated while at the same time complying with all applicable Town regulations and State requirements;
4. The use shall maintain a residential appearance compatible with its surroundings when proposed in a residential or mixed use district; and
5. The use shall meet all State requirements, as well as all applicable housing and building code requirements.

G. HALFWAY HOUSE

A halfway house shall comply with the following standards:

1. A lot containing a halfway house shall not be located within one-half mile (2,640) feet of another lot containing a bar, cocktail lounge, nightclub, boarding or rooming house, or adult business;
2. The maximum number of residents in a halfway house shall be limited to five in addition to any staff or landowners and their families;
3. Visitation by members of the public to a resident living in a halfway house may only take place between the hours of 7:00 AM and 7:00 PM;
4. The use shall meet all State requirements, as well as all applicable housing and building code requirements; and
5. The use shall include a sign, visible from outside the front entrance, the lists an emergency contact name and telephone number that is available 24 hours a day.

H. LIVE/WORK DWELLING

A live/work dwelling shall comply with the following standards:

1. The residential portion of the building shall occupy at least 50 percent of the gross floor area.
2. The nonresidential portion of the building is limited to an office, personal service, retail sales, or restaurant use type.
3. Drive-through facilities are prohibited.
4. Signage for the nonresidential portion of the building shall be limited to wall signage or projecting signage.

I. MANUFACTURED DWELLING

A manufactured dwelling (or manufactured home) shall comply with the following standards:

1. It shall be located on an individual lot in the MHO district;
2. It shall be occupied only as a single family dwelling;
3. It shall be served by public water and sewer;
4. It shall be configured in accordance with the standards established by the North Carolina Department of Insurance and the most current version of the State of North Carolina Regulations for Manufactured Homes;
5. It shall maintain a minimum width of 16 feet;
6. It shall be oriented with the longest axis parallel to the lot frontage, to the maximum extent practicable;
7. The towing apparatus, wheels, axles, and transporting lights shall be removed;
8. It shall include a continuous, permanent masonry foundation or masonry curtain wall of solid brick or brick veneer, unpierced except for required ventilation and access, installed under the perimeter;
9. It shall include stairs, porches, entrance platforms, ramps, and other means of entrance and exit that are installed or constructed in accordance with the standards set by the State Building Code(s). They shall be attached firmly to the primary structure and anchored securely to the ground;

10. It shall maintain exterior siding comparable in composition, appearance, and durability to the exterior siding commonly used in standard residential construction, which consists of one or more of the following:
- **a.** Vinyl or aluminum lap siding (whose reflectivity does not exceed that of flat white paint);
- **b.** Cedar or other wood siding;
- **c.** Stucco siding;
- **d.** Brick or stone siding.

11. It shall maintain a roof pitch with a minimum vertical rise of three feet for each 12 feet of horizontal run;

12. It shall include a roof finished with a Class C or better roofing material that is commonly used in standard residential construction; and

13. It shall provide an eave projection of no less than 6 inches, which may include a gutter.

J. MANUFACTURED DWELLING PARK

Manufactured dwellings located within a manufactured dwelling park lawfully established prior to January 1, 2020 are nonconforming uses and shall comply with the standards in Section 4.3.3.I, Manufactured Dwelling.

K. MOBILE HOMES

Lawfully established mobile homes existing on January 1, 2020 are nonconforming uses and shall comply with the following standards:

1. NEW MOBILE HOMES PROHIBITED

The establishment of a mobile home on a lot or in a mobile home park after January 1, 2020 is prohibited.

2. REPLACEMENT OF EXISTING MOBILE HOMES

Replacement of a lawfully established mobile home shall be in accordance with Section 7.6.3.B, Manufactured or Mobile Homes.

3. ADDITIONAL STANDARDS

All mobile homes which are hereafter placed either on individual lots or in spaces in mobile home parks shall comply with the following requirements.
- **a.** Any mobile home constructed before July 1, 1970, must be approved by Underwriters' Laboratories and any mobile home constructed after that time must meet all applicable state and federal standards.
- **b.** All mobile homes shall be tied down in accordance with the State Regulations for Mobile Homes and Modular Housing.
- **c.** A continuous foundation enclosure, unpierced except for required ventilation and access, shall be installed. The enclosure may consist of brick or concrete block, or other masonry, or wood, rigid vinyl or metal fabricated for this purpose.
- **d.** Any wood framing for foundation skirting shall be constructed with treated lumber. The foundation or skirt shall be in compliance with all applicable codes and regulations.

L. MOBILE HOME PARK

Mobile home parks lawfully established before January 1, 2020 are nonconforming uses and shall comply with the following standards:

1. REPLACEMENT OF EXISTING MOBILE HOMES

Replacement of an existing, lawfully established mobile home shall be in accordance with Section 7.6.3.B, Manufactured or Mobile Homes.

2. EXPANSIONS

Expansion of an existing mobile home park beyond its lawfully established boundaries in existence on January 1, 2020 is prohibited.

3. INDIVIDUAL SPACES

a. All mobile homes will be located on individual mobile home spaces.

b. Spaces served by municipal or community water and sewer systems shall be at least 8,000 square feet of ground area.

c. Minimum space size for mobile homes using septic tanks shall be as determined by the Wake County Environmental Services, but in no case less than 10,000 square feet whether or not a municipal or community water supply is available.

d. Every mobile home space will be at least 75 feet wide and clearly delineated.

e. There will be at least 15 feet clearance between mobile homes from every in-park alignment and 25 feet adjacent to entrance streets.

4. MOBILE HOME PLACEMENT

No mobile home will be located less than 15 feet from any building within the mobile home park, no closer than 15 feet from any exterior boundary line of the mobile home park and no closer than 15 feet to the edge of any interior street right-of-way.

5. ACCESS TO INDIVIDUAL SPACES

No mobile home space will have unobstructed access to public streets and highways except through an interior drive.

6. PERIMETER SCREENING

Any mobile home park with more than four spaces will have a visual buffer (such as neatly trimmed shrubbery) six feet in height surrounding the mobile home park.

7. TRAVEL TRAILERS

a. Combination usage of travel-type trailers and conventional mobile homes shall not be allowed.

b. The developer may provide vacant spaces for travel-type trailer spaces on a semi-permanent basis (not more than 60 days during one calendar year), as long as they meet all state, county and municipal regulations, and can be served with sanitary facilities and are kept in a separate area from the permanent residents.

8. TIEDOWNS REQUIRED

a. Each mobile home shall be required by the park director to install tiedown apparatus for each unit. These tiedowns shall be in accordance with the mobile home manufacturer's instructions if the tiedown system is designed by a registered architect or engineer.

b. If no set of instructions is available or if the system has not been designed by a licensed architect or engineer, then it shall be designed in accordance with the North Carolina Department of Insurance manufactured home regulations.

9. ADDITIONS

a. Any structural additions to mobile homes other than those which are built as part of the unit and designed to extend from it shall be erected only after a building permit shall have been obtained and approved, and the additions shall conform to the building code of the governing unit, where applicable, or shall meet the standards of special regulatory amendments adopted with respect to the additions.

b. The building permit shall specify whether each structural addition may remain permanently, must be removed when the mobile home is removed on a permanent or semi-permanent basis, or must be removed within specified length of time after the mobile home is removed from the park or site.

c. Structural alterations existing on November 7, 2011 shall be removed within 30 days after the mobile home which they serve is moved unless attached to another mobile home on the same site within that period.

10. MANAGEMENT

In each mobile home park, the permittee or duly authorized attendant or caretaker shall be in charge at all times to keep the mobile home park, its facilities, and equipment in a clean, orderly, safe, sanitary condition.

11. NONCONFORMING MOBILE HOME PARKS

a. Existing mobile home parks which provide mobile home spaces having a width or area less than that herein above described, may continue to operate with spaces of existing width and area, but in no event shall any like nonconforming mobile home park be allowed to expand unless the extensions meet the requirements of this chapter.

b. Any like nonconforming park area shall be required to properly conform whenever the park area is over one-half void of permanent mobile homes on available sites.

12. ALLOWABLE USES

Permitted uses in mobile home parks shall be as follows:

a. Mobile homes;

b. Structural additions subject to these standards;

c. An administrative office to serve mobile home park;

d. Coin-operated laundries to serve the mobile home park only if the laundry is attached to municipal sewer facilities; and

e. Private recreational facilities.

13. FLOODING

a. The mobile home park shall be located in an area and on soil that is not susceptible to flooding.

b. The mobile home park shall be adequately graded so as to prevent any water accumulation on the premises.

c. All ditch banks shall be sloped and seeded in order to ensure proper run-off and an adequate drainage pattern to avoid erosion and the formation of gullies.

14. EXTERIOR LIGHTING

a. Lighting shall be designed to produce a minimum of 0.1 footcandle at street level throughout the system.

b. Potentially hazardous locations, such as major street intersections and steps or stepped ramps shall be individually illuminated with a minimum of 0.3 footcandle.

15. STORAGE PROVIDED

A storage building sufficient for the entire mobile home park shall be provided for the storage of boats, motorcycles, and similar items.

M. MULTI-FAMILY DWELLING

Multi-family development shall comply with the following provisions:

1. BUILDING PLACEMENT

a. A minimum ten feet of separation shall be maintained between all buildings in the development.

b. Buildings must be set back from private drives and parking lots a minimum of ten feet as measured from back of curb or edge of pavement, if no curb is provided.

c. Buildings shall be setback from public streets in the development in accordance with the street setbacks for the district where located.

2. BUILDING LENGTH

a. The maximum length of a multi-family building shall be 250 linear feet.

b. No maximum building length shall be applied if the building is designed for occupancy by the elderly and it has central facilities for dining and recreation.

c. In no instance shall the provision of a firewall between different building sections constitute two separate buildings for the purpose of meeting the building length requirement.

3. DESIGN

Multi-family development shall comply with the applicable design standards in Section 5.3.3, Multi-Family Residential Design Standards.

4. RECREATION FACILITIES

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

5. UTILITIES

All electric, communications, water and sewer utility lines shall be installed underground.

6. CONDOMINIUMS

Multi-family development configured as condominiums shall comply with the following standards:

a. Condominiums shall conform to the use and development requirements of this Ordinance for the zoning district(s) where located.

b. Condominiums shall conform to the requirements of the North Carolina Condominium Act, in Chapter 47C of the North Carolina General Statutes.

c. Condominium ownership may be created by the owner or co-owners of a structure(s) by an express declaration of their intention to submit such property to the provisions of the North Carolina Condominium Act, which declaration shall be subject to approval by the Board of Commissioners and recorded in the office of the Register of Deeds in the county where the development is located.

7. SCREENING

Utility areas such as clothes drying yards and outdoor storage areas shall be fully screened from public streets and adjacent lots zoned for single-family detached residential dwellings.

N. POCKET NEIGHBORHOOD

1. PURPOSE AND INTENT

A pocket neighborhood is a group of smaller single-family detached dwellings built in close proximity to one another around a small green or commonly-owned open space with off-street parking areas to the rear or in common areas. These standards are intended to provide greater housing options as well as providing a means for accommodating infill in established portions of the Town.

2. SITE CONFIGURATION

a. DEVELOPMENT SIZE

It shall be located on a parcel of land at least one-third (1/3) of an acre and no greater than 4 acres in area.

b. ALLOWABLE USES

i. Pocket neighborhoods shall be limited to single-family detached dwellings and accessory uses.

ii. Accessory uses may include common open space, a common building for the purposes of storage or recreation, outdoor recreational features, and garages (see Figure 4.3.3.N: Pocket Neighborhood Design).

FIGURE 4.3.3.N: POCKET NEIGHBORHOOD DESIGN



c. NUMBER OF DWELLINGS

It shall include at least four dwellings but no more than 12 dwellings. In no instance shall the gross density of the development exceed a 10 percent increase in the density of the underlying base zoning district.

d. COMMON OPEN SPACE

i. It shall include common open space that comprises at least 40 percent of the total site and includes improved pedestrian walkways that provide pedestrian access to each dwelling, shared parking areas, common buildings, and the public sidewalk network. The common open space shall include a central green, lawn, or garden area fronting the dwellings, a shared, centrally-located off-street parking area, and a perimeter buffer area that incorporates landscaping materials, existing vegetation, or other features to buffer the pocket neighborhood from adjacent development.

ii. The central green or lawn area shall include at least 300 square feet of area for each dwelling in the development.

iii. A common building located within the common open space area may be included as an accessory use, but in no instance shall the common building exceed 1,500 square feet or serve as a permanent dwelling unit.

e. LOT FRONTAGE

i. At least 60 percent of the individual building lots shall front the common open space area, not a street or alley.

ii. Up to 40 percent of the lots may front a street. Homes on street-facing lots shall include a front porch and shall not include an attached garage that faces the street.

f. SURFACE PARKING

i. Pocket neighborhoods are exempt from the parking standards in Table 5.8.4.H, Minimum Off-Street Parking Requirements Table.

ii. The pocket neighborhood may include a shared parking area that accommodates resident and guest parking.

iii. Surface parking areas shall include at least one parking space for each dwelling unit plus one designated guest parking space for every four dwelling units.

iv. Provision of resident parking spaces within a shared parking area is not required in cases where resident parking is provided through individual driveways or by parking spaces along alleys.

v. In no instance shall parking areas be more than 300 linear feet from the dwelling it serves.

g. DETACHED SHARED GARAGES

If provided, detached garages serving more than one dwelling shall be accessed via a private drive or alley. A garage shall not exceed five car bays or include individual garage doors wider than 12 feet each.

h. STORAGE SPACE

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

i. PERIMETER BUFFER

A pocket neighborhood shall incorporate a Type B perimeter buffer along all lot lines shared with existing single-family detached dwellings.

j. PRIVATE DRIVES

Vehicular entryways into pocket neighborhoods and accessways serving off-street parking areas and individual dwelling lots shall be configured as private drives.

3. INDIVIDUAL LOT CONFIGURATION

Table 4.3.3.N.3: Pocket Neighborhood Lots, sets out the dimensional requirements for individual lots.

TABLE 4.3.3.N.3: POCKET NEIGHBORHOOD LOTS

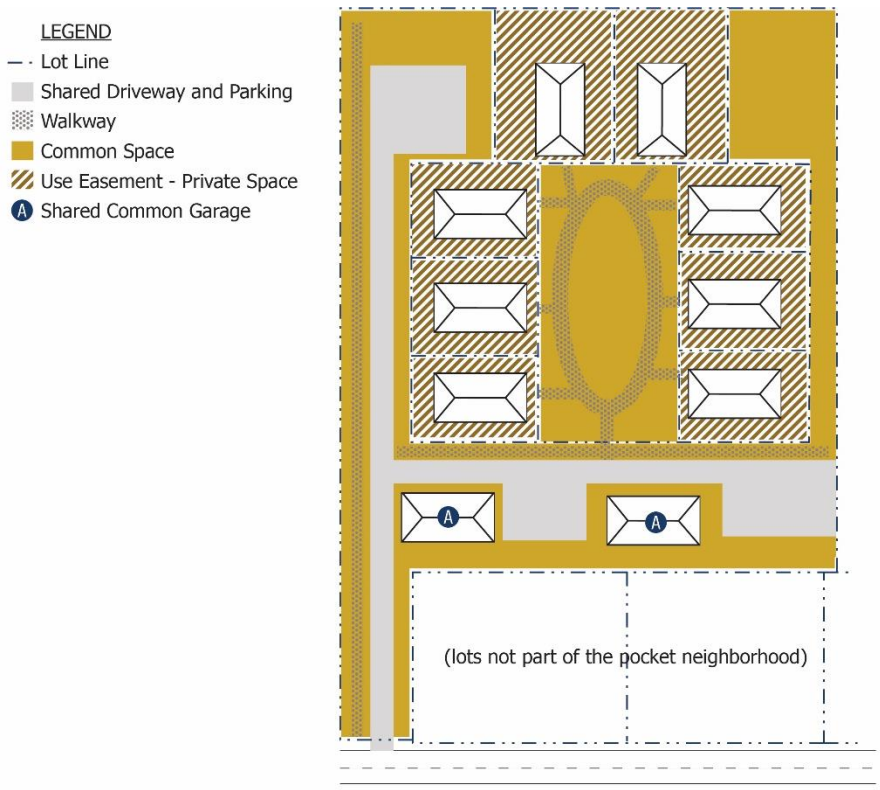
FEATURE	REQUIREMENT
Minimum lot size (sq ft)	None
Maximum lot coverage (%)	75
Minimum lot width (ft)	20
Minimum front setback (ft)	10 from open space; zoning district requirement from street [1]

TABLE 4.3.3.N.3: POCKET NEIGHBORHOOD LOTS	
FEATURE	**REQUIREMENT**
Minimum side setback (ft)	3 one side; 15 other side [1]
Minimum rear setback (ft)	None [2]
NOTES: [1] Porch steps, ramps, fences, and walkways may encroach into the front setback in accordance with Section 9.3, Rules of Measurement, but no other structures shall be permitted to encroach into the required setback. [2] When an individual lot includes a driveway, the minimum rear setback shall be 20 feet.	

a. USE EASEMENT

Any lot abutting another lot used for residential purposes in a pocket neighborhood shall be subject to a use easement on one side that extends from the lot line to the exterior wall of the dwelling (see Figure 4.3.3.N.3.a: Use Easement). The purpose for the use easement is to ensure each dwelling has a private outdoor space.

FIGURE 4.3.3.N.3.A: USE EASEMENT



4. DWELLING UNIT CONFIGURATION

a. MAXIMUM HEIGHT

A dwelling unit shall not exceed 1½ stories, or 24 feet, above grade.

b. DWELLING SIZE

i. A dwelling unit shall be at least 600 square feet in floor area, but not more than 2,000 square feet in floor area.

ii. At least 2 dwellings in a pocket neighborhood shall maintain a total square footage that differs by at least 200 square feet in floor area from the average square footage of all other dwellings. Nothing shall prohibit a configuration where all dwellings are different sizes.

c. FENCES

Pocket neighborhoods are exempted from the standards in Section 5.5, Fences and Walls, but shall comply with the following:

i. Fences within front yards or side yards forward of the front façade plane shall not exceed three feet in height.

ii. Fences in rear yards or side yards behind the front facade plane shall not exceed six feet in height.

iii. In no instance shall a fence be placed within a use or access easement.

d. HOMEOWNER'S ASSOCIATION

A pocket neighborhood shall include a homeowner(s) or property owner(s) association that maintains control of common areas and takes responsibility for maintenance of common features in the neighborhood established and configured in accordance with Section 6.5, Owners' Associations.

O. SINGLE-FAMILY ATTACHED DWELLING

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

1. BUILDING PLACEMENT

a. A minimum ten feet of separation shall be maintained between all buildings in the development.

b. Buildings must be set back from private drives and parking lots a minimum of ten feet as measured from back of curb or edge of pavement, if no curb is provided.

c. Buildings shall be setback from public streets in the development in accordance with the street setbacks for the district where located.

2. MAXIMUM NUMBER OF UNITS PER BUILDING

Table 4.3.3.O.2: Maximum Number of Units in a Buildings, sets out the maximum number of attached residential dwelling units allowed in a single building by zoning district:

TABLE 4.3.3.O.2: MAXIMUM NUMBER OF UNITS IN A BUILDING

Zoning District	Maximum Number of Units in a Single Building
R4 & R6	6
RMF	12
GC	12
OI	8
DTC	5
DTP	8
RMU	6

3. RECREATION FACILITIES

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

4. UTILITIES

All electric, communications, water and sewer utility lines shall be installed underground.

5. CONDOMINIUMS

Single-family attached development configured as condominiums shall comply with the following standards:

a. Condominiums shall conform to the use and development requirements of this Ordinance for the zoning district(s) where located.

b. Condominiums shall conform to the requirements of the North Carolina Condominium Act, in Chapter 47C of the North Carolina General Statutes.

c. Condominium ownership may be created by the owner or co-owners of a structure(s) by an express declaration of their intention to submit such property to the provisions of the North Carolina Condominium Act, which declaration shall be subject to approval by the Board of Commissioners and recorded in the office of the Register of Deeds in the county where the development is located.

6. ACCESS TO DEVELOPMENT

a. Single-family attached developments shall abut a public street.

b. Individual single-family attached lots need not abut a public street provided that every dwelling unit shall be provided access to their property via either a public right-of-way or a private vehicular or pedestrian way owned by the individual lot owner in fee or in common ownership with other property owners in the townhouse development.

c. Adequate access shall be provided for firefighting equipment, service deliveries and refuse collections.

7. VEHICULAR ACCESS TO INDIVIDUAL DWELLINGS

Vehicular access points to individual dwellings or individual lots within a single-family attached development shall only be from the side or rear of the lot.

8. GUEST PARKING SPACES REQUIRED

a. Single-family attached residential developments of three or more dwelling units shall provide shared or common guest parking facilities in accordance with the standards in Table 5.8.4.H: Minimum Off-Street Parking Requirements Table.

b. Guest parking spaces shall be evenly distributed around the development, to the maximum extent practicable.

c. Guest parking areas shall be served by pedestrian access that connects to the existing public sidewalk, greenway, or trail network serving the development.

P. SINGLE-FAMILY DETACHED DWELLING

New single-family detached dwellings constructed after January 1, 2020 shall comply with the following standards:

1. FINISHED FLOOR HEIGHT

Except for single-family detached dwellings subject to a deed restricting limiting the age of residents to 55 years of age or older, the finished floor elevation shall be at least 18 inches above the finished grade adjacent to the home's primary entrance.

2. INGRESS/EGRESS ON EVERY SIDE

Single-family detached dwellings shall be configured so that each side of the dwelling includes some form of ingress or egress capable of allowing emergency exit from or entrance into the dwelling. Windows, doors, or other wall penetrations shall be credited towards these standards. Skylights shall also be credited towards these standards in cases where there is sufficient access to the ground from the roof.

3. SITE ACCESS

Site access to single-family detached dwellings shall only be in accordance with the standards in Table 4.3.3.P.3: Single Family Site Access Standards:

TABLE 4.3.3.P.3: SINGLE-FAMILY SITE ACCESS STANDARDS

LOT CONFIGURATION [1]	ALLOWABLE VEHICULAR ACCESS POINT LOCATION (LOT LINE) [2]
Lots With a Lot Width of 70 Linear Feet or More	Front, Side, or Rear
Lots with a Lot Width of Less than 70 Linear Feet	Interior Lot: Rear
	Corner Lot: Side or Rear
Cul-de-Sac Lots	Front or Rear
Lots in a Conservation Subdivision	Front, Side, or Rear
Lots in a Bungalow Court	Front, Side, or Rear
Lots in a Pocket Neighborhood	Vehicular Access to Individual Lot not Required

NOTES:
[1] Standards may be reduced by up to 10 feet as part of a conditional rezoning application.
[2] Lots obtaining vehicular access from a NCDOT-maintained street may be accessed from a location identified in a driveway permit from the NCDOT regardless of the standards in this table.

4. DESIGN GUIDELINE COMPLIANCE ENCOURAGED

Voluntary compliance with the standards in Section 5.2, Design Guidelines, is encouraged.

Q. TRIPLEX/QUADPLEX

Triplex and quadplex dwellings shall comply with the following standards:

1. The dwelling shall face the street from which the dwelling derives its street address.
2. If a parking lot is provided, it shall be located to the interior side or rear of the dwelling and not be located between the dwelling and the street.
3. Voluntary compliance with the standards in Section 5.2, Design Guidelines is encouraged.

R. UPPER-STORY RESIDENTIAL

1. Upper-story residential dwelling units shall occupy the second or higher floor of a building with a nonresidential use on the ground floor.
2. Upper-story residential units configured as condominiums shall comply with the standards in Section 4.3.3.O.5, Condominiums.
3. Except for buildings used solely for industrial purposes, new buildings containing upper-story residential uses shall comply with the standards in Section 5.3.2, Mixed-Use Design Standards. Lawfully established building in place prior to January 1, 2020 shall comply with the standards in Section 5.3.2, Mixed-Use Design Standards, to the extent practical.

4.3.4. INSTITUTIONAL USES

A. ADULT DAY CARE CENTER

An adult day care center use shall comply with the following requirements:

1. The use shall be certified by the North Carolina Department of Health and Human Services.
2. The use shall obtain all required licenses and permits from the State.
3. The use shall include a fenced outdoor gathering area of at least 25 square feet per patron receiving care.
4. The use includes a pick-up and drop-off area that allows patrons to enter and exit vehicles without crossing a parking lot or vehicular accessway.
5. The use must be at least 1,320 linear feet from another adult day care use.

B. ANTENNA COLLOCATION (MAJOR OR MINOR)

Major and minor antenna collocations shall comply with the applicable standards in Section 4.3.4.S, Wireless Telecommunication Facilities.

C. AUDITORIUM

Auditoriums shall comply with the following standards:

1. The parcel or site shall have an area of at least three acres.
2. The building shall be located at least 500 feet from any lot in a single-family residential zoning district.
3. No products shall be sold on-site except those that are clearly incidental and integral to training programs and seminars conducted in the auditorium (e.g., food items, shirts, glasses and mugs, pens and pencils, and similar items bearing the logo of conference or seminar sponsors or participants).

D. BROADCASTING STUDIO

Broadcasting studios shall comply with the following standards:

1. The use shall be operated in a manner that is compatible with the surrounding neighborhood and shall not be detrimental to adjacent lands as a result of traffic, noise, refuse, parking, loitering, or other activities;
2. Any broadcasting towers associated with the use shall be setback from all lot lines a minimum distance equal to the height of the tower;
3. The above-grade floor area associated with the use shall not exceed 5,000 square feet; and
4. The use shall not include a helipad or helicopter landing facilities.

E. CEMETERY, COLUMBARIUM, OR MAUSOLEUM

Except as otherwise required in this UDO, new cemeteries and the expansion of existing cemeteries (as a principal use) shall comply with the following standards:

1. New cemeteries shall be located on a site or parcel with an area of at least two-and-one-half acres. This standard shall not apply to existing cemeteries or the expansion of existing cemeteries.
2. New cemeteries shall be located on a site or parcel that fronts a major arterial or collector street. This standard shall not apply to existing cemeteries or the expansion of existing cemeteries.
3. Cemeteries shall include drive aisles or vehicular accessways of at least 12 feet in width or greater as needed for the parking and maneuvering of funeral processions.
4. Interments shall take place at least 25 feet from any lot line and comply with all requirements of the North Carolina General Statutes.

F. CHILD DAY CARE CENTER

Child day care centers shall comply with the standards in Article 7, Chapter 110, of the North Carolina General Statutes, and the following:

1. Evidence of compliance with all applicable State standards, including licensure, shall be furnished to the Planning Director by the operator of the use prior to the commencement of operation.
2. Child day care centers shall maintain a minimum lot area of at least 6,000 square feet plus an additional 100 square feet for each child enrolled in the facility in excess of ten.
3. Lots containing child day care centers shall include at least 100 square feet of well-drained, completely fenced, outside play area per child enrolled in the facility (excluding infants). Access drives or parking areas shall not be credited towards the play area requirements.

G. COMMUNITY/YOUTH/SENIOR CENTER

A community center, senior center, or youth center shall comply with the following standards:

1. Not front on or gain access from a residential local street.
2. Outdoor courts, swimming pools, and athletic fields shall be located at least 50 feet from any lot line abutting a single-family residential district.
3. Uses in residential districts shall be on a lot of at least two acres.

H. COLISEUM, ARENA, CONVENTION CENTER, CONFERENCE CENTER

Coliseums, arenas, convention centers, and conference centers shall comply with the following standards:

1. The parcel or site shall have an area of at least five acres.
2. The building shall be located at least 500 feet from any lot in a single-family residential zoning district.
3. Dining and banquet facilities may be provided for employees, trainees, and conferees, provided the gross floor area devoted to such facilities does not exceed 50 percent of the total floor area of the principal building.
4. On-site recreational facilities may be provided for use by employees, trainees, or conferees.
5. No products shall be sold on-site except those that are clearly incidental and integral to training programs and seminars conducted in the center (e.g., food items, shirts, glasses and mugs, pens and pencils, and similar items bearing the logo of conference or seminar sponsors or participants).

I. DRUG/ALCOHOL TREATMENT FACILITY

A drug or alcohol treatment facility shall comply with the following standards:

1. Be at least 500 feet from any other such facility; and
2. Be at least 500 feet from any lot in a single-family residential district, school, child care center, and religious institution that has a child care center or school.

J. FRATERNAL CLUB OR LODGE

When proposed within a residential district, the OI district or the NC district, clubs and lodges shall comply with the following:

1. The club or lodge shall be on a lot of at least one acre in area.
2. No structure, off-street parking, or activity area shall be closer than 40 feet to any lot line.
3. A Type A buffer configured in accordance with Section 5.6.10, Perimeter Buffers, shall be provided along all side and rear lot lines.
4. Exterior lighting shall be so shielded as to cast no direct light upon adjacent lands.
5. Public address systems are prohibited except when contained entirely within a building.

K. HELICOPTER LANDING PAD

A helicopter landing pad shall comply with the following standards:

1. The helicopter landing pad shall provide adequate land area for safe take-offs and landings in accordance with standards of the Federal Aviation Administration (FAA).
2. When located within 500 feet of a single-family residential zoning district, or existing single-family residential use, a helicopter landing pad shall provide a Type A buffer along side and rear lot lines to ensure the facility does not adversely impact surrounding uses.

L. HOSPITAL

A hospital shall comply with the following standards:

1. Be located on a site or parcel with an area of at least five acres;
2. Be located a parcel that fronts or has direct access to a major arterial or collector street;
3. Locate the emergency vehicle entrance on a major arterial or collector street;
4. Not locate an emergency vehicle entrance in an area across the street from a residential zoning district;
5. Be served by a public water and wastewater system; and
6. Ensure that principal structures are located at least 100 feet from any lot line.

M. RELIGIOUS INSTITUTION

Religious institutions shall comply with the following standards:

1. A religious institution with seating for 500 or more persons shall:
   a. Be on a lot of at least three acres in area.
   b. Meet the minimum off-street parking standards for a religious institution as well as for any accessory uses (e.g., a school, day care, etc.) in Table 5.8.4.H: Minimum Off-Street Parking Requirements Table.
2. Regardless of the zoning district where located, religious institutions of any size shall provide a Type A buffer along lot lines shared with single-family residential dwellings.

N. SCHOOL, HIGH/MIDDLE

A high or middle school shall not front or gain primary access from a local street.

O. SCHOOL, VOCATIONAL

Facilities within a vocational school which generate significant noise or fumes, such as auto body or engine repair, industrial/auto body painting, or manufacturing processes, and that are adjacent to a residential district shall be at least 100 feet from any lot line abutting the residential district.

P. SMALL WIRELESS FACILITY

1. Small wireless facilities located outside a public right-of-way shall comply with the applicable standards in Section 4.3.4.S, Wireless Telecommunication Facilities.
2. Small wireless facilities located within a public right-of-way shall comply with the Town's Right-of-Way Management Ordinance.

Q. TELECOMMUNICATIONS TOWER, MAJOR, MINOR, OR CONCEALED

Major, minor, and concealed telecommunications towers shall comply with the applicable standards in Section 4.3.4.S, Wireless Telecommunication Facilities.

R. TEMPORARY WIRELESS FACILITY

Temporary Wireless Facilities shall comply with the applicable standards in Section 4.3.4.S, Wireless Telecommunication Facilities.

S. WIRELESS TELECOMMUNICATION FACILITIES

1. PURPOSE AND INTENT

This section establishes general standards for the siting of wireless telecommunications facilities that will provide for the public health, safety, and welfare. The standards are intended to ensure that residents, businesses, and public safety operations in the Town

have reliable access to wireless telecommunications services. More specifically, the provisions of this section are intended to:

a. Ensure adequate protection of residential areas and uses from potential adverse impacts of wireless telecommunications facilities, and to generally encourage the location of these facilities in areas where adverse impact on the community is minimal;

b. Encourage the placement of wireless telecommunications facilities in non-residential areas;

c. Minimize the number of new telecommunications towers in the Town;

d. Create conditions where wireless telecommunications service providers are able to provide wireless telecommunications services effectively and efficiently in accordance with state and federal law;

e. Strongly encourage the joint use or collocation of new and existing wireless telecommunications facilities so as to minimize the number of new telecommunications towers throughout the Town;

f. Establish collocation and concealed towers as the preferred options for the accommodation of wireless telecommunications equipment; and

g. Ensure that wireless telecommunications facilities located within the public right of way do not obstruct sight distance triangles or create safety hazards for pedestrians or bicyclists.

2. APPLICABILITY OF THESE STANDARDS

The standards in this section shall apply to all wireless telecommunications facilities except for the following, which are exempted from these standards but remain subject to all other applicable standards in this Ordinance:

a. Removal of antennas, antenna support structures, or wireless telecommunications equipment on an existing telecommunications tower, utility pole, vertical projection, or equipment compound that does not result in a substantial modification;

b. The operation of a small wireless facility solely within the interior of a structure, stadium, or athletic facility;

c. Routine maintenance on an existing wireless telecommunication facility;

d. Installation, modification, or operation of a micro-wireless facility, receive-only television antenna, or receive-only radio antenna for noncommercial use; and

e. Installation, modification, or operation of FCC-licensed amateur ("ham") radio equipment.

3. GENERAL STANDARDS APPLICABLE TO ALL TYPES OF WIRELESS TELECOMMUNICATIONS FACILITIES

The following requirements shall apply to all new wireless telecommunications facilities and any modifications to an existing wireless telecommunications facility that exceeds the scope of routine maintenance, as defined in this section.

a. BUILDING PERMIT REQUIRED

Prior to installation or modification exceeding the scope of routine maintenance, all wireless telecommunications facilities shall receive a building permit in accordance with the requirements in this Ordinance.

b. COMPLIANCE WITH FEDERAL AND STATE REGULATIONS

i. All wireless telecommunication facilities shall comply with or exceed current standards and regulations of the Federal Aviation Administration (FAA), the Federal Communications Commission (FCC), and any other agency of the federal government that regulates telecommunications facilities.

ii. In addition to federal requirements, all wireless telecommunication facilities shall comply with or exceed current standards and regulations of the State of North

Carolina pertaining to wireless telecommunications facilities in Sections 160D-903 through 160D-938 in the North Carolina General Statutes.

c. INTERFERENCE

No wireless telecommunication facility shall disturb, diminish, or interfere with public safety, radio, television, or other wireless communications signals, in accordance with FCC requirements.

d. STRUCTURALLY SOUND

All elements of a wireless telecommunication facility shall demonstrate, to the satisfaction of the Town, that the equipment and the structure supporting the equipment is structurally sound and can accommodate the proposed equipment and appurtenances.

e. SIGHT DISTANCE AT INTERSECTIONS

All elements of a wireless telecommunication facility shall be located outside of, and shall in no way obstruct, required sight distances at street intersections. This requirement shall apply to existing streets as well as to future street intersections that have been designed or where right-of-way is currently being protected by the Town.

f. ACCESSORY EQUIPMENT

i. Accessory equipment, including any buildings, cabinets, or shelters, shall be used only for the purposes of housing wireless telecommunications equipment and other supplies in direct support of the operation of the wireless telecommunications facility.

ii. Any equipment or materials not used in direct support of such operation shall not be stored on the site.

iii. When a generator is operated at a wireless telecommunication facility, it shall comply with the applicable standards in Chapter 97: Noise, of this Code of Ordinances.

g. SITE GRADING

Grading and vegetation removal for a wireless telecommunications facility shall be limited to the area necessary for the facility and any required accessory structures, including: stormwater management devices, access drives, or off-street parking.

h. UNDERGROUND EQUIPMENT

Nothing shall limit the Town from requiring ground-based or pole-mounted telecommunications equipment to be located underground or otherwise concealed in a manner that obstructs its view from the public realm in the following locations:

i. Historic districts (local or otherwise);

ii. Portions of Town subject to design standards or controls; or

iii. Portions of the Town's planning jurisdiction subject to adopted policy guidance that indicates the area as a pedestrian-oriented area or an area where the appearance of development is identified as one of the key policy considerations in preserving the Town's established character.

i. LIGHTING

i. Lighting of a wireless telecommunications facility shall be limited to that required for compliance with FAA minimum standards.

ii. Any lighting required by the FAA must be of the minimum intensity and number of flashes per minute (i.e., the longest duration between flashes) allowable by the FAA.

iii. Nighttime strobing or flashing lights are prohibited, unless required by the FAA.

iv. Lights serving equipment compounds or other service areas shall be configured so that the source of illumination is not visible from off-site areas.

v. All exterior lighting shall comply with the lighting regulations of this Ordinance, or the Design Manual, whichever is more strict.

j. SIGNAGE

i. Signage shall be limited to safety or informational signage identifying the party responsible for the operation and maintenance of the facility and any additional security or safety signs, as necessary in the opinion of the Town.

ii. If the electrical service is in excess of 220 volts, the wireless telecommunications facility shall include signs located at least every twenty feet around the perimeter that display the words "HIGH VOLTAGE - DANGER" in bold, high contrast letters with minimum height of four inches for each letter.

iii. No signage shall be posted higher than 15 feet above grade.

iv. Signage required by this section shall be considered to be safety or governmental signage that is not subject to 1st Amendment protection regarding the regulation of sign content.

k. UNAUTHORIZED ACCESS PROHIBITED

Telecommunications towers and vertical projections with wireless telecommunications equipment with a height of 30 feet above grade or more shall be designed or configured to prevent unauthorized persons from climbing on the wireless telecommunication facility whether through the use of walls or fencing with a minimum height of six feet above grade, or other anti-climbing devices.

4. STANDARDS FOR SPECIFIC TYPES OF WIRELESS TELECOMMUNICATION FACILITIES

The following standards shall apply to the identified type of wireless telecommunications facility, and shall apply in addition to the standards in Section 4.3.4.S.3, General Standards Applicable to All Types of Wireless Telecommunications Facilities.

a. TELECOMMUNICATIONS TOWER, MAJOR		
New or replacement major telecommunications towers shall comply with the standards in Table 4.2.3, Principal Use Table, Section 4.3.4.S.3, General Standards Applicable to All Types of Wireless Telecommunications Facilities, and the following standards:		
i.	**Towers Distinguished**	**a.** A new or replacement telecommunications tower with a height of 30 feet or more above grade is a major telecommunications tower subject to these standards. **b.** A new or replacement telecommunications tower with a height less than 30 feet above grade shall be considered a minor telecommunications tower and shall be subject to the standards for a concealed or minor telecommunications tower.
ii.	**Type of Structure**	**a.** Telecommunications towers shall be configured as a monopole or be concealed in accordance with Section 4.3.4.S.4.b, Telecommunications Tower, Concealed. **b.** Construction of new guyed or self-supporting telecommunications tower configurations are prohibited.
iii.	**Setbacks**	**a.** Towers and their associated antennas shall be set back at least one foot from the front, side, and rear lot lines for each foot of overall wireless telecommunications facility height. **b.** In cases where an existing telecommunication tower's height is increased or where an existing telecommunications tower is replaced in order to accommodate a major or minor collocation, the existing or replacement tower shall comply with the setback requirements in subsection (a) above, to the maximum extent practicable. **c.** Accessory structures, including equipment cabinets, and other ground-based equipment shall conform with the applicable dimensional requirements for the zoning district where located.
iv.	**Maximum Height**	**a.** The maximum height (including antenna and other appurtenances) for any new, replaced, or collocated wireless telecommunication tower is 200 feet, as measured from the adjacent pre-construction grade to the top of the highest appurtenance on the tower. **b.** In no instance shall the collocation of an eligible facility or a collocation that constitutes a substantial modification result in a telecommunication tower with a height that exceeds 200 feet above the adjacent pre-construction grade. **c.** In cases where a telecommunications tower is mounted to or on top of a building, the overall height of the building and the attached tower shall not exceed 200 feet from the adjacent preconstruction grade. The adjacent pre-construction grade shall be the grade at the base of the building closest to the tower.
v.	**Collocation Required**	**a.** Telecommunications towers shall be designed to accommodate the present and future needs of the owner and as well as the collocation of additional equipment, in accordance with the following standards: **i.** Towers of 30 to 80 feet in height shall be configured to accommodate the collocation of at least two wireless telecommunications service provider's equipment. **ii.** Towers of 81 to 130 feet in height shall be configured to accommodate the collocation of at least three wireless telecommunications service provider's equipment. **iii.** Towers of 131 feet in height or higher shall be configured to accommodate the collocation of at least four wireless telecommunications service provider's equipment. **iv.** ii. In no instance shall an existing telecommunications tower be permitted to remain in place for a period of more than 14 days following installation of a replacement telecommunications tower constructed to accommodate a collocation.
vi.	**Color**	Telecommunication towers shall either maintain a galvanized steel finish or be painted a neutral, matte color designed to blend with its surroundings, unless otherwise required by the FAA.
vii.	**Screening**	**a.** All ground-based elements, such as an equipment compound or equipment cabinets, shall be completely screened from off-site views through the use of a fully opaque wooden privacy fence, masonry wall, or two staggered rows of evergreen shrubs located around the perimeter of the ground-based elements.

a. TELECOMMUNICATIONS TOWER, MAJOR		
		b. Chain-link fencing is a ground-based element subject to these screening requirements. **c.** Screening is not required in cases where ground-based equipment is not visible from off-site areas. **d.** Landscaping material shall reach and maintain a minimum height of six feet above grade within four years of planting. **e.** Landscaping material is not required in front of access gates, provided the gates are fully opaque or are not visible from off-site areas.
viii.	**Off-Street Parking**	**a.** A telecommunications tower shall provide at least one off-street parking space, paved with an all-weather surface, and configured to provide appropriate stormwater drainage. **b.** Nothing shall prohibit the use of off-street parking associated with another principal use on site or an on-street parking space from meeting this requirement.
ix.	**Example Images**	The following images depict potential monopole telecommunications tower configurations, and are provided for informational purposes only.



Typical monopole with collocated antennae



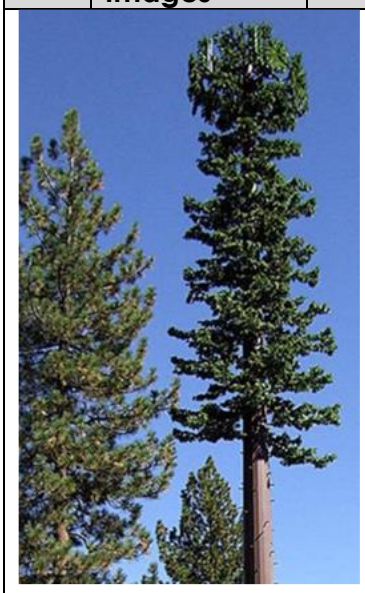
Monopole with "birdcage" antenna mounts



"Mast" monopole configuration with integral antennae

b. TELECOMMUNICATIONS TOWER, CONCEALED		
Concealed telecommunications towers shall comply with the standards in Table 4.2.3, Principal Use Table, Section 4.3.4.S.3, General Standards Applicable to All Types of Wireless Telecommunications Facilities, and the following standards:		
i.	**Towers Distinguished**	**a.** A concealed telecommunications tower is a telecommunications tower and associated equipment that is designed to appear as something other than a traditional wireless telecommunications facility. **b.** ii. A minor wireless telecommunications tower is a use that is designed to appear as a traditional wireless telecommunications facility except that the maximum height of the tower portion of the facility is less than 30 feet above grade.
ii.	**Appearance of a Concealed Telecommun-ications Tower**	**a.** A concealed telecommunications tower shall be configured to conceal the presence of the tower, antennas, antenna-support structures, and related wireless telecommunications equipment in order to obscure its purpose as a wireless telecommunications facility, to the maximum extent practicable. **b.** Allowable configurations include, but are not limited to: bell towers, clock towers, water towers, silos, chimneys, steeples, light standards, flag poles, or evergreen trees. **c.** Antennae, antenna support structures, cabling, and related appurtenances shall be enclosed, camouflaged, screened, or otherwise obscured so that they are not readily identifiable as wireless telecommunications equipment to the casual observer. **d.** Equipment cabinets and related structures shall be designed, located, and camouflaged in a manner that is compatible with the tower portion of the facility. **e.** Placement of ground-based wireless telecommunications equipment associated with a concealed telecommunications tower is strongly encouraged to be located indoors or underground.
iii.	**Setbacks**	**a.** Concealed and minor telecommunications towers and associated accessory structures, including equipment cabinets, shall comply with the applicable dimensional requirements for nonresidential uses in the zoning district where located. **b.** In no instance shall a concealed or minor telecommunications tower be exempted from the minimum applicable setback requirements for nonresidential uses. **c.** In cases where an existing concealed telecommunication tower's height is increased or where an existing concealed telecommunications tower is replaced in order to accommodate a major or minor collocation, the existing or replacement concealed telecommunications tower shall comply with the setback requirements in subsection (a) above, to the maximum extent practicable.
iv.	**Maximum Height**	**a.** The maximum height for any concealed wireless telecommunication tower is 200 feet, as measured from the adjacent pre-construction grade to the top of the highest appurtenance on the tower. **b.** In no instance shall a collocation of an eligible facility or work associated with a substantial modification result in a concealed telecommunication tower with a height that exceeds 200 feet above the adjacent pre-construction grade. **c.** The maximum height for a minor telecommunications tower is less than 30 feet from the adjacent pre-construction grade to the top of the highest appurtenance on the tower.
v.	**Collocation**	**a.** Concealed and minor telecommunications towers are encouraged (but not required) to accommodate the collocation of other antennae, whenever technically and economically feasible. **b.** Any collocated equipment on a concealed telecommunications tower must maintain the appearance of the facility as a concealed telecommunications tower. **c.** Collocations of equipment on a minor telecommunications tower (whether a major or minor collocation) shall not increase the overall height of the tower by more than 10 feet beyond the initially approved height of the minor telecommunications tower. Actions that result in an increase in tower height by more than 10 feet shall require the minor telecommunications tower to undergo review as a major telecommunications tower. **d.** In no instance shall a concealed telecommunications tower be replaced with a telecommunications tower that is not concealed in order to accommodate a collocation.

b. TELECOMMUNICATIONS TOWER, CONCEALED		
vi.	**In Historic District**	A concealed telecommunications tower located within a historic district shall obtain a certificate of appropriateness and shall be configured to minimize visibility of the facility, to the maximum extent practicable.
vii.	**Screening**	**a.** All ground-based elements, such as an equipment compound or equipment cabinets, shall be completely screened from off-site views through the use of a fully opaque wooden privacy fence, masonry wall, or two staggered rows of evergreen shrubs located around the perimeter of the ground-based elements. **b.** Chain-link fencing is a ground-based element subject to these screening requirements. **c.** Screening is not required in cases where ground-based equipment is not visible from off-site areas. **d.** Landscaping material shall reach and maintain a minimum height of six feet above grade within four years of planting. **e.** Landscaping material is not required in front of access gates, provided the gates are fully opaque or are not visible from off-site areas. **f.** These screening requirements may be waived, on a case-by-case basis, when the Planning Director determines that compliance with these screening standards will diminish the concealment objective of the concealed telecommunications tower.
viii.	**Off-Street Parking**	**a.** A concealed telecommunications tower shall provide at least one off-street parking space, paved with an all-weather surface, and configured to provide for appropriate stormwater drainage. **b.** Nothing shall prohibit the use of off-street parking associated with another principal use on site or an on-street parking space from meeting this requirement. **c.** The Planning Director may waive this requirement when, in the opinion of the Planning Director, the inclusion of an off-street parking space will interfere with concealment objectives of the wireless telecommunications facility.
ix.	**Example Images**	The following images depict potential concealed telecommunications tower configurations, and are provided for informational purposes only.



Tree configuration



Steeple configuration



Clock tower configuration



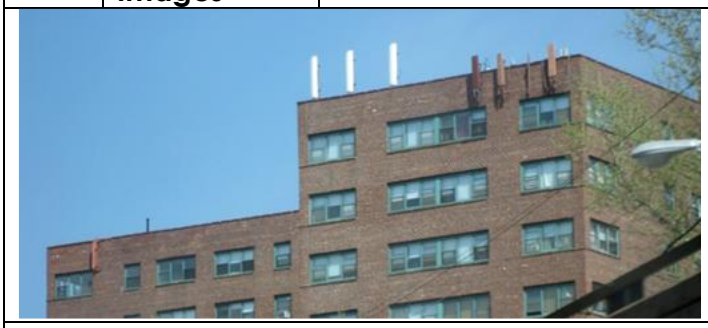
Flag pole configuration

c. ANTENNA COLLOCATION, MAJOR OR MINOR

Collocations, whether on a building wall or roof, a telecommunications tower, or on another vertical projection such as a water tank or electrical transmission tower, shall comply with the standards in Table 4.2.3, Principal Use Table, Section 4.3.4.S.3, General Standards Applicable to All Types of Wireless Telecommunications Facilities, and the following standards:

i.	**Collocations Distinguished**	All collocations shall be classified as either a major collocation or a minor collocation in accordance with Section 9.4, Definitions, and the following: **a.** A major collocation includes placement of antennas, antenna-support structures, and related wireless telecommunications equipment on any of the following: **i.** A building's roof; **ii.** A building's wall; **iii.** A vertical projection such as a water tank, electric transmission tower, or similar vertical projection not constructed for the sole purpose of providing wireless telecommunications services; or **iv.** An existing or replacement telecommunications tower where the collocation requires a substantial modification, as defined in these standards and Section 160D-931 of the North Carolina General Statutes. **b.** A minor collocation includes placement of antennas, antenna-support structures, and related wireless telecommunications equipment on an existing or replacement telecommunications tower, provided no substantial modification, as defined in these standards and Section 160D-931 in the North Carolina General Statutes, is required. A minor collocation may also be referred to as an "eligible facility," as defined in these standards and Section 160D-931 of the North Carolina General Statutes. **c.** In addition to the placement of antennas and antenna-support structures, collocations may also include the placement of wireless telecommunications equipment on a telecommunications tower, on a vertical projection, on the ground in close proximity to a telecommunications tower or vertical project, within an equipment compound, within an equipment cabinet, within a building, or on a building's roof. **d.** Nothing shall prohibit the replacement of an existing telecommunications tower or activities that increase the overall height of an existing telecommunications tower in order to accommodate a proposed collocation
ii.	**Substantial Modification**	**a.** Collocations on an existing or replacement telecommunications tower that require or result in any of the following shall be considered a substantial modification: **i.** Increasing the existing overall height of the telecommunications tower by the greater of: **1.** 20 feet; or **2.** More than ten percent; or **ii.** Adding an appurtenance (excluding cabling supports) to the body of an existing telecommunications tower that protrudes horizontally from the edge of the tower by the greater of: **1.** More than the width of the telecommunications tower at the height of the appurtenance; or **2.** More than 20 feet from the edge of the tower; or **b.** iii. Increasing the square footage of an existing equipment compound by more than 2,500 square feet. **c.** Substantial modifications that require an increase in the overall height of an existing telecommunications tower or require a replacement tower that exceeds the height of the existing telecommunications tower by more than 40 feet shall require review as a new telecommunication tower subject to the standards in Section 4.3.4.S.4.a, Telecommunications Tower, Major. **d.** In no instance shall an existing telecommunications tower be permitted to remain in place for a period of more than 14 days following installation of a replacement telecommunications tower constructed to accommodate a collocation.
iii.	**Collocation Prohibited**	In no instance shall a collocation take place on or in a single-family detached, duplex, or townhouse structure.

c. ANTENNA COLLOCATION, MAJOR OR MINOR		
iv.	**In Historic District**	A collocation on building, telecommunications tower, or other vertical projection located within a historic district shall obtain a certificate of appropriateness and shall be configured to minimize visibility of the facility, to the maximum extent practicable.
v.	**Maximum Height**	Antennae, antenna-support structures, or other wireless telecommunications equipment, associated with a major collocation on a building wall or roof shall not project more than ten feet above the highest point of the building's roof or parapet wall.
vi.	**Method of Attachment**	**a.** Antennae, antenna-support structures, or other wireless telecommunications equipment, associated with a collocation shall be mechanically fastened to the building, roof, vertical projection, or telecommunications tower in a manner that minimizes the potential for structural failure or endangerment of the public from falling wireless telecommunications equipment. **b.** ii. The Planning Director may, at the Planning Director's sole discretion, require an applicant for a collocation to furnish evidence from a professional engineer licensed in the State of North Carolina that the proposed collocation meets the applicable State and local building and fire code requirements.
vii.	**Appearance when Concealed**	When a collocation is proposed on a concealed telecommunications tower, the collocation shall be configured in the manner necessary to ensure the tower's concealment is not compromised or negatively impacted.
viii.	**Setbacks**	**a.** In cases where an existing telecommunication tower's height is increased or where an existing telecommunications tower is replaced in order to accommodate a collocation, the existing or replacement tower shall be set back at least one foot from the front, side, and rear lot lines for each foot of overall wireless telecommunications facility height. **b.** Accessory structures, including equipment cabinets, guy wire anchors, and other ground-based equipment shall conform with the applicable dimensional requirements for the zoning district where located.
ix.	**Screening**	**a.** All ground-based elements, such as an equipment compound or equipment cabinets, shall be completely screened from off-site views through the use of a fully opaque wooden privacy fence, masonry wall, or two staggered rows of evergreen shrubs located around the perimeter of the ground-based elements. **b.** Chain-link fencing is a ground-based element subject to these screening requirements. **c.** Screening is not required in cases where ground-based equipment is not visible from off-site areas. **d.** Landscaping material shall reach and maintain a minimum height of six feet above grade within four years of planting. **e.** Landscaping material is not required in front of access gates, provided the gates are fully opaque or are not visible from off-site areas. **f.** Roof- or building wall-mounted wireless telecommunications equipment (excluding antennae and antenna-support structures) shall be screened from view or shall be camouflaged in order to minimize its appearance from on-site and off-site areas.
x.	**Example Images**	The following images depict potential collocation configurations, and are provided for informational purposes only.



Typical collocation on a building

c. ANTENNA COLLOCATION, MAJOR OR MINOR

		
Concealed collocation on a building (red circle added for clarity)	Typical collocation on a tower	Concealed collocation on a tower

d. SMALL WIRELESS FACILITY

Small wireless facilities may be located within a public right-of-way, other right-of-way, or on an individual lot only in accordance with the standards in Table 4.2.3, Principal Use Table, Section 4.3.4.S.3, General Standards Applicable to All Types of Wireless Telecommunications Facilities, and the following standards:

i.	**Consolidated Application**	An applicant may file a single consolidated application for up to 25 separate small wireless facilities at one time, but the Town may choose to issue separate decisions on one or more of the facilities included within a consolidated application.
ii.	**Timeframe for Review**	Applications for establishment of a small wireless facility shall be processed and decided within 45 days from the date the application is determined to be complete. Nothing shall prohibit the Town and the applicant from mutually agreeing to a longer review period.
iii.	**Timing for Operation**	Construction of a small wireless facility shall commence within six months of its approval and the small wireless facility shall be activated for use within one year from the permit issuance date, unless delayed by a lack of commercial power at the site.
iv.	**In Historic District**	A small wireless facility located within a historic district shall obtain a certificate of appropriateness and shall be configured to minimize visibility of the facility, to the maximum extent practicable.
v.	**Maximum Equipment Size**	**a.** In no instance shall a small wireless facility exceed the following maximum size limitations: **i.** Each antenna, and any exposed elements, shall be capable of fitting within an enclosure of six cubic feet, or less. **ii.** All other wireless equipment associated with the small wireless facility shall maintain a maximum cumulative volume of 28 cubic feet, or less. The following types of ancillary equipment are not included in the calculation of equipment volume: electric meters, concealment elements, telecommunications demarcation boxes, grounding equipment, power transfer switches, cut-off switches, vertical cable runs for the connection of power and other services, or the support structure. **b.** A small wireless facility that exceeds these maximum size limitations shall be reviewed in accordance with the standards for a collocation.

c. ANTENNA COLLOCATION, MAJOR OR MINOR		
vi.	**Maximum Height**	**a.** No new structure intended to support a small wireless facility shall be taller than 50 feet above the adjacent pre-construction grade. **b.** An existing structure (such as a utility pole, light standard, sign, etc.) may be replaced in order to accommodate a small wireless facility, but the replacement structure shall not exceed the height of the original structure being replaced. **c.** In no instance shall the antennae or equipment associated with a small wireless facility project more than ten feet above the height of the structure the small wireless facility is mounted on. **d.** In cases where a new structure installed to serve a small wireless facility exceeds 50 feet in height, the structure shall be reviewed and decided in accordance with the standards for a telecommunications tower. **e.** In cases where a replacement structure intended to serve a small wireless exceeds the height of the original structure, the replacement structure shall be reviewed and decided in accordance with the standards for a collocation.
vii.	**Placement**	**a.** A small wireless facility, including the support structure and all other equipment, shall not obstruct the safe passage of vehicles, pedestrians, or bicycles. **b.** Where an applicant proposes to install a new wireless support structure in the right-of-way, the Town may impose separation requirements between it and any existing wireless support structure or other facilities in or within ten feet of the right-of-way, to ensure safe operation and maintenance of all features within the public right-of-way.
viii.	**Method of Attachment**	**a.** Antennae, antenna-support structures, or other wireless telecommunications equipment, associated with a small wireless facility shall be mechanically fastened to the supporting structure in a manner that minimizes the potential for structural failure or endangerment of the public from falling wireless telecommunications equipment. **b.** The Planning Director may, at the Planning Director's sole discretion, require an applicant for a small wireless facility to furnish evidence from a professional engineer licensed in the State of North Carolina that the proposed wireless telecommunications facility meets the applicable State and local building and fire code requirements.
ix.	**Appearance**	**a.** The portion of a small wireless facility attached to the support structure shall match the color of the support structure, to the maximum extent practicable. **b.** In no instance shall a small wireless facility be placed on a decorative sign, light standard, or other feature that was required to be decorative as a condition of approval. **c.** In cases where an applicant proposes inclusion of a small wireless facility on a decorative support structure, sign, or other existing structure not constructed solely for the purposes of providing wireless telecommunications services, the Town shall require the small wireless facility, including cables and wiring, to be configured or concealed to ensure compatibility with the structure.
x.	**Screening**	**a.** All ground-based equipment shall be completely screened from off-site views through the use of a fully opaque wooden privacy fence, masonry wall, or two staggered rows of evergreen shrubs located around the perimeter of the ground-based equipment. **b.** Chain-link fencing is a ground-based element subject to these screening requirements. **c.** Screening is not required in cases where ground-based equipment is not visible from off-site areas. **d.** The Planning Director may waive or modify the screening requirements for small wireless facilities located within the public right-of-way when, in the opinion of the Planning Director, landscaping material would obstruct sightlines, pose challenges to maintenance, or call undue attention to the small wireless facility from passersby.
xi.	**Electrical Service**	In cases where a small wireless facility is proposed in areas where electrical service is underground, all electrical service to the small wireless facility shall also be underground.
xii.	**Right-of-Way Restored**	The applicant shall restore the right-of-way to pre-construction conditions following installation or maintenance of a small wireless facility.
xiii.	**Example Images**	The following images depict potential small wireless configurations, and are provided for informational purposes only.

c. ANTENNA COLLOCATION, MAJOR OR MINOR		
		
Typical placement on an electrical utility pole	Typical placement on a street light	Typical placement on a street sign

e. TEMPORARY WIRELESS FACILITY		
Temporary wireless facilities may be established only in accordance with the standards in Table 4.2.3, Principal Use Table, Section 4.3.4.S.3, General Standards Applicable to All Types of Wireless Telecommunications Facilities, and the following standards:		
i.	**Maximum Duration**	A temporary wireless facility may be allowed on a lot for the following maximum periods of time per calendar year: **a.** 30 days after a disaster or emergency, with the ability to renew for good cause shown; **b.** 14 days to evaluate the technical feasibility of a site for a permanent wireless telecommunications facility; **c.** 14 days to facilitate repair, replacement, or reconstruction of an existing telecommunications facility; or **d.** For the duration of a special event where additional wireless telecommunications services are necessary.
ii.	**Configuration**	A temporary wireless facility shall be self-contained (with the exception of a power source) and portable.
iii.	**Method of Attachment**	**a.** Antennae, antenna-support structures, or other wireless telecommunications equipment associated with a temporary wireless facility shall be mechanically fastened to the supporting structure in a manner that minimizes the potential for structural failure or endangerment of the public from falling wireless telecommunications equipment. **b.** The Planning Director may, at the Planning Director's sole discretion, require an applicant for a temporary wireless facility to furnish evidence from a professional engineer licensed in the State of North Carolina that the facility meets the applicable State and local building and fire code requirements.
iv.	**Placement**	A temporary wireless facility shall be located outside of required setbacks, off-street parking areas, landscaping areas, areas necessary for on-site circulation, and conservation areas like riparian buffers or wetlands.
v.	**Example Images**	The following images depict temporary wireless facilities, and are provided for informational purposes only.



Temporary facility on a trailer



Temporary facility in a vehicle

5. NONCONFORMING WIRELESS TELECOMMUNICATIONS FACILITIES

a. Lawfully established wireless telecommunications facilities in operation prior to January 1, 2020 that do not comply with these standards may remain and operate as nonconforming uses.

b. In the event of conflict between these standards and the standards for nonconforming situations in Article 7 of this Ordinance, the standards in this section shall control with respect to wireless telecommunications facilities.

c. Ordinary and routine maintenance may be performed on a nonconforming wireless telecommunications facility.

d. Minor collocation of antennae, antenna-support structures, and related wireless telecommunications equipment is allowed in accordance with the requirements in Section 4.3.4.S.4, Collocation, provided that the overall height of the existing nonconforming wireless telecommunications facility remains unchanged or is reduced.

e. In no instance shall a collocation resulting in an increased overall height or a requiring substantial modification, as defined in this section and Section 160D-931 of the North Carolina General Statutes, be permitted on a nonconforming wireless telecommunications facility.

f. In the event a nonconforming telecommunications tower is removed, it shall not be replaced with another nonconforming wireless telecommunications tower.

6. CESSATION, ABANDONMENT, AND REMOVAL OF WIRELESS TELECOMMUNICATIONS FACILITIES

a. CESSATION

i. A wireless telecommunication facility shall be considered to have ceased operation if:

1. The Town receives written notice from a wireless services provider that it intends to cease operations at a particular wireless telecommunication facility; or

2. A wireless telecommunications facility ceases to transmit a wireless telecommunications signal for a period of 30 consecutive days or longer; or

3. A wireless telecommunications facility ceases to be served by electricity for a period of 30 consecutive days or longer and no generator is in operation.

ii. Nothing shall limit the Town from compelling an owner or operator of a wireless telecommunications facility to demonstrate that a wireless telecommunications facility is in operation. For the purposes of this section, "in operation" shall mean sending and/or receiving wireless telecommunications signals on a regular and on-going basis.

iii. Upon receipt of a written notice from a wireless services provider or upon determination that a wireless telecommunication facility has ceased operation, the Town shall forward written documentation of the cessation to the wireless services provider, or the owner of the land, if different.

b. ABANDONMENT

i. The wireless telecommunications facility shall be deemed abandoned if wireless telecommunications signals do not resume for a period of 180 consecutive days or longer from the date the written documentation of cessation is filed.

ii. Upon making a determination that a wireless telecommunications facility has been abandoned, the Town shall forward written documentation of the abandonment to the wireless services provider, or the owner of the land, if different.

c. REMOVAL

i. The Town may require the wireless services provider or the owner of the land, if different, to remove an abandoned wireless telecommunications facility within 30 days of the date it is deemed abandoned.

ii. Should the wireless services provider, or the owner of the land, if different, fail to remove the abandoned wireless facility within 30 days of the date that notice of abandonment is filed, the Town may cause the wireless telecommunications facility to be removed and may recover the actual cost of such removal, including legal fees, if any, from the wireless services provider, or the owner of the land, if different.

T. UTILITIES

1. All uses in the utility use category shall comply with the following standards:

a. Where possible, utilities should be located on lots interior to a development rather than on lots abutting streets.

b. Except when a utility crosses a street, it shall be setback at least 25 from all lot lines unless the zoning district requirements specify a deeper setback.

c. Major utilities may only be located on lots that meet the dimensional requirements for the zoning district where located. Minor utilities may be on lots, leaseholds, or easements that do not meet the minimum dimensional standards for lots in the district where located.

d. The design of buildings, structures, and facilities located in residential neighborhoods shall conform as closely as possible to the character of development in the area to ensure compatibility. Utility placement and screening may also be used as a means of ensuring compatibility.

e. Portions of properties not used for facilities, off-street parking, or related services shall be maintained with natural ground cover.

f. Service and storage yards shall not be permitted within utility facilities located in residential ,OI, or RMU districts.

2. Ground-based electrical substations and transformers shall also comply with the following additional standards:

a. Ground-based electrical substations and transformers may only be located on a lot of one acre in area when located in a residential , OI, or RMU district.

b. Ground-based electrical substations and transformers shall include non-climbable fences or comparable safety devises to limit accessibility by the general public.

c. Ground-based electrical substations and transformers shall include a durable masonry wall, fence, hedge, or other natural planting of comparable opacity shall be provided along the exterior lot lines abutting a lot in a residential, OI or RMU district.

d. Walls, fences, or hedges required in this section shall be between five and seven feet in height measured from the ground along the lot line.

e. Plantings shall maintain an initial height of at least three feet at time of planting and shall achieve an average height of six feet within two years of the time of planting.

3. Communications or relay towers associated with a utility use type shall comply with the following additional standards:

a. Communications or relay towers associated with a utility use type may only be located on a lot of one acre in area when located in a residential, OI or RMU district.

b. The minimum distance from the base of any tower to the nearest property line shall be equal to the height of the tower.

4.3.5. COMMERCIAL USES

A. ADULT BUSINESS

1. No sexually oriented business or adult cabaret shall locate within 2,000 feet of any other sexually oriented business or adult cabaret, as measured in a straight line from property line to property line.
2. No sexually oriented business or adult cabaret shall be located within 1,000 feet of a church, public or private elementary or secondary school, child day care or nursery school, public park, residence or any establishment with an on-premise ABC license. The 1,000-foot distance shall be measured on a straight line from property line to property line.
3. There shall not be more than one sexually oriented business or adult cabaret on the same property or in the same building, structure or portion thereof.
4. No other principal or accessory use may occupy the same building, structure, property or portion thereof with any sexually oriented business or adult cabaret.
5. Except for the signs permitted in Section 5.11, Signage, no other advertisements, displays or signs or other promotional material shall be visible to the public from pedestrian sidewalks, walkways or vehicular use area.
6. Wall sign area limitations for a sexually oriented business or an adult cabaret shall be limited to the following:
   a. Sign area: one-fourth of a square foot per linear foot of building wall.
   b. Only one wall sign is permitted.
   c. The wall sign shall face a public street right-of-way.

B. ANIMAL DAY CARE/GROOMING

Animal day care or animal grooming uses shall comply with the following standards:

1. Overnight boarding of animals shall not be permitted.
2. Outside play areas for animal day care uses shall not be located within 100 feet of any residentially zoned property or property being used as residential.
3. No more than one animal day care or animal grooming and day care in combination operating as one business shall be allowed within a multi-tenant building.
4. Animal day care uses located within multi-tenant structures shall be soundproofed.
5. Free standing animal day care uses located within 100 feet of property zoned residential or being used as residential shall be soundproofed.
6. Animal day care or grooming located within a downtown district shall be conducted within a completely enclosed building. No outside activity shall be permitted.

C. ANIMAL SHELTER

1. All activities associated with the use shall take place within enclosed and soundproofed structures, or the use shall comply with the following separation requirements:
   a. All activities shall be at least 500 linear feet from a lot in a residential or OI zoning district; and
   b. All activities shall be at least 300 linear feet from land zoned NC.
2. Outdoor areas used to house or exercise animals shall be protected from the weather and enclosed by a fence at least six feet in height.

D. ART GALLERY

1. Work displayed within an art gallery shall be available for retail sale.
2. Display areas within art galleries may also be used as event or gathering spaces when they are clearly accessory to the principal use of display of art for retail sale.

E. ARTISAN STUDIO

1. Goods produced on site shall also be available for retail sale on site.
2. At least 20% of the total floor area shall be dedicated for the display of items for retail sale.

3. Total manufacturing, assembly, or production space shall not exceed 5,000 square feet.
4. Measures shall be taken to minimize any potential noise, vibration, smell, or similar impacts onto neighboring buildings, lots, or uses.

F. AUTOMOTIVE REPAIR AND SERVICING (WITHOUT PAINTING/BODYWORK)

When proposed in the NC, GC, or HC districts, automobile repair and servicing uses shall comply with the following:

1. If the property abuts a lot in a residential zoning district, the following requirements shall be met:
   a. A Type A perimeter buffer shall be provided along any lot line abutting a residential zoning district.
   b. Side yards abutting a lot in a residential zoning shall be at least ten feet in width.
   c. Side yards abutting a lot in a residential zoning shall be at least 20 feet in width.
2. New construction shall conform to the mixed-use design standards in section 5.3.2.

G. AUTOMOTIVE SALES OR RENTALS

Uses primarily involving the sales or rental of automobiles, trucks, recreational vehicles, or travel trailers, shall comply with the following standards:

1. Vehicle display areas shall be surfaced with concrete, asphalt, or other permanent surfacing material other than crushed stone;
2. No vehicles or other similar items shall be displayed on the top of a building;
3. All lights and lighting shall be designed and arranged so no source of light is directly visible from any adjacent property; and
4. Repair and service functions are permitted as an accessory use provided all repair-related activities take place within an enclosed building.
5. No more than 50% of the vehicles for sale may be between the building and any public road.

H. AUTOMOTIVE PAINTING/BODY SHOP

Automobile painting/body shop uses shall comply with the following standards:

1. The use shall be located at least 250 feet from any residential district, school (except vocational schools), or child day care center.
2. Vehicles shall not be parked or stored as a source of parts.
3. Repair and storage of all vehicles shall occur within an enclosed building. Temporary outdoor vehicle storage may be allowed in an outdoor storage area that is no larger than 25 percent of the buildable area of the lot, located behind or to the side of the principal structure, and fully screened by an opaque fence or wall of at least six feet in height.
4. New construction shall conform to the mixed-use design standards in section 5.3.2.

I. AUTOMOTIVE WRECKER YARD

Automotive wrecker service uses shall comply with the following requirements:

1. MOTOR VEHICLES

a. A maximum of no more than 50 vehicles at any one time shall be stored on the property.
b. All towed vehicles must be stored in an approved vehicle towing and storage area.

2. VEHICLE STORAGE AREA

a. SIZE

The minimum size of the fenced storage area shall be 5,000 square feet.

b. SECURITY

i. A chain link fence, a minimum of six feet in height, shall be provided around all accessible sides of the storage area.

ii. All entrances to and from the storage area shall be secured and locked whenever an employee is not present on the property.

c. SCREENING

Storage of motor vehicles shall comply with the applicable standards in Section 5.10, Screening.

d. SURFACE

The storage area shall be maintained with an all-weather surface by paving, gravel or as required in the district in which it is located to minimize dust emissions and the buildup of dirt, mud, and other debris.

e. LIGHTING

All lighting shall be shielded so as not to cast direct light upon any adjacent residential lot.

f. LOCATION

No storage area shall be permitted within 100 feet of any residentially-zoned property or within any required front yard.

3. STORAGE BUILDINGS

All buildings used to protect stored motor vehicles shall be located on the same lot.

J. BAR, COCKTAIL LOUNGE, OR PRIVATE CLUB

A bar, cocktail lounge, or private club shall comply with the following requirements:

1. Such uses shall be separated from a religious institution or a school by at least 200 feet.
2. The minimum separation requirement above is reduced to 100 feet in the HC district and there is no separation requirement in a downtown district.
3. The use shall not orient the primary entrance toward an abutting lot in a residential district.
4. The use shall have a six-foot high opaque fence or masonry wall along all lot lines abutting a residential district.
5. Outdoor seating (including, but not limited to, seating for dining or listening to live or recorded acoustic or amplified entertainment outside of the building) shall comply with the following standards:
   a. The outdoor seating area shall be located no closer than 100 feet from any single-family residential zoning district.
   b. The outdoor seating area shall not obstruct the movement of pedestrians along sidewalks or through areas intended for public use.

K. BED AND BREAKFAST

A bed and breakfast shall comply with the following standards:

1. The use shall be owner-occupied or have a manager who resides on the premises;
2. A bed and breakfast use shall be separated from a boarding/rooming house or another bed and breakfast use by at least 400 linear feet;
3. The use shall be limited to a maximum of seven sleeping rooms;
4. Rooms used for sleeping shall be part of the primary structure and shall not have been specifically constructed or remodeled for rental purposes;
5. The use shall maintain its appearance as a single-family home if proposed in a structure constructed for single-family purposes;
6. The use shall have only one kitchen;
7. Limit meals served on the premises to overnight guests only;
8. Facilities for the preparation and distribution of food and proper garbage disposal shall be approved by the Wake County Health Department; and

9. Signage shall be limited to ground-mounted or wall signage with a maximum sign face area of eight square feet with a maximum height of six feet.

L. BOTTLE SHOP (WITH ON-PREMISE CONSUMPTION)

A bottle shop use shall comply with the standards in Section 4.3.5.J, Bar, Cocktail Lounge, or Private Club.

M. BUSINESS INCUBATOR

1. A business incubator may be provided as a principal use in its own building, as a tenant in a multi-tenant building, or as an accessory use to an existing office, personal service, or industrial use.
2. Table 4.3.5.M: Business Incubator Composition, sets out the types of individual uses permitted within a business incubator, based on the zoning district where proposed:

TABLE 4.3.5.M: BUSINESS INCUBATOR COMPOSITION

Zoning District	Maximum Number of Units in a Single Building
NC, OI	3
GC, HC	12
LI, IC	No limit
DTC, DTP, RMU	No limit

3. When proposed as an accessory use to an existing business or development, the floor area devoted to the business incubator shall not exceed 25 percent of the building's gross floor area.
4. Business incubators shall meet the off-street parking requirement for this use type in Table 5.8.4.H: Minimum Off-Street Parking Requirements Table, not the individual types of uses within the business incubator.
5. Floor area within a building serving as a business incubator may be used for storage, but no outdoor activity or storage is permitted.

N. CAMPGROUND

Campgrounds shall comply with the following standards:

1. Campgrounds shall not include permanent residences, except as necessary for caretakers;
2. Individual campsites shall maintain a minimum size of 1,200 square feet in area and at least 25 feet in width;
3. Campgrounds shall provide a common recreational area consisting of 100 square feet per campsite;
4. Campgrounds shall provide sufficient groundcover to prevent erosion; and
5. Individual campsites shall be set back at least 100 feet from the front lot line and at least 50 feet from the side and rear lot lines.

O. CAR WASH OR AUTO DETAILING

Car wash or auto detailing uses proposed in the NC district shall comply with the following:

1. No outdoor display or storage of merchandise, materials, or rubbish shall be permitted.
2. No flags, banners, pennants, or other devices that flutter or revolve and that are designed and used solely to attract attention shall be permitted.
3. All floodlights shall be turned off at the close of business or at 11:00 p.m., whichever is earlier.

4. No exterior lights shall be so arranged as to direct or reflect light into the windows of any residence.
5. If the property abuts a lot in a residential zoning district, the following requirements shall be met:
   a. A Type D perimeter buffer shall be provided along any lot line abutting a residential zoning district.

P. COFFEE SHOP

Coffee shops shall comply with the following requirements:

1. To assure provision of adequate parking, the maximum amount of seating and/or square footage of the public floor area for a coffee shop in a multi-tenant building shall be specified at the time of site plan approval.
2. A coffee shop shall have a six-foot high opaque fence or masonry wall along all lot lines abutting a residential district.
3. Coffee shops with outdoor seating (including, but not limited to, seating for dining or listening to live or recorded acoustic or amplified entertainment outside of the building) shall comply with the following standards:
   a. The outdoor seating area shall be located no closer than 100 feet from any single-family residential zoning district.
   b. The outdoor seating area shall not obstruct the movement of pedestrians along sidewalks or through areas intended for public use.

Q. CONVENIENCE STORE (WITH GASOLINE SALES)

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

1. LOCATION OF FUEL PUMP ISLANDS

a. Pump islands may not be located between a building and any adjacent street rights-of-way.
b. Pump islands shall be at least 10 feet from any lot line, and 12 feet from any principal building. Canopies over the pump islands may be located within 10 feet of a lot line.

2. LOCATION OF FUEL TANKS

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

R. CO-WORKING SPACE

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

S. EVENT VENUE

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

1. SETBACKS

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

2. MAXIMUM NUMBER OF GUESTS

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

3. HOURS OF OPERATION

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

4. LIGHTING

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

5. NOISE

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

6. PARKING

a. In cases where off-site parking is employed, the event venue shall maintain an agreement with the owner of land where vehicles are parked.

b. The venue shall ensure guests may access the venue safely from off-site parking areas.

c. In no instance shall vehicles be parked along streets in ways that block driveways, sight triangles, or emergency access.

7. TRASH AND DEBRIS

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

8. OUTDOOR ACTIVITY

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

9. EMERGENCY ACCESS

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

T. FINANCIAL SERVICES ESTABLISHMENT

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

2. New construction of drive-through financial services establishment shall conform to the mixed-use design standards in section 5.3.2.

U. FLEA MARKET

Flea markets shall comply with the following standards:

1. HOURS OF OPERATION

a. Flea markets shall be open at least three days within any 90-day period.

b. Hours of operation shall be limited to 7:00 AM to 7:00 PM.

2. SITE FEATURES

a. Off street parking shall be provided with a minimum of three spaces per stand or rented space.

b. Sanitary facilities shall be provided for both men and women.

c. Provisions shall be made for garbage or trash removal for each day the flea market is open to the public.

3. LOCATION

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

V. FUNERAL-RELATED SERVICES

Funeral-related services shall comply with the following standards:

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

W. GAMES OF SKILL

A commercial operation offering games of skill or operated as a similar use shall comply with the following standards:

1. SEPARATION

- **a.** No use subject to these standards shall locate within one half-mile (2,460 linear feet) feet of the any other use subject to these standards.
- **b.** No use subject to these standards shall locate within 1,000 feet of any of the following use types:
  - **i.** Elementary, middle, or high school;
  - **ii.** Religious institution;
  - **iii.** Child day care center;
  - **iv.** Parks;
  - **v.** Adult business;
  - **vi.** ABC store;
  - **vii.** Bar, cocktail lounge, or private club;
  - **viii.** Nightclub or dancehall; or
  - **ix.** Pool hall.
- **c.** There shall not be more than one use subject to these standards on the same property or in the same building, structure, or portion thereof.

2. HOURS OF OPERATION

Such uses shall only operate during the following hours:

- **a.** Monday through Thursday: 7:00 am to 11:00 pm;
- **b.** Friday through Saturday: 7:00 am to 12:00 midnight; and
- **c.** Sunday: 1:00 pm to 8:00 pm.

3. SWEEPSTAKES ACTIVITIES PROHIBITED

Uses subject to these standards shall not engage in the display or conduct of sweepstakes-related activities at any time.

4. MAXIMUM SIZE

The maximum number of machines, terminals, or computers for any operation's business is 20.

5. AGE-RESTRICTED

No one under the age of 18 can enter the premises.

6. SALES OF ALCOHOL PROHIBITED

No alcoholic beverages shall be served or consumed on the premises of the operation.

7. CLEAR VIEW MAINTAINED

No screens, curtains, blinds, partitions, or other obstructions shall be placed between the entrance to the room where games are played and the rear wall of the room, so that a clear view of the interior may be had from the street.

8. MANAGER PRESENT

There must be an adult, 18 years of age or older, managing the business on the premises at all times during the hours of operation.

X. GOLF COURSE

Golf courses shall comply with the following standards:

1. No building shall be nearer to any lot line than 100 feet.
2. No green shall be nearer to any lot line than 150 feet.
3. Lighting shall be shielded so as to cast no direct light upon any adjacent lot.

Y. GOLF DRIVING RANGE

Golf driving ranges shall comply with the following standards:

1. The depth of a driving range along the driving axis shall be at least 250 yards measured from the location of the tees and at 125 yards wide.
2. Lighting shall be shielded so as to cast no direct light upon any adjacent lot.

Z. GYMNASIUM/FITNESS CENTER

Outdoor courts, swimming pools, and athletic fields shall be located at least 50 feet from any lot line abutting a residential district.

AA. HEAVY EQUIPMENT SALES, RENTAL, AND REPAIR

Uses primarily involving the sales, rental, service, or storage of heavy equipment shall comply with the following standards:

1. No heavy equipment or building displays shall be located within a required setback or perimeter buffer.
2. No heavy equipment shall be displayed on the top of a building.
3. All lights and lighting shall be designed and arranged so no source of light is directly visible from any residential district or existing residential use.

BB. KENNEL, INDOOR/OUTDOOR

All kennels shall comply with the following requirements:

1. All structures shall be designed and maintained in a manner to prevent the development of unsanitary conditions;
2. All activities associated shall take place within enclosed and soundproofed structures, or the use shall comply with the following separation requirements:
   a. All activities shall be at least 200 linear feet from a lot in a residential or OI zoning district;
   b. All activities shall be at least 100 linear feet from land zoned NC; and
3. Outdoor areas used to house or exercise animals shall include areas protected from the weather and be enclosed by a fence at least six feet in height.
4. Any animal suspected of showing symptoms of rabies infection shall be immediately segregated and reported to Animal Control.

CC. LAUNDRY OR CLEANING SERVICE

When proposed in the NC district, laundry and cleaning service uses shall comply with the following standards:

1. No more than 2,000 square feet of floor area shall be devoted to the dry cleaning, laundering, or finishing processes;
2. No more than three employees (including a manager) shall be working in the use at any one time;
3. No coal-burning or smoke-producing equipment or process shall be used;
4. Washing machines shall not exceed 50 pounds of capacity; and
5. No petroleum-based chemicals in excess of 500 gallons shall be stored in above-ground tanks.

DD. MICROBREWERY, MICROWINERY, OR MICRODISTILLERY

A microbrewery, microwinery, or microdistillery use shall comply with the standards in Section 4.3.5.J, Bar, Cocktail Lounge, or Private Club.

EE. NIGHTCLUB OR DANCE HALL

A nightclub or dance hall shall comply with the standards in Section 4.3.5.J, Bar, Cocktail Lounge, or Private Club, and the following:

1. Such uses shall be separated from land in a residential zoning district by at least 500 feet.
2. The building shall be configured and the use operated such that sound from amplified music or other performance taking place within the building is not audible at the lot line after 11:00 PM.

FF. OUTDOOR COMMERCIAL RECREATION

1. GENERALLY

Outdoor commercial recreation uses shall comply with the following standards:

- **a.** Outdoor recreation uses shall be screened from abutting major arterial streets with a Type A buffer.
- **b.** Grading shall be limited to a maximum of five feet above or below the grade existing prior to development.
- **c.** No associated outdoor features shall be located between the front façade of the building and the street fronting the lot.

2. DRIVE-IN THEATRE

A drive-in theatre shall comply with the following requirements:

- **a.** The viewing screen shall be directed away from major thoroughfares or collector streets.
- **b.** Lighting shall be shielded so as to cast no direct light on adjoining lots.
- **c.** An eight-foot high opaque screen shall be required around the perimeter, except at driveways.
- **d.** Audio shall be delivered to each car by individual speakers only.
- **e.** The use shall provide stacking spaces at the entrance capable of accommodating 20 percent of the vehicular capacity of the use.

3. MINIATURE GOLF

In addition to the general standards for outdoor commercial recreation uses in subsection (a) above, miniature golf uses shall also comply with the following:

- **a.** No green shall be allowed within a street setback or closer than 100 feet to any lot line.
- **b.** Lighting shall be shielded so as to cast no direct light upon any adjacent lot.

GG. OUTDOOR STORAGE

1. GENERAL STANDARDS

The following standards shall apply to all outdoor storage areas.

- **a.** The extent of the outdoor storage area shall be clearly delineated on an application for establishment of the use.
- **b.** Outdoor storage areas shall comply with the minimum setback standards applicable in the zoning district where the outdoor storage area is located.
- **c.** Outdoor storage areas are prohibited between the development's principal structure(s) and a thoroughfare (major and minor) or collector street.
- **d.** No outdoor storage area shall be located within a perimeter buffer required in accordance with Section 5.6.10, Perimeter Buffers.

e. Flammable liquids or gas containers in excess of 1,000 gallons shall be stored underground.

f. No materials shall be stored in areas intended for vehicular or pedestrian circulation.

g. No materials shall be stored on any potable or non-potable water easement, stormwater easement, or sanitary sewer easement.

2. SCREENING REQUIREMENTS

Screening of outdoor storage shall be in accordance with the applicable standards in Section 5.10, Screening.

HH. PARKING LOT

A commercial parking lot that is the principal use shall comply with the parking lot configuration requirements in Section 5.8, Parking and Loading, and the following standards:

1. Parking shall be the principal use of the parking lot. Parking spaces may be rented for parking, or otherwise used in accordance with an approved temporary use permit or other permit, but no other business of any kind shall be conducted on the lot, including repair service, washing, display, or storage of vehicles or other goods.

2. Commercial parking lots shall not be located contiguous to a single-family residential zoning district.

3. Commercial parking lots that are the principal use of the lot shall have no more than 100 feet of street frontage occupied by parking or vehicular access area. The balance of the frontage shall be screened or occupied by vegetation.

II. PARKING STRUCTURE

Parking structures, whether serving as a principal or accessory use in the DTC, DTP, RMU, and OI districts, shall be configured in accordance with the following standards:

1. DIMENSIONAL REQUIREMENTS

Parking structures shall comply with the dimensional standards applicable to the zoning district where located.

2. GROUND FLOOR CONFIGURATION

The ground floor of a parking structure abutting a sidewalk shall be configured as building floor area capable of accommodating a nonresidential use or shall be configured with a minimum first floor ceiling height of 20 feet above grade to ease conversion of the ground floor to habitable space in the future.

3. ARCHITECTURE

a. Parking structures visible from street frontages shall be designed to be compatible with the architectural character and quality of adjacent buildings and shall not adversely impact abutting sidewalks.

b. Parking structure elevations shall use color, massing, or architectural features to reduce the appearance of bulk.

c. Parking structure façades facing residential lots shall:

i. Be enclosed to prevent light spillover from headlights, adverse noise, or pollutants; and

ii. Incorporate architectural design elements, including surface treatments, offset planes, structural articulation, and landscaping to provide visual interest and compatibility with adjacent residential uses.

4. DRAINAGE

Parking structures shall be designed and constructed so that surface water will not drain over sidewalks or adjacent lots; and

5. LIGHTING

a. Parking and pedestrian areas shall have adequate illumination for security and safety with a minimum of one foot candle at every point within the parking structure.

b. Lighting fixtures shall be designed and located to illuminate only the interior of the parking structure and not project glare into adjoining land.

JJ. PAWN SHOPS

Pawn Shops shall comply with the following requirements:

1. SEPARATION

a. No use subject to these standards shall locate within 500 feet of any of the following use types:

i. Pawn Shop;
ii. Vape Tobacco, & CBD Shop;
iii. Elementary, middle, or high school;
iv. Religious institution;
v. Child day care center;
vi. Parks;
vii. Adult business;
viii. Nightclub or dancehall; or
ix. Pool hall.

b. There shall not be more than one use subject to these standards on the same property or in the same building, structure, or portion thereof.

2. BUILDING APPEARANCE:

Buildings containing such uses shall meet the following requirements:

a. No illuminated signs shall be within 36 inches of the surface of a window.

b. Metal gates or similar elements are not permitted in front of or behind windows.

c. Exterior building modifications, including paint colors, shall be approved by the Planning Director and shall be in keeping with the context of the surrounding buildings.

KK. PHARMACY

A pharmacy may be permitted as an accessory to a health care use or medical office in the OI district, provided:

1. The pharmacy is on the ground floor and does not occupy more than 50 percent of the ground floor square footage; and

2. The pharmacy be limited to sales of drugs, prescription medicines, medicinal supplies and appliances, and pharmaceutical products.

LL. RECREATIONAL VEHICLE PARK

Recreational vehicle and travel trailer parks shall comply with the following standards:

1. MINIMUM SITE AREA

The park shall have a minimum area of two acres of well-drained land. All areas of the premises shall be kept clean and free from weeds and undergrowth.

2. MINIMUM CAMPSITE AREA

The minimum campsite area occupied by any travel trailer or recreational vehicle shall be 1,500 square feet with a minimum width of 30 feet.

3. MINIMUM SPACING

A clearance of at least 20 feet shall be maintained between each travel trailer, recreational vehicle, and any building within the park.

4. OPAQUE SCREEN

A continuous opaque screen shall be provided along all park boundaries, except at entrances.

5. INTERIOR DRIVES

a. All campsites shall abut a paved driveway with a continuous width of 25 feet.

b. All interior drives shall have unobstructed access to a public street.

6. FIRE PROTECTION STANDARDS

The park shall meet the standards for adequate fire protection as established by the latest edition of the National Fire Protection Association Bulletin No. 501-A.

7. LIMITATION OF STAY

No travel trailer or recreational vehicle shall remain within a park for more than 30 days during any six-month period.

8. SANITARY FACILITIES

Each park shall provide the following bathroom facilities for every eight campsites or fraction thereof:

a. Male bathrooms to include one commode, one urinal, one lavatory and one shower;

b. Female bathrooms to include two commodes, one lavatory and one shower; and

c. All bathrooms shall provide an adequate supply of hot and cold running water.

9. REFUSE FACILITIES

a. All garbage and refuse shall be stored in a suitable water-tight and fly-tight standard garbage receptacle and shall be kept covered with tight-fitting covers.

b. At least one such receptacle shall be provided and conveniently located for every campsite, except where a dumpster or dumpsters are conveniently located and used in the same manner as separate receptacles.

c. It shall be the duty of the park operator to ensure that all garbage and refuse is disposed of regularly and in a manner approved by the Wake County Health Director.

d. No materials that attract or that afford harborage for insects or rodents may be stored or allowed to remain on the premises.

MM. REPAIR SHOP

1. All repair uses shall limit repair activities to those occurring indoors.

2. Gun repair shops may include testing facility for firearms, provided:

a. The facilities are constructed in accordance with all applicable laws and regulations;

b. The facilities include acoustical apparatus and/or materials that prevent any noise or disturbance to the owners and/or occupants of the adjoining properties; and

c. The facilities are not used as a shooting range for target practice or the testing of marksmanship skills.

NN. RESTAURANTS

All restaurant use types shall comply with the following requirements:

1. A restaurant shall have a six-foot high opaque fence or masonry wall along all lot lines abutting a residential district.

2. New construction of drive-through restaurants shall conform to the mixed-use design standards in section 5.3.2.

3. Restaurants having outdoor seating (including, but not limited to, seating for dining or listening to live or recorded acoustic or amplified entertainment outside of the building) shall comply with the following standards:

a. The outdoor seating area shall be located no closer than 100 feet from any single-family residential zoning district.

b. The outdoor seating area shall not obstruct the movement of pedestrians along sidewalks or through areas intended for public use.

OO. RETAIL, BULKY ITEM

The outdoor display of bulky goods shall comply with the following standards:

1. Portable storage containers and dumpsters that are utilized for the purpose of display and any item that exceeds 10 feet in height shall not be placed within required setbacks, parking, or landscape areas.

2. Other bulky items that are less than or equal to 10 feet in height must be located at least 10 feet from any public street and shall not be placed within required parking or landscape areas.

PP. RETAIL, LARGE FORMAT

Large format retail uses shall comply with the standards in Section 5.3.1.G, Standards for Large Format Retail Uses.

QQ. SELF SERVICE STORAGE, EXTERNAL OR INTERNAL ACCESS

1. GENERALLY

Self-service storage facilities shall comply with the following standards:

a. The use shall be located on a lot or site of at least five acres in area;

b. No more than 50 percent of the total site may be occupied by buildings;

c. External-access only storage buildings shall not exceed 20 feet or one story in height;

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

e. Storage of hazardous, toxic, or explosive substances shall be prohibited.

2. ADDITIONAL STANDARDS FOR INTERNAL-ONLY ACCESS SELF-STORAGE USES

a. No indoor storage material, racks, bins, shelving or other evidence of the operation shall be visible from the public right-of-way;

b. Glass doors and windows shall contain curtains, blinds or other suitable treatment to screen the interior of the building from view;

c. Windows shall not be boarded or paneled over from the outside or the inside; and

d. Outdoor storage shall be prohibited at mini-storage facilities with internal only access.

RR. SHOOTING RANGE, INDOOR

Indoor shooting ranges shall comply with the following standards:

1. All activities shall take place within a building;

2. Firing areas shall be configured to ensure metal fragments do not escape the building's containment areas;

3. Exhaust fans and other equipment shall be configured to ensure lead or other airborne hazardous materials do not escape the building; and

4. The use shall be configured such that no noise attributed to operations inside the building are audible on off-site areas.

SS. SPECIALTY EATING ESTABLISHMENT

Specialty eating establishments shall comply with all applicable requirements in Section 4.3.5.NN, Restaurants.

TT. TRUCK STOP

A truck stop shall comply with the following standards:

1. SETBACKS

All buildings, parking, and service areas associated with the use shall be setback at least 50 feet from an abutting residential district.

2. LOCATION

Truck stops shall have frontage on or be located within a one-half mile of an Interstate or US Primary Highway exit.

UU. VAPE, TOBACCO, & CBD SHOP

Vape Tobacco & CBD shops shall comply with the following requirements:

1. SEPARATION

a. No use subject to these standards shall locate within 500 feet of any of the following use types:

i. Pawn Shop;
ii. Vape Tobacco, & CBD Shop;
iii. Elementary, middle, or high school;
iv. Religious institution;
v. Child day care center;
vi. Parks;
vii. Adult business;
viii. Nightclub or dancehall; or
ix. Pool hall.

b. There shall not be more than one use subject to these standards on the same property or in the same building, structure, or portion thereof.

2. BUILDING APPEARANCE:

Buildings containing such uses shall meet the following requirements:

a. No illuminated signs shall be within 36 inches of the surface of a window.
b. Metal gates or similar elements are not permitted in front of or behind windows.
c. Exterior building modifications, including paint colors, shall be approved by the Planning Director and shall be in keeping with the context of the surrounding buildings.

VV. VETERINARY CLINIC

Veterinary clinics shall comply with the following requirements:

1. All structures shall be designed and maintained in a manner to prevent the development of unsanitary conditions;
2. All activities associated shall take place within enclosed and soundproofed structures, or the use shall comply with the following separation requirements:
a. All activities shall be at least 200 linear feet from a lot in a residential or OI zoning district;
b. All activities shall be at least 100 linear feet from land zoned NC; and
c. Outdoor areas used to house or exercise animals shall be enclosed by a fence at least six feet in height.

4.3.6. INDUSTRIAL USES

A. ASPHALT OR CONCRETE PLANT

An asphalt or concrete plant shall comply with the following standards:

1. SETBACKS

An asphalt plant shall be located at least 50 feet from a lot line.

2. SECURITY FENCING

A security fence, a minimum of six feet in height, shall be provided around the use.

3. REHABILITATION

a. Within one year of the cessation of the use, all equipment and stock piles incidental to the operation shall be dismantled and removed by and at the expense of the landowner.

b. The site shall be drained to prevent the accumulation of standing water, and channelization of the drainage shall be designed and controlled so as not to cause erosion or silting of neighboring properties or public ways, nor to appreciably increase the turbidity of any natural water course, or to occlude any existing drainage course, except in an instance where redevelopment for another permitted use is in progress.

4. ACCESS

a. Vehicular access shall be constructed with an all-weather surface and be maintained in a dust-free condition.

b. Access drives shall be located no closer than 15 feet from a lot line.

c. A plan shall be submitted showing truck routes to and from the site. Such routes shall be designed to minimize impacts on residential areas, schools, or other uses negatively affected by truck traffic.

B. CONTRACTOR SERVICES/YARD

1. Outdoor storage of equipment, materials, and vehicles shall be screened from view from all adjacent single-family residential uses, public rights-of-way, sidewalks, and greenways in accordance with the applicable standards in Section 5.10, Screening.

2. Equipment can exceed the required fence height but should be stored in a manner that limits visibility from the line of sight from all street rights-of-way.

C. EXTRACTIVE INDUSTRY

Quarries and other extractive industries shall comply with the following requirements:

1. GENERAL REQUIREMENTS

a. The minimum development area shall be five acres.

b. The use shall not require the use of residential neighborhood streets to gain ingress or egress.

c. Where the final slope of areas being excavated will exceed 30 percent, such areas shall be enclosed with a fence at least five feet high located not less than ten feet from the excavation's edge.

d. Excavated areas, stockpiles, waste storage piles, and associated processing, storage, and loading areas shall be fully screened from view from major thoroughfares, collector streets, and lots in residential zoning districts in accordance with the standards in Section 5.10, Screening.

e. No blasting operations shall be conducted during the hours from 6:00 p.m. to 7:00 a.m. and shall not cause unreasonable amounts of noise, vibration, dust, or flying debris on nearby lots.

f. No operations shall impede the normal flow of any stream or watercourse, silt up or pollute any stream, undermine any public road or bridge, or promote flooding on adjacent land.

2. REHABILITATION PLAN AND BOND REQUIRED

a. Upon discontinuance of operations, all buildings and equipment shall be removed, and excavated areas shall be rehabilitated in accordance with a rehabilitation plan included as part of the application to establish the use.

b. The rehabilitation plan shall identify the ways the site will be to returned as closely as possible to its original condition or a condition suitable for a specified alternate use. The rehabilitation plan shall address the storage and protection of topsoil removed during the course of operations as well as regrading, refertilization, and replanting.

c. The estimated cost of carrying out the rehabilitation plan shall be filed with the application. Said estimate shall be certified as approximately correct by a civil engineer licensed to practice in the State of North Carolina.

d. A rehabilitation bond, payable to the Town and in a form approved by the Town Attorney, shall be required in an amount equal to the estimated cost of carrying out the rehabilitation plan.

e. The rehabilitation bond shall be maintained as a legally binding obligation until such time as the Board of Commissioners determines that all rehabilitation work has been satisfactorily completed.

f. If the Board of Commissioners finds that extractive uses have been discontinued for a period of 12 consecutive calendar months and that no major attempts have been made to implement the rehabilitation plan, it shall order forfeiture of the bond and the proceeds shall be used to carry out, to the extent possible, the rehabilitation plan.

D. FLEX SPACE

Flex space use shall comply with the following standards:

1. Flex space uses shall meet the off-street parking requirement for this use type in Table 5.8.4.H: Minimum Off-Street Parking Requirements Table, not the individual types of uses within the flex space.

2. The following activities shall not be included within a flex space use type:

a. Residential dwellings;

b. Religious institutions;

c. Adult businesses;

d. Eating establishments;

e. Bars, cocktail lounges, or private clubs;

f. Nightclubs or dance halls; or

g. Heavy manufacturing uses.

3. Outdoor storage or business-related activity is permitted as an accessory use.

E. FUEL OIL/BOTTLED GAS DISTRIBUTOR

Uses storing 100,000 or more gallons of petroleum products as a principal or accessory use shall comply with all applicable Zebulon Fire Department and Fire Prevention Code of the National Board of Fire Underwriters requirements, all above-ground storage tanks and loading facilities shall be located at least 50 feet from any front lot line.

F. LANDFILL

Land clearing and inert debris (LCID) landfills and construction debris (CD) landfills shall comply with the following standards:

1. LCID and CD landfills shall be set back at least 300 feet from any existing residential use, school, or child care use, and shall provide a Type D landscape buffer around its perimeter (see Section 5.6.10, Perimeter Buffers).

2. Access to a landfill shall be controlled through the use of a fence, wall, gate, or other suitable device to prevent unregulated dumping.
3. All unpaved areas shall be maintained in a manner which prevents dust from adversely impacting adjacent properties.
4. No filling associated with a landfill shall take place within in any flood hazard area, drainage ways, or utility easements.

G. MAKERSPACE

Makerspace uses shall be configured in accordance with the following standards:

1. No outdoor storage shall be permitted.
2. The use shall include adequate ventilation and equipment for the dispersal of vapors, dust, or airborne contaminates created within the structure;
3. The use shall include a fire suppression system as required by the fire marshal;
4. No operation between the hours of 11:00 PM and 7:00 AM;
5. Incidental sale of products created on site is permitted.

H. MANUFACTURING

1. MANUFACTURING, HEAVY

Heavy manufacturing uses shall comply with the following standards:

a. Heavy manufacturing uses shall be located at least 1,000 feet from any residential district.
b. A Type D perimeter buffer of at least 25 feet in depth shall be provided along any boundary with another property not zoned for heavy industry.

2. MANUFACTURING, LIGHT

All light manufacturing uses shall comply with the following standards:

a. Buffer and setback areas in the side and rear may not be used for parking.
b. Finished products for display and sale shall not occupy more than 40 percent of the land area between the principal building and all adjacent streets.

I. PUBLIC CONVENIENCE CENTER/TRANSFER STATION

A transfer station shall comply with the following standards:

1. Access shall be controlled through the use of a fence, wall, gate, or other suitable device to prevent unregulated dumping.
2. Vehicular access shall be constructed with an all-weather surface and be maintained in a dust-free condition.
3. Be located at least 150 feet from a residential district and operated entirely within an enclosed building, except for loading facilities which may be located outdoors.
4. Outdoor storage of waste material is prohibited.

J. RECYCLING CENTER

Recycling centers shall comply with the following standards:

1. Recycled batteries must be stored in non-porous containers.
2. All loading and storage areas shall be diked to prevent runoff/spill contamination.
3. Recycled motor oil and grease shall be stored in above-ground tanks approved by the Zebulon Fire Chief.

K. SALVAGE OR JUNKYARD

Junk yards, including junked automobile storage, shall be subject to the following regulations:

1. Junk yards shall be located at least 200 linear feet, as measured from the required perimeter screening from any lot in a residential zoning district.
2. An opaque screen eight feet in height shall be required around all boundaries.
3. Any planted opaque screen shall be at least four feet in height when planted.

4. No required front or side yard shall be used for storage purposes.

L. SOLAR FARM

A solar farm use shall comply with the following standards:

1. Be on a site of at least one acre in area;

2. Signage shall be limited to ownership and contact information, and any other information required by government regulation. Commercial advertising is prohibited. Nothing in this section shall prohibit signage that is legally approved for other uses on the same lot or site on which the solar array facility is located;

3. Be enclosed with a fence of at least six feet in height; and

4. Not create glare or shadows on adjacent lands.

M. TRUCK OR FREIGHT TERMINAL

Truck or freight terminals shall comply with the following standards:

1. The use shall be located at least 500 feet from any residential district, school, or child care center.
2. The use shall not locate storage areas within a required setback or perimeter buffer.
3. The use shall have direct access onto an major arterial street.

N. WAREHOUSE, DISTRIBUTION OR STORAGE

1. In the GC district, warehouse uses shall be conducted entirely indoors and no exterior storage is permitted.
2. In the downtown districts, warehouse uses are only permitted as an accessory use to a separate principal use.

O. WHOLESALE SALES

1. In the GC district, wholesale sales uses shall be conducted entirely indoors and no exterior storage is permitted.
2. In the downtown districts, wholesale sales are only permitted as an accessory use to a separate principal use.

P. WIND ENERGY CONVERSION

A wind energy conversion facility shall comply with the following standards:

1. LOCATION

a. No tower associated with a large wind energy facility shall be located within 1,000 feet of land in a R4 or R6 district or a public park.
b. All ground-based equipment buildings shall be located under the blade sweep area, to the maximum extent practicable.

2. SETBACKS

a. All towers associated with a large wind energy facility shall be set back a distance equal to one-and-one-half times the overall height of the tower and associated wind turbine blade.
b. All associated facilities other than towers and associated wind turbines shall be subject to the setback standards for the district where located.

3. TOWER STRUCTURE

Large wind energy facilities shall utilize monopole or self-supporting towers

4. COMMON CONFIGURATION

All towers and turbines within a single large wind energy facility shall maintain uniform design in terms of the following features:

a. Tower type;
b. Tower, turbine, and blade colors;
c. The number of blades per turbine; and
d. The direction of blade rotation.

5. HEIGHT

The maximum height of a large wind energy system (including the tower and extended blades) shall be 450 feet.

6. BLADE CLEARANCE

The blade tip or vane of any large wind energy facility shall have a minimum ground clearance of 75 feet above grade, as measured at the lowest point of the arc of the blades. No blades shall extend over public rights-of-way.

7. UNAUTHORIZED ACCESS

All large wind energy facilities shall incorporate anti-climbing devices to prevent unauthorized climbing.

8. UTILITIES

Except for transmission lines, all utilities associated with a large wind energy facility shall be located underground.

9. APPEARANCE

The wind turbine and tower shall be painted or finished in the color originally applied by the manufacturer, or a matte neutral color (e.g., gray, white, or galvanized steel).

10. LIGHTING

No illumination of the turbine or tower shall be allowed, unless required by the (FAA). In the event obstruction lighting is required by the FAA, it shall be of the lowest intensity allowed, and strobes or blinking lights shall be avoided, to the maximum extent practicable.

11. SIGNAGE PROHIBITED

Signage visible from any public street or off-site area shall be limited to the manufacturer's or installer's identification, appropriate warning signs, or owner identification.

12. SOUND

The noise at the lot line produced by the wind energy conversion facility during operation shall not exceed 55 dBA. This standard shall not apply during power outages, windstorms, or other conditions beyond the owner's control.

13. SHADOW FLICKER

Shadows cast by the rotating blade of a large wind energy facility shall not fall upon off-site areas.

14. INTERFERENCE

The owner shall take all reasonable steps to prevent or eliminate interference with transmission of communications signals (e.g., radio, television, telephone, etc.) resulting from a wind energy conversion facility.

15. ABANDONMENT

- **a.** On determining that a large wind energy conversion facility has been inoperable for 180 days or more, the Planning Director may issue a Notice of Abandonment to the facility owner.
- **b.** The facility owner shall restore operation of the wind energy conversion facility within 30 days of receipt of the Notice of Abandonment, or file a Notice of Termination with the Planning Director.
- **c.** The wind energy conversion facility shall be removed from the site within three months of the filing of a Notice of Termination.
- **d.** Removal of a wind energy conversion facility shall include removal of all of the following features:
  - **i.** Towers;
  - **ii.** Turbines;
  - **iii.** Above-ground equipment;
  - **iv.** Outdoor storage;
  - **v.** Foundations to a depth of four feet below grade; and
  - **vi.** Any hazardous material associated with the facility.

4.3.7. AGRICULTURAL USES

A. AGRICULTURE AND HORTICULTURE

Sale of produce grown on-site or on an adjacent lot that is part of the same agricultural operation is permitted provided they take place outside the right-of-way.

B. AGRICULTURAL SUPPORT SERVICES

1. GENERAL

All directly-related agricultural support services shall comply with the following standards:

- **a.** Be allowed only in direct association with an on-going agriculture, horticulture, animal husbandry, or silvicultural use;
- **b.** Be on a lot of at least one acre in size; and
- **c.** Be operated or maintained by the owner or occupant of the land upon which the primary agricultural activity is being conducted.

2. AGRI-EDUCATION AND AGRI-ENTERTAINMENT

Agri-education and agri-entertainment uses shall comply with the following standards:

a. MINIMUM SIZE
Be at least two acres in area;

b. OBTAIN BUILDING PERMITS
Obtain building permits and comply with the State Building Code(s) for all structures intended for occupancy by members of the public;

c. SPECIAL EVENT PERMIT
Obtain a special event permit for all activities drawing more than 100 people to the site per day;

d. PROVIDE ADEQUATE FACILITIES
Provide public restrooms, adequate parking, and pedestrian circulation features; and

e. COMPLY WITH MINIMUM REQUIREMENTS
Ensure permanent buildings within 500 feet of a public right-of-way comply with the landscaping standards in this Ordinance.

3. EQUESTRIAN FACILITIES

Equestrian facilities shall comply with the following standards:

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

4. NURSERY, PRODUCTION

- **a.** No heated greenhouse shall be operated within 20 feet of any lot line.
- **b.** Any outside storage of equipment, vehicles, or supplies shall be fully screened from off-site views by buildings, fencing, or landscaping.

5. ROADSIDE MARKET

- **a.** Retail sales within a roadside market shall be limited to the agricultural and aquaculture products produced by the owners or vendors in the establishment.

b. At least 75 percent of the floor area shall be devoted to the direct retail sales of agricultural, seafood, or related agricultural products to the general public.

c. Temporary signage associated with a roadside market shall not be erected more than 30 days prior to the seasonal opening of the market, and shall be removed within 30 days of the closing of the season.

C. ANIMAL HUSBANDRY

Animal husbandry uses shall comply with the following standards:

1. OUTSIDE CORPORATE LIMITS

Animal husbandry is only permitted on lots located outside the Town's corporate limits.

2. MINIMUM SITE SIZE

a. Any use engaged in animal husbandry shall have a minimum lot area of at least 20,000 square feet in size.

b. Uses maintaining non-hoofed animals shall maintain 1,500 square feet per animal kept on site.

c. Uses maintaining hoofed animals shall maintain 9,000 square feet per animal kept on site.

3. MINIMUM SETBACKS

All barns, pens, and enclosures shall be located at least 100 linear feet from lot lines and drinking water sources (except those intended for livestock).

4. FENCING OR PENS REQUIRED

Animals (excluding waterfowl) shall be maintained within pens, fenced areas, or other suitable enclosures.

5. MAINTENANCE REQUIRED

a. Pens, stalls, and grazing areas shall be maintained in a sanitary manner free from noxious odors.

b. Manure stockpiles shall not exceed six feet in height and shall not be permitted during the period from May 1 until August 31.

D. FARMER'S MARKET

A farmer's market shall comply with the following standards:

1. The use shall be a principal use of the lot where located.

2. Retail sales shall be limited to the agricultural and aquaculture products produced by the owners or vendors in the establishment.

3. At least 75 percent of the floor area shall be devoted to the direct retail sales of agricultural, seafood, or related agricultural products to the general public.

4.4. ACCESSORY USES

4.4.1. PURPOSE

This section authorizes the establishment of accessory uses and structures that are incidental and subordinate to principal uses. The purpose of this section is to allow a broad range of accessory uses and structures, provided they comply with the standards set forth in this section in order to reduce potentially adverse impacts on surrounding lands.

4.4.2. ORGANIZATION OF THESE STANDARDS

These standards set out the standards and allowable locations for accessory uses and structures in the Town's planning jurisdiction, and are organized into the following sections:

A. Section 4.4.3, Procedure for Establishment, describes the procedure for establishing an accessory use or structure.

B. Section 4.4.4, General Standards for Accessory Uses and Structures, lists the general standards applicable to all accessory uses and structures under this Ordinance.

C. Section 4.4.6: Accessory Use Table, lists a series of common accessory uses and the zoning districts where they are permitted.

D. Section 4.4.7, Standards for Specific Accessory Uses, sets out additional standards applied to individual accessory use types where identified in Table 4.4.6: Accessory Use Table.

4.4.3. PROCEDURE FOR ESTABLISHMENT

A. Accessory uses or structures may be approved in conjunction with the approval of the principal use or subsequently following the establishment of the principal use. No accessory use or structure shall be approved, established, or constructed before the principal use is approved in accordance with this Ordinance.

B. Applications to establish a conditional zoning district shall be supplemented by a site plan showing proposed accessory uses or by a written list of proposed accessory uses which shall be attached to the application approval along with other conditions of approval.

C. Table 4.4.6: Accessory Use Table, may not be inclusive of all possible accessory uses, and in the event an accessory use is proposed that is not listed in the table, the Planning Director shall consult Table 4.2.3, Principal Use Table, to determine if the proposed accessory use corresponds to a listed principal use. Any listed principal use is permitted as an accessory use in any zoning district where the principal use is permitted. In no instance shall an accessory use be permitted in a zoning district where it is prohibited as a principal use.

D. In the event a proposed accessory use is not listed in Table 4.4.6: Accessory Use Table, and there is no corresponding principal use, the Planning Director shall determine how to treat the accessory use in accordance with Section 4.6, Unlisted Uses.

4.4.4. GENERAL STANDARDS FOR ACCESSORY USES AND STRUCTURES

A. PERMITTED ACCESSORY USES AND STRUCTURES

Permitted accessory uses and structures include those listed in this section and those that the Planning Director determines meet the following:

1. Are clearly incidental to an allowed principal use or structure;
2. Are subordinate to and serving an allowed principal use or structure;
3. Are subordinate in area, extent and purpose to the principal use or structure; or
4. Contribute to the comfort, convenience or needs of occupants, business or industry associated with the principal use or structure.

B. LOCATION OF ACCESSORY USES AND STRUCTURES

1. WITHIN REQUIRED LANDSCAPING BUFFERS

Except for fences and walls contributing to the screening function of a buffer, no accessory structure shall be located within a required buffer except in accordance with Section 5.6, Landscaping, or Section 5.10, Screening.

2. WITHIN A FRONT OR SIDE YARD

a. Except for the following, no accessory use or structure may be located in a required front or side yard:

i. Art installation;
ii. Cluster box unit;
iii. Fence or wall;
iv. Flag pole and flag;
v. Outdoor display of merchandise; or
vi. Produce stand.

b. On corner lots, an accessory structure or use shall not be closer to the street than the street setback.

3. WITHIN OTHER AREAS ON A SITE

a. No accessory use or structure shall:

i. Be within five feet of a lot line, except as authorized by Table 9.3.5: Allowable Encroachment into Required Setbacks;
ii. Be within ten feet of the centerline of an alley except as authorized by Table 9.3.5: Allowable Encroachment into Required Setbacks;
iii. Be located within a designated fire lane;
iv. Obstruct required sight distances;
v. Impede ingress or egress to a lot, site, or principal structure;
vi. Be located above or beneath public utilities (except for fences or walls); or
vii. Be within an emergency access route designated on an approved site plan.

b. Accessory structures may encroach into required yards only in accordance with the standards in Table 9.3.5: Allowable Encroachment into Required Setbacks.

4. WITHIN AN EASEMENT

Except for authorized stormwater management devices within a drainage easement, no accessory use or structure shall be located within any platted or recorded easement without the prior written consent of the landowner.

C. STRUCTURE HEIGHT

Accessory structures shall comply with the maximum building height requirements for the zoning district where located, except that accessory structures within 10 feet of a lot line shall not be taller than 15 feet.

D. COMPLIANCE WITH ORDINANCE REQUIREMENTS

Accessory uses and structures shall conform to the applicable requirements of this Ordinance, including this section, the district standards in Chapter 3: Districts, the development standards in Chapter 5: Development Standards.

4.4.5. TABLE AS GUIDE

Table 4.4.6: Accessory Use Table, is established as a guide to identify the appropriateness of the more common accessory uses in each zoning district.

4.4.6. LISTED ACCESSORY USES

Table 4.4.6: Accessory Use Table, lists what types of accessory uses, structures, and activities are allowed in each of the zoning districts.

A. If a specific accessory use is allowed by-right, the cell underneath the zoning district is marked with a "P".

B. If a specific accessory use is allowed subject to a special use permit, the cell underneath the zoning district is marked with a "S".

C. If the accessory use or structure is not allowed in a zoning district, the cell is blank.

D. In the case of planned development districts, if an accessory use is allowable, it is marked with an "A", and the accessory use must be set out in the approved master plan.

E. If there is a reference contained in the column entitled "Acc. Use-Specific Standards," refer to the cited section(s) for additional standards that apply to the specific accessory use.

TABLE 4.4.6: ACCESSORY USE TABLE [1]

A=Allowed (if listed in a PD master plan); P=Permitted subject to applicable use-specific standards; S=Requires approval of a special use permit and compliance with applicable use-specific standards; "·"=Prohibited

Use Type [1]	Residential					Commercial						Mixed Use					Acc. Use-Specific Standards [2]
	R1	R2	R4	R6	RMF	NC	CG	HC	LI	IC	HI	OI	DTC	DTP	RMU	PD	
Accessory Dwelling Unit	P	P	P	P	P	P	·	·	·	·	·	P	P	P	P	A	4.4.7.A
Amateur Ham Radio	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	A	4.4.7.B
Art Installation	P	P	P	P	P	P	P	P	·	P	·	P	P	P	P	A	4.4.7.C
Automated Teller Machine	·	·	·	·	·	P	P	P	P	P	S	P	P	P	P	A	4.4.7.D
Bus Shelter	·	·	·	P	P	P	P	P	P	·	·	P	P	P	P	A	4.4.7.E
Child Care, Incidental	P	P	P	P	P	P	·	·	·	·	·	P	P	P	P	A	4.4.7.F
Cluster Box Unit	P	P	P	P	P	P	P	·	·	·	·	P	P	P	P	A	4.4.7.G
Detached Accessory Structure	P	P	P	P	P	P	·	·	·	·	·	P	P	P	P	A	4.4.7.H
Drive Through	·	·	·	·	·	S	P	P	·	·	·	S	·	·	P	A	4.4.7.I
Electric Vehicle Charging Station	·	·	·	P	P	P	P	P	P	P	P	P	P	P	P	A	4.4.7.J
Family Health Care Structure	P	P	P	P	P	P	·	·	·	·	·	P	·	P	P	A	4.4.7.K
Guard House, Shelter, or Gatehouse	P	P	P	P	P	P	P	P	P	P	P	P	·	·	P	A	4.4.7.L
Helistop	·	·	·	·	·	·	·	S	S	S	S	·	·	·	S	A	4.4.7.M
Home Occupation	P	P	P	P	P	P	P	·	·	·	·	P	P	P	P	A	4.4.7.N
Ice House	·	·	·	·	·	P	P	P	S	·	·	·	·	·	·	A	4.4.7.O
Outdoor Dining	·	·	·	·	P	P	P	P	·	P	·	P	P	P	·	A	
Outdoor Display/Sales	·	·	·	·	·	P	P	P	P	·	·	S	P	P	·	A	4.4.7.P
Outdoor Storage	·	·	·	·	·	·	·	S	S	S	P	·	·	·	·	A	4.4.7.Q
Parking of Heavy Trucks or Trailers	·	·	·	·	·	·	·	·	P	P	P	·	·	·	·	·	4.4.7.R
Parking of Recreational Vehicles	P	P	P	P	P	·	·	·	·	·	·	·	·	·	·	A	4.4.7.S

TABLE 4.4.6: ACCESSORY USE TABLE [1]

A=Allowed (if listed in a PD master plan); P=Permitted subject to applicable use-specific standards; S=Requires approval of a special use permit and compliance with applicable use-specific standards; "·"=Prohibited

USE TYPE [1]	RESIDENTIAL					COMMERCIAL						MIXED USE					ACC. USE-SPECIFIC STANDARDS [2]
	R1	R2	R4	R6	RMF	NC	CG	HC	LI	IC	HI	OI	DTC	DTP	RMU	PD	
Storage of Unlicensed or Inoperable Vehicles or Trailers	·	P	P	P	·	·	·	·	·	·	·	·	·	·	·	·	
Play Equipment	P	P	P	P	P	P	P	·	·	·	·	P	P	P	P	A	4.4.7.T
Produce Stand	P	P	P	P	P	P	P	P	·	·	·	P	P	P	P	A	4.4.7.U
Solar Energy Systems	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	A	4.4.7.V
Stable (horses)	P	P	·	·	·	·	·	·	·	·	·	·	·	·	·	A	4.4.7.W
Swimming Pool/Hot Tub	P	P	P	P	P	P						P	P	P	P	A	4.4.7.X
Tool/Storage Shed	P	P	P	P	P	P	P	P	P	P	P	P	P	P	·	A	
Underground Storage Tank	·	·	·	·	·	·		S	P	P	P	·	·	·	S	A	4.4.7.Y
Wagering, Sports	-	-	-	-	-	-	-	P	P	P	S	-	-	P	-	A	4.4.7.Z
Wind Energy Conversion	·	P	P	P	P	P	P	P	P	P	P	P	·	·	S	A	4.4.7.AA

NOTE:
[1] Unlisted accessory uses may be permitted in accordance with Section 4.4.3, Procedure for Establishment.

4.4.7. STANDARDS FOR SPECIFIC ACCESSORY USES

Standards for a specific accessory use or structure shall apply to the particular individual accessory use or structure regardless of the zoning district in which it is located or the review procedure by which it is approved, unless otherwise specified in this Ordinance. This section sets forth and consolidates the standards for all accessory uses and structures for which a reference to this section is provided in the "Acc. Use-Specific Standards" column of Table 4.4.6: Accessory Use Table. These standards may be modified by other applicable standards or requirements in this Ordinance.

A. ACCESSORY DWELLING UNIT

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

1. No more than one ADU shall be located on a lot with a single-family detached dwelling.
2. An ADU shall not exceed 35 percent of the total amount of finished floor area in the principal structure.
3. An ADU shall not exceed one story, but nothing shall limit an ADU from being located on a second or third story provided the structure complies with the applicable maximum height limitations in the district where located.
4. An ADU and the principal dwelling shall have the same street address and mailbox.
5. An ADU shall not be subdivided or otherwise separated in ownership from the principal dwelling unit.

6. An ADU and the principal dwelling shall utilize the same driveway, unless the ADU is accessed from a right-of-way not used by the principal dwelling (e.g., a rear alley or separate street access on a corner or through lot).
7. An ADU shall be served by water, sanitary sewer, gas, and electrical utilities as part of the principal dwelling.

B. AMATEUR HAM RADIO

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

C. ART INSTALLATION

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

D. AUTOMATED TELLER MACHINE (ATM)

1. An ATM designed for walk-up use and located in the exterior wall of a building or a parking area shall be designed to avoid obstructions to pedestrian movement along sidewalks, through public use areas, or between parking areas and building entrances, or vehicular movement in front of buildings or through parking areas.
2. If an ATM is designed for use by customers in their vehicles, it shall comply with the accessory use standards (including districts where permitted) in Section 4.4.7.H, Detached accessory structures

E. BUS SHELTER

Nothing shall limit the placement of a bus shelter within a required yard or setback, provided it shall:

1. Maintain a maximum size or floor area of 100 square feet or less;
2. A height of 15 feet or less;
3. Be located outside any required sight distance triangles; and
4. Maintain a minimum distance of five feet from a street right-of-way.

F. CHILD CARE, INCIDENTAL

An incidental child care or home day care for three or more children is permitted as accessory to an occupied residential dwelling unit if it complies with Article 7 of Chapter 110 of the North Carolina General Statutes, and the following standards:

1. Care is provided within a principal dwelling unit.
2. The maximum number of children receiving child care in the use at any given moment does not exceed six (provision of day care services for more than six children at any given moment is treated as a day care center by this Ordinance, and requires licensure from the State as a day care center).
3. It complies with all applicable home occupation requirements, except the gross floor area limitation, which may be exceeded.
4. It is licensed by the State of North Carolina and complies with all applicable State requirements.

G. CLUSTER BOX UNIT

Cluster box units shall comply with the standards of the United States Postal Service and the relevant standards in the Town's Standard Details and Specifications.

H. DETACHED ACCESSORY STRUCTURES

Detached accessory structures that are accessory to residential uses shall comply with the following standards unless otherwise specified by this Ordinance:

1. All detached accessory structures shall be located on the same parcel as the principal structure.
2. Detached accessory structures located on a parcel of two acres or less shall not exceed the height of the principal structure.
3. The total footprint for all detached accessory structures shall not exceed 35 percent of the total amount of finished floor area in the principal structure for a lot 2 acres or less.
4. The total of all detached accessory structures located on the lot may increase by 5 percent for each acre over 2 acres.
5. Detached Accessory structures on lots greater than 10 acres shall not be subject to these size limitations.

I. DRIVE THROUGH

Drive-through facilities shall comply with the following standards:

1. Outdoor speakers associated with a drive-through shall be at least 50 feet from any lot with a residential zoning district designation.
2. Drive-through windows, menus, or order boxes shall not be located on the front façade of the building they serve.
3. Drive-through facilities shall be designed so as not to obstruct the movement of pedestrians along sidewalks, through areas intended for public use, or between the building entrance and customer parking spaces.
4. Canopies or other features installed over a drive through window shall maintain common roof lines and materials with the principal structure.
5. New construction of drive-throughs shall conform to the mixed-use design standards in section 5.3.2.

J. ELECTRIC VEHICLE CHARGING STATION

1. Electric Vehicle (EV) charging station spaces shall be reserved for the charging of electric vehicles only and shall be posted with signage identifying the spaces as reserved only for the charging of electric vehicles, amperage and voltage levels, any enforceable time limits or tow away provisions, and contact information for reporting non-operating equipment or other problems.
2. A required accessible parking space may also serve as an EV charging station space, provided the charging station and its controls meet ADA standards for accessibility to persons with physical disabilities.
3. EV charging station equipment shall be located so as not to interfere with vehicle, bicycle, or pedestrian access and circulation, or with required landscaping.

K. FAMILY HEALTH CARE STRUCTURE

One family health care structure is permitted on a lot with a single-family detached dwelling, in accordance with the standards in Section 160D-915 of the North Carolina General Statutes, and the following standards:

1. STRUCTURE

A family health care structure is one that:

a. Is transportable and primarily assembled at a location other than the site of installation;
b. Is located on a lot with an existing single-family detached dwelling;
c. Is limited to one occupant who is a mentally or physically impaired person related to the caregiver;

d. Is used by a caregiver or legal guardian in providing care for one mentally or physically impaired person on property owned or occupied as the caregiver's or guardian's residence;
e. Has no more than 300 square feet of gross floor area;
f. Is connected with water, sewer and electricity by branching service from the single-family detached dwelling;
g. Has the same street address and mailbox as the existing single-family detached dwelling;
h. Uses the same driveway as the existing single-family dwelling, unless the structure is accessed from a right-of-way not used by the dwelling (e.g., a rear alley or separate street access on a corner or through lot);
i. Meets the dimensional standards of the zoning district for a single-family detached dwelling; and
j. Meets the applicable provisions in the State Building Code(s); however, is not located on a permanent foundation.

2. NEED AND RELATIONSHIP

a. The occupant of the structure must be a mentally or physically impaired person that is a resident of the State who requires assistance with two or more activities of daily living (bathing, dressing, personal hygiene, ambulation or locomotion, transferring, toileting, and eating) as certified in writing by a physician licensed to practice in this State.
b. The caregiver must be an individual 18 years of age or older who provides care for the mentally or physically impaired person and is a first or second degree relative of the impaired person. A first or second degree relative is a spouse, lineal ascendant, lineal descendant, sibling, uncle, aunt, nephew or niece, including half, step, and in-law relationships.

3. PERMIT CONDITIONS

a. Once the applicant provides sufficient proof that the family health care structure meets all standards, then the structure shall be permitted for a period of 12 months.
b. The applicant may renew the zoning compliance permit for a 12-month period and continue to renew it provided the applicant provides evidence of continued need and compliance with these standards.
c. The Town may make permit renewal and periodic inspections of the temporary structure at reasonable times convenient to the applicant.
d. No signage shall be permitted on the exterior of the structure or on the lot that identifies or promotes the existence of the structure.
e. The structure shall not be subdivided or otherwise separated in ownership from the single-family detached dwelling.
f. The structure shall be removed within 60 days if the impaired occupant is no longer receiving or in need of assistance.
g. The zoning compliance permit may be revoked or other enforcement actions taken if these standards are violated.

L. GUARD HOUSE, SHELTER, OR GATEHOUSE

Nothing shall limit the placement of a guard house, guard shelter, or gatehouse within a required yard or setback, provided it shall:

1. Maintain a maximum size or floor area of 100 square feet or less;
2. A height of 15 feet or less;
3. Be located outside any required sight distance triangles; and
4. Maintain a minimum distance of five feet from a street right-of-way.

M. HELISTOP

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

N. HOME OCCUPATION

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

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

O. ICE HOUSE

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

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

P. OUTDOOR DISPLAY/SALES

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

1. Except in the downtown districts, an outdoor display/sales area shall not be located within a required front yard or street setback.
2. In the downtown districts, outdoor display/sales areas may be located on or adjacent to the sidewalk provided the display is attached to or located immediately adjacent to a building's front façade wall.
3. Outdoor display/sales areas shall not be located any closer than five feet from any lot line.
4. Outdoor display/sales areas shall not be located within any local or State site easement.
5. Outdoor display areas shall maintain at least five feet of space along the side of the display free of obstruction to allow for pedestrian and handicap movement, such that pedestrians do not have to step off the sidewalk or enter the drive aisle to see the merchandise.

Q. OUTDOOR STORAGE

1. GENERAL STANDARDS

The following standards shall apply to all outdoor storage areas other than uses where outdoor storage is the principal use of land (see Table 4.2.3, Principal Use Table).

a. The extent of the outdoor storage area shall be clearly delineated on a site plan.

b. Outdoor storage areas shall comply with the minimum setback standards applicable in the zoning district where the outdoor storage area is located.

c. Outdoor storage areas are prohibited between the development's principal structure(s) and a thoroughfare (major and minor) or collector street.

d. Outdoor storage areas shall be fully screened in accordance with the applicable standards in Section 5.10, Screening.

e. No outdoor storage area shall be located within a required landscaping area.

f. Stored goods, materials, and equipment shall be limited to those goods, materials, and equipment associated with the principal use or uses of the lot.

g. No materials shall be stored in areas intended for vehicular or pedestrian circulation.

h. No materials shall be stored on any potable or non-potable water easement, stormwater easement, or sanitary sewer easement.

2. SCREENING REQUIREMENTS

Outdoor storage shall be screened in accordance with the applicable standards in Section 5.10, Screening.

R. PARKING OF TRUCKS OR TRAILERS

1. The parking and/or storage of motorized and non-motorized vehicles in excess of 10,000 pounds gross vehicle weight shall be prohibited in all residential districts except for loading and unloading purposes; for emergency home service; for use in the conduct of a legal non-conforming use; for temporary construction purposes; or for bona fide agricultural purposes.

2. No apparatus designed to be used as a motor vehicle or designed to be towed by a separate motorized unit or vehicle shall be allowed to be used as a storage facility or accessory building in any residential district.

S. PARKING OF RECREATIONAL VEHICLES

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

T. PLAY EQUIPMENT

Play equipment shall comply with the setback requirements for the zoning district where located, though it may encroach into setbacks in accordance with Table 9.3.5: Allowable Encroachment into Required Setbacks.

U. PRODUCE STAND

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

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

2. Be limited to retail sale of agricultural or horticultural products grown on-site or in agricultural facilities under the same ownership as the produce stand;

3. Be located outside sight distance triangles or other areas that may result in visual obstructions to drivers;

4. Not exceed 1,000 square feet in area; and

5. Provide adequate ingress/egress and off-street parking.

V. SOLAR ENERGY SYSTEM

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

1. A SES may be roof-mounted, attached to a principle or accessory structure, be ground-mounted, or placed over a parking or other hard-surface area.
2. The footprint of a ground-mounted SES shall not exceed 50 percent of the floorplate of the principal structure, or one acre, whichever is less.
3. An SES shall comply with the dimensional requirements for the district where located, as modified by Section 4.4.4, General Standards for Accessory Uses and Structures.
4. An SES shall not obscure required sight distance triangles.
5. A SES may be placed within a required landscaping area provided it does not compromise the screening objective of the landscaping.
6. Ground-mounted SES facilities are exempted from the screening requirements in Section 5.10, Screening.
7. Ground-mounted SES facilities shall not exceed 20 feet in height above adjacent pre-construction grade.

W. STABLE (HORSES)

Stables shall comply with the following standards:

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

X. SWIMMING POOL/HOT TUB

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

Y. UNDERGROUND STORAGE TANK

Underground storage tanks shall comply with the following requirements:

1. Underground storage tanks shall not be located within required setbacks, easements, or beneath public rights-of-way.
2. Underground storage tanks shall be installed and operated only in accordance with the State Building Code(s) and all applicable Fire Code requirements.
3. Underground storage tanks shall be depicted on site plans and as-builts.

Z. WAGERING, SPORTS

1. Sports wagering in compliance with Section 18C-901 through 18C-928 of the North Carolina General Statutes.

AA. WIND ENERGY CONVERSION

Wind energy conversion uses shall comply with the following requirements:

1. Limited to one per principal use;
2. The facility shall not exceed 70 feet in height;

3. The facility shall maintain a minimum blade clearance of at least 20 feet from the ground; and
4. Sound levels shall not exceed 55 dBA.

4.5. TEMPORARY USES

4.5.1. PURPOSE

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

4.5.2. APPLICABILITY

The standards in this section apply to non-permanent uses that take place on a temporary basis whether on the same site or in different locations in the jurisdiction. The activities listed in this section require the issuance of a temporary use permit, except as exempted, in accordance with the standards in Section 2.2.19, Temporary Use Permit, and compliance with the standards in Section 4.5.3, General Standards for Temporary Uses and Structures, and Section 4.5.4, Standards for Specific Temporary Uses.

4.5.3. GENERAL STANDARDS FOR TEMPORARY USES AND STRUCTURES

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

A. GENERAL STANDARDS

An applicant proposing a temporary use or structure shall:

1. Secure written permission from the landowner;
2. Obtain the appropriate permits and licenses from the Town and other agencies;
3. Comply with the requirements for temporary signs in Section 5.11, Signage;
4. Meet public utility and Town requirements for proper connection to water, sewer, electrical and other utility service connections, as applicable;
5. Not violate the applicable conditions of approval that apply to a site or use on the site;
6. Not result in a situation where the principal use, if present, fails to comply with the standards of this Ordinance;
7. Ensure the site of a temporary use or structure contains sufficient land area for the temporary use and for the parking and traffic movement associated with the temporary use, without impacting environmentally sensitive lands;
8. Ensure temporary uses remain in place no longer than 90 days if located within the Flood Hazard Overlay (FHO) district;
9. Provide adequate on-site restroom facilities (as appropriate); and
10. Cease all outdoor activities within 500 feet of a residential use by 10:00 pm.

B. GENERAL CONDITIONS

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

1. Provision of temporary parking facilities, including vehicular access and egress;
2. Control of nuisance factors, such as but not limited to, the prevention of glare or direct illumination of adjacent properties, noise, vibrations, smoke, dust, dirt, odors, gases, and heat;
3. Prohibition of the storage or use of hazardous materials;
4. Regulation of placement, height, size, and location of equipment;
5. Provision of sanitary and medical facilities;
6. Provision of solid waste collection and disposal;
7. Provision of security and safety measures;

8. Use of an alternate location or date;
9. Modification or elimination of certain proposed activities;
10. Regulation of operating hours and days, including limitation of the duration to a shorter time period than requested or specified in this subsection; and
11. Submission of a performance guarantee to ensure that any temporary use will be removed from the lot or site within a reasonable time and the lot or site will be restored to its former condition.

4.5.4. STANDARDS FOR SPECIFIC TEMPORARY USES

A. MOBILE FOOD VENDORS

1. PURPOSE

This section is designed to provide standards relative to the accessibility, appearance, and safety regarding commercial food vending, as well as to preserve the peace and enjoyment of residences and occupation of a site by a properly licensed business.

2. OPERATIONAL REGULATIONS

a. A mobile food vendor permit shall be required as provided for herein.

b. Noncommercial private events held on single-family detached and duplex lots shall not be required to obtain a mobile food vendor permit.

c. The following activities shall not be required to obtain a mobile food vendor permit provided that all required permits are obtained:

d. Mobile food vendors that that stop based on customer demand for point of sale service and move to a different location such as an ice cream truck or similar operation.

e. Mobile food vendors operating as part of a Town of Zebulon sponsored event. provided that all required permits are obtained, if applicable, and that the mobile food vendor:

i. Is not open to the public, such as outdoor weddings and employee parties;

ii. Is located on a site with a single user and/or tenant; and,

iii. Noncommercial private events held on single-family detached, duplex lots, or common space owned by a home owners association, if applicable, the mobile food vendor:

1. Is not open to the public, such as outdoor weddings, employee parties and homeowner association events;
2. Is located on a site with a single user/ or tenant;
3. Will not make, cause, or allow the making of any noise or sound which exceeds the limits set forth in the Town of Zebulon's Code of Ordinances, as may be amended from time to time, and will not generate adverse traffic, or other nuisance impacts on adjacent properties.

f. Permits, unless sooner suspended or revoked, shall be valid for no longer than one year expiring at the end of the calendar year.

g. Permit certificates shall be attached to the mobile food vendor unit where they are readily visible and shall include the name, mailing address, and valid phone number of the mobile food vendor unit owner and shall list the addresses and parcel identification numbers where the permit is valid.

h. Routine inspections may be conducted by local inspectors on each mobile food unit at any time and at any frequency deemed appropriate by the Town.

i. Any mobile food vendor unit that has a suspended or revoked permit by the State of North Carolina and/or Wake County, and on a subsequent inspection, a State of North Carolina and/or Wake County Inspector determines that the mobile food vendor has not corrected the violation(s), shall have its Town-issued mobile food vendor permit revoked and food service shall cease in the Town.

j. A permit issued under this section is not transferable.

3. STANDARDS

The following standards shall apply to all mobile food vendor permits, unless exempt above:

a. No products shall be sold from any mobile food vendor unit which is stopped, standing, or parked in any public street, right-of-way, or easement. Nor shall the mobile food vendor impede the flow of traffic or pedestrians on the sidewalk.

b. Mobile food vendor units are prohibited on all parcels used for residential purposes as designated on the Official Zoning Map or on the grounds of any government office, facility, public park, recreation area, or other similar public land within the Town, which is under the control, operation, or management of the Town, except as otherwise allowed in this section or by law.

c. Mobile food vendors are allowed within the Town's planning jurisdiction so long as the mobile food vendor unit is located on private property designated and used for commercial, industrial, or nonresidential purposes, subject to the following conditions:

i. Mobile food vendors shall not provide customer seating.

ii. No display areas, merchandise, or stored items in association with the vendor or those associated with the principal use on the property, which are displaced due to the vending activity, shall encroach onto any public street, right-of-way, or easement, or onto any adjacent private property without express permission from that property owner.

iii. The mobile food vendor shall set up and locate the vehicle, wares, and/or any associated displays in accordance with the principal structure setback requirements of the district where located.

iv. The mobile food vendor sales area shall not exceed more than two parking spaces or six hundred square feet in area, whichever is greater. However, at no time may the required number of parking spaces for the principal use of the property be rendered nonconforming due to vendor use.

v. The mobile food vendor unit shall not interfere with required parking, loading and unloading spaces or the vehicular access to those spaces for the principal use.

vi. The mobile food vendor unit shall not block, damage, or interfere with required landscaping, buffers, or stormwater drainage systems on the subject property.

vii. During periods of nonuse, mobile food vendor equipment must remain locked and secured, unless otherwise required by the State of North Carolina or Wake County.

viii. The mobile food vendor shall be prohibited from selling or distributing any type of glass container with the exception of sealed prepackaged nonalcoholic beverages such as sodas or juices.

ix. Amplified music or other sounds from any mobile food vendor unit for the purposes of vending products is prohibited.

x. All mobile food vendors shall operate in compliance with Title IX: General Regulations, Chapter 97: Noise, of the Town Code of Ordinances.

xi. Mobile food vendors shall be prohibited from discharging fat, oil, grease, or waste water into the sanitary sewer system. Waste shall be properly stored and disposed of at a properly designated location.

xii. Each mobile food vending unit shall be equipped with adequate trash receptacles and shall be responsible for the proper disposal of solid waste from the site daily without using public waste receptacles. All disturbed areas must be cleaned following each stop at a minimum of 20 feet of the sales location.

xiii. Each mobile food vending unit shall be equipped with at least one fire extinguisher with a minimum of a 2A-10-BC rating.

xiv. Vinyl wrapping, decals, stickers, painted text and/or graphics, and menu boards affixed to the mobile food vendor unit shall not count towards the maximum aggregate sign area.

4. ENFORCEMENT

The following provisions may be enforced by the Police Department and the Planning Department.

a. FINE FOR VIOLATION

Any mobile food vendor licensee operating in violation of any provision within this section or any other rules and regulations may be subject to a fine in accordance with Article 8: Enforcement. Each day of violation shall constitute a separate offense for purposes of the penalties and remedies specified in this Ordinance.

b. REVOCATION, SUSPENSION, MODIFICATION

i. The Board of Commissioners may modify a mobile food vendor license, including an approved location:

1. At any time before the issuance of a mobile food vendor license;

2. If after the issuance of such license, for cause, after reasonable notice to the licensee of the grounds for the proposed modification and the time and place of the hearing regarding such proposed modification; or

3. By request of the licensee.

ii. The Board may suspend, revoke, or decline to renew a mobile food vendor license for cause, after reasonable notice to the licensee of the grounds for the proposed action and the time and place of the hearing regarding such proposed action.

B. OUTDOOR SEASONAL SALES

1. PURPOSE

The purpose of this section is to prevent the unrestricted proliferation of open-air sales events within the town and to protect those businesses and food services that operate from within principle buildings at permanent locations in accordance with the law.

2. EXEMPTIONS

Sale of the following products or services are exempted from these standards.

a. The sale or display of fruits, vegetables, other farm or homemade products produced by the person offering them for sale in a commercial zoning district with the permission of the property owner;

b. The sale or display of goods or merchandise (not including food or food products) by a person, partnership, corporation or other entity at a particular location if the sale or display of like or same items is conducted in association with the party's sale or display of goods or merchandise at the same location from or in a principle building that is regularly entered by the general public for the transaction of business. The items to be sold are limited to the same items that are sold inside the establishment, such as toys, clothing, furniture and outdoor equipment.

c. Any nonprofit group, charitable or civic organization that conducts open-air sales on either their own property or on other business property for charitable or other fund-raising purposes.

d. Vendors at special events, such as the Christmas Parade, Arts in the Park and the like selling goods only for that event. Food vendors will need to obtain a permit from the Wake County Health Department.

e. Seasonal sales of Christmas trees, pumpkins, and similar products.

3. STANDARDS

a. The maximum hours of operation of an outdoor seasonal sales use shall be from 8:00 AM to 11:00 PM, except when located in a residential district, then the seasonal sales use shall cease by 9:00 PM.

b. Exterior lighting shall comply with the requirements in Section 5.4, Exterior Lighting.

c. One recreational vehicle is allowed as a temporary dwelling for security purposes in association with the seasonal sales use, provided it meets the general standards of Section 4.5.4.E, Temporary Dwelling, and is removed at the end of the sales.

d. Upon termination of an open-air sale, all temporary buildings or structures erected for the purpose of the use, and all trash and debris generated in connection with the sale, shall be removed by the applicant or owner of the premises.

e. Each permit issued pursuant to this section shall specify the commencement date for the use and the date of expiration of the permit.

4. DURATION

a. Up to four permits may be issued to the same applicant during any calendar year for a use subject to the provisions of this section, and at least 60 calendar days shall elapse between the issuance of permits to the same applicant, same use at the same or different location, whether or not issued in the same calendar year.

b. For purpose of this subdivision, an applicant shall be deemed to include any predecessor business to the applicant, and any person, partnership, corporation or other entity that controls, is controlled by or is under common control with the applicant.

C. PORTABLE STORAGE CONTAINER

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

1. TYPES DISTINGUISHED

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

a. A container used for the purposes of storage of personal property such as household items being temporarily stored or relocated.

b. A roll-off box, bin, or construction dumpster used for the collection and hauling of waste or debris; or

c. A fully-enclosed, non-motorized, trailer (commonly known as a semi-trailer) with wheels intended to be towed to a site for the purpose of storage or transport of goods, materials, or equipment.

2. PERMIT REQUIRED

A building permit shall not be required for a portable storage container, but a temporary use permit issued in accordance with Section 2.2.19, Temporary Use Permit, is required.

3. EXEMPTIONS

The standards in this section shall not apply to portable storage containers used as temporary construction trailers, dumpsters, or recycling facilities, provided construction on the site is on-going.

4. MAXIMUM SIZE

Containers no larger in dimension than eight feet in height, eight feet in width, or 20 feet in length.

5. MAXIMUM NUMBER

a. No more than two portable storage containers shall be located on a single lot or parcel of land.

b. No other type of container or shipping container is located on the same lot or parcel of land.

6. HAZARDOUS SUBSTANCES

Portable storage containers shall not be used to store or transport nonresidential materials and substances, including but not limited to the following: solid waste, hazardous materials, explosives, and unlawful substances and materials.

7. LOCATION

- **a.** A portable storage container may be located in a driveway, a designated parking area, or behind a dwelling.
- **b.** A portable storage container shall be located at least five feet from any principal or accessory structure.
- **c.** If site conditions make placement of the portable storage container behind a dwelling, on a driveway, or in a designated parking area impossible, then the portable storage container may be located immediately adjacent to the driveway or designated parking area.
- **d.** A portable storage container shall not be located between the front of a dwelling and the street it faces unless any other placement is impossible due to site conditions.
- **e.** In no instance shall a portable storage container be located within a Town street, public street right-of-way, or in a location that poses a threat to public health or safety.

8. DURATION

- **a.** Portable storage containers may be located on a site for a maximum of up to 90 days per calendar year.
- **b.** In no instance shall these standards be construed to allow placement of one or more portable storage containers on a single site for more than 90 days in any single calendar year.

D. SPECIAL EVENTS

1. EXEMPT EVENTS

A special event is not subject to the requirements in Section 4.5, Temporary Uses, if:

- **a.** The event lasts two or fewer days within a 180-day period on a lot with an established principal use; or
- **b.** The event is sponsored by the Town, a county, or the State.

2. SUBJECT TO THIS ORDINANCE

A special event not exempted from the standards in this section if it is proposed on a lot in a commercial or mixed-use zoning district, subject to the following standards:

- **a.** A special event includes, but is not be limited to arts and crafts shows, cultural events, musical events, concerts and stage shows, celebrations, festivals, fairs, carnivals, circuses, or outdoor religious events.
- **b.** Circuses, carnivals and similar amusements may be subject to the applicable provisions of the City Code of Ordinances.
- **c.** Temporary dwelling(s) are allowed in association with the special event provided they meet the general standards of Section 4.5.4.E, Temporary Dwelling, and are removed at the end of the event.

E. TEMPORARY DWELLING

A temporary dwelling is permitted on a lot in a residential, conditional, mixed-use, or conditional zoning district, subject to the following standards:

1. GENERAL STANDARDS

- **a.** A temporary dwelling may be either a dwelling that meets all applicable North Carolina Building Code requirements for a dwelling or a recreational vehicle.

b. The temporary dwelling shall be located on a lot and meet the dimensional standards of the zoning district, to the maximum extent practicable.

c. Temporary emergency dwellings operated by a religious institution, governmental agency, or nonprofit organization may be located to provide emergency shelter where fire, flood, or other natural disaster has displaced persons.

2. TEMPORARY CONSTRUCTION DWELLING

a. One temporary dwelling may be used to house occupants of the principal dwelling under construction or subject to repair or casualty damage.

b. Temporary dwellings may be used on a construction site and occupied by persons having construction or security responsibilities over such construction site.

c. Temporary dwellings shall be located on the same lot as the structure under construction.

d. The temporary use permit shall not be issued until a site plan approved or a building permit is issued for a principal structure.

e. A temporary dwelling shall be removed within 30 days of issuance of a certificate of occupancy for the structure, or removed immediately if the building permit expires or is revoked.

3. DURATION

A temporary dwelling shall be limited in duration to a maximum of six months, except that the temporary use permit may be renewed for good cause shown.

F. TEMPORARY REAL ESTATE OFFICE

A temporary real estate office is permitted on a lot in a residential, business, special, or conditional zoning district, subject to the following standards:

1. The office is located on a lot that is part of the real estate development being sold or leased.

2. Signage complies with the standards of Section 5.11, Signage.

3. The office complies with the dimensional standards of the zoning district in which it is located.

4. The temporary office is converted into a dwelling or removed within 30 days after all units are sold or leased.

5. In the event a temporary real estate office is a trailer, it shall be removed within 30 days after all units are sold or leased.

G. TEMPORARY WIRELESS TELECOMMUNICATIONS FACILITY

A temporary wireless telecommunications facility shall comply with the standards in Section 4.3.4.S.4.e, Temporary Wireless Facility, and the following standards:

1. A temporary wireless telecommunications facility may be allowed on a lot after a disaster or other emergency for a period not to exceed 30 days, except that the temporary use permit may be renewed for good cause shown.

2. A temporary wireless telecommunications facility may be allowed on a lot to evaluate the technical feasibility of a site for a period not to exceed 14 days, except that the temporary use permit may be renewed for good cause shown.

3. A temporary wireless telecommunications facility may be allowed on a lot in association with an event where the anticipated demand cannot be handled by existing facilities for a period not to exceed 14 days.

4. A temporary wireless telecommunications facility may be allowed on a lot with an existing permanent wireless telecommunications facility where the permanent structure is undergoing reconstruction or maintenance and the temporary facility is needed to maintain sufficient levels of service. The temporary facility shall be removed after reconstruction or maintenance is complete and service restored on the permanent structure.

5. All temporary wireless telecommunications facilities, including all supporting cables and anchors, shall be contained on the lot.

H. YARD SALES

Yard sales are permitted on lot in a residential zoning district subject to the following standards:

1. Yard sales shall be limited to four per year per lot.

2. There shall be a minimum of 30 days between yard sales on the same lot or site.

3. Each sale shall be limited to daylight hours, and shall not exceed two consecutive days.

4.6. UNLISTED USES

4.6.1. PROCEDURE

A. The Planning Director shall determine whether or not an unlisted use is similar to an existing use type set out in Table 4.2.3, Principal Use Table, based on the definitions in Section 9.4, Definitions, and the standards for unlisted uses in Section 2.2.12, Interpretation.

B. Nothing shall limit the Planning Director from seeking input from Town staff, Planning Board, or Board of Commissioners in making a determination of how to categorize an unlisted use.

C. In cases where a proposed unlisted use type is not found to be similar to an existing use type, the Planning Director may, but shall not be required to, initiate a text amendment application to revise the text of this Ordinance to add the use type in accordance with Section 2.2.20, UDO Text Amendment.

4.7. PROHIBITED USES

4.7.1. PROHIBITED EVERYWHERE

A. The following use types are not listed in Table 4.2.3, Principal Use Table, and are prohibited throughout the Town's planning jurisdiction in all zoning districts.

B. In cases where one or more of these uses is lawfully established and in operation prior to January 1, 2020, the use shall be subject to the provisions in Section 1.10, Transitional Provisions.

1. AGRICULTURAL USES

a. Concentrated animal feeding operations;
b. Slaughterhouses; or
c. Poultry processing facilities.

2. COMMERCIAL USES

a. Outdoor advertising or billboards, except where prohibition is preempted by State or federal law. Outdoor advertising lawfully established prior to January 1, 2020, may be permitted to continue as a nonconforming use only in accordance with Article 7: Nonconformities, and Sections 136-126 through 136-140.1 of the North Carolina General Statutes; or
b. Outdoor shooting ranges.

3. INDUSTRIAL USES

a. Acetylene gas manufacture;
b. Acid manufacture;
c. Ammonia, bleaching powder, or chlorine manufacture;
d. Brick, tile, or terra cotta manufacture;
e. Cellophane manufacture;
f. Creosote manufacture or treatment plants;
g. Distillation of bones, coal, refuse, tar, or wood;
h. Explosives, ammunition, fireworks, or gunpowder manufacture;
i. Fat rendering, or production of fats and oils from animal or vegetable products by boiling or distillation;
j. Garbage, offal, or animal reduction and processing;
k. Glue and size manufacture;
l. Leather and leather products manufacturing involving tanning;
m. Linseed oil, shellac, turpentine manufacture or refining;
n. Nitrogenous tankage, fish meal or manufacture of any fertilizer materials carrying an objectionable odor;

o. Oilcloth or linoleum manufacture;
p. Ore reduction;
q. Pulp mills; or
r. Vinegar manufacturing.

4. INSTITUTIONAL USES

a. Package treatment plant wastewater disposal systems that discharge to surface waters; or
b. Storage or processing of radioactive or infectious waste.

5. RESIDENTIAL USES

a. Use of a boat, houseboat, or other floating structure as a temporary or permanent residence (this shall not prevent the overnight occupancy of a vessel temporarily moored while in transit on navigable waters);
b. Mobile homes, mobile home parks, and manufactured dwelling parks; or
c. Use of a travel trailer as a permanent or temporary residence.

4.7.2. PROHIBITED BY OVERLAY DISTRICT STANDARDS

Regardless of how a use type is permitted or prohibited in Table 4.2.3, Principal Use Table, if a lot or tract is located within one or more overlay zoning districts, any use type limitations in the overlay district standards (see Section 3.8, Overlay Zoning Districts) shall control.

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5



Grow Zebulon

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5: DEVELOPMENT STANDARDS

5.1. ACCESS AND CIRCULATION

5.1.1. PURPOSE AND INTENT

The purpose of this section is to ensure the safe and efficient movement of vehicles, bicyclists, pedestrians, and deliveries on development sites in the Town's jurisdiction. More specifically, these standards are intended to:

A. Protect the health and safety of Town residents and visitors;

B. Ensure pedestrian accessibility is included in site planning;

C. Protect the safety of motorists, pedestrians, and bicyclists from traffic entering or exiting the street system; and

D. Encourage alternative forms of transportation.

5.1.2. APPLICABILITY

A. GENERAL

Unless exempted in accordance with Section 5.1.3, Exemptions, or except where otherwise expressly stated, the standards in this section apply to all new development in the Town's jurisdiction.

B. EXISTING DEVELOPMENT

Compliance with these standards shall also apply to redevelopment of an existing structure, building, or use when it is expanded, enlarged, or otherwise increased in intensity in an amount equivalent to or beyond 50 percent.

C. CONFLICT

In the event of conflict or overlap with the standards in this section and the standards in Article 6: Subdivisions, the standards in Article 6 shall control.

5.1.3. EXEMPTIONS

The following forms of development are exempted from the standards in this section:

A. Redevelopment consisting of one single-family detached home on its own lot of record (though these standards shall be applied to residential subdivisions proposing more than one lot); and

B. Redevelopment of an existing duplex.

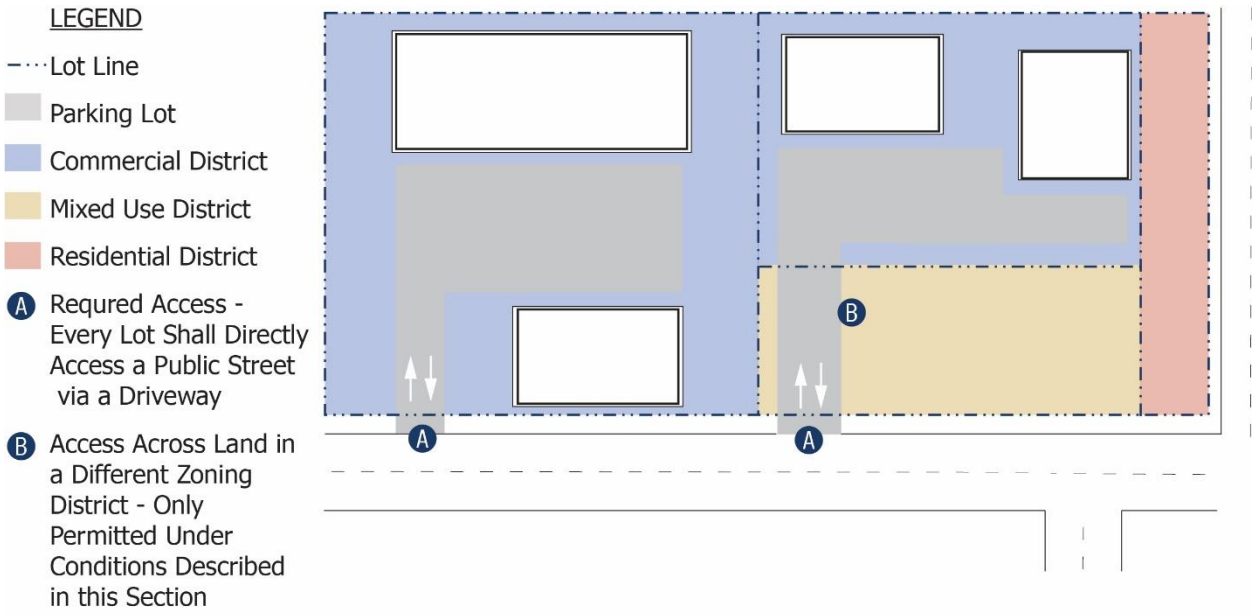
5.1.4. ACCESS TO LOTS

Except where authorized in accordance with Section 5.1.4.B, Alternative Access, all development shall comply with the following standards:

A. GENERAL REQUIREMENTS

1. Every lot shall abut or have direct access, via a driveway, to a publicly-maintained street.
2. No building or structure shall be constructed or placed on a lot that does not abut or have direct access to a publicly-maintained street.
3. Access to residential lots shall meet the requirements of Section 4.3 Residential Use Types.
4. Direct access to a publicly-maintained street shall not extend through or across land in a different zoning district than the lot being served by the access (see Figure 5.1.4.A: Lot Access). This requirement is waived when the land in the different zoning district:
   - **a.** Is classified as a business or mixed-use district; or
   - **b.** Allows the use being served by the direct access; or
   - **c.** Provides the sole means of access for the use.

FIGURE 5.1.4.A: LOT ACCESS



B. ALTERNATIVE ACCESS

As an alternative to compliance with the general standards in subsection (1) above, development may incorporate one of the following alternative street access standards (see Figure 5.1.4.B: Alternative Lot Access):

1. MULTIPLE LOT DEVELOPMENT

Up to a maximum of three individual lots in a multiple lot development may have shared rights of access along a single driveway that is at least 20 feet in width and leads to a publicly-maintained street.

2. SINGLE-FAMILY LOT OF RECORD

Vacant lots of record established prior to January 1, 2020, that do not abut a publicly-maintained street may establish access through a recorded access easement, provided the lot is used for one single-family detached dwelling and its allowable accessory uses, and provided the easement complies with the following:

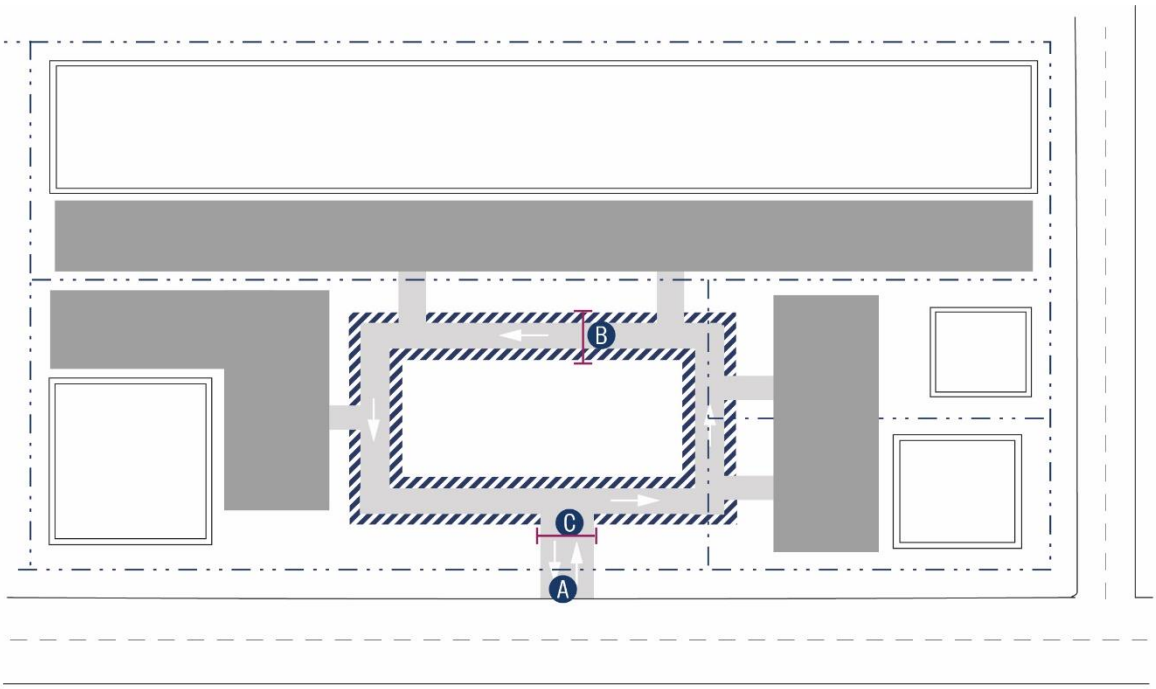
a. The minimum easement width is 20 feet;

b. The minimum separation between the easement and any other platted access or right-of-way is at least 150 feet;

c. The location of the easement is recorded on a plat; and

d. The easement permits ingress, egress, regress, and necessary utilities to serve the lot.

FIGURE 5.1.4.B: ALTERNATIVE LOT ACCESS



LEGEND

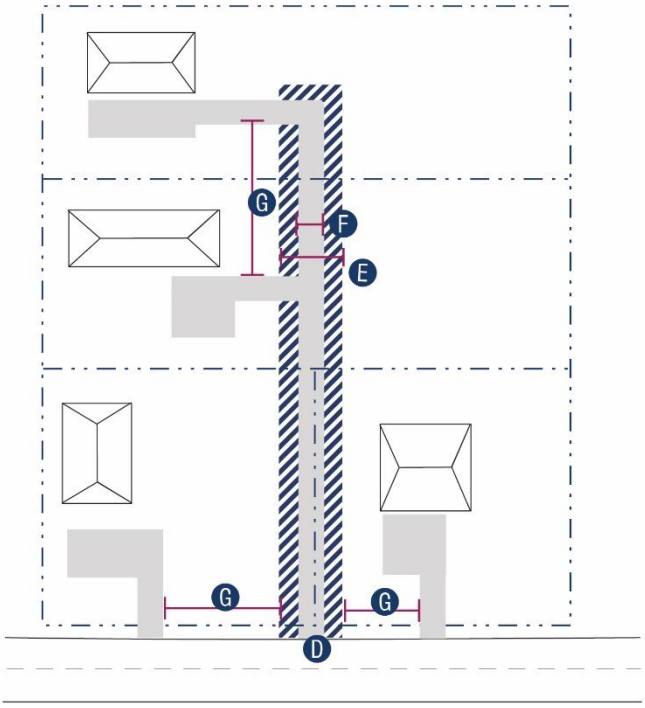
- Driveway
- Parking Lot
- Access Easement

Multiple-Lot Development:

- A Public Street Access
- B Easement Min. Width 25′
- C Easement Coterminous with Two-Way Entrance

Single-Family Lot of Record

- D Public Street Access
- E Easement Min. Width 25′
- F Driveway Min. Width 10′
- G Min. Separation 150′



5.1.5. COMPLIANCE WITH REQUIREMENTS FOR STREETS

Development subject to the standards in this section that includes construction activity affecting streets or street rights-of-way shall also comply with the standards in Section 6.10, Streets.

5.1.6. DRIVEWAYS

The standards in this section apply to all driveways in the Town's jurisdiction, except where specifically exempted by the text of this Ordinance. Lawfully-established driveways existing prior January 1, 2020, that do not conform to these standards shall be subject to the standards in Article 7: Nonconformities.

A. PURPOSE FOR THESE STANDARDS

These driveway standards are intended to:

1. Ensure safe vehicular movements in the Town's jurisdiction;
2. Configure lot access in accordance with the Town's adopted policy guidance for roadway corridors;
3. Minimize conflicts between pedestrians, bicyclists, and vehicles;
4. Provide as much physical separation between street intersections and driveways serving individual land uses as is practicable;
5. Minimize individual access points to collector and arterial streets to the minimum necessary; and
6. Encourage shared access to individual lots.

B. COMPLIANCE WITH NCDOT STANDARDS

1. Driveways providing ingress or egress to a State-maintained street shall be placed and constructed in accordance with the "Policy on Street and Driveway Access to North Carolina Highways" adopted by the North Carolina Department of Transportation (NCDOT), as amended.
2. All driveways connecting to State-maintained streets shall obtain driveway permit approval from NCDOT prior to the construction.

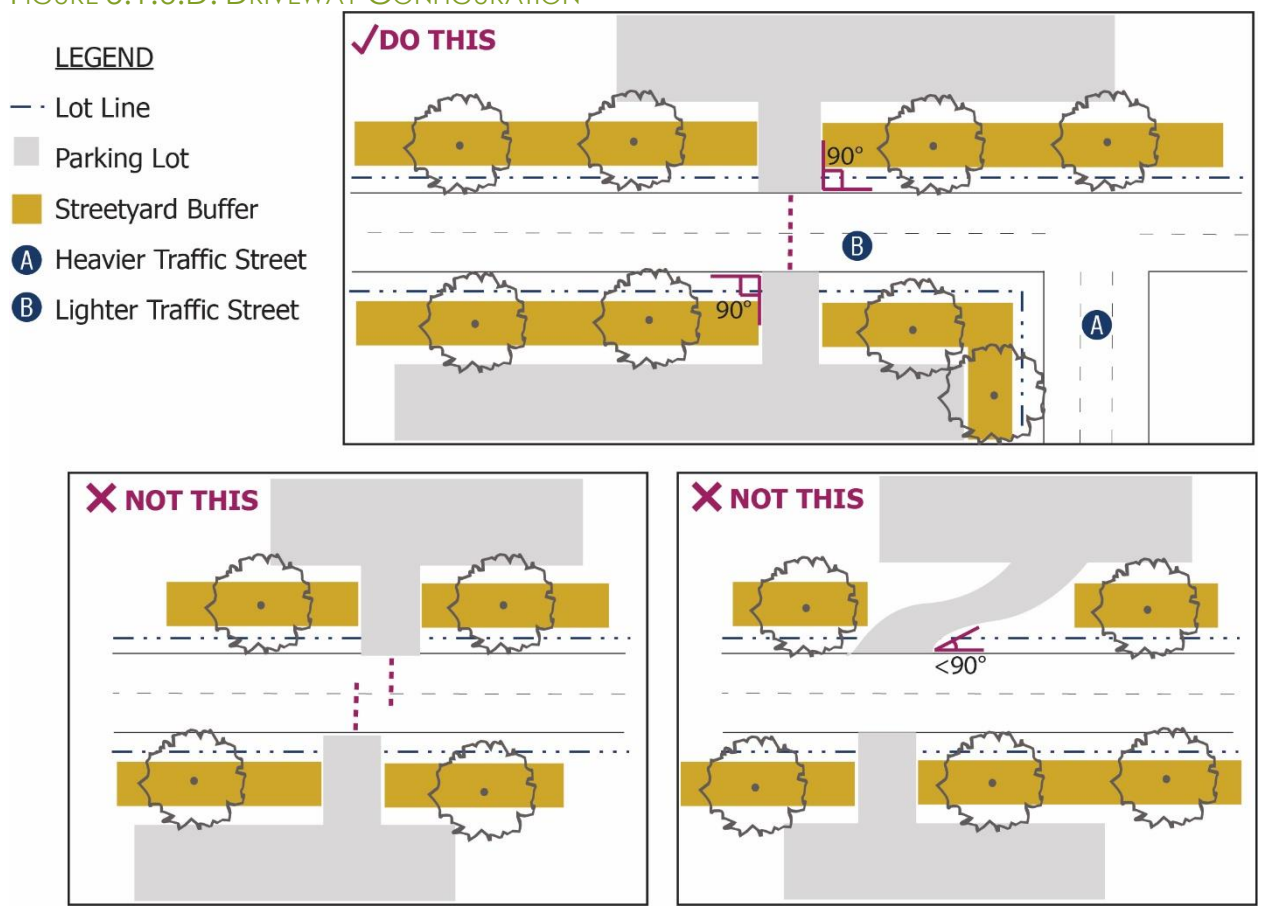
C. COMPLIANCE WITH TOWN STANDARDS

1. Driveways providing ingress or egress to a Town-maintained street shall be placed and constructed in accordance with the applicable Town standards.
2. All driveways connecting to Town-maintained streets shall obtain driveway permit approval from the Town prior to construction.

D. DRIVEWAY CONFIGURATION

1. All driveways shall be constructed so that:
   a. Vehicles can enter and exit from a lot without posing any substantial danger to themselves, pedestrians, bicycles, or vehicles traveling on abutting streets; and
   b. Interference with the free and convenient flow of traffic on abutting or surrounding streets is minimized.
2. Driveway radii shall be designed in accordance with the Town specifications, and shall not extend beyond side lot lines.
3. No driveway serving an off-street parking area or providing on-site circulation is permitted within any required landscaping area, but driveways may be installed across these areas.
4. Driveways shall be as nearly perpendicular to the street right-of-way as possible (see Figure 5.1.6.D: Driveway Configuration).
5. Driveways shall line up with other driveways across the street, where practicable.
6. Driveways on corner lots shall provide access from the street with less traffic, to the maximum extent practicable.

FIGURE 5.1.6.D: DRIVEWAY CONFIGURATION



E. MINIMUM DRIVEWAY WIDTH AND DEPTH

1. Driveways shall be configured to extend into the lot they serve for a minimum distance in accordance with Table 5.1.6.E: Minimum Driveway Width and Depth.

TABLE 5.1.6.E: MINIMUM DRIVEWAY WIDTH AND DEPTH

USE TYPE	MINIMUM DRIVEWAY WIDTH (FEET) [1] [2]	MINIMUM DRIVEWAY DEPTH (FEET) [3]
Single-family detached and duplex development	10 [4]	25
Triplex and quadraplex development	12	Driveways serving individual units: 25 Driveways serving parking lots: [6]
Single-family attached and multi-family development	One-way: 12 Two-way: 18 [5]	
Mixed-use development	One-way: 12 Two-way: 24 [5]	[6]
Nonresidential development		

NOTES:
[1] Drive aisles shall comply with the standards in Section 9.3.11.F, Parking Space and Access Aisle Dimensions.
[2] A wider driveway shall be provided when required by the Town's adopted Fire Code.

TABLE 5.1.6.E: MINIMUM DRIVEWAY WIDTH AND DEPTH		
USE TYPE	MINIMUM DRIVEWAY WIDTH (FEET) [1] [2]	MINIMUM DRIVEWAY DEPTH (FEET) [3]
[3] Measured from the edge of the right-of-way serving the driveway. In cases where the driveway is located within an access easement that crosses another lot, minimum driveway depth is measured from the edge of the lot line where the driveway is located. [4] Minimum width only applied to the area where minimum driveway depth standards are applied. [5] Travel lane widths on two-way driveways may differ when required by Town staff. [6] See Section 5.1.6.FMinimum Parking Lot Stem Length.		

2. The width of any driveway accessing a public street shall not exceed 36 feet at its intersection with the right-of-way, except as required by the NCDOT, the Town of Zebulon, or in an approved transportation impact analysis (see Section 6.13, Transportation Impact Analysis).

F. MINIMUM PARKING LOT STEM LENGTH

1. Driveways serving off-street parking lots shall comply with the standards for minimum stem length in Table 5.1.6.F: Parking Lot Stem Length.

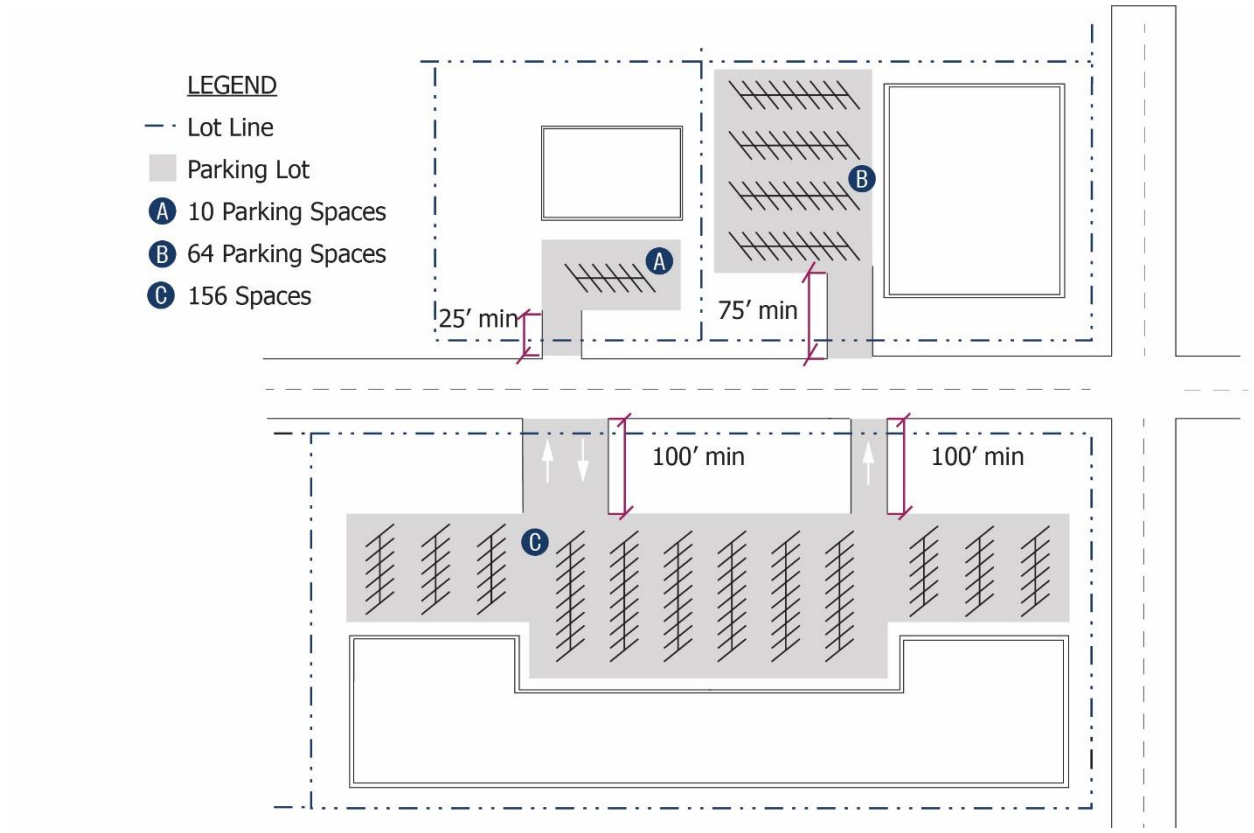
2. In no instance shall a parking lot be configured to allow access to an individual off-street parking space, drive aisle, or other vehicular accessway at a point closer to the street right-of-way than the minimum parking stem length (see Figure 5.1.6.F: Parking Lot Stem Length).

3. In cases where a development is subject to a transportation impact analysis, the parking lot stem length specified in the transportation impact analysis shall control.

4. Nothing shall limit a parking lot stem with a longer length than specified in this subsection.

TABLE 5.1.6.F: PARKING LOT STEM LENGTH	
NUMBER OF PROVIDED OFF-STREET PARKING SPACES IN PARKING LOT	MINIMUM PARKING LOT STEM LENGTH (FEET) [1] [2]
10 or less	25
11 to 51	50
51 to 100	75
101 to 200	100
201 to 250	150
251 or more	As determined by the TRC
NOTES: [1] Measured from the edge of the right-of-way serving the parking lot stem. [2] The TRC may allow a reduced parking lot stem length based on site conditions, provided public safety can be maintained.	

FIGURE 5.1.6.F: PARKING LOT STEM LENGTH



G. REQUIRED DRIVEWAY SPACING

1. SPACING FROM STREETS

a. No portion of any driveway leading from a street shall be closer than 100 feet to the corner of any adjacent street intersection measured from the edge of the right-of-way.

b. On lots with less than 100 feet of lot width, the driveway shall be located as far as practicable from the adjacent street intersection.

2. SPACING FROM OTHER DRIVEWAYS

a. CERTAIN RESIDENTIAL USES

i. Except when configured as paired driveways, driveways serving individual single-family detached dwellings, individual single-family attached dwellings, duplex, triplex, or quadriplex buildings shall be located at least 20 linear feet from any other driveway on the same or different lot.

ii. For the purposes of this section, paired driveways are up to two driveways, whether on the same or different lots, where one side of a driveway is within five feet of the side of the other driveway.

b. ALL OTHER USES

No two driveway access points, whether on the same or different lots, shall be located within 50 feet of each other, to the maximum extent practicable.

H. DRIVEWAY SURFACING

New driveways established after January 1, 2020, that abut a paved street shall be surfaced with asphalt, pavers, or six inches of concrete. Single family detached dwellings and duplex dwellings on lots of 21,780 square feet or more may be served by a gravel driveway.

I. DRIVEWAYS ON COLLECTOR STREETS PROHIBITED

Driveways on Town-maintained collector and arterial streets are prohibited.

5.1.7. SIGHT DISTANCE TRIANGLES

A. SIGHT DISTANCE TRIANGLES ESTABLISHED

Corner lots and lots with driveways, alleys, or other methods of ingress/egress to a street shall include sight distance triangles to ensure visibility for drivers and pedestrians moving through or in an intersection. Required sight distance triangles shall be configured in accordance with Table 5.1.7.A: Sight Distance Triangle Requirements. Land within a required sight distance triangle shall comply with the standards in Section 5.1.7.C, Limitations on Obstructions within Required Sight Distance Triangles.

TABLE 5.1.7.A: SIGHT DISTANCE TRIANGLE REQUIREMENTS

TYPE OF STREET, INTERSECTION, OR DRIVEWAY		MINIMUM SIGHT DISTANCE TRIANGLE CONFIGURATION REQUIRED [1] [2]
Intersections of streets [3]		10/70
Driveways serving parking lots		10/70
Driveways serving individual land uses without parking lots	Single-family detached, single-family attached, Duplex, Triplex, Quadriplex	None
	All other uses of land	10/70, wherever possible

NOTES:
[1] The NCDOT may require an alternative sight distance triangle configuration.
[2] AASHTO requirements shall be applied to curved or curvilinear streets.
[3] Includes all streets (State-maintained and Town-maintained).

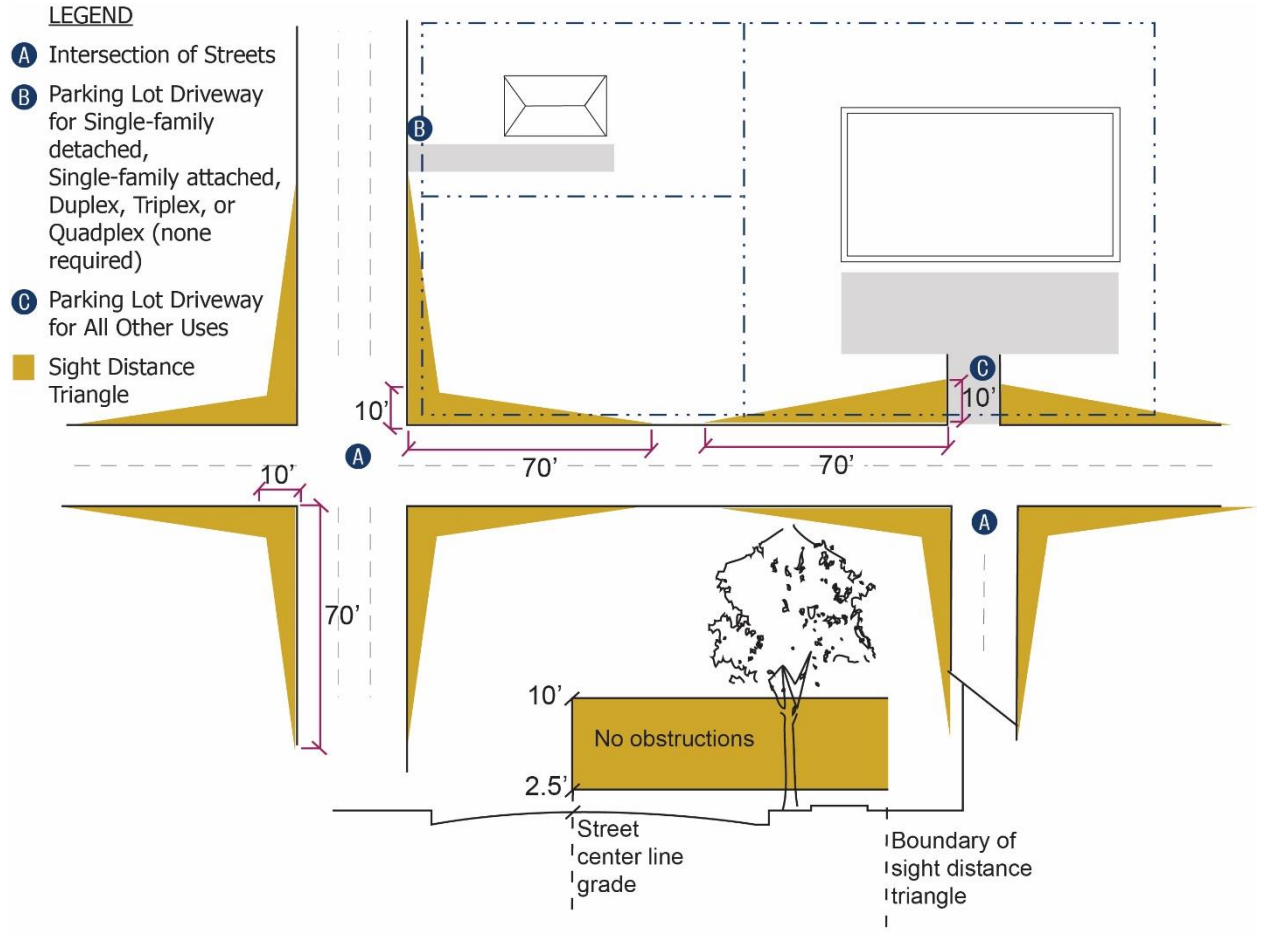
B. MEASUREMENT OF SIGHT DISTANCE TRIANGLE

Sight distance triangles shall be an area between a point at the edge of a street right-of-way located 70 linear feet from the intersection and a second point at the edge of the opposing street right-of-way located ten feet from the intersection (see Figure 5.1.7.B: Sight Distance Triangles).

C. LIMITATIONS ON OBSTRUCTIONS WITHIN REQUIRED SIGHT DISTANCE TRIANGLES

1. No planting, structure, fence, wall, slope, embankment, parked vehicle, or other obstruction to vision between the heights of two-and-one-half (2½) feet and ten feet above the centerline grades of intersecting streets or accessways may be located within a required sight distance triangle.
2. No structure or object, regardless of its size, which obstructs visibility within a required sight distance triangle to the detriment of vehicular or pedestrian traffic shall be permitted.

FIGURE 5.1.7.B: SIGHT DISTANCE TRIANGLES



5.1.8. PARKING LOT CONNECTIONS

A. PURPOSE AND INTENT

The intent of this section is to provide for parking lot connections between comparable commercial, mixed-use, and multi-family land uses that front arterial and collector streets so that vehicles leaving one lot may access the adjoining lot without having to re-enter the street system.

B. APPLICABILITY

The standards in this section shall apply to lots abutting arterial and collector streets that contain any of the following uses:

1. Uses in the commercial uses classification in Table 4.2.3, Principal Use Table;
2. Mixed-use development; and
3. Multi-family development.

C. EXEMPTIONS

Parking lot connections are not required when any of the following conditions are present:

1. Adjacent lots do not have common frontage along an arterial or collector street;
2. Significant topographical differences in existing or proposed conditions are present;
3. Significant natural features exist in the only viable location for parking lot connections;

4. Vehicular safety factors exist or would be created including, but not limited to, unsafe turning movements or pedestrian conflicts;
5. Sufficient access already exists without need for additional parking lot connections;
6. Residential, institutional, or other incompatible land uses are present on adjacent lots;
7. Existing infrastructure obstructions; or
8. Other safety or security factors, in the opinion of the Planning Director or Town Engineer.

D. CONFIGURATION

1. Parking lot connections shall join parking lots on two or more different lots (see Figure 5.1.8: Parking Lot Connections) subject to these standards.
2. A parking lot connection shall be included on at least two sides of a lot except when conditions prevent connections in accordance with Section 5.1.8.C, Exemptions.
3. Parking lot connections shall be paved with asphalt, concrete, or pavers and shall maintain a minimum width of 12 feet for one-way traffic and 18 feet for two-way traffic.
4. All parking lot connections shall be built to the lot line, to the maximum extent practicable.
5. A minimum distance of 40 feet shall be required between a parking lot connection and an intersection or driveway entrance.

E. IMPACT ON REQUIRED SITE FEATURES

1. Where a required parking lot connection eliminates a required landscape planting area, the landscaping requirements shall be reduced to accommodate the cross-accessway and replacement landscaping shall not be required.
2. When a required parking lot connection eliminates required off-street parking spaces, replacement spaces shall not be required.

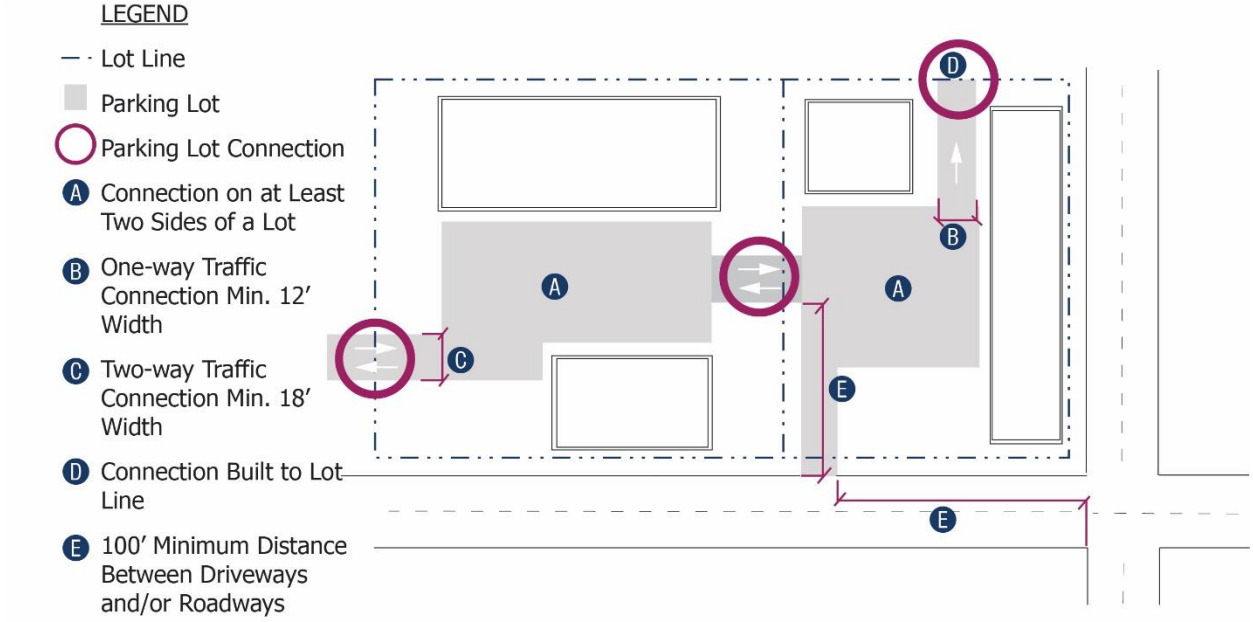
F. EASEMENT REQUIRED

A parking lot connection easement shall be recorded on the final plat for property involving a subdivision, or recorded by separate instrument when, no plat is proposed.

G. CONNECTION REQUIRED

Development on vacant land subject to these standards shall install parking lot connections to the shared property line. However, if the abutting landowner that does not already have a parking lot connection stub and is unwilling to allow the connection to be built to the shared property line due to the impact of the grading equipment or other construction activity on their property, then the Planning Director shall notify the unwilling property owner that they will be responsible for completing the entire parking lot connection when their property is developed.

FIGURE 5.1.8: PARKING LOT CONNECTIONS



5.1.9. ON-SITE PEDESTRIAN WALKWAYS

On-site pedestrian walkways that minimize conflict between pedestrians and vehicles shall be provided on all non-residential, mixed-use, and multi-family development sites, and shall be configured in accordance with the following standards.

A. On-site pedestrian walkways shall connect building entrances to off-street parking areas and to other building entrances on the same site (see Figure 5.1.9: Pedestrian Walkways).

B. Development subject to these standards shall provide at least one connection to an existing or planned public sidewalk or existing greenway via an on-site pedestrian walkway configured in accordance with these standards.

C. Connections shall be made to all existing or planned adjacent transit facilities, to the maximum extent practicable.

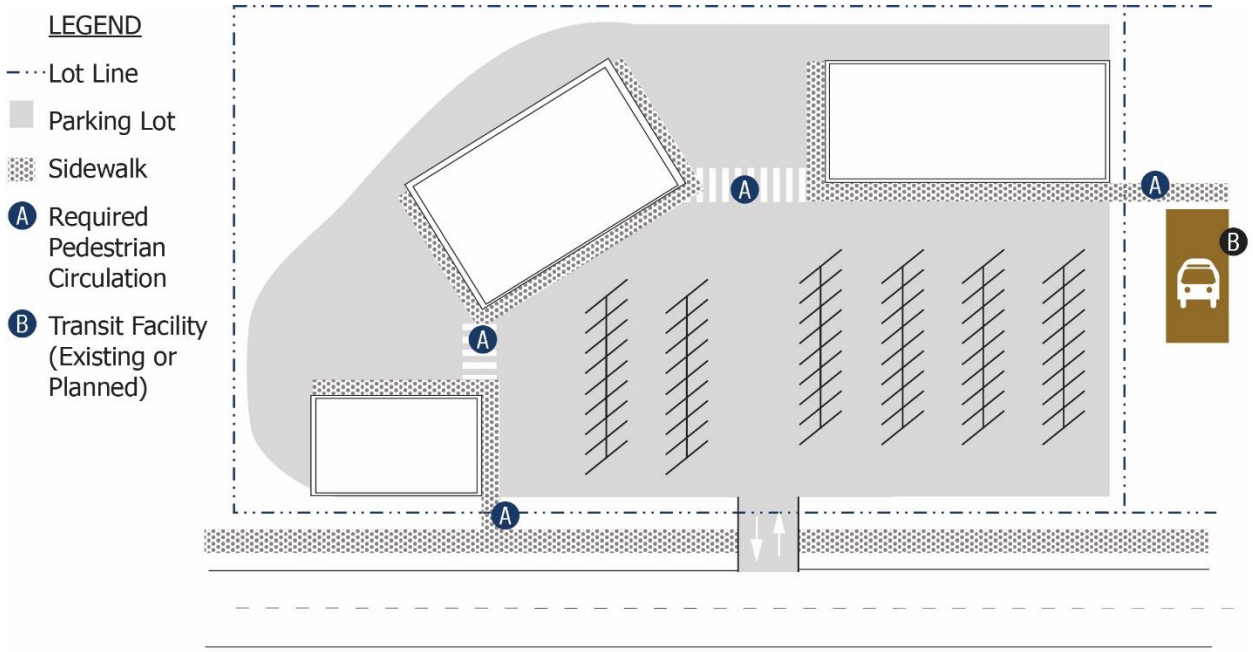
D. On-site pedestrian walkways shall be paved with asphalt, concrete, or other all-weather material, and shall be of contrasting color or materials when crossing drive aisles.

E. On-site pedestrian walkways shall be positively drained and configured to avoid areas of pooling water.

F. On-site pedestrian walkways shall be in compliance with applicable State and federal requirements, including ADA requirements.

G. Development with 200 or more off-street parking spaces shall provide fully-separated, improved on-site pedestrian walkways within planted landscape islands located a minimum of every six parking rows. On-site pedestrian walkways shall be aligned perpendicular to the buildings served and terminate at building entrances, to the maximum extent practicable.

FIGURE 5.1.9: PEDESTRIAN WALKWAYS



5.1.10. COMPLIANCE WITH REQUIREMENTS FOR SIDEWALKS

Development subject to the standards in this section shall comply with all applicable standards in Section 6.8, Sidewalks.

5.1.11. COMPLIANCE WITH REQUIREMENTS FOR GREENWAYS

Development on lots identified in the Town's adopted policy guidance as subject to the requirements for greenways shall comply with all applicable standards in Section 6.4, Greenways.

5.2. DESIGN GUIDELINES

5.2.1. PURPOSE AND INTENT

These residential design guidelines are proposed as suggestions for ways to ensure that new single-family detached, duplex, triplex, and quadplex housing is high quality, aesthetically pleasing, and provides a wide variety of living options for Town residents. More specifically, these guidelines are intended to:

A. Ensure single-family detached, duplex, triplex, and quadplex homes maintain consistent exterior materials and architectural treatments on the front and sides of buildings;

B. Establish guidance regarding changes of exterior finishes and materials on individual facades;

C. Avoid garage-dominated street fronts in residential neighborhoods;

D. Encourage duplex, triplex, and quadplex structures to appear as single-family homes; and

E. Ensure an adequate level of variability in single-family home design so as to avoid monotonous streetscapes where every dwelling appears identical or very similar to its neighboring dwellings.

5.2.2. APPLICABILITY

A. Single-family detached, single-family attached, duplex, triplex, and quadplex dwellings shall comply with these guidelines in the following instances:

1. When proposed development is subject to a signed statement of consent in accordance with Section 5.2.3, Statement of Consent; and

2. When compliance with these guidelines is included as a condition of approval associated with a conditional rezoning (see Section 2.2.6, Conditional Rezoning).

B. Single-family detached, attached, duplex, triplex, and quadplex dwellings not subject to a statement of consent are not required to comply with these guidelines, though conformance is strongly encouraged.

5.2.3. STATEMENT OF CONSENT

A. Compliance with the design guidelines in this section is voluntary and at the discretion of the applicant. In cases where an applicant chooses to comply with the guidelines in this section, the applicant shall sign the following statement of consent and include it with the application for a preliminary plat, special use permit, site plan, or building permit, as appropriate.

The single-family detached, attached, duplex, triplex, and quadplex dwellings depicted on the attached site plan, subdivision plat, or other development approval is subject to the Town of Zebulon's Single-Family Residential Design Guidelines in place at the time the application for this development was determined to be complete. I hereby voluntarily consent to the application of these design guidelines, this acceptance of which shall run with the land regardless of changes in ownership, and recognize that failure to comply with the applicable guidelines following approval is a violation of the Unified Development Ordinance.

_____ _____

Landowner Signature Date

B. The signed statement of consent and the development approval shall be recorded in the office of the Wake County Register of Deeds prior to issuance of a building permit.

C. Applicants seeking to establish single-family attached development may consent to complying with the multi-family design standard as an alternative to these provisions.

5.2.4. DESIGN FEATURES

A. SIDE AND REAR FACADES

1. Although the front facade of a principal building is expected to be the primary focal point in terms of architectural character and features, all sides of a building shall incorporate architectural detailing and windows that complement the front facade and provide visual interest.
2. Blank walls void of windows or architectural detailing are prohibited when adjacent to a street.

B. FOUNDATION MATERIALS

1. Poured concrete foundations, concrete block foundations, or smooth-faced concrete masonry unit foundations shall be covered by decks, porches, or be clad in face brick, stone, stucco, or some other masonry material accurately imitating these materials. In no instance shall poured concrete, concrete block, or smooth-faced concrete masonry unit foundations be visible on a front or street-facing facade.
2. In cases where a dwelling includes a finished or unfinished basement, the exterior basement walls on the rear or on sides not visible from streets are exempted from these standards.

C. MATERIAL CHANGES

1. Exterior materials on the front façade shall not change at outside corners, but shall continue along side facades for a minimum distance of at least five feet. Wherever possible, materials shall continue to a logical termination point such as a change in roof line or where a separate wing meets the main body of the dwelling (see Figure 5.2.4.C: Exterior Material Changes).
2. Exterior material changes shall take place along a horizontal line where two forms meet, such as the wall and the foundation, the first and second stories, or the wall and roof. It is acceptable for material changes to be configured as architectural accents in areas around windows, doors, cornices, at corners, or in a repeating pattern across a façade.
3. Where two or more exterior materials meet or are combined, the heavier or more massive material shall be located below the lighter element(s). For example, brick below wood siding, stone below brick, wood siding below stucco, etc.
4. It is acceptable for heavier materials to be used as accents around doors, windows, and corners.

FIGURE 5.2.4.C: EXTERIOR MATERIAL CHANGES

LEGEND

- (A) Materials Change at Least 5' Past Outside Corners
- (B) Materials Change at Logical Points
- (C) Heavier or More Massive Material Below Lighter Material
- (D) Heavier Materials Acceptable as Accents Around Doors, Windows, and Corners







D. PROHIBITED MATERIALS

1. The use of corrugated metal siding, unpainted plywood, or smooth-face concrete block is prohibited.
2. Synthetic stucco or EIFS shall be prohibited within two feet of the finished grade.
3. Vinyl siding is prohibited as an exterior material though vinyl trim, windows, and soffit are acceptbale.

E. STREET-FACING GARAGES

1. MAXIMUM DOOR WIDTH

Street-facing garage doors configured in accordance with these guidelines shall not exceed a maximum width of 18 feet per garage door.

2. LOCATION

The placement of the primary entrance closer to the street than a street-facing garage door is strongly encouraged, but in no instance shall a primary entrance be more than nine feet farther from the street than a street-facing garage door.

3. DESIGN FEATURES

Street-facing garages configured in accordance with these guidelines shall incorporate at least three of the following design features on the building wall containing the garage doors (see Figure 5.2.4.E.3: Garage Door Design Features):

- **a.** Each garage door shall include transparent or opaque windows;
- **b.** Garage doors shall incorporate decorative hinges or hardware that may be functional or aesthetic;
- **c.** Garage doors shall include an overhang, eave, trellis, arbor, awning, or other similar architectural feature that projects at least 16 inches beyond the facade directly above the garage door(s);

d. Garage doors shall be flanked on either side by vertical design elements like columns, pilasters, posts, or similar vertical feature; or

e. The garage door(s) are located at least two or more feet behind a front porch or the primary entrance to the dwelling.

FIGURE 5.2.4.E.3: GARAGE DOOR DESIGN FEATURES



LEGEND

A Transparent or Opaque Windows
B Decorative Hinges or Hardware
C Overhang, Eave, or Arbor
D Vertical Design Elements on Either Side
E Garage Doors Min. 2' Behind Front Porch or Entrance

F. SIDE-LOADED GARAGES

Side-loaded garages configured in accordance with these guidelines may be closer to the street than the primary entrance to the dwelling, provided the garage facade facing the street includes compatible design features found on other building facades, including but not limited to:

1. Windows;
2. Eaves;
3. Overhangs;
4. Decorative trim;
5. Material changes; or

6. Other architectural features included for the sake of compatibility with the building's other facades.

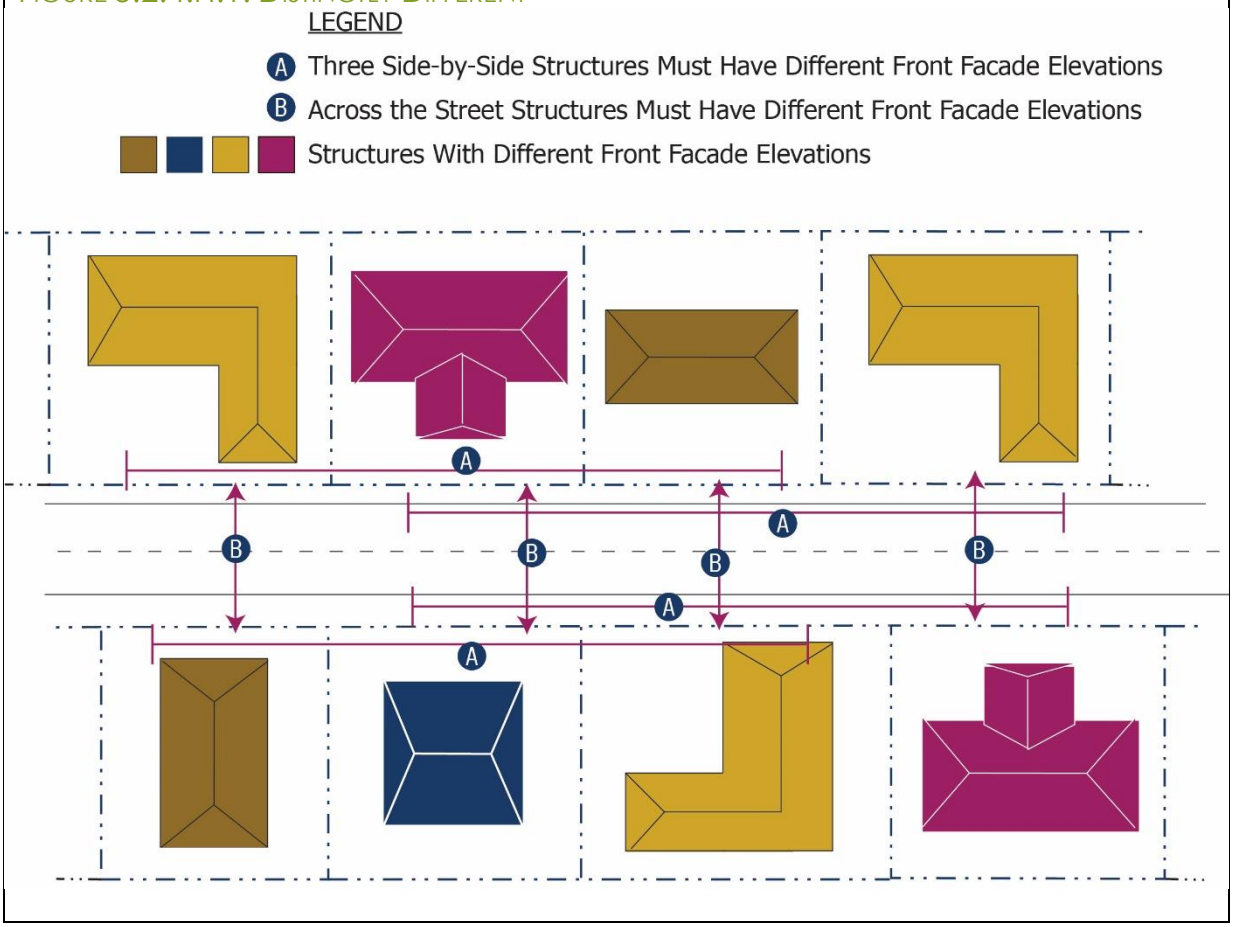
G. DUPLEX ENTRANCES

1. A duplex structure shall be organized so as to give the appearance of being a large single-family detached home.
2. A single shared main entry door is strongly encouraged.
3. In no instance shall two entry doors be located on the same side of the house.

H. ARCHITECTURAL VARIABILITY

1. A continuous row of identical buildings along a block shall be prohibited. Each building shall include "distinctly different" front facade elevations within any single phase of the development such that:
a. No three structures that are side-by-side may have the same front facade elevation; and
b. No structures directly across the street from one another shall have the same front facade elevation (see Figure 5.2.4.H.1: Distinctly Different).

FIGURE 5.2.4.H.1: DISTINCTLY DIFFERENT



2. For the purposes of this section, "distinctly different" shall mean that a dwelling must differ from other adjacent and opposing dwellings in at least six of the following ways (see Figure 5.2.4.H.2: Distinction Options):
a. A discernable color variation, not a slight variation of a similar hue, such as beige or pastel;
b. Variation in exterior materials;

c. Use of two or more distinct variations in roof forms (e.g. gable, hip, shed, mansard, gambrel, flat, or other);
d. Variations in the number of building stories of at least one story;
e. Variation in the amount of habitable space by 400 square feet or more;
f. A change in the depth of the setback from the street which gives the dwelling its street address by 15 feet or more;
g. Changes in the type and color of roofing material on structures with pitched roofs;
h. The orientation of the longest building axis to the street the dwelling faces, whether parallel, perpendicular, or at an angle; or
i. The orientation of primary roof ridgeline to the street the dwelling faces, whether parallel, perpendicular, or at an angle.

FIGURE 5.2.4.H.2: DISTINCTION OPTIONS



5.3. DESIGN STANDARDS

5.3.1. COMMERCIAL DESIGN STANDARDS

A. PURPOSE AND INTENT

These commercial design standards supplement the applicable zoning district and use-specific standards of this Ordinance by providing minimum requirements for design and configuration of commercial development within the Town's planning jurisdiction. They are proposed to provide clarity on the Town's expectations for the quality and appearance of new commercial development. More specifically, the purposes of these standards are to:

1. Foster high-quality, attractive commercial development consistent with Town's adopted policy guidance;
2. Assure a fair and consistent application of the commercial design standards to new development and redevelopment;
3. Foster creativity in commercial design and greater compatibility between commercial development and its local surroundings; and
4. Promote property values and protect existing public and private investment.

B. APPLICABILITY

1. These commercial design standards shall apply to new construction of any principal structures from all use types listed in the Commercial and Institutional Use Classification section of Table 4.2.3, Principal Use Table.

C. EXEMPTIONS

The standards in this section shall not apply to the following forms of development:

1. Mixed-uses, which shall instead comply with the standards in Section 5.3.2, Mixed-Use Design Standards;
2. Development located within the LHO districts;
3. Industrial use types identified in Table 4.2.3, Principal Use Table;
4. Conversion of an existing noncommercial structure to a commercial use where no additional floor area is being added; and
5. Routine maintenance and repairs to existing commercial buildings.

D. TIMING OF REVIEW

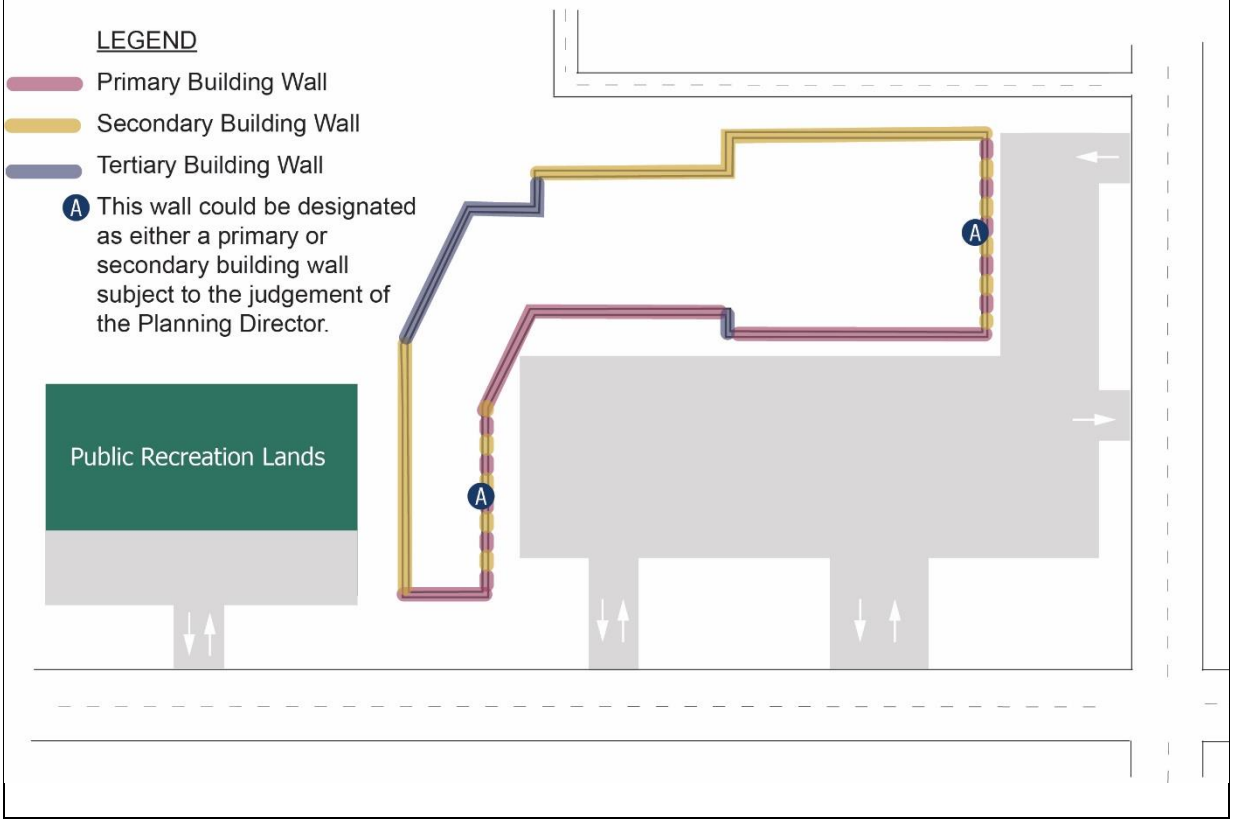
Review for compliance with these standards shall take place during review of an associated rezoning, site plan, or special use permit, as appropriate.

E. BUILDING WALLS DISTINGUISHED

1. Exterior building walls on principal buildings subject to these standards shall be distinguished as primary, secondary, and tertiary in accordance with the following standards (see Figure 5.3.1.E: Commercial Building Walls Distinguished):
   a. Primary walls are the architectural front façade of the building that faces the street from which the building is addressed.
   b. Secondary building walls are exterior building walls that correspond to the side or rear of a building that that are visible from public recreation lands or streets other than the street that the building is addressed from.
   c. Tertiary walls are all other exterior building walls.
2. Different standards apply to building walls based on their designation as a primary, secondary, or tertiary building wall.
3. In cases where site conditions result in a situation where a building wall could be designated as either a primary or secondary wall by the Planning Director, the wall shall be treated as a primary wall. Nothing in these standards shall limit the number of primary walls on any particular building.

4. In cases where site conditions result in a situation where a building wall could be designated as either a secondary or tertiary wall by the Planning Director, the wall shall be treated as a secondary wall.

FIGURE 5.3.1.E: COMMERCIAL BUILDING WALLS DISTINGUISHED



F. DESIGN REQUIREMENTS

Development subject to these standards shall be designed in accordance with the following:

1. STREET NETWORK

a. On sites including new streets, an interconnected network of streets shall be provided, to the maximum extent practicable, and streets shall connect to adjacent existing streets outside of the development.

b. Circulation patterns for drive-through facilities shall be designed to accommodate the stacking of vehicles without interfering with the movement of vehicles or pedestrians.

c. Development shall comply with all applicable provisions in Section 5.1, Access and Circulation.

2. CUSTOMER ENTRANCES

a. Building entrances shall be designated as a primary or a secondary entrance by the applicant, but each principal building shall have at least one primary entrance. Nothing shall limit a building from having multiple primary entrances.

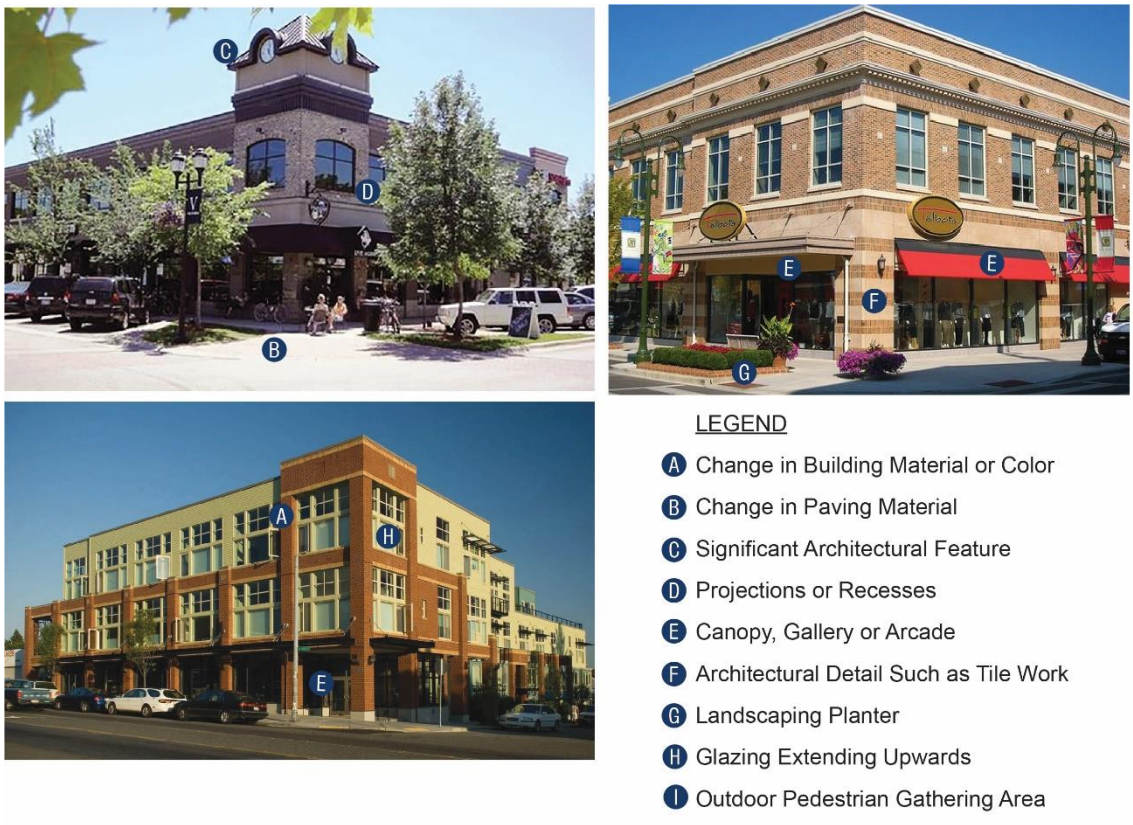
b. Primary building entrances shall be visually prominent and shall include at least three of the following features (see Figure 5.3.1.F.2.b: Primary Building Entrances):

i. Changes in building material or color;

ii. Changes in paving or walking surface materials;

iii. A significant architectural feature that extends above the primary roof height;
iv. A projection or recess of at least five feet beyond the adjacent wall plane;
v. Outdoor pedestrian gathering or seating areas capable of serving at least five people at the same time;
vi. A canopy, awning, portico, archway, arcade, or other covering that extends outwards from the building wall by at least five feet;
vii. Glazing that extends upwards for at least 75 percent of the building's height proximate to the entrance door(s);
viii. Architectural detailing around the entryway such as tilework, entablature, or integrated moldings; or
ix. Fountains, artwork, or landscaping plantings in raised planters immediately adjacent to the entrance door(s).

FIGURE 5.3.1.F.2.B: PRIMARY BUILDING ENTRANCES



3. BUILDING ADDRESS NUMBERS

a. Every principal building subject to these standards shall include the building's street address above or adjacent to the primary building entrance in accordance with applicable requirements in the Town Code of Ordinances.

b. Address numbers shall be provided in numeric form rather than spelled out, and shall be provided in an easily discernable typeface.

4. BUILDING ARTICULATION

Building walls subject to these standards shall include articulation features in accordance with the following standards (see Figure 5.3.1.F.4: Commercial Building Articulation).

a. NUMBER OF ARTICULATION TYPES REQUIRED

The minimum number of articulation features to be provided on any single building wall depends upon whether the wall is a primary, secondary, or a tertiary wall.

i. Primary Building Walls

Primary building walls shall be configured to provide at least two types of building articulation listed in Section Section 5.3.1.F.4.b, Types of Building Articulation.

ii. Secondary Building Walls

Secondary building walls shall provide at least one of the building articulation types identified in Section 5.3.1.F.4.b, Types of Building Articulation.

iii. Tertiary Building Walls

Tertiary building walls shall not be required to provide any building articulation features.

b. TYPES OF BUILDING ARTICULATION

Each of the following seven features shall qualify as one type of building articulation for the purposes of Section 5.3.1.F.4.a, Number of Articulation Types Required:

i. Horizontal Facade Modulation

1. Horizontal façade modulation is the projection or recesses of building floor area either forward of primary wall plane or inwards from the primary wall plane.

2. Each individual projection or recess shall have a minimum depth of ten feet either beyond or inwards from the primary wall plane.

3. Each individual projection or recess shall have a minimum span of at least to 20 percent of the façade's total length.

4. At least 40 percent of the façade's total length shall be occupied by a projection or recess.

5. Individual projections or recesses along a wall shall be separated from one another by at least two linear feet.

6. In the case of multi-story buildings, horizontal façade modulation shall be required only on the first floor for two-story buildings and on the first and second floors for three- or more-story buildings.

ii. Vertical Façade Modulation

Vertical façade modulation consists of architectural building elements such as columns, pilasters, posts, bays, fins, ribs, moldings, pediments, arcades, or similar features that extend outwards or recess inwards from the primary wall plan for a minimum distance of two feet. Vertical façade modulation shall extend from the grade to the top of the façade and shall maintain regular spacing across at least 50 percent of the facade.

iii. Bow or Curvilinear Feature

1. Inclusion of a convex or concave bow or other curvilinear wall feature with a minimum depth or projection of at least ten feet relative to the primary façade plane.
2. Bows or curvilinear features shall occupy at least 50 percent of the total facade length.
3. In the case of multi-story buildings, a bow or curvilinear feature shall be required only on the first floor for two-story buildings and on the first and second floors for three- or more-story buildings.

iv. Green Wall

Wall-mounted panels affixed to an exterior building wall configured in accordance with the following:

1. Each panel shall include living plants in a growing medium spaced so that no portion of the growing medium or the exterior wall beneath the panel is visible from a distance of five feet;
2. Panels shall be self-watering and comprised of cold-hardy plants acclimatized to central North Carolina;
3. Invasive plants are prohibited;
4. Panels shall be configured so that at least 40 percent of the exterior façade is beneath a panel; and
5. Plants shall be maintained and replaced as needed to ensure compliance with subsection (1) above.

v. Roof Modulation

Inclusion of differing roof planes, roof pitches, roof forms, roof heights, or roof materials that are visually distinct from one another.

vi. Primary Building Entrance

Inclusion of a primary building entrance configured in accordance with Section 5.3.1.F.2, Customer Entrances.

vii. Outdoor Seating

Inclusion of an outdoor seating or outdoor dining area adjacent to the façade with all the following features:

1. A direct means of entry into the building;
2. Seating capable of accommodating at least five people at the same time;
3. Protection from automobiles and bicycles circulating on the site or on an adjacent street;
4. Exterior lighting, if the establishment is open before sunrise or after dark;
5. Shading from the sun or rain; and
6. Wifi access, if wifi is provided to members of the public indoors.

FIGURE 5.3.1.F.4: COMMERCIAL BUILDING ARTICULATION









LEGEND

- A Horizontal Facade Modulation
- B Vertical Facade Modulation
- C Bow or Curvilinear Feature
- D Green Wall
- E Roof Modulation
- F Primary Building Entrance
- G Outdoor Seating







5. MATERIALS AND COLORS

a. MATERIAL CONFIGURATION

i. Where two or more materials are proposed on a building façade, the heavier or more massive material (like stone) shall be located below the lighter or less massive material (stucco).

ii. Heavier details may be permitted as details on corners or around doors and windows.

iii. Material changes shall take place at locations such as the intersection of building wings, the intersection of differing storefronts or leaseholds, interior corners, or other logical locations.

iv. Material changes shall not take place at outside corners and material returns shall be included to a logical termination point past an exterior building corner such as a bump-out, building wing, or change in wall direction (see Figure 5.3.1.F.5: Commercial Building Materials).

FIGURE 5.3.1.F.5: COMMERCIAL BUILDING MATERIALS

LEGEND

A Heavier Materials Below Lighter Materials

B Heavier Details on Corners or Around Doors and Windows

C Material Changes at Logical Locations (Not Permitted on Outside Corners)







b. PROHIBITED MATERIALS

The following materials shall be prohibited on any primary or secondary building façade walls:

i. Untextured tilt-up concrete panels;

ii. Pre-fabricated steel panels;

iii. Corrugated sheet metal;

iv. Smooth-face concrete blocks;

v. Vinyl siding, soffit, or fascia;

vi. Synthetic stucco within two feet of the grade;

vii. Asphalt shingles or siding; or

viii. Mirrored glass.

c. COLOR

i. Primary Colors
Overly bright, neon, or "day-glow" colors shall not be used as primary exterior building colors. Nothing shall limit pastel or traditional community material colors.

ii. Accent Colors
Building trim and accent areas may feature brighter colors, including primary colors, but these colors may not comprise more than 15 percent of any building facade.

6. ROOF FORM

a. Roof pitches less than 3:12 and flat roofs shall require a parapet wall on all sides visible from the street. Parapet walls shall fully screen all roof-top mechanical equipment from the street in accordance with Section 5.10, Screening.

b. Parapet walls shall have decorative cornices or caps.

c. A pitched roof shall have eaves that extend a minimum of 12 inches beyond the building face.

d. Gable roofs shall incorporate roof rakes that project outwards a minimum of six inches from the building face.

7. FENESTRATION

Building walls shall incorporate fenestration features in accordance with the following standards (see Figure 5.3.1.F.7: Commercial Building Fenestration):

a. PRIMARY BUILDING WALLS

Primary building walls shall be configured so that:

i. At least 40 percent of the first floor portion of the primary wall is occupied by visually transparent windows or doors;

ii. At least 30 percent of a second floor portion of the primary wall (if provided) is occupied by visually transparent windows or doors;

iii. A window or functional general access doorway is located at least every 20 feet along the façade; and

iv. No more than 50 percent of any single window or door is obstructed by a window sign or other opaque display.

b. SECONDARY BUILDING WALLS

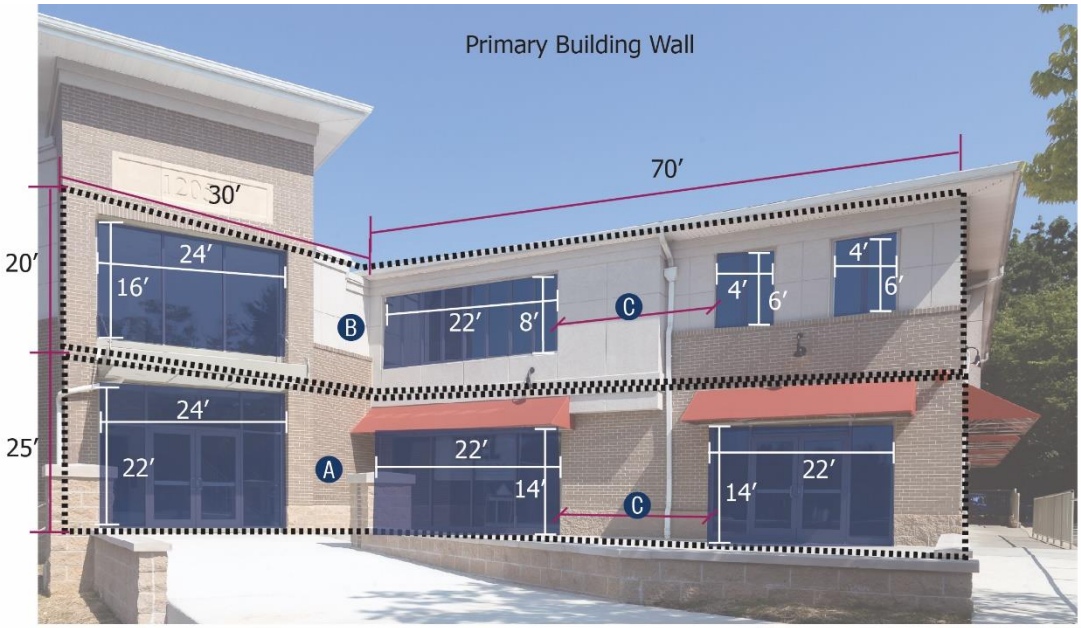
Secondary building walls shall be configured so that at least 30 percent of the ground floor façade and at least 20 percent of any second floor façade is occupied by:

i. Visually transparent windows or doors with regular spacing;

ii. False or opaque windows with regular spacing;

iii. Articulated wall forms designed to mimic window openings that also include an overhang or awning.

FIGURE 5.3.1.F.7: COMMERCIAL BUILDING FENESTRATION



LEGEND

Ⓐ First Floor Primary Wall
Total Area = 25 x (30+70) = 2,500 sf
Fenestration Area = (22x24) + (22x14) + (22x14) = 1,164 sf
Percent Fenestration = 1,164 / 2,500 = 46.6% (Minimum 40%)

Ⓑ Second Floor Primary Wall
Total Area = 20 x (30+70) = 2,000 sf
Fenestration Area = (16x24) + (22x8) + (4x6) + (4x6)= 1,176 sf
Percent Fenestration = 608 / 2,000 = 30.4% (Minimum 30%)

Ⓒ 20′ Max. Distance Between Windows or General Access Doorways

Ⓓ Secondary Building Wall Alternative: False or Opaque Windows

Ⓔ Secondary Building Wall Alternative: Articulated Wall Forms with Awnings





8. AWNINGS

- **a.** No awning shall extend outwards from the building wall more than the width of the sidewalk or ten feet, whichever is less.
- **b.** Awnings must be self-supporting from the building wall.
- **c.** No supports shall rest on or interfere with the use of pedestrian walkways or streets.
- **d.** In no case shall any awning extend beyond the street curb or interfere with street trees or public utilities.

9. OUTPARCELS

Development on outparcels or pad sites associated with a commercial development shall comply with the following requirements (see Figure 5.3.1.F.9: Outparcel Development):

a. Buildings on outparcels or pad sites shall incorporate materials that are similar to and compatible with those used on the primary buildings in the development. Corporate or prototypical architecture shall be reconfigured as necessary in order to comply with this standard.

b. Building walls associated with development on an outparcel or pad site shall be configured solely in accordance with the articulation and fenestration provisions for primary or secondary walls, as appropriate for the main buildings in the development.

c. Spaces between buildings on outparcels or pad sites shall include pedestrian amenities such as plazas, seating areas, and gathering places in addition to off-street parking spaces.

d. Outparcel buildings on lots at street corners shall be located and configured to define the corner through a combination of:

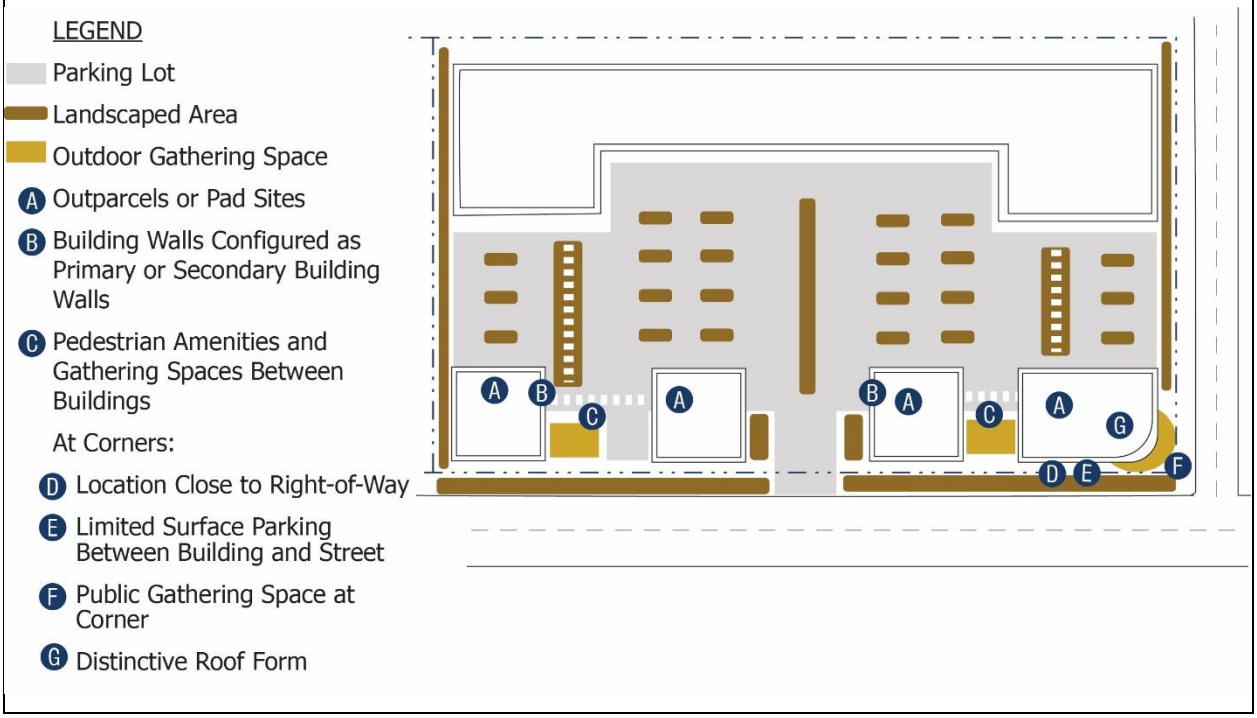
i. Locating the building as close to the rights-of-way as is practicable;

ii. Limiting surface parking between the building and the streets;

iii. Providing a public gathering space adjacent to the corner; and

iv. Distinctive roof form or other pedestrian features such as porches, canopies, or arcades.

FIGURE 5.3.1.F.9: OUTPARCEL DEVELOPMENT



10. MULTI-BUILDING DEVELOPMENT

Development composed of multiple buildings totaling 30,000 gross square feet or more shall be configured in one or more of the following ways (see Figure 5.3.1.F.10: Multi-building Development):

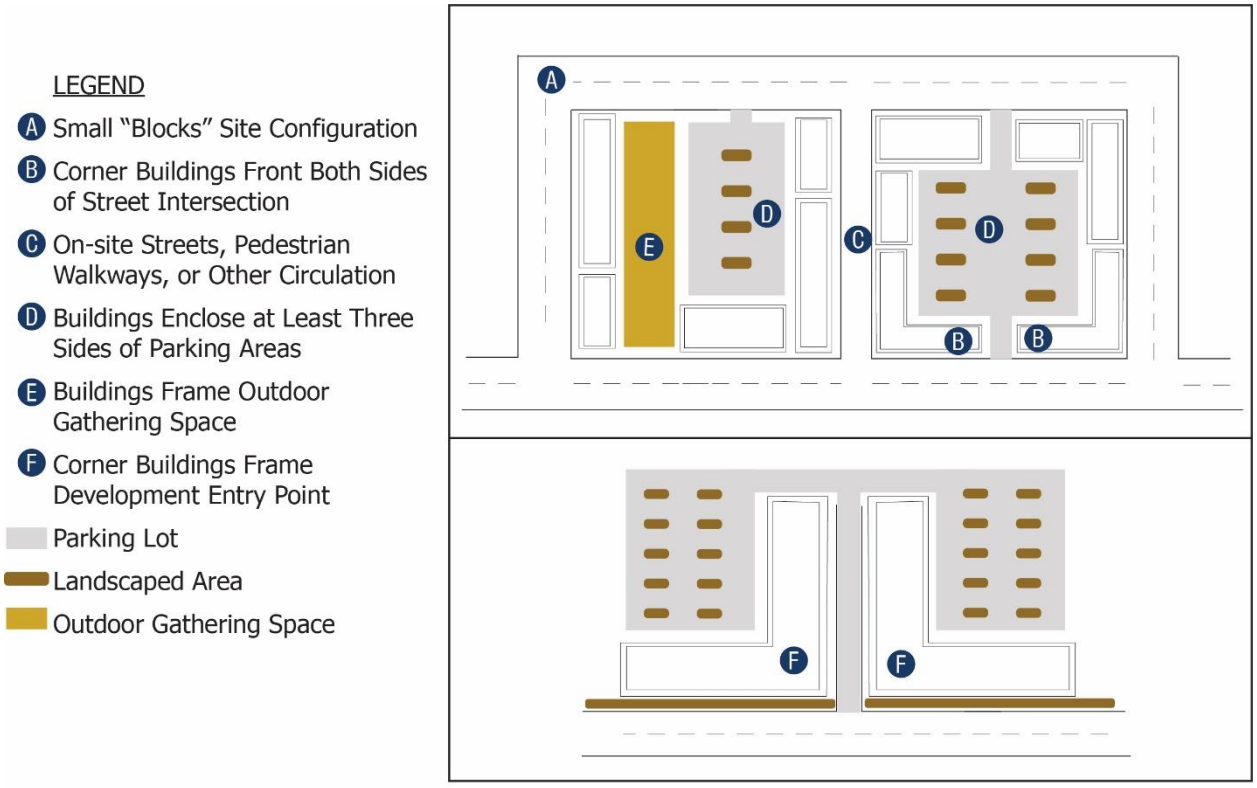
a. Break up the site into a series of smaller "blocks" defined by on-site streets, pedestrian walkways, or other circulation routes;

b. Locate the buildings around the corner of an adjacent street intersection or entry point to the development;

c. Enclose parking areas, public spaces, or other site amenities on at least three sides through the placement of buildings; or

d. Enclose outdoor dining or gathering places between buildings.

FIGURE 5.3.1.F.10: MULTI-BUILDING DEVELOPMENT



11. SITE FEATURES

a. OFF-STREET PARKING LOCATION

i. Sites comprised of commercial buildings subject to these design standards shall be configured such that no more than 50 percent of the provided off-street parking shall be located between a building's primary building façade and the street it faces.

ii. Off-street parking serving development located within a Gateway Corridor Overlay (GCO) district shall be configured in accordance with the applicable requirements in Section 3.8.3, Gateway Corridor Overlay (GCO) District.

b. SERVICE, LOADING, AND DELIVERY AREAS

Ground mounted mechanical equipment, solid waste collection, recycling collection, and loading spaces shall be located to the rear or side yard and screened in accordance with Section 5.10, Screening.

c. CANOPIES

Except for canopies associated with fuel sales, overhead canopies intended to cover the vehicles of patrons shall be configured in accordance with the following standards:

i. The total number of canopies shall be limited to one per building;

ii. The canopy shall be physically connected to the principal structure;
iii. The canopy shall be located to the side or rear of the structure, or configured so that it has the appearance of being enclosed by building walls on at least two sides;
iv. The canopy shall be configured of consistent or complimentary materials and colors as the primary exterior materials, including canopy supports;
v. The canopy shall be subject to maximum height standards for buildings in the zoning district where located; and
vi. The canopy shall comply with the standards in Section 5.4, Exterior Lighting.

12. VEHICLE ACCESS DESIGN

Development composed of buildings that provide vehicle access into the building or with drive-throughs shall be subject to the following requirements:

a. Garage doors and service bays shall be positioned away from any public right-of-way and be screened from adjacent properties with an opaque vegetative screen.
b. Buildings with drive-through windows and ordering boards, or buildings with service bay garage doors shall be designed to meet the mixed-use building design standards.

G. STANDARDS FOR LARGE FORMAT RETAIL USES

The following standards shall apply to large format retail uses.

1. LARGE FORMAT RETAIL USES DISTINGUISHED

Large format retail uses are commercial use types (see Table 4.2.3, Principal Use Table) in buildings that are:

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

2. COMPLIANCE WITH COMMERCIAL DESIGN REQUIREMENTS

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

a. Section 5.3.1.F.1, Street Network;
b. Section 5.3.1.F.3, Building Address Numbers;
c. Section 5.3.1.F.4, Building Articulation;
d. Section 5.3.1.F.5, Materials and Colors;
e. Section 5.3.1.F.6, Roof Form;
f. Section 5.3.1.F.8, Awnings;
g. Section 5.3.1.F.9, Outparcels;
h. Section 5.3.1.F.10, Multi-building Development; and
i. Section 5.3.1.F.11, Site Features, except off-street parking location.

3. ADDITIONAL STANDARDS FOR LARGE FORMAT RETAIL USES

a. CUSTOMER ENTRANCES

Large format retail establishments shall comply with the standards in Section 5.3.1.F.2, Customer Entrances, except that primary entrances shall include four of the listed options instead of three.

b. FENESTRATION

Building walls on large format retail uses shall incorporate fenestration features in accordance with the following standards (see Figure 5.3.1.G.3.b: Large Retail Building Fenestration):

i. Primary Building Walls

Primary building walls shall be configured so that:

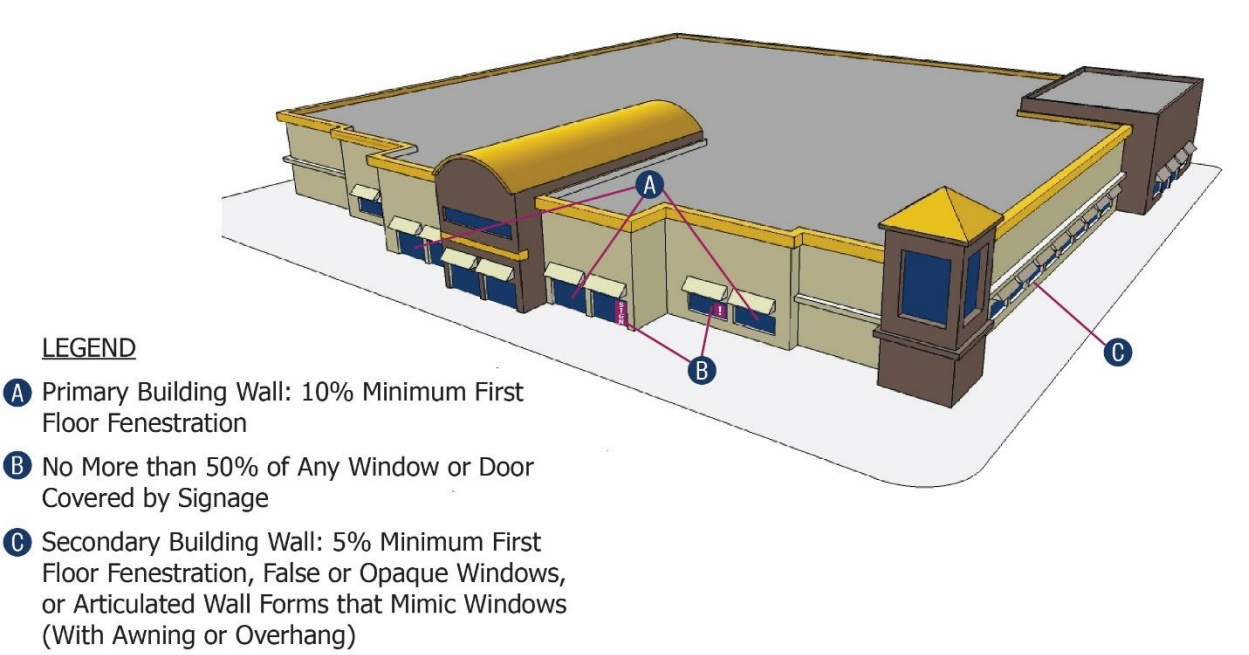
1. At least 10 percent of the first floor portion of the primary wall is occupied by visually transparent windows or doors; and
2. No more than 50 percent of any single window or door is obstructed by a window sign or other opaque display.

ii. Secondary Building Walls

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

1. Visually transparent windows or doors;
2. False or opaque windows;
3. Articulated wall forms designed to mimic window openings that also include an overhang or awning.

FIGURE 5.3.1.G.3.B: LARGE RETAIL BUILDING FENESTRATION



c. OFF-STREET PARKING LOCATION

i. Sites comprised of large format retail buildings subject to these design standards shall be configured such that no more than 75 percent of the provided off-street parking shall be located between a building's primary building façade and the street it faces.

ii. Off-street parking serving large format retail development located within a Gateway Corridor Overlay (GCO) district shall be configured in accordance with the applicable requirements in Section 3.8.3, Gateway Corridor Overlay (GCO) District.

H. DUMPSTER ENCLOSURE DESIGN

The following standards shall apply to dumpster and refuse collection areas for commercial uses.

1. The sides and back of enclosures shall be constructed of the same materials as the primary building and the following materials are prohibited
   a. Natural wood fence panels

b. Synthetic Stucco or EFIS
c. Chain-Link
d. Reflective Corrugated Metal

2. Gates shall be constructed of a metal panel system and painted or coated black, grey, or similar neutral color.
3. Enclosures shall meet the standards of Table 5.10.5, Screening Methods.

FIGURE 5.3.1.H: COMMERCIAL DUMPSTER ENCLOSURE DESIGN




5.3.2. MIXED-USE DESIGN STANDARDS

A. PURPOSE AND INTENT

The purpose for these standards is to create vibrant, pedestrian-oriented areas of residential and non-residential use that are located in the same building or in close proximity to one another on the same site. More specifically, these standards are intended to:

1. Create well-designed, desirable places for Town residents and visitors to shop, dine, recreate, and live;
2. Ensure development within mixed use areas is compact and walkable;
3. Shorten travel times and support alternative modes of transportation by reducing the need for automobile travel within urban portions of the Town;
4. Encourage human-scaled development that is pedestrian-oriented;
5. Reduce development costs by facilitating the most dense forms of development in areas easily served by public infrastructure; and
6. Accommodate both vertically mixed-use development within an individual building as well as horizontally mixed-use development on a single site.

B. APPLICABILITY

The standards in this section shall apply to all the following:

1. New development within the OI or RMU districts;
2. New multi-story development within the DTP district;
3. Live/work dwellings;
4. Upper story residential; and

5. Any development that includes principal use types from the residential and commercial or institutional use classifications in Table 4.2.3, Principal Use Table, within the same building or within the same development site.

C. EXEMPTIONS

These standards shall not be applied to the following forms of development:

1. Agriculture-related uses;
2. Renovation or redevelopment of existing structures; and
3. Mixed-use development established prior to January 1, 2020.

D. TIMING OF REVIEW

Review for compliance with these standards shall take place during review of an associated rezoning, site plan, special use permit, or planned development master plan, as appropriate.

E. DESIGN REQUIREMENTS

Development subject to these standards shall be designed in accordance with the following:

1. STREET NETWORK

In cases where mixed-use development involves the construction of new streets or alleys, the new streets shall be configured in accordance with the following standards:

a. Streets shall be organized into a grid pattern with block lengths that do not exceed 500 feet.
b. Streets shall be configured to a design speed of 25 miles per hour.
c. Streets shall include traffic-calming features such as roundabouts, raised pedestrian crossings, bulb-outs, speed tables, raised medians, and chicanes, but excluding speed bumps, which shall not be included.
d. Streets shall include well-defined ADA-compliant crosswalks and small turning radii at intersections.
e. Streets shall include bicycle lanes in accordance with NCDOT standards.
f. Streets shall include sidewalks configured in accordance with Section 6.4, Sidewalks.
g. Mid-block alleys shall be included to facilitate off-street parking and to accommodate service functions.
h. Cul-de-sacs and dead-end streets are prohibited, except where topography or natural features make them necessary.

2. BUILDING ORIENTATION

a. SINGLE BUILDING DEVELOPMENT

New development consisting of a single building shall be oriented such that the long axis of the building is either parallel or perpendicular to the street right-of-way it faces.

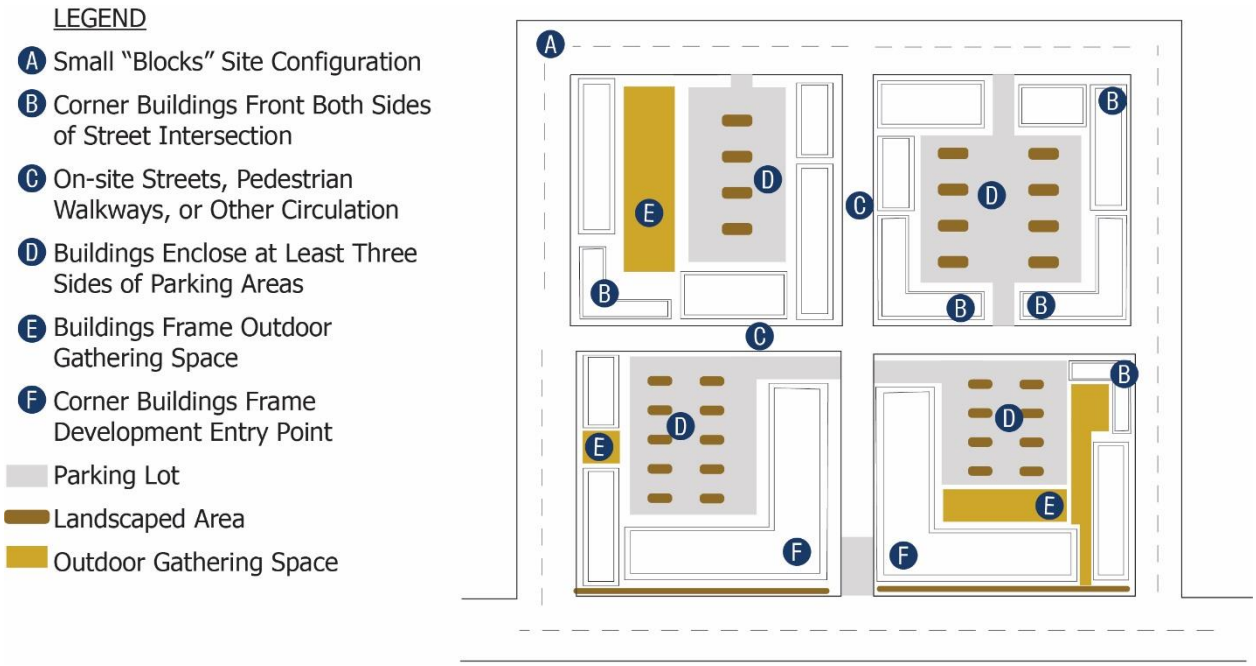
b. MULTIPLE BUILDING DEVELOPMENT

Development comprised of multiple buildings shall be configured with two or more of the following design elements (see Figure 5.3.2.E.2.b: Multiple Building Development):

i. Site configuration as a series of smaller "blocks" defined by buildings fronting on-site streets and internal vehicle accessways, utilizing pedestrian oriented design such as walkways, or other circulation routes and multi-modal transportation access/waiting areas when appropriate;
ii. Corner buildings designed to front both sides of an adjacent street intersection or entry point to the development in an "L" configuration;
iii. Buildings facing each other across a relatively narrow vehicular access area with pedestrian amenities in a "main street" character;
iv. Buildings enclosing at least three sides of parking areas, public spaces, or other site amenities; or

v. Buildings enclosing outdoor dining or gathering spaces for pedestrians between buildings.

FIGURE 5.3.2.E.2.B: MULTIPLE BUILDING DEVELOPMENT



3. BUILDING LOCATION

a. Buildings on lots bounding streets shall be built to the edge of the sidewalk. In the case of double or reverse frontage lots, the building shall be located adjacent to the street providing the street address for the building.

b. When development is proposed on a corner lot, the building shall be configured to occupy the lot corner at the street intersection.

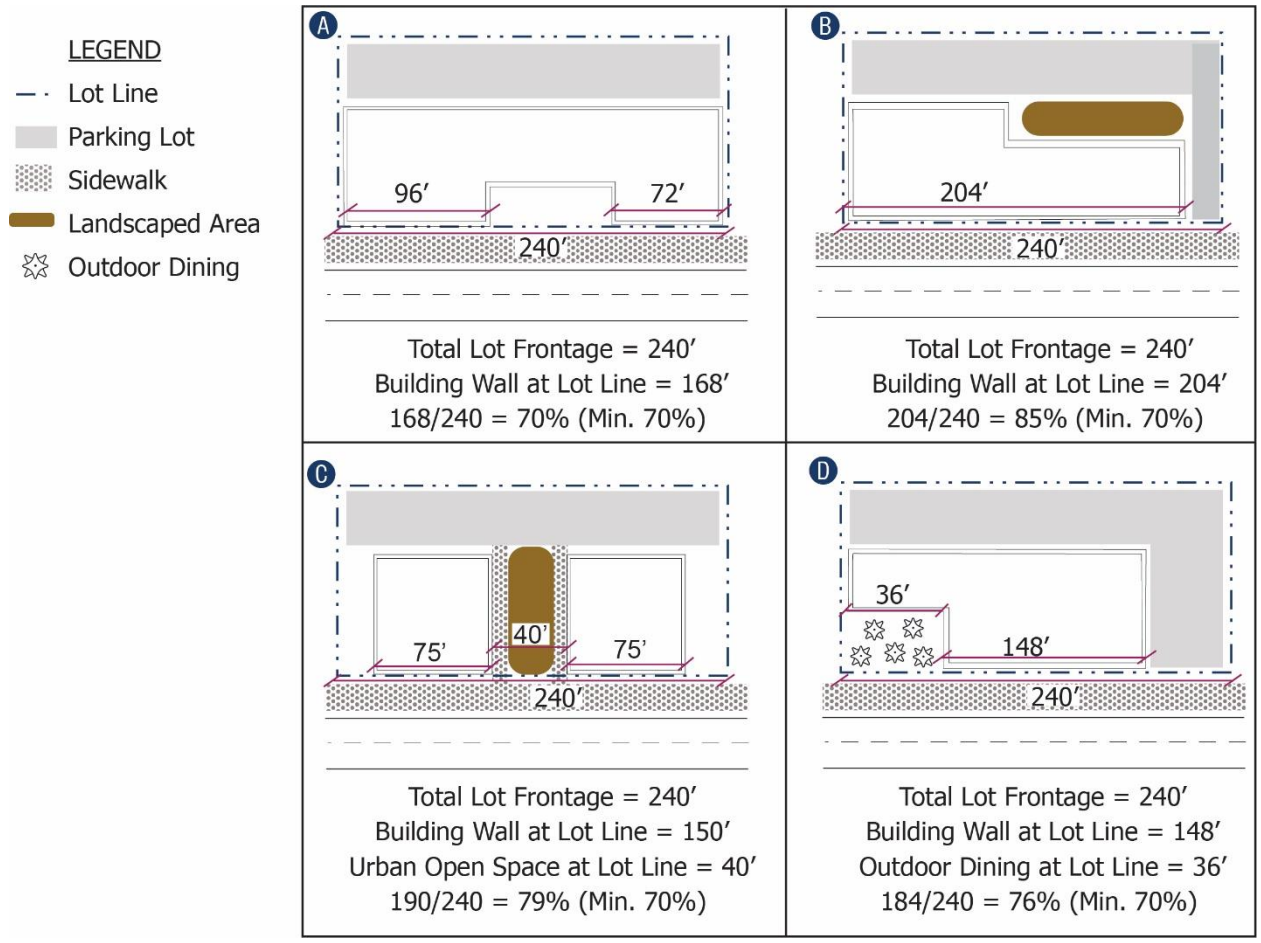
c. Nothing shall prevent a mixed-use building from exceeding a maximum front or corner side setback being setback, provided the area between the building and the street is occupied by a public gathering space, open space set-aside, or an area used for outdoor dining.

4. LOT FRONTAGE TO BE OCCUPIED BY BUILDING WALL

a. In order to ensure an inviting and desirable streetscape for pedestrians, mixed use development shall be configured so that at least 70 percent of the lot frontage is occupied by building wall (see Figure 5.3.2.E.4: Occupied Frontage).

b. Areas occupied by gathering areas (like plazas), urban open space set-aside, or outdoor dining areas shall be credited towards the lot frontage requirements.

FIGURE 5.3.2.E.4: OCCUPIED FRONTAGE



5. GROUND FLOOR CONFIGURATION

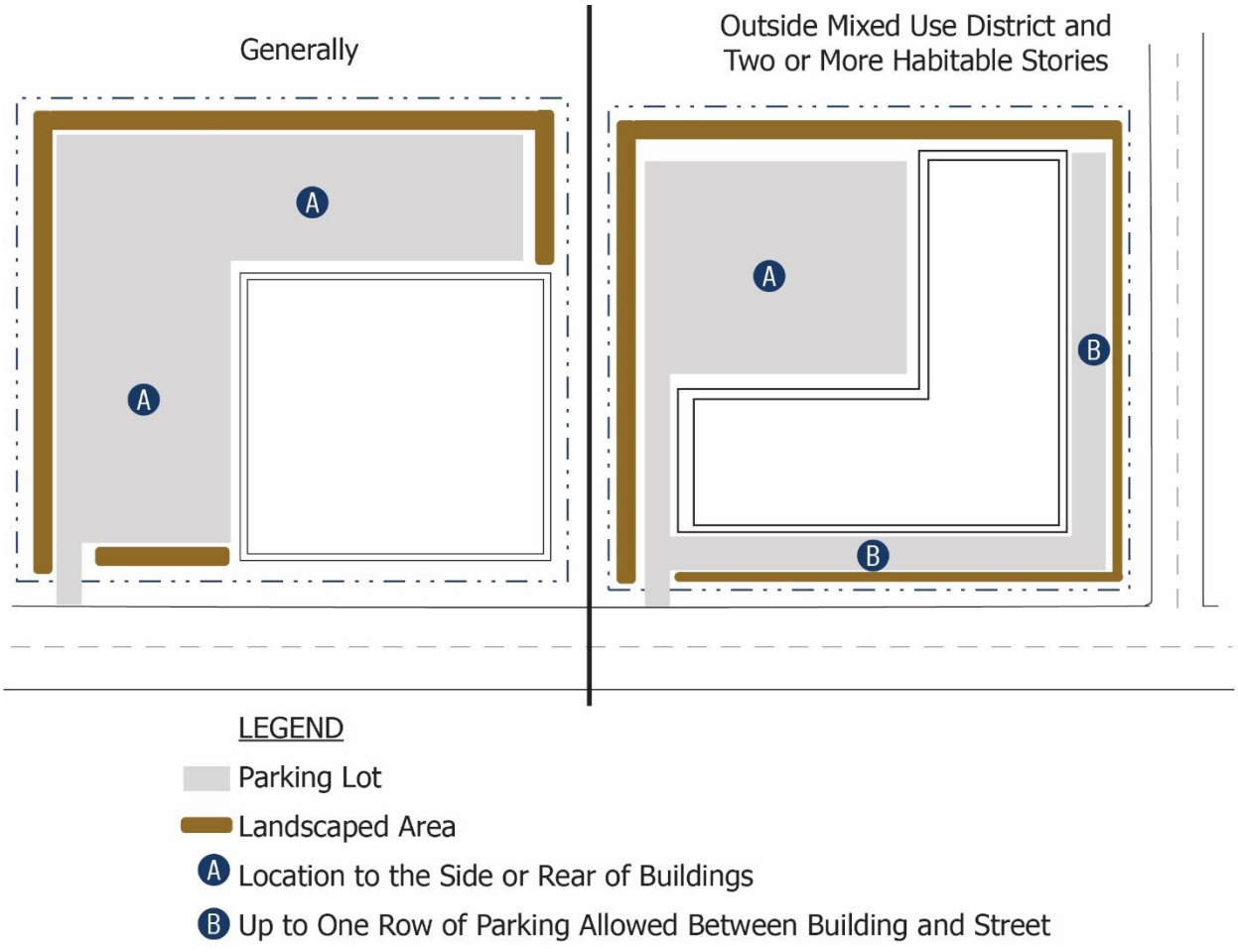
The ground floor of vertically-integrated mixed-use buildings and buildings located in the OI district shall be configured to meet the North Carolina Building Code requirements for commercial development. Nothing shall require the ground floor to be occupied by a non-residential use.

6. OFF-STREET PARKING LOCATION

a. Off-street parking areas shall be located to the side or rear of buildings subject to these standards.

b. Mixed-use buildings located outside the NC district and with two or more habitable stories may be configured to allow up to one row of off-street parking spaces between the building and the street it fronts (see Figure 5.3.2.E.6: Off-Street Parking Location). All other off-street parking shall be located to the side or the rear of a mixed-use building.

FIGURE 5.3.2.E.6: OFF-STREET PARKING LOCATION



7. BUILDING ARTICULATION

Buildings subject to these standards shall be configured so that no single facade fronting a public street shall extend for longer than 35 linear feet without inclusion of one or more of the following features (see Figure 5.3.2.E.7: Mixed-use Building Articulation):

a. The use of projections or recesses in the building façade wall with a depth of between 18 inches and 36 inches from the primary facade plane and a minimum span of eight feet;

b. The use of columns, pilasters, or other architectural detail harmonious with the general design of the structure with a minimum width of eight inches and spaced no less than every ten feet on-center;

c. Distinct changes in building material that are vertically aligned with variations in roof form and parapet heights; or

d. A single vertical accent or focal point such as a tower feature located on a prominent building corner.

FIGURE 5.3.2.E.7: MIXED-USE BUILDING ARTICULATION

LEGEND

- Ⓐ Projections or Recesses in the Facade Wall (Depth Between 18-36" and Min. Span 8')
- Ⓑ Columns, Pilasters, or Other Architectural Detail (Spaced Max. 10' On-center)
- Ⓒ Changes in Building Material (Vertically Aligned with Roof Form Changes)
- Ⓓ Single Vertical Accent Point on Corner









8. FENESTRATION

- **a.** Blank, windowless walls facing sidewalks, streets, and other public places shall be prohibited.
- **b.** At least 40 percent of the first floor facade facing a street shall be transparent, whether through the use of glass windows, doors, or both (see Figure 5.3.2.E.8: Mixed-use Building Fenestration).
- **c.** At least 25 percent of each upper story façade facing a street shall be transparent
- **d.** Ventilation grates or emergency exit doors located at the first floor level oriented toward a street shall be decorative.

FIGURE 5.3.2.E.8: MIXED USE BUILDING FENESTRATION

Ⓐ Upper Story Facade =
10′ x 60′ = 600 sf

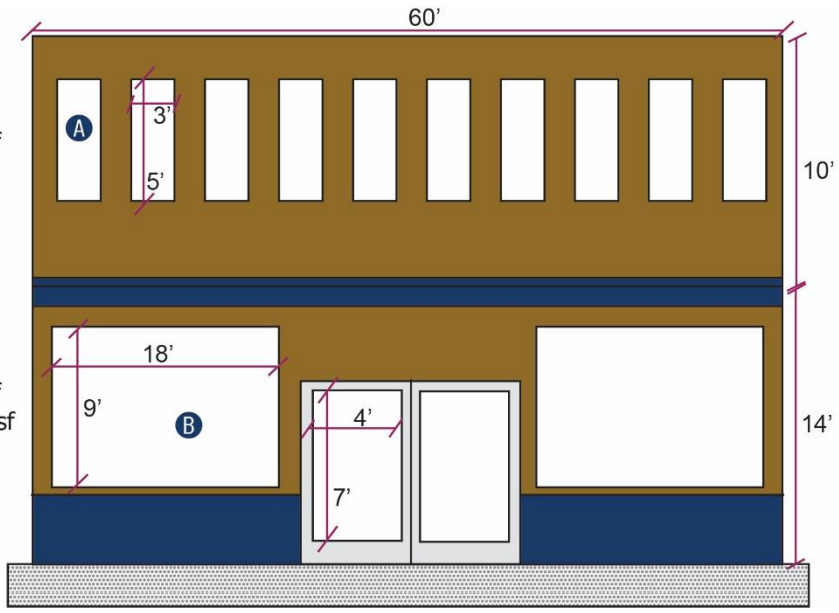
Fenestration =
10 Windows x 15 sf = 150 sf

Percent Transparent =
150 ÷ 600 = **25%**
(Minimum 25%)

Ⓑ First Floor Facade =
14′ x 60′ = 840 sf

Fenestration =
2 Windows x 162 sf = 324 sf
Glass Portion of Doors = 56 sf

Percent Transparent =
380 ÷ 840 = **45.2%**
(Minimum 40%)



9. BUILDING ENTRANCES

a. Primary structures must be oriented with their main entrance facing the street upon which the project fronts.

b. If the site is on a corner, it may have its main entrance oriented to either street or at the corner.

c. Entrances serving mixed-use buildings shall include at least two of the following features fronts (see Figure 5.3.2.E.9: Mixed-use Building Entrances):

i. Canopies or porticos;
ii. Overhangs;
iii. Recesses/projections;
iv. Soldier courses or story lines;
v. Galleries or arcades;
vi. Raised corniced parapets over the door;
vii. Peaked roof forms;
viii. Arches;
ix. Architectural detail such as tile work and moldings integrated into the building structure and design; or
x. Integral planters that incorporate landscaped areas and places for sitting.

FIGURE 5.3.2.E.9: MIXED-USE BUILDING ENTRANCES



10. ROOF FORM

- **a.** Roof pitches less than 3:12 and flat roofs shall require a parapet wall on all sides visible from the street. Parapet walls shall fully screen all roof-top mechanical equipment from the street.
- **b.** Parapet walls shall have decorative cornices or caps.
- **c.** A pitched roof shall have eaves that extend a minimum of 12 inches from the building face.
- **d.** Roof-mounted mechanical equipment on a pitched roof shall be screened or otherwise camouflaged from view from the street.

11. WEATHER PROTECTION

Weather protection for pedestrians, such as awnings, canopies, galleries, and arcades, shall be provided along building frontages abutting a public sidewalk or a hard-surfaced expansion of a sidewalk, and along building frontages between a building entrance and a public street or accessway.

12. DRIVE-UP/DRIVE THROUGH PROHIBITED

No building within a mixed-use development or downtown district shall include drive-up or drive through facilities.

13. SIGNAGE

Pole signs shall be prohibited on lots with mixed-use development.

F. DUMPSTER ENCLOSURE DESIGN

The following standards shall apply to dumpster and refuse collection areas for commercial uses.

1. The sides and back of enclosures shall be constructed of the same materials as the primary building and the following materials are prohibited
   - **a.** Natural wood fence panels
   - **b.** Synthetic Stucco or EFIS
   - **c.** Chain-Link
   - **d.** Reflective Corrugated Metal
2. Gates shall be constructed of a metal panel system and painted or coated black, grey, or similar neutral color.
3. Enclosures shall meet the requirements of Table 5.10.5 Screening Methods

FIGURE 5.3.2.F: MIXED USE DUMPSTER ENCLOSURE DESIGN





5.3.3. MULTI-FAMILY RESIDENTIAL DESIGN STANDARDS

A. PURPOSE AND INTENT

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

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

B. APPLICABILITY

1. GENERALLY

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

- **a.** New multi-family dwellings;
- **b.** New triplex and quadplex dwellings; and
- **c.** New multi-unit residential structures within a continuing care retirement community use type; and
- **d.** New assisted living facilities and nursing homes.

2. VOLUNTARY COMPLIANCE FOR SINGLE-FAMILY ATTACHED DWELLINGS

- **a.** Single-family attached development shall be exempted from these standards, though a landowner may voluntarily agree to comply with them, comply with them as part of a conditional rezoning (see Section 2.2.6, Conditional Rezoning), or comply in order to take advantage of a sustainable development incentive (see Section 5.12, Sustainability Incentives).
- **b.** In cases where an applicant agrees to comply with these standards, a signed copy of the following statement shall be included on all approved site plans and subdivision plats.

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

  _____ _____
  Landowner Signature Date

- **c.** The signed statement of consent and an associated site plan depicting the development's compliance with these standards shall be recorded in the office of the Wake County Register of Deeds prior to issuance of a building permit.

C. EXEMPTIONS

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

1. Single-family attached development, unless subject to voluntary consent by the landowner in accordance with subsection (2) above or subject to conditions of approval incorporated in a conditional rezoning approval;
2. Duplex dwellings;
3. Renovation or redevelopment of existing structures; and
4. Routine maintenance and repairs.

D. TIMING OF REVIEW

Review for compliance with these standards shall take place during review of an associated rezoning, site plan, special use permit, or planned development, as appropriate.

E. DESIGN REQUIREMENTS

Development subject to these standards shall be designed in accordance with the following:

1. STREET NETWORK

a. On sites including new streets, an interconnected network of streets shall be provided, to the maximum extent practicable, and streets shall connect to adjacent existing streets outside of the development.

b. Vehicular driveways into a development with 10 or more dwelling units shall be at least 100 feet away from any major intersection, to the maximum extent practicable.

c. Driveways shall be consolidated in order to reduce curb cuts, to the maximum extent practicable.

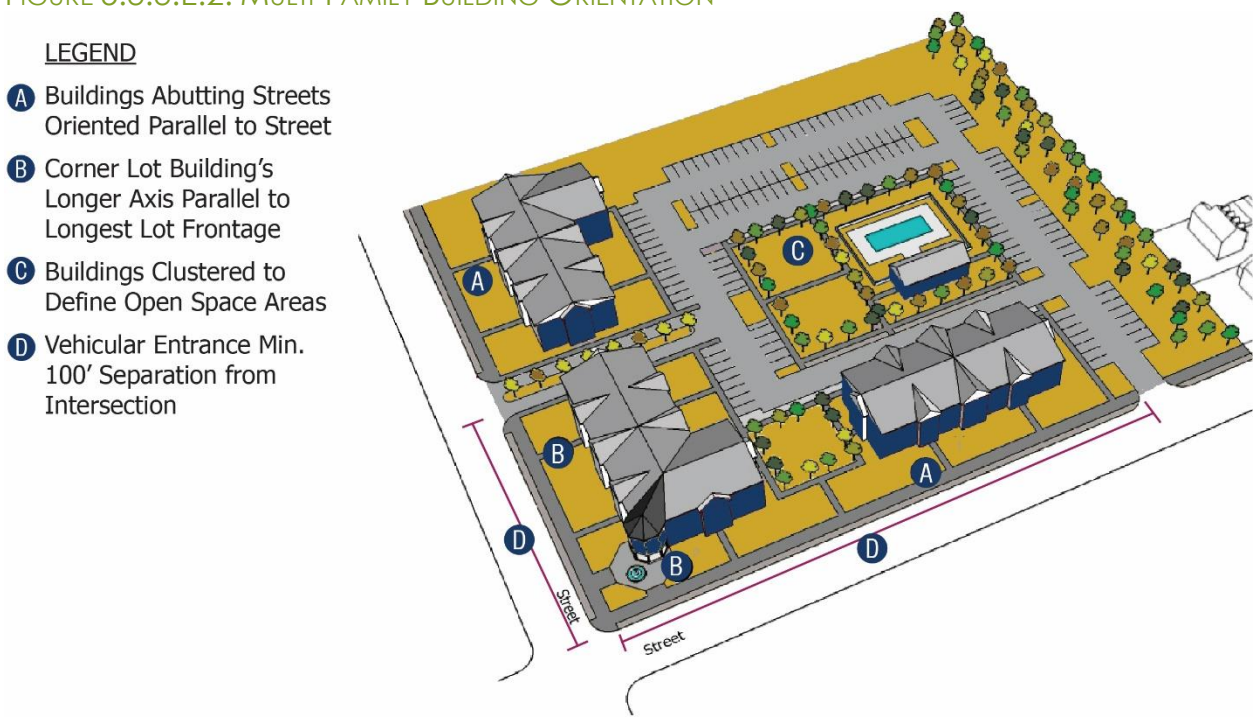
2. BUILDING ORIENTATION

a. Buildings that abut streets shall be oriented parallel to the street they front rather than being oriented at an angle to the street.

b. On corner lots, the long axis of the building shall be parallel to the longest lot frontage unless such orientation is incompatible with adjacent, existing development along the same street (see Figure 5.3.3.E.2: Multi-family Building Orientation).

c. Buildings within multiple-building developments shall be clustered in order to define open space recreation areas and development entry points.

FIGURE 5.3.3.E.2: MULTI-FAMILY BUILDING ORIENTATION



3. BUILDING ENTRANCES

a. The facades of buildings abutting streets shall be configured so that entryways to individual dwelling units or shared entrances face the street.

b. Access to upper-floor dwelling units shall be obtained from shared internal entries. In no instance shall walkways to individual upper-story dwelling units take place on the exterior of the building.

c. Individual ground-floor and shared entryways shall be sheltered from the weather either by:

i. Recessing the entrance at least three feet to the inside of the primary ground floor façade plane; or

ii. Inclusion of an overhead architectural treatment that extends outward at least three feet from the primary façade plane.

4. BUILDING FACADES

a. Buildings subject to these standards shall maintain a consistent level of architectural detailing and composition on each building façade facing a street.

b. Building facades facing streets shall provide a minimum of three of the following architectural elements (see Figure 5.3.3.E.4: Multi-family Building Facades):

i. A covered porch or terrace;

ii. One or more dormer windows or cupolas;

iii. Eyebrow windows;

iv. Awnings or overhangs;

v. Decorative moldings;

vi. Shutters;

vii. Pillars, posts, or pilasters;

viii. One or more bay windows with a minimum twelve-inch projection from the facade plane;

ix. Multiple windows with a minimum of four-inch-wide trim;

x. Corniced parapets;

xi. Eaves with a minimum of four-inch-wide trim; or

xii. Integral planters that incorporate landscaped areas and/or places for sitting.

FIGURE 5.3.3.E.4: MULTI-FAMILY BUILDING FACADES

LEGEND

- A Covered Porch or Terrace
- B Dormer Windows or Cupolas
- C Eyebrow Windows
- D Awnings or Overhangs
- E Decorative Moldings
- F Shutters
- G Pillars, Posts, or Pilasters
- H Bay Window(s) (Min. 12" Projection)
- I Windows With Minimum 4" Wide Trim
- J Corniced Parapets
- K Eaves With Min. 4" Wide Trim
- L Integral Planters or Seating Areas







c. Garage entries, loading and service entries, utility rooms, stairs, elevators, or similar features shall not occupy more than 20 percent of the width of a building façade facing a street.

d. Attached street-facing garages serving individual dwelling units shall be recessed at least three feet inwards from the primary first floor façade plane or be associated with an upper-story projection that exists above the garage.

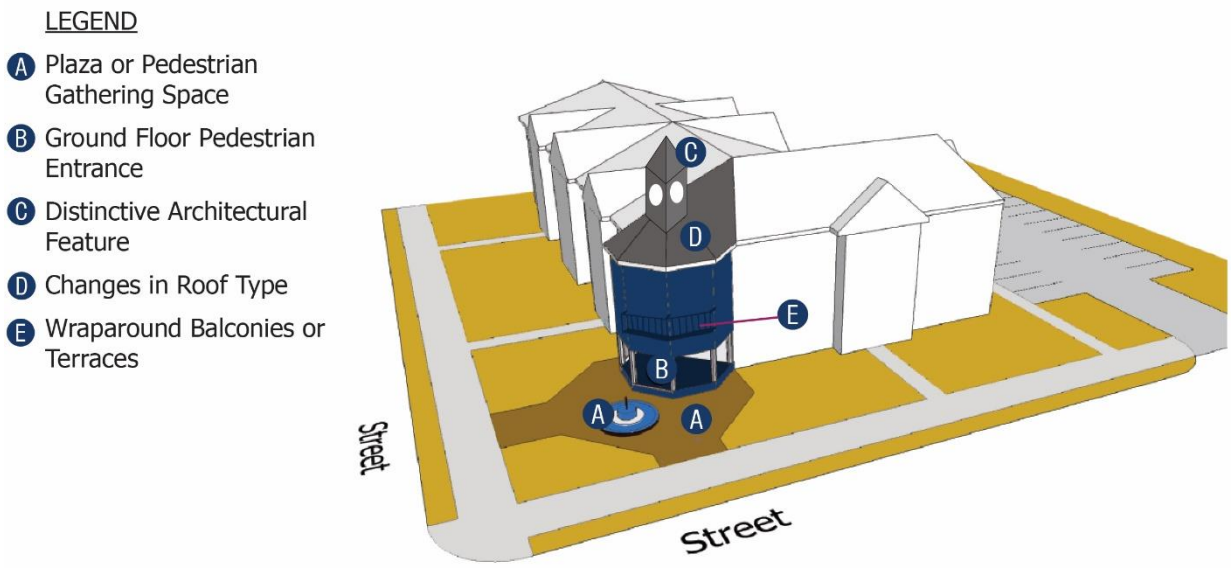
e. Developments with three or more principal buildings shall provide variation in building size, shape, height, color, and roofline in a manner that allows different buildings to be distinguished from one another.

5. BUILDING CORNERS

Building corners that are adjacent to one or more streets shall include at least one of the following features (see Figure 5.3.3.E.5: Multi-family Building Corners):

a. A plaza or other gathering space;
b. A shared ground-floor pedestrian entryway;
c. A distinctive roof feature such as a tower, turret, spire, pediment, or other architectural feature with a height above the roofline of adjacent dwelling units;
d. Changes in roof type or pitch from the adjacent building sides; or
e. Upper-story balconies or terraces that wrap both sides of the corner.

FIGURE 5.3.3.E.5: MULTI-FAMILY BUILDING CORNERS



6. BUILDING MASSING

a. Upper story façade walls shall not project beyond the ground floor footprint except to accommodate bump-outs with windows.
b. In the case of two-story buildings, the exterior façade walls of the second floor shall be in line with or setback from the first floor façade walls.
c. In the case of three- (or more) story buildings, upper story façade walls shall be setback from the second or ground-floor floor façade walls to preserve light and air and avoid casting shadows (see Figure 5.3.3.E.6: Multi-family Building Massing).

FIGURE 5.3.3.E.6: MULTI-FAMILY BUILDING MASSING

LEGEND

Ⓐ Upper Story Facade May Only Project Beyond Ground Floor Footprint With Window Bump-Outs

Two Story Building Options:

Ⓑ Second Story In Line With Facade of First Story

Ⓒ Second Story Setback from First Story Facade

Three or More Story Buildings:

Ⓓ Upper Story Facades Setback from Second or First Floor Facades







7. BUILDING ARTICULATION

a. Street-facing building facades shall be articulated with wall offsets, in the form of recesses or projections from the primary façade plane, of at least two feet for every 35 linear feet of facade frontage (see Figure 5.3.3.E.7: Multi-family Façade Articulation).

b. Where provided, projections or recesses shall extend from the grade to the top of the highest story in line with the ground-floor footprint.

FIGURE 5.3.3.E.7: MULTI-FAMILY FAÇADE ARTICULATION

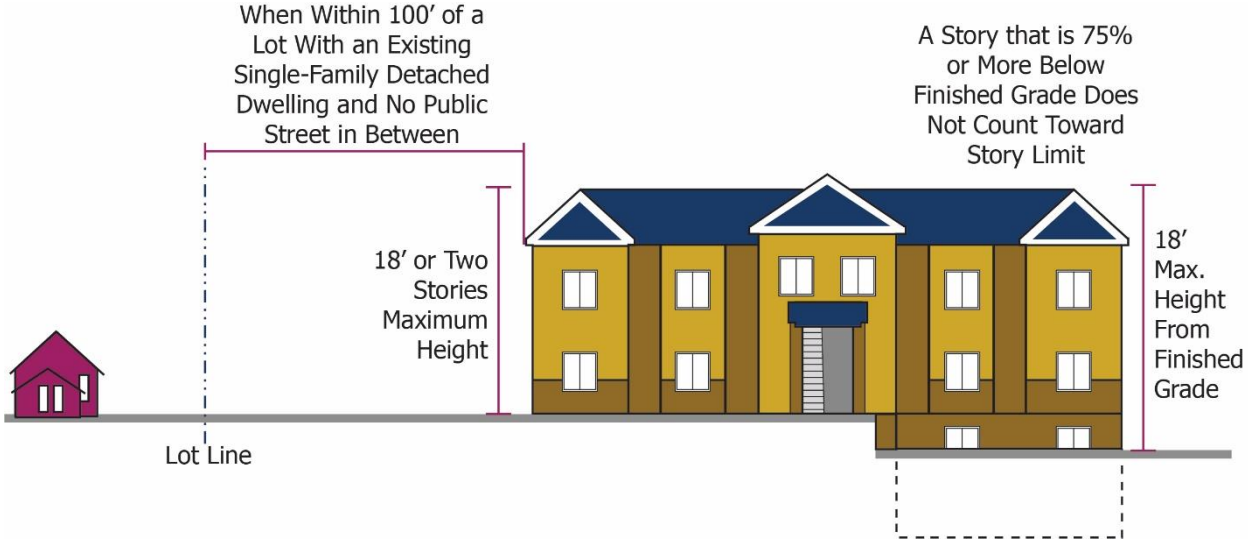


8. BUILDING HEIGHT

a. Buildings subject to the standards of this section shall have a maximum height of two stories or 18 feet within 100 feet of a lot with an existing single-family detached residential dwelling, without an intervening street. (see Figure 5.3.3.E.8: Multi-family Building Height).

b. Building stories that are 75 percent or more below the finished grade at the front of the lot shall not be counted towards the number of allowable stories.

FIGURE 5.3.3.E.8: MULTI-FAMILY BUILDING HEIGHT



9. ROOF FORM

a. Development shall incorporate roof pitches between 3:12 and 12:12, or shall incorporate parapet walls with a dimensional cornice around a flat roof.

b. Alternative roof forms or pitches are encouraged for small roof sections over porches, entryways, or similar features.

c. Buildings with eaves shall be configured such that no single horizontal eave continues for more than 60 linear feet without being broken up by a gable, building projection, and articulation feature.

d. Buildings with overhanging eaves and roof rakes shall extend at least six inches past supporting walls.

10. BUILDING MATERIALS AND COLORS

a. CONFIGURATION

i. The predominate exterior material shall be brick, stone, cementitious, or other masonry material.

ii. Buildings subject to these standards shall include at least two primary exterior materials on any single building.

iii. Changes in colors and materials shall take place at internal corners or in logical locations, such as: building wings, bays, bump-outs, or recesses (see Figure 5.3.3.E.10: Multi-family Building Materials). In no instance shall exterior materials or colors change at outside corners.

iv. Heavier or more bulky exterior materials shall be located beneath or below lighter materials.

FIGURE 5.3.3.E.10: MULTI-FAMILY BUILDING MATERIALS



b. PROHIBITED MATERIALS

The following materials shall be prohibited on any façade facing a street, open space, or district intended primarily for single-family detached development:

i. Smooth-faced concrete block;
ii. Corrugated metal siding;
iii. Vinyl siding (excluding windows or soffits); or
iv. Synthetic stucco within two feet of the grade.

11. ACCESSORY STRUCTURES

In addition to the standards in Section 4.4, Accessory Uses, accessory uses and structures associated with a development subject to these standards shall comply with the following:

a. Street-facing detached garages on corner lots shall be located to the side or rear of buildings.
b. Access to accessory structures (such as garages, carports, storage areas, etc.) shall be provided from alleys or secondary streets, to the maximum extent practicable.
c. Accessory buildings shall include exterior materials, colors, and roof form designed to be consistent with the principal structure.
d. Accessory structures shall not physically obstruct pedestrian entrances.
e. Centralized refuse collection containers, if provided, shall be located in an enclosed area located to the rear of principal buildings.

12. SITE FEATURES

a. Except for nursing homes, development subject to these standards shall not include a gate or obstruction that blocks access to the site for vehicles, bicycles, or pedestrians.
b. Off-street parking serving guests shall be evenly distributed throughout the development.
c. Shared refuse collection containers shall be evenly distributed throughout the development or be centrally located.
d. Detached garages or carports shall not be located between a principal building and the street it faces.
e. Utilities shall be provided underground, and utility vaults shall be clustered in areas outside of required landscaping.

5.4. EXTERIOR LIGHTING

5.4.1. PURPOSE AND INTENT

The purpose of this section is to establish standards for exterior lighting on individual lots to help ensure the safety of motorists and pedestrians traveling on streets, sidewalks, and trails, and to minimize the potential for adverse impacts on properties from excessive light intensity, light trespass, and glare originating on adjacent lots.

5.4.2. APPLICABILITY

A. GENERAL

The provisions of this section shall apply to all multi-family, mixed-use, and nonresidential development unless exempted in accordance with Section 5.4.3, Exemptions.

B. EXPANSION OR REMODELING

All expansions or remodeling of principal buildings, parking areas, or open uses of land shall comply with these standards, subject to the requirements in Section 7.4, Nonconforming Sites.

5.4.3. EXEMPTIONS

The following forms of exterior lighting or activities are exempt from the requirements of this section:

A. Special events and holiday displays;

B. Exterior lighting used exclusively for recreational activities, concerts, plays or other outdoor events that are open to the public, provided that the event or function meets all other applicable requirements of this Ordinance. Such lighting shall be located at least 50 feet from any adjoining residential district or use and shall not be illuminated except during the activity and brief periods immediately before and after the event.

C. FAA-required lighting on buildings, towers, or other structures;

D. Interior lighting for stadiums, arenas, and similar facilities;

E. Security lighting controlled and activated by motion sensor devices that is shielded or aimed towards the ground and that remains lit for a duration of 10 minutes or less;

F. Public street lighting;

G. Lighting of flags;

H. Temporary lighting necessary for construction or emergencies, when used by construction workers or emergency personnel; and

I. Exterior lighting associated with single-family detached, single-family attached, and duplex dwellings, except that these forms of development shall be subject to Section 5.4.4, Prohibited Lighting.

5.4.4. PROHIBITED LIGHTING

The following forms of exterior lighting shall be prohibited:

A. TRAFFIC CONTROL SIGNALS

1. Lighting that imitates an official highway or traffic control light or sign;
2. Lighting in the direct line of sight with any traffic control light or sign;

B. FLASHING OR REVOLVING

Flashing, revolving, or intermittent exterior lighting visible from any lot line or street

C. HIGH INTENSITY LIGHTING

1. High intensity light beams, such as searchlights or laser lights, except when used by federal, State, or local authorities; or
2. High intensity LED or neon lighting fixtures mounted around the interior or exterior of a window, door, or other architectural feature on a structure.

D. LUMINOUS TUBE LIGHTING

Luminous tube lighting (e.g., neon, rope lighting, etc.) is prohibited on building exteriors and in configurations where it outlines a window or glass door from the inside of a structure.

5.4.5. LIGHTING PLAN

A. APPLICABILITY

1. An exterior lighting plan shall be required for all areas proposed for illumination that exceed 10,000 square feet in area.
2. Projects with multiple areas proposed to be illuminated (such as separate parking lots) shall submit a site lighting plan if the sum of the multiple areas exceed 10,000 square feet.

B. ELEMENTS TO INCLUDE

Regardless of whether an exterior lighting plan is prepared, a site plan, or building permit application, as appropriate, shall indicate the following:

1. Exterior lighting fixture type;
2. Exterior lighting pole height;
3. Exterior lighting fixture shielding; and
4. A statement by the applicant that any proposed exterior lighting complies with the applicable requirements in this section.

C. CERTIFICATION REQUIRED

Certification must be provided by the person preparing a lighting plan that the proposed development complies with the exterior lighting standards of this section.

5.4.6. EXTERIOR LIGHTING STANDARDS

All lighting fixtures designed or placed so as to illuminate any portion of a site shall meet the following requirements:

A. SHIELDING

1. Overhead lighting fixtures shall be designed to prevent light from emitting upwards towards the sky.
2. Under canopy lighting fixtures should be completely recessed within the canopy.
3. Wall packs shall be cut-off and wall-mounted floodlights shall be shielded (e.g., true cut-off type bulb or light source not visible from off-site) to direct light downward.
4. Exterior lighting fixtures located on private property and visible from a residential land use shall be configured so that the source of illumination (the bulb) is not visible from the residential land use (see Figure 5.4.6.A: Light Shielding).

FIGURE 5.4.6.A: LIGHT SHIELDING

LEGEND

- A Overhead Lighting Designed to Direct Light Downward
- B Under Canopy Fixture Completely Recessed
- C Wall Packs Cut-Off
- D Flood Lights Directed Downward
- E Light Source Not Visible From Residential Uses









B. FIXTURE HEIGHT

1. Lighting fixtures shall be a maximum of 30 feet in height within the parking lot and shall be a maximum of 15 feet in height within non-vehicular pedestrian areas.
2. All light fixtures located within 50 feet of any single-family detached or duplex dwelling shall not exceed 15 feet in height.

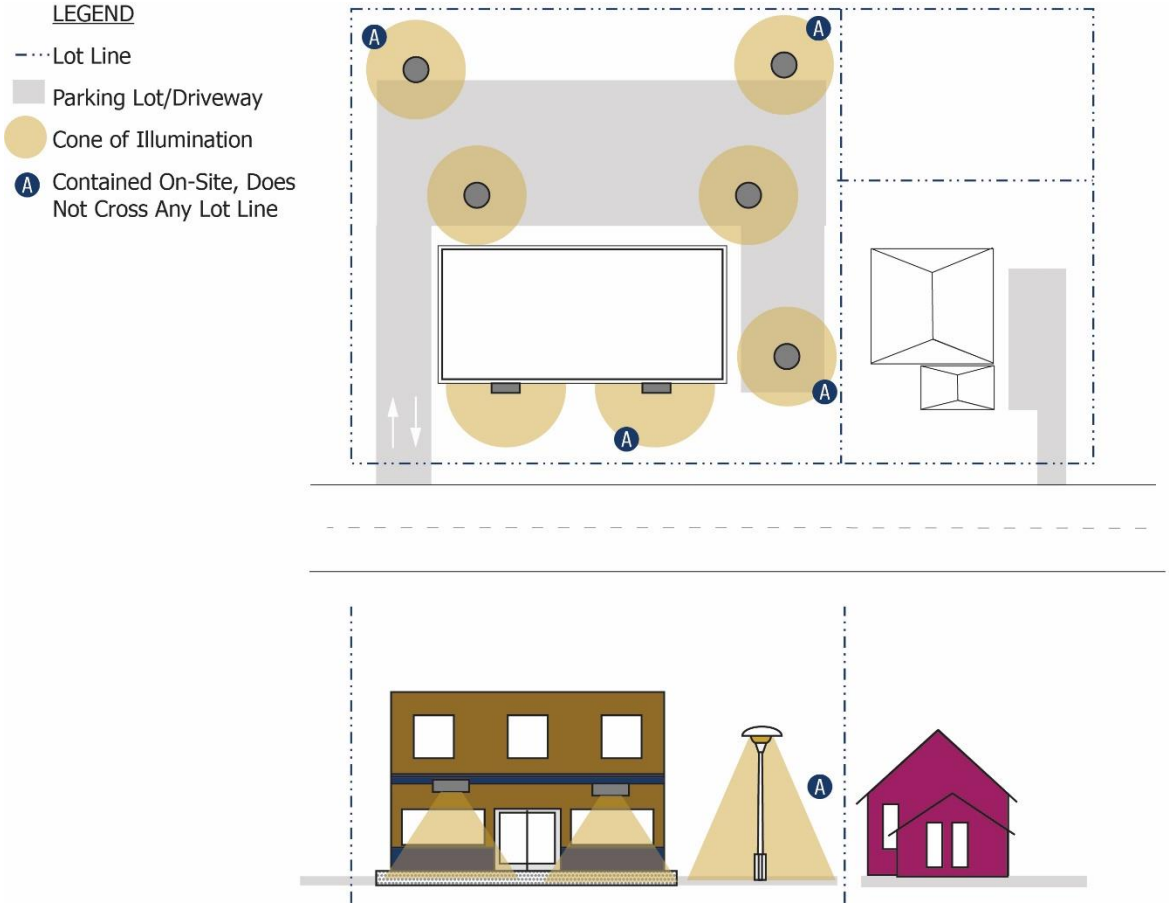
C. LAMP TYPE

1. Incandescent, florescent, metal halide, light-emitting diode (LED), or color corrected high-pressure sodium lamps are permitted.
2. Non-color-corrected high pressure sodium lamps are prohibited.
3. Other lamp types are allowed when the color emitted is similar to the permitted lamp types.
4. The same lamp type must be used for the same or similar types of lighting throughout a development.

D. MOUNTING LOCATION

Exterior lighting shall be mounted and configured in such a manner so that the cone of illumination is contained on-site and does not cross any lot line around the perimeter of the site (see Figure 5.4.6.D: Mounting Location).

FIGURE 5.4.6.D: MOUNTING LOCATION



E. APPEARANCE

1. Exterior lighting fixtures shall be designed as an integral element that complements the design of the project through compatible style, material, and color.
2. Exterior lighting fixtures shall be designed in a consistent and coordinated manner for the entire site.

5.4.7. MAXIMUM ILLUMINATION LEVELS

Exterior lighting shall be designed and located such that the maximum illumination measured in footcandles at ground level at any lot line shall not exceed the standards in Table 5.4.7: Maximum Illumination Levels.

TABLE 5.4.7: MAXIMUM ILLUMINATION LEVELS

Type Of Abutting Use Or Zoning District [1]	Maximum Illumination Level At The Lot Line (Footcandles) [2]
Single-family residential or duplex use or land zoned for single-family development	0.5
Multi-family or mixed-use development or land zoned for multi-family or mixed-use development	0.5
Mixed-use development or land zoned for mixed-use development	1.5
Institutional use [3]	2.0
Commercial or industrial use or land zoned for uses other than residential	2.5
Public or private street right-of-way	5.0

NOTES:
[1] These are the kinds of uses or zoning districts that abut the development. The maximum allowable illumination along any lot line shared with a single-family residential use is 1.0 footcandles, regardless of the type of use deploying the exterior lighting.
[2] In cases where a single development occupies multiple lots, the lot line shall be the lot line(s) around the perimeter of the project.
[3] Use types are organized by use classification in Table 4.2.3, Principal Use Table.

5.4.8. NONCONFORMING LIGHTING

A. Lighting fixtures that do not comply with these standards that were lawfully established as of January 1, 2020, may remain, and shall be considered nonconforming structures.

B. Any modifications, replacement, or expansions to the exterior lighting facilities serving a development shall conform to the standards of this Ordinance.

5.5. FENCES AND WALLS

5.5.1. PURPOSE AND INTENT

These standards provide development standards for permanent fences and walls on individual lots or development sites. These standards are proposed to protect the health and safety of the public while balancing the practical uses for fencing and walls like security and privacy with the need for aesthetic quality and a high quality built environment. More specifically, these standards are intended to:

A. Provide for privacy and security on individual lots;

B. Ensure proper construction techniques are followed and that fences and walls are maintained in good repair;

C. Assist with the transition between public and private spaces; and

D. Ensure fencing and walls are consistent with the Town's desired architectural character.

5.5.2. APPLICABILITY

A. GENERALLY

The provisions of this section shall apply to all construction or replacement of all fences, screening walls, or retaining walls. A fence or wall may only be erected in accordance with the standards in this section.

B. PRE-EXISTING DEVELOPMENT

Lawfully-established fences and walls established prior to January 1, 2020 that do not comply with these standards shall be subject to the applicable standards in Article 7: Nonconformities.

5.5.3. EXEMPTIONS

The following are exempted from the standards in this section:

A. Bona fide farms and agricultural use types in districts where these uses are permitted;

B. Temporary fences for construction sites, including but not limited to: fencing necessary for soil erosion and sedimentation control and tree protection.

5.5.4. LOCATIONAL STANDARDS

A. GENERAL

No fence or wall shall:

1. Be located within the public right-of-way (except for public fences or walls, or as needed for retention of soil);
2. Impede visibility of the required property address number; or
3. Block pedestrian access from doors or windows.

B. EASEMENTS

1. In cases where a fence or wall is proposed within an easement, the applicant shall provide evidence of the easement owner's consent regarding placement of the fence or wall.
2. The landowner shall remain solely liable for any repair or replacement if any portion of the fence or wall located within a required easement is damaged during maintenance or construction activities within the easement by the easement owner or their agent.

C. BLOCK DRAINAGE

Fences or walls shall not alter or impede the natural flow of water in any stream, creek, drainage swale, or ditch.

D. OBSTRUCTIONS AT INTERSECTION

Except for necessary retaining walls, no fence or wall shall be located within a required sight distance triangle (see Section 5.1.7, Sight Distance Triangles).

E. REQUIRED SETBACKS

Fences or walls may be located within required setbacks, but shall not encroach onto a separate lot.

F. REQUIRED LANDSCAPING AREAS

Fences or walls may be located in required landscaping areas, subject to the standards in Section 5.6.8, Features Allowed Within Required Landscaping Areas.

5.5.5. MAXIMUM HEIGHT

A. Maximum fence and wall height shall be in accordance with Table 5.5.5: Maximum Fence and Wall Height, and Figure 5.5.5: Maximum Fence and Wall Height:

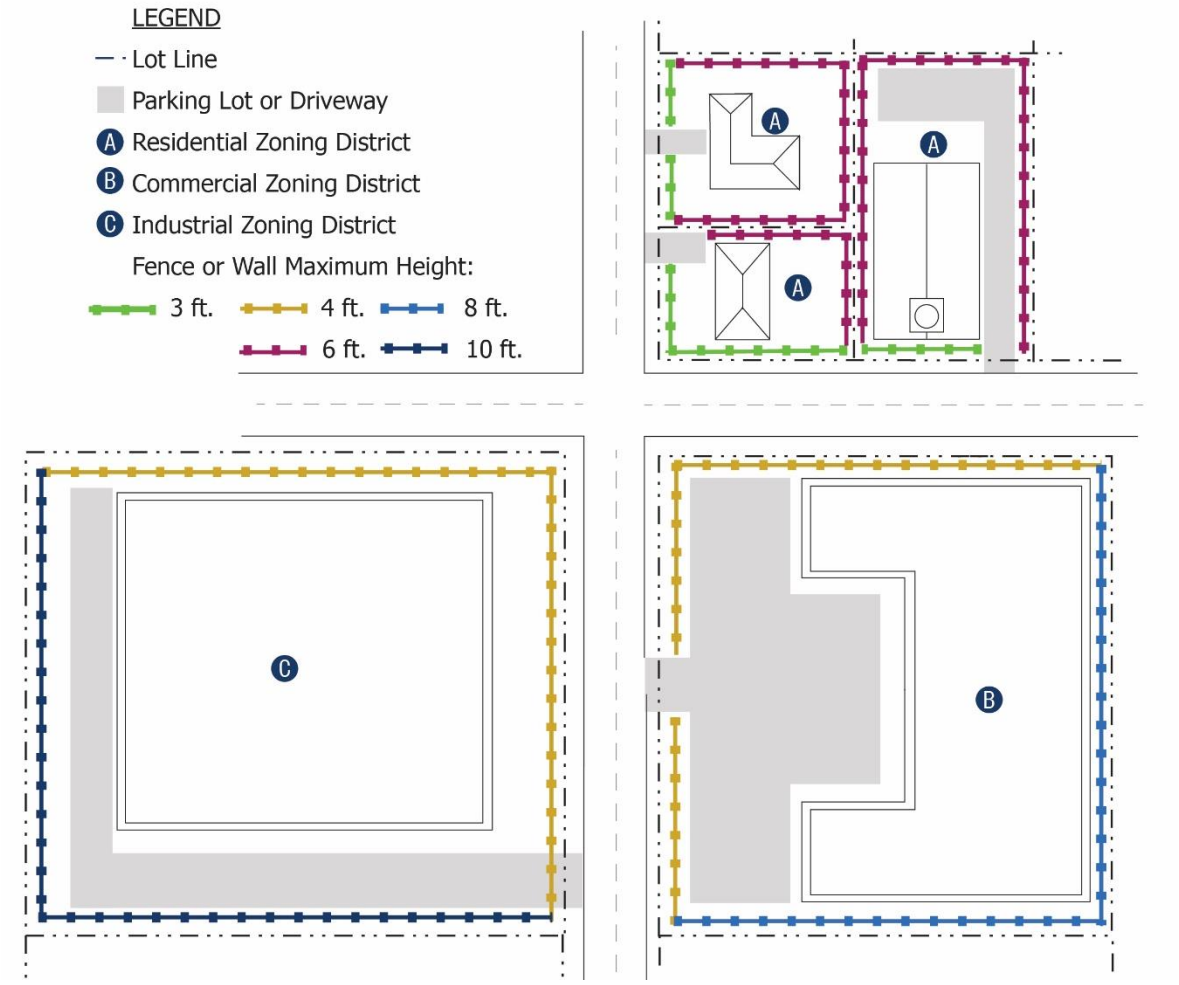
TABLE 5.5.5: MAXIMUM FENCE AND WALL HEIGHT

TYPE OF ZONING DISTRICT	LOCATION ON SITE	MAXIMUM HEIGHT (FEET) [1]
Residential	Between the principal building and a lot line abutting a street ROW	4
	All other locations	6
Commercial	Between the principal building and a lot line abutting a street ROW	4
	All other locations	8
Industrial	Opaque fences and walls between the principal building and a lot line abutting a street ROW	4
	Semi-opaque fences and walls between the principal building and a lot line abutting a street ROW	10
	All other locations	Within a required yard or setback: 10
		Outside a required yard or setback: 10

NOTES:
[1] Fence height limits shall not apply to chain link fences surrounding tennis courts or ball field backstops.

B. Fence and wall height shall be measured in accordance with the standards in Section 9.3.15, Fence and Wall Height.

FIGURE 5.5.5: FENCE AND WALL HEIGHT



5.5.6. WIND LOADING

All fencing and walls subject to the standards of this section shall be constructed in accordance with the North Carolina Building Code, and shall be designed and constructed in order to meet the minimum applicable wind loading standards in the Town of Zebulon.

5.5.7. DURATION

Fences and walls shall be designed, constructed, and maintained to ensure a minimum useful life of at least ten years, and be configured in accordance with the standards in Section 5.5.8, Permitted Materials.

5.5.8. PERMITTED MATERIALS

The following fencing materials are permitted for fences and walls:

A. Masonry or stone;
B. Ornamental iron, steel, or aluminum;
C. Wood;
D. Vinyl, plastic, or composite; or
E. Chain-link, except where prohibited by this Ordinance.

5.5.9. RESTRICTED FENCE MATERIALS

A. BARBED WIRE AS FENCING

Barbed wire as a fence is prohibited in all zoning districts except that it may be allowed as part of a bona fide farm use.

B. BARBED WIRE ATOP ANOTHER MATERIAL

1. No barbed or razor wire shall be permitted on a fence or wall in a residential or OI district.
2. Barbed or razor wire may be used atop another fencing material (e.g., chain link) outside of residential or OI districts only in cases where the barbed or razor wire is at least six feet above the ground measured at the base of the fence.

5.5.10. ELECTRIC FENCES

Fences that carry an electrical current are allowed solely for the purposes of enclosing livestock as part of a bona fide farm use. Nothing shall prohibit below-ground electrical fences intended for the keeping of pets.

5.5.11. PROHIBITED FENCE MATERIALS

A. Fences made of wooden pallets, tires, debris, junk, rolled plastic, sheet metal, untreated or unpainted plywood, readily flammable material, or waste materials shall be prohibited, unless the materials have been recycled and reprocessed, for marketing to the general public as building materials designed to resemble new building materials (e.g., picket fencing made from recycled plastic and fiber).

B. In no instance shall tarps or silt fencing remain on a lot or site after completion of construction.

5.5.12. MATERIALS FOR TEMPORARY FENCES

Temporary fences in place for up to 90 days may be comprised of any material approved by the Planning Director.

5.5.13. WALL MATERIAL STANDARDS

A. Walls shall be constructed of one or more of the following materials:

1. Stucco over concrete block;
2. Exposed aggregate concrete; or
3. Brick, stone, or architectural block assembled in a structurally safe and attractive condition.

B. No walls of exposed smooth-face concrete block shall be permitted.

C. Stacked stone or other masonry configurations where no mortar or other bonding agent is used between stones or individual masonry units shall not exceed 36 inch height above grade.

D. Alternative wall materials may be permitted by the Planning Director provided they provide a similar level of opacity to that of the listed materials and are in keeping with the architecture of the development.

5.5.14. FINISHED SIDE

All fences or walls shall be configured so that the finished side faces outwards. For the purposes of this section, the finished side does not include any supporting members or bracing (see Figure 5.5.14: Finished Side).

FIGURE 5.5.14: FINISHED SIDE

LEGEND

A Finished Side of Fence - Facing Outward

B Unfinished Side of Fence - Facing Inward



5.5.15. MAINTENANCE

A. Any fence or wall which, through neglect, lack of repair, type or manner of construction, method of placement or otherwise, constitutes a hazard or endangers any person, animal, or property is in violation of this Ordinance.

B. When a fence or wall is in violation of this Ordinance, the Planning Director shall require the owner or occupant of the property upon which the fence or wall is located to repair, replace, or demolish the fence or wall in accordance with all applicable standards in this Ordinance.

5.6. LANDSCAPING

5.6.1. SECTION ORGANIZATION

These landscaping standards are organized into three main groups of related standards:

A. Applicability and configuration provisions in Subsections 5.6.3 through 5.6.8;

B. The standards for the five types of required landscaping (parking lots, perimeter buffers, foundation plantings, streetscape buffers, and street trees) in Subsections 5.6.9 through 0; and

C. The flexibility, maintenance, and replacement standards in Subsections 5.6.14 through 5.6.18.

5.6.2. PURPOSE AND INTENT

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

A. Promote and increase design compatibility between different land uses, while ensuring attractive views from streets and adjacent properties;

B. Assist in delineating separations of spaces, structures, uses, and activities on a site, or between adjacent sites;

C. Shield adjacent properties from potentially adverse external impacts of adjacent land uses and activities;

D. Abate glare and moderate temperatures of impervious areas;

E. Help filter air of fumes and dust;

F. Provide shade;

G. Reduce noise;

H. Reduce the visual impact of large expanses of pavement;

I. Promote energy conservation;

J. Reduce the amount and rate of stormwater runoff and erosion;

K. Improve stormwater runoff quality;

L. Increase in the capacity for groundwater recharge; and

M. Enhance the appearance and value of both residential and non-residential development.

5.6.3. APPLICABILITY

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

A. NEW PRINCIPAL BUILDINGS OR USES

New principal buildings or open uses of land, including publicly-owned buildings or sites, constructed, reconstructed, or established after January 1, 2020.

B. IMPROVEMENTS AND EXPANSIONS

All improvements, including expansions or remodeling of principal buildings, parking areas, or open uses of land that exceed 3,000 square feet in area shall comply with these standards, subject to the requirements in Section 7.4, Nonconforming Sites.

C. MULTI-PHASE DEVELOPMENT

Multi-family, non-residential, and mixed-use development that is planned and developed in phases shall be required to install landscaping that is associated with the active phase or phases only, unless an alternative arrangement is otherwise agreed to by the Planning Director and the developer. An active phase of a development is the one that is subject to permitted and on-going development activity.

5.6.4. EXEMPTIONS

The following forms of development are exempted from these standards.

A. Changes to an existing or development of a new proposed single-family detached or duplex dwelling on a residentially-zoned lot.

B. Routine maintenance of existing vegetation, such as watering and fertilizing.

C. The removal of dead trees and shrubs, or trees and shrubs that have been diagnosed and determined to be diseased beyond treatment, provided the screening function of the landscaping is maintained or re-established. Failure to maintain the screening function of a required landscaping area is a violation of this Ordinance.

D. Pruning of vegetation, provided the screening function of the required landscaping is maintained. Severe pruning is a violation of this Ordinance, and shall require replacement of required vegetation.

E. Repaving or restriping of a parking lot, provided there is no increase in parking lot size or the number of parking spaces.

5.6.5. LANDSCAPE PLAN REQUIRED

A. GENERALLY

1. A landscape plan depicting how required landscaping will be planted in accordance with these standards shall be included with an application for site plan, preliminary plat, zoning compliance permit, or building permit, as appropriate, to ensure compliance with this section.

2. The landscape plan shall be approved prior to, or concurrent with, the approval of a site plan, preliminary plat, zoning compliance permit, or the issuance of a building permit.

3. A landscape plan shall contain, at a minimum, the following:

- **a.** Location of required planting material;
- **b.** Grouping or clusters of planting material, if proposed;
- **c.** Identification of required plants, including their scientific names;
- **d.** Minimum and maximum dimensions of all planting yard areas;
- **e.** Calculations determining the number of canopy trees, understory trees, and shrubs required;
- **f.** Locations, species, sizes, and methods of protection during construction for existing vegetation to be retained and counted towards minimum landscaping requirements;
- **g.** Location(s), species, and size or planting density of required trees included if the development is subject to the standards in Section 5.9, Reforestation; and
- **h.** Existing topography, or proposed topography where site grading is proposed to occur.

B. PHASED DEVELOPMENT

Development subject to these standards that is planned in phases may submit a landscape plan for the entire development, or separate landscape plans for each phase, which shall be approved prior to approval of the final plat.

C. LANDSCAPING IN A STORMWATER RETENTION POND

If trees or shrubs are proposed on or within 20 feet of the embankment of a stormwater retention pond, a landscape plan showing the retention pond and surrounding landscaping must be submitted for review to determine that the safety and functionality of the device will not be compromised by the trees or shrubs.

5.6.6. PLANT MATERIAL SPECIFICATIONS

A. CANOPY TREE SIZE

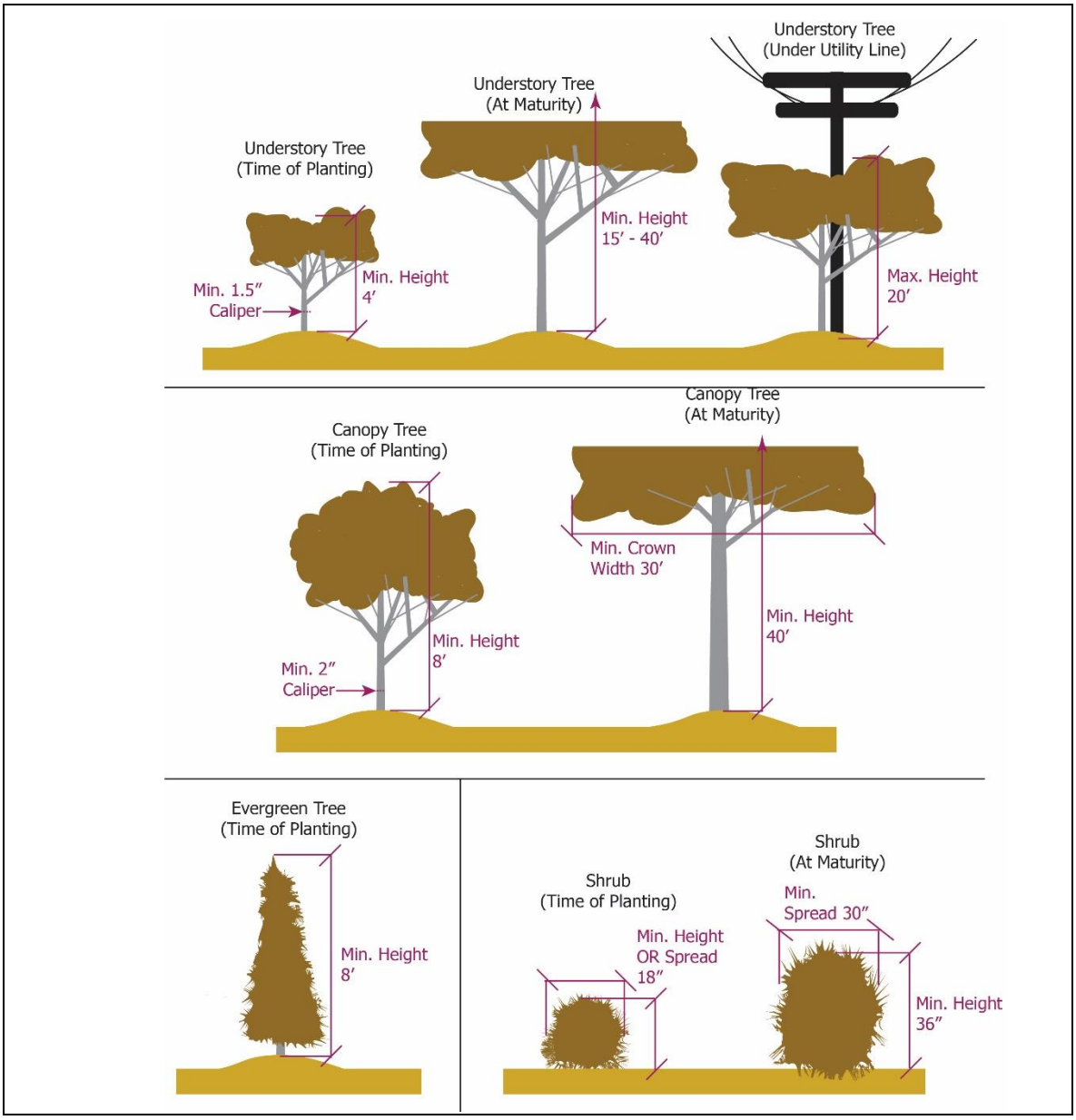
1. Canopy trees shall have a minimum height at maturity of 40 feet and a minimum crown width of 30 feet (see Figure 5.6.6: Plant Material Specifications).

2. All canopy trees shall have a minimum height of eight feet, or more, and a minimum caliper size of two and one-half (2½) inches, or more, at planting (see Section 9.3.12.A, Determining Tree Size at Time of Planting).
3. Evergreen trees shall be a minimum of six feet in height at planting.

B. UNDERSTORY TREE SIZE

1. Understory trees shall have a minimum height at maturity of 15 to 40 feet, except that trees to be placed below overhead utility lines may not exceed a mature height of 20 feet (see Figure 5.6.6: Plant Material Specifications).
2. All understory trees shall have a minimum height of four feet, or more, and a minimum caliper size of one-and-one-half (1½) inches, or more, at planting (see Section 9.3.12.A, Determining Tree Size at Time of Planting).
3. Drought tolerant understory trees shall have a minimum caliper size of one inch at planting.
4. Nothing shall limit the use of multi-stemmed understory trees provided that 25 percent or more of the leaders meet the requirements in Section 9.3.12.A, Determining Tree Size at Time of Planting.

FIGURE 5.6.6: PLANT MATERIAL SPECIFICATIONS



C. SHRUB SIZE AND VARIETY

1. All shrubs shall be at least a three-gallon size and have a minimum height or spread of 18 inches at the time of planting (see Section 5.6.6: Plant Material Specifications).
2. Shrubs shall reach a minimum height of 36 inches and a spread of 30 inches within three years of planting.
3. Decorative grasses may be proposed as a substitute for shrubs, provided the grasses meet the screening objectives and are approved by the Planning Director.
4. Shrubs or grasses used to screen off-street parking areas shall be evergreen or retain their leaves/blades throughout the year.

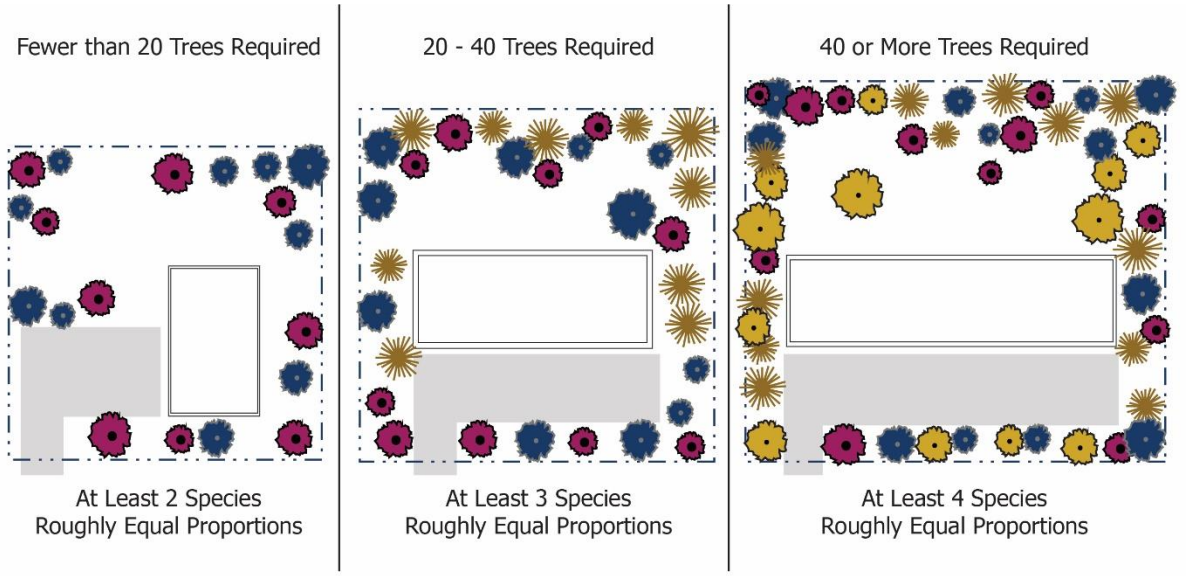
D. NATIVE OR LOCALLY-ADAPTED SPECIES

1. Required landscaping materials shall be cold-hardy for the location where planted.
2. Plant species used in required landscaping areas must be native species or species of a locally-adapted nature. Other species require approval by the Planning Director.

E. SPECIES DIVERSITY

1. To curtail the spread of disease or insect infestation in a plant species, new plantings shall comply with the following standards:
2. When fewer than 20 trees are required on a site, at least two different species shall be utilized, in roughly equal proportions (see Figure 5.6.6.E: Species Diversity).
3. When more than 20 but fewer than 40 trees are required to be planted on site, at least three different species shall be utilized, in roughly equal proportions.
4. When 40 or more trees are required on a site, at least four different species shall be utilized, in roughly equal proportions.
5. A larger number of different species than specified may be utilized.
6. In no instance shall invasive species, as determined by the North Carolina Extension Service, be utilized as landscaping materials to meet the requirements of this Ordinance.

FIGURE 5.6.6.E: SPECIES DIVERSITY



F. STABILIZATION

1. Required landscaping areas shall be stabilized and maintained with vegetative cover, mulch, decorative gravel, cinders, or other approved materials to prevent soil erosion and allow rainwater infiltration.
2. Required landscaping areas with slopes of 15 percent or more shall be stabilized with vegetative cover (not mulch or gravel) designed to minimize erosion. Required vegetative cover shall be established and functional prior to issuance of a certificate of occupancy.
3. Use of landscape fabric on slopes of 15 percent or more is discouraged.

5.6.7. LANDSCAPING PLACEMENT

A. OUTSIDE PUBLIC STREET RIGHTS-OF-WAY

1. Except for street trees, required landscaping material shall not be located within a street right-of-way.
2. Where provided, street trees shall be configured in accordance with Section 5.6.13, Street Trees. .

B. GROUPING OF PLANT MATERIAL

1. Except for street trees, streetscape buffers, shrubs around the perimeter of a parking lot, shrubs along a primary or front façade foundation, or when vegetation is included as a screening device in accordance with Section 5.10, Screening, required plant material may generally be grouped or clustered, provided the overall screening objective in these standards is adequately addressed.
2. Street trees shall maintain on-center spacing requirements in Section 5.6.13, Street Trees.
3. Streetscape buffers shall maintain the on-center spacing requirements in Section 5.6.12 Streetscape Buffers.
4. Shrubs intended to screen building foundations from view from the public realm shall not exceed the maximum on-center spacing in Section 5.6.11, Foundation Plantings.
5. Shrubs intended to screen features in accordance with Section 5.10, Screening, may not be grouped if such grouping results in the failure to meet the minimum screening standards of this Ordinance.

C. MULTIPLE-LOT DEVELOPMENT

A multiple-lot development is not required to provide perimeter buffers along lot lines internal to the development, but the perimeter of the development shall be subject to the standards in Section 5.6.10, Perimeter Buffers.

D. EASEMENTS

1. Trees and shrubs may be located within a required easement on a case-by-case basis with the permission of the easement holder.
2. When landscaping is within an easement, the landowner is responsible for replacement of any required vegetation if maintenance or other actions result in its removal.
3. When landscaping is planted in a drainage easement, it shall not impact the easement design or impede the flow of water through the easement.
4. Where an easement and a required landscape area coincide and there is a prohibition on planting within the easement, then the required landscaping area shall be located outside the easement.

E. SETBACK SMALLER THAN REQUIRED LANDSCAPING AREA

In cases where a required setback is smaller or more narrow than a required landscaping area, the landscaping area width or size shall not be reduced except as authorized by any of the following:

1. An alternative landscape plan;
2. An administrative adjustment;
3. A conditional rezoning approval;
4. An approved planned development master plan; or
5. A sustainable development incentive.

F. FIRE PROTECTION SYSTEM

Minimum clear separation distances required by the current adopted version of the North Carolina Fire Code shall be maintained for landscaping near a fire protection system.

G. LANDSCAPING IN BIO-RETENTION CELLS

Trees and shrubs used in bio-retention cells or rain gardens located in parking lots or within landscape yards may be counted toward tree or shrub requirements of this Ordinance, provided they meet the minimum specifications in Section 5.6.6: Plant Material Specifications.

H. PERMITTED ENCROACHMENTS

1. The following features may be located entirely within required landscaping areas, provided the screening function of the landscaping is maintained and provided any encroachments into a required setback are in accordance with Table 9.3.5: Allowable Encroachment into Required Setbacks:

a. Principal buildings, provided the minimum setbacks of the zoning district where located, are maintained;
b. Landscaping features such as, ornamental pools, planting boxes, sculpture, arbors, trellises, and birdbaths;
c. Pet shelters, well houses, and mechanical enclosures;
d. On-grade patios, steps, benches, outdoor fireplaces, playground equipment serving an individual dwelling unit, accessibility ramps, roof overhangs, and fire escapes;
e. Ornamental entry columns, gates, fences, walls, and retaining walls;
f. Flagpoles of 30 feet in height or less;
g. Lamp and address posts;
h. Utility cabinets of four feet in height or less;
i. Mailboxes; and
j. Signage.

2. The following features may cross a required landscaping area in a manner that minimizes the impact to the required landscaping:
a. Driveways, sidewalks, pedestrian walkways, greenways, or multi-use trails;
b. Utilities; and
c. Stormwater management facilities.

I. PROHIBITED FEATURES

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

1. An accessory structure or open air use;
2. Off-street parking or loading areas; or
3. Outdoor storage or display of products for sale.

5.6.8. FEATURES ALLOWED WITHIN REQUIRED LANDSCAPING AREAS

A. BERMS

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

1. Berms shall have a minimum height of three feet, a minimum crown width of at least three feet, and a slope of no greater than 3:1.
2. Berms shall be no taller than twelve feet above the toe of the berm.
3. Berms shall be stabilized with trees, shrubs, and ground cover.
4. A berm may not damage the roots of existing healthy vegetation being preserved for credit towards the landscaping requirements in this Ordinance. Suffocation of existing roots by deposition of fill in excess of 12 inches shall be considered damage to existing tree roots.
5. A berm shall not interfere with required a sight distance triangle (see Section 5.1.7, Sight Distance Triangles).

B. FENCES AND WALLS

1. Opaque fences or walls, a minimum of four feet in height, constructed within required landscaping areas, and configured in accordance with Section 5.5, Fences and Walls, may reduce the minimum and average perimeter buffer width requirement in accordance with Table 5.6.10.C: Perimeter Buffer Configuration.
2. If utilized, fences or walls shall be located within the required landscaping area and all required shrubs shall be planted between the fence or wall and the lot line.
3. Required trees may be planted either in front of or behind the fence or wall.

C. PLANTERS

1. Planters, if provided, shall be constructed of masonry, stone, or pressure treated lumber stamped for ground contact. Other materials may be approved, based upon their durability, by the Planning Director.
2. Planters shall maintain a minimum height of 30 inches and have an effective planting area of seven feet (measured in any direction) if trees are to be planted and an effective planting area of four feet (measured in any direction) if no trees are to be included.
3. The minimum height of shrubs in the planter, except for ground cover, shall be six inches at the time of planting.

5.6.9. PARKING LOT LANDSCAPING

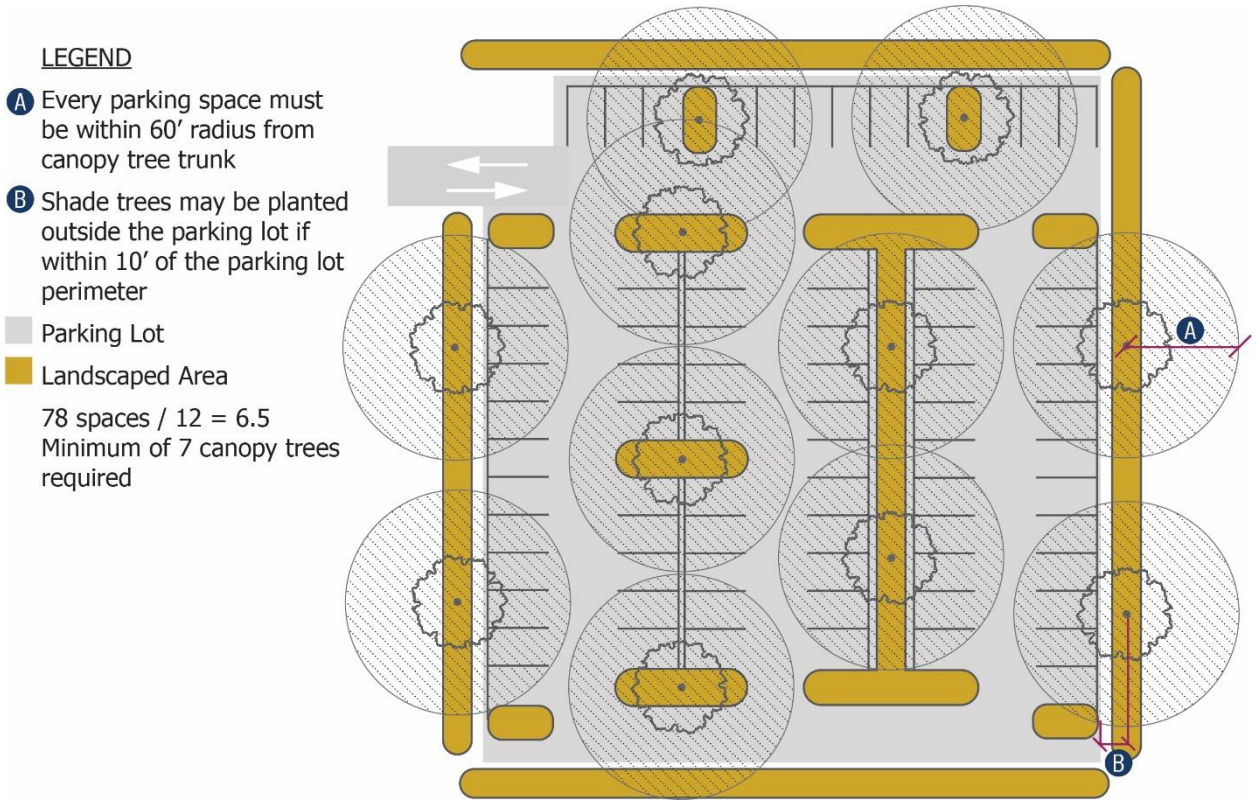
All parking lots serving multi-family, mixed-use, and non-residential developments shall comply with the following parking lot landscaping standards:

A. SHADE TREES

All parking lots shall be served by shade trees to reduce the heat island effect and soften the appearance of the parking lot, in accordance with the following standards:

1. Parking lots subject to these standards shall include at least one canopy tree for every 12 off-street parking spaces provided.
2. Required canopy trees may be placed around, in, or near the parking lot provided that no parking space is more than 50 feet from the trunk of a canopy tree (see Figure 5.6.9.A: Parking Lot Shading).
3. Required canopy trees shall be distributed throughout parking areas and may be located in landscape islands, between rows of parking, in driveway medians, and within ten feet of the perimeter of the parking lot.

FIGURE 5.6.9.A: PARKING LOT SHADING



B. INTERIOR PLANTINGS

1. AREA TO BE LANDSCAPED

For the purposes of this section, the interior of a parking lot shall be all of the area within the outer boundary of the parking lot including interior and corner landscape islands intended to fulfill the interior parking lot landscaping requirements, but not including landscaping planted around the perimeter of the parking lot (see Figure 5.6.9.B: Parking Lot Interior Plantings).

2. LANDSCAPING ISLANDS AND STRIPS

A parking aisle with more than 12 vehicle spaces in a single row shall provide and maintain landscaping islands at each end, or provide landscaping strips along the full length of the row, in accordance with the following standards.

- **a.** Islands shall have a minimum dimension of nine feet and a minimum area of 200 square feet, including the curb (if curbing is provided).
- **b.** Landscape islands shall provide 1,000 cubic feet of soil per tree.
- **c.** Landscape islands that do not contain canopy trees shall contain three or more shrubs and also may contain understory trees.
- **d.** Landscaping islands intended for the placement of canopy or understory trees shall maintain a minimum width of nine feet.
- **e.** Landscape strips between adjoining rows of parking spaces or serving as driveway medians shall have a minimum dimension of nine feet, including the curb (if provided). Landscape strips that do not have canopy trees shall include shrubs planted no more than five feet on-center.
- **f.** Landscaping strips running the full length of a row of parking spaces shall be provided so that no more than six rows of parking spaces are provided without a landscaping strip.

3. SEPARATION OF LIGHT POLES AND TREES

In order to prevent the need to excessively trim required trees within landscape areas and to maintain the effectiveness of parking area exterior lighting, light poles shall be spaced at least ten linear feet from a canopy tree trunk, to the maximum extent practicable.

4. PROTECTION OF LANDSCAPE ISLANDS

- **a.** Landscape islands shall be protected from vehicle damage by the installation of curbing, wheel stops, or other comparable methods.
- **b.** The placement of plant material within landscape islands shall allow for a two-and-one-half-foot vehicle overhang from the face of the curb or wheel stop.

5. PROTECTION FROM PEDESTRIAN WALKWAYS

In cases where a pedestrian walkway must be located within five feet of a tree trunk, wooden walkways, pervious pavers, or other methods shall be used to ensure the required tree is not damaged by the walkway.

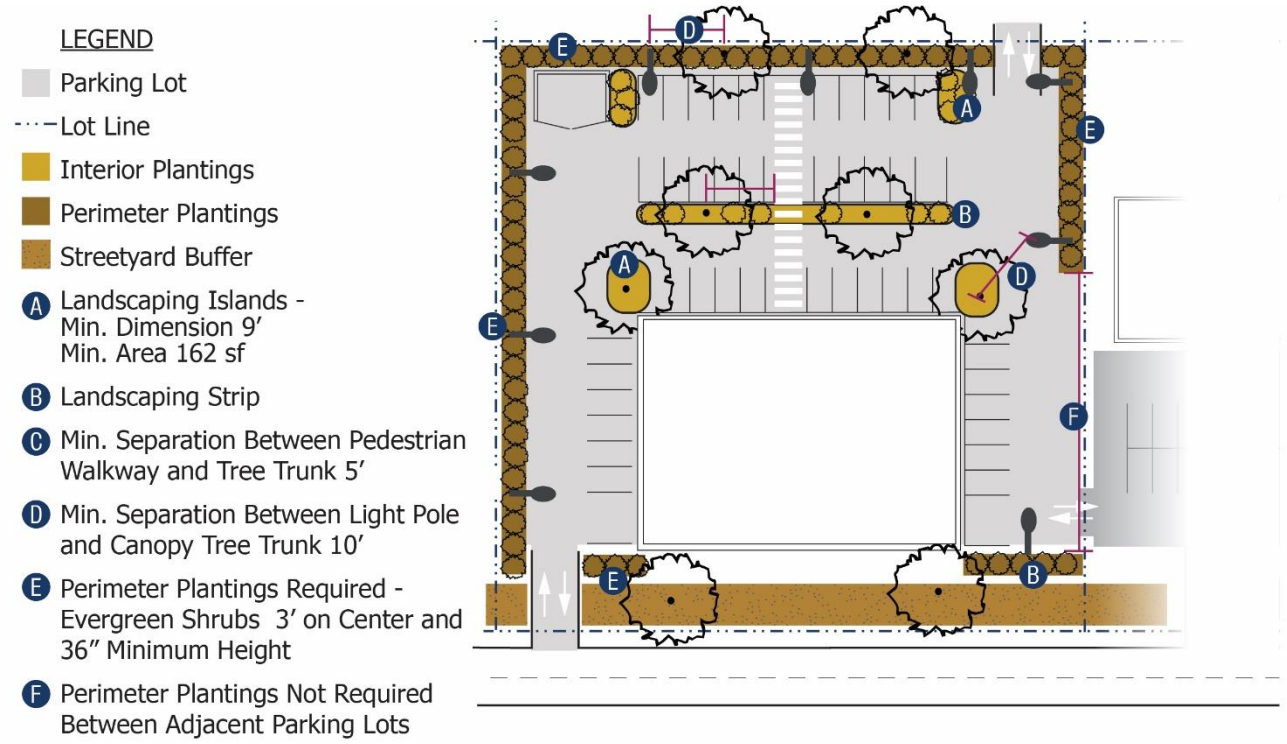
6. STORMWATER MANAGEMENT

A landscape island may be designed to function as a stormwater management device, provided its landscaping performance function is maintained.

7. STRUCTURAL SOIL REQUIRED

Landscaping islands and strips located within a parking lot shall be comprised of properly-prepared structural soil that has been properly amended and cultivated to support healthy vegetation.

FIGURE 5.6.9.B: PARKING LOT INTERIOR PLANTINGS



C. PERIMETER PLANTINGS

1. INTENT

Parking lot perimeter landscaping shall be designed to soften the view of the parking lot from an abutting street or development and to filter spillover light from vehicle headlights. Required plant material shall be planted in such a way as to best achieve this intent.

2. LOCATION

Required plant material shall be placed adjacent to the perimeter of the parking lot.

3. PLANTING RATE

a. Parking lot perimeter landscaping shall consist of a single continuous row of evergreen shrubs planted no greater than three feet on-center and within five feet of the parking lot edge.

b. Applicants may propose an alternative plant species, such as native grasses, provided the proposed plant material provides a fully opaque screen to a maximum height of 36 inches above grade throughout the year, as approved by the Planning Director.

4. SIZE OF PLANT MATERIAL

a. Shrubs used for parking lot perimeter landscaping shall be of a minimum size necessary to achieve a maximum height of 36 inches above grade within three years of planting.

b. In cases when vegetation provided as perimeter plantings around a parking lot grow to a height exceeding 48 inches above grade, they shall be trimmed or pruned as necessary to maintain a minimum height of 36 inches.

c. It shall be a violation of this Ordinance to remove or severely prune shrubs required as parking lot perimeter vegetation to a height of less than 36 inches.

5. ALTERNATIVES

Perimeter parking lot plantings may be supplemented or replaced through use of a vegetated berm configured in accordance with Section 5.6.8.A, Berms, or an opaque fence or wall that meets the screening objective of this section and is configured in accordance with Section 5.5, Fences and Walls.

6. EXEMPTIONS

a. Where off-street parking lots are adjacent to one another, but on different lots, perimeter plantings or other forms of screening are not required along the common boundary between the two parking lots.

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

5.6.10. PERIMETER BUFFERS

A. PURPOSE AND INTENT

These standards are proposed to eliminate or minimize potential nuisances, such as dirt, litter, noise, glare of lights, signs, and unsightly buildings or parking areas through physical and visual separation between land uses in separate zoning districts.

B. APPLICABILITY

1. All development shall comply with the perimeter buffer standards in this section.

2. Development shall provide perimeter buffers along side and rear lot lines in accordance with Table 5.6.10.F, Buffer Application.

3. Lot lines abutting street rights-of-way shall comply with the standards in Section 5.6.12, Street Scape Buffers.

C. BUFFERS DISTINGUISHED

Table 5.6.10.C: Perimeter Buffer Configuration, establishes the standards for perimeter buffers, including the minimum requirements for each of the following buffer types:

1. Type A, Separation Buffer;

2. Type B, Intermittent Buffer;

3. Type C, Semi-Opaque Buffer; and

4. Type D, Opaque Buffer.

D. BUFFER DETERMINATION

1. The lot or site being developed is the one responsible for providing the required perimeter buffer, which shall be located solely upon the lot or site being developed.

2. The type of perimeter buffer required is based upon the zoning district designation of the land being developed as well as the zoning district designation of the abutting lots (see Table 5.6.10.F, Buffer Application).

E. BUFFER LOCATION

1. Perimeter buffers required by this section shall be located along the outer perimeter of the lot and shall extend to the connecting lot lines.

2. In cases where the lot line is within a drainage swale, the perimeter buffer shall extend to the edge of the swale instead of the lot line.

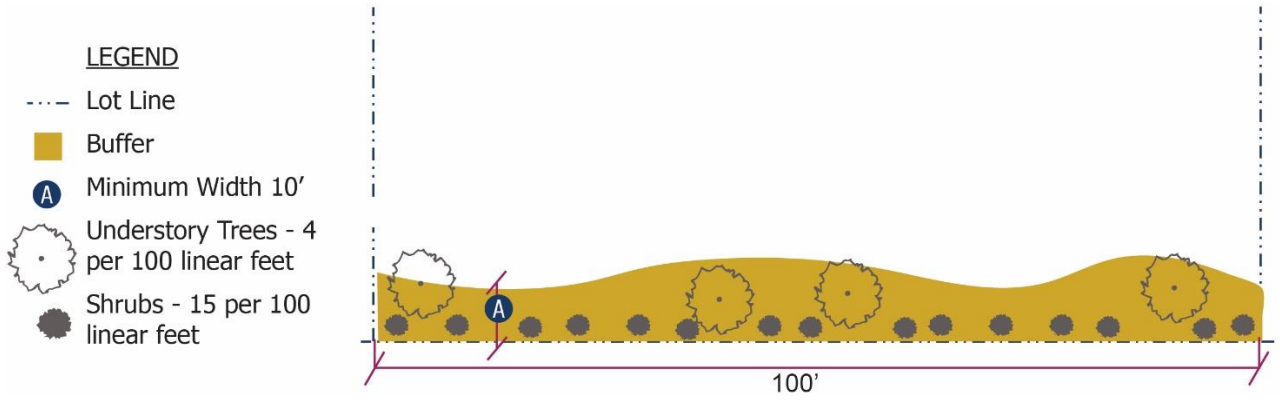
3. A perimeter buffer may be located along shared access easements between parcels in nonresidential developments.

TABLE 5.6.10.C: PERIMETER BUFFER CONFIGURATION

TYPE A SEPARATION

Objective: The Type A Separation perimeter buffer serves as a visual break between land ownership or zoning district designations. It is not intended to provide substantial visual or acoustic buffering. The image below shows an approximation of this buffer type at maturity.





BUFFER CONFIGURATION	REQUIREMENT
Buffer width (feet)	10
Required canopy trees per every 100 linear feet (#) / Maximum on-center spacing (feet)	None
Required understory trees per every 100 linear feet (#) / Maximum on-center spacing (feet)	4 / None [1]
Shrubs per every 100 linear feet (#) / Maximum on-center spacing (feet) [2]	15 / None [1]
Minimum evergreen shrub percentage (%)	50

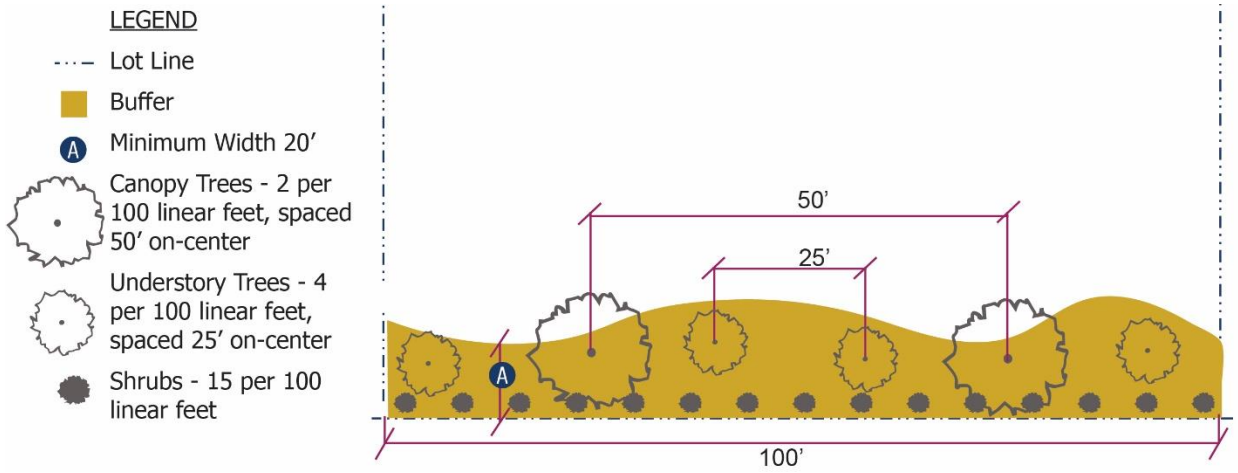
TABLE 5.6.10.C: PERIMETER BUFFER CONFIGURATION

NOTES:
[1] Grouping of trees or shrubs is permitted provided there is no un-vegetated portion of the buffer exceeding 30 feet in length.
[2] In the event a fence or wall is provided, shrubs shall be planted between the fence or wall and the lot line. Shrubs shall be no closer than 3 feet to the lot line.

TYPE B INTERMITTENT

Objective: The Type B Intermittent perimeter buffer functions as an intermittent visual screen from the ground to a height of five feet. It is intended to partially block visibility between different uses but not totally obstruct visual contact from one use to another. The image below shows an approximation of this buffer type at maturity.





BUFFER CONFIGURATION	REQUIREMENT
Buffer width (feet)	20

TABLE 5.6.10.C: PERIMETER BUFFER CONFIGURATION	
Required canopy trees per every 100 linear feet (#) / Maximum on-center spacing (feet)	2 / 50
Required understory trees per every 100 linear feet (#) / Maximum on-center spacing (feet)	4 / 25 [1]
Shrubs per every 100 linear feet (#) / Maximum on-center spacing (feet) [2]	15 / None [1]
Minimum evergreen shrub percentage (%)	60

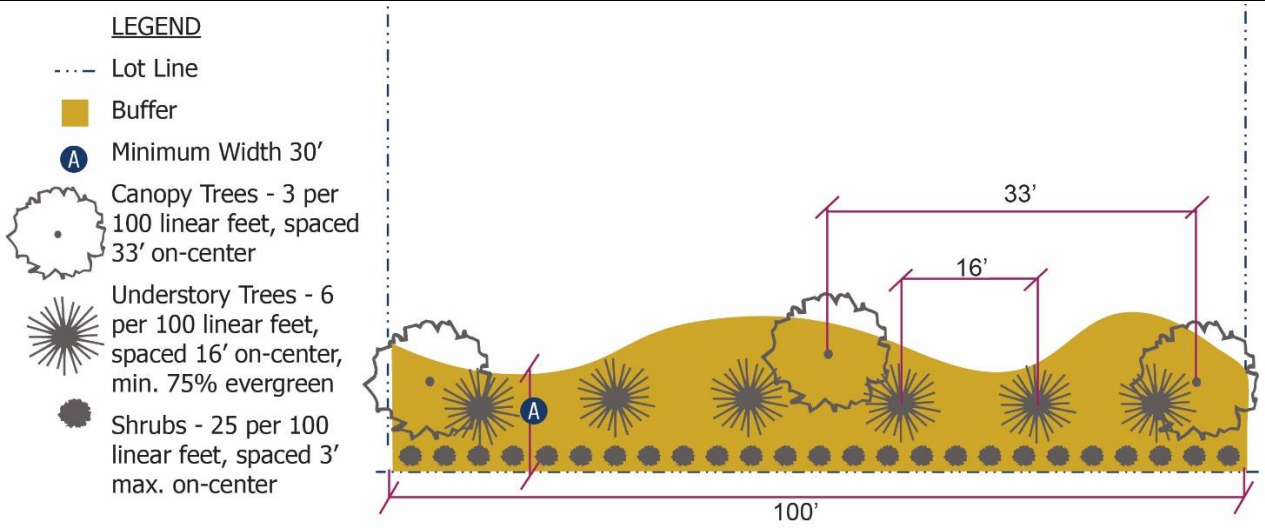
NOTES:
[1] Grouping of trees or shrubs is permitted provided there is no un-vegetated portion of the buffer exceeding 20 feet in length.
[2] In the event a fence or wall is provided, shrubs shall be planted between the fence or wall and the lot line. Shrubs shall be no closer than 3 feet to the lot line.

TYPE C SEMI-OPAQUE

Objective: The Type C Semi-Opaque perimeter buffer functions as a partially opaque screen from the ground to a height of six feet. This type of buffer prevents visual contact between uses but not total obstruction from one use to another. The buffer creates a sense of visual separation but provides only minor acoustic separation. The image below shows an approximation of this buffer type at maturity.



TABLE 5.6.10.C: PERIMETER BUFFER CONFIGURATION



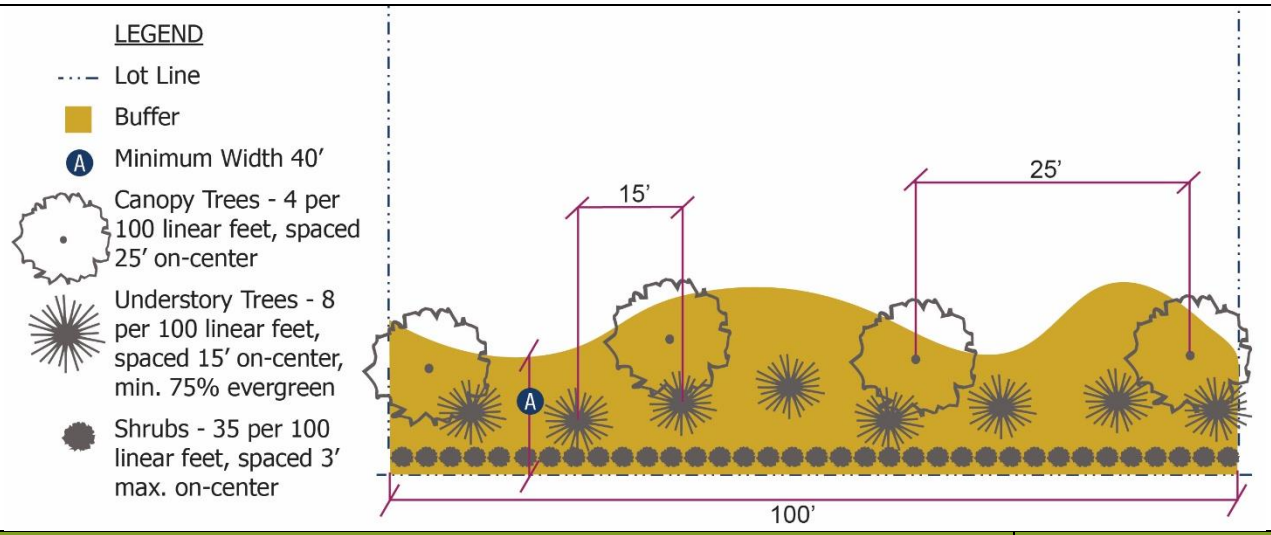
BUFFER CONFIGURATION	REQUIREMENT
Minimum buffer width (feet) [1] [2]	30
Required canopy trees per every 100 linear feet (#) / Maximum on-center spacing (feet)	3 / 33
Required understory trees per every 100 linear feet (#) / Maximum on-center spacing (feet)	6 / 16 [3]
Shrubs per every 100 linear feet (#) / Maximum on-center spacing (feet) [4]	25 / 4 [3]
Minimum evergreen shrub percentage (%)	75

NOTES:
[1] Provision of a semi-opaque fence or wall allows the buffer width to be reduced by 5 feet.
[2] Provision of a fully-opaque fence, wall, or berm allows the buffer width to be reduced by 10 feet.
[3] Grouping of trees or shrubs is permitted within 20 feet of the edge of a street right-of-way provided there is no un-vegetated portion of the buffer exceeding 10 feet in length.
[4] In the event a fence or wall is provided, shrubs shall be planted between the fence or wall and the lot line. Shrubs shall be no closer than 3 feet to the lot line.

TYPE D OPAQUE	**Objective:** The Type D Opaque perimeter buffer functions as a fully opaque screen from the ground to a height of eight feet. This type of buffer provides a strong sense of visual and acoustic separation between uses. The image below shows an approximation of this buffer type at maturity.

TABLE 5.6.10.C: PERIMETER BUFFER CONFIGURATION





BUFFER CONFIGURATION	REQUIREMENT
Minimum buffer width (feet) [1] [2]	40
Required canopy trees per every 100 linear feet (#) / Maximum on-center spacing (feet)	4 / 25
Required understory trees per every 100 linear feet (#) / Maximum on-center spacing (feet)	8 / 15
Minimum evergreen understory tree percentage (%)	75
Shrubs per every 100 linear feet (#) / Maximum on-center spacing (feet) [3]	35 / 3
Minimum evergreen shrub percentage (%)	100

NOTES:
[1] Provision of a semi-opaque fence or wall allows the buffer width to be reduced by 5 feet.
[2] Provision of a fully-opaque fence, wall, or berm allows the buffer width to be reduced by 10 feet.
[3] In the event a fence or wall is provided, shrubs shall be planted between the fence or wall and the lot line. Shrubs shall be no closer than 3 feet to the lot line.

F. BUFFER APPLICATION

Table 5.6.10.F, Buffer Application, specifies the type of perimeter buffer that development shall provide between it and adjacent land, based on the zoning district of the development site and that of the adjacent land. The buffer type is indicated by a letter corresponding to one of the three buffer types described in Table 5.6.10.C: Perimeter Buffer Configuration.

TABLE 5.6.10.F: BUFFER APPLICATION

Zoning District of Developing Land [1] [2]	Zoning District of Land Adjacent to Proposed Development [3] [4] [5]					
	R1, R2	R4, R6	RMF, OI	NC, DTP	GC, HC	LI, IC, HI
R1, R2	A	None	None	A	A	B
R4, R6	B	A	A	None	A	A
RMF, OI, RMU	C	B	A	A	None	None
NC, DTP	D	C	B	A	A	None
GC, HC	D	D	C	B	A	None
LI, IC, HI	D	D	D	D	C	None

NOTES:
[1] Development in PD districts is subject to the perimeter buffer configurations proposed in the applicable planned development master plan.
[2] No perimeter buffers are required in the DTC,DTP, and RMU districts, but are required where these districts abut other districts.
[3] A Type A or B perimeter buffer shall not be required when the lot line abuts unbuildable land within a riparian buffer, the FHO, a Town-designated tree-save area, a reforestation area, or other Town-designated conservation area where existing vegetation will not be removed.
[4] In cases where a Type C or D perimeter buffer is required but the lot line abuts unbuildable land within a riparian buffer, the FHO, a Town-designated tree-save area, a reforestation area, or other Town-designated conservation area where existing vegetation will not be removed, the required perimeter buffer width and amount of required landscaping material may be reduced by 50 percent (see Table 5.6.10.C: Perimeter Buffer Configuration).
[5] Lot lines abutting public street rights-of-way shall be subject to the standards in Section 5.6.12, Streetscape Buffers.
[6] In cases where development abuts land outside the Town's planning jurisdiction, only a Type A buffer shall be required along the boundary.

G. EXEMPTIONS

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

5.6.11. FOUNDATION PLANTINGS

A. PURPOSE AND INTENT

1. Foundation plantings provided in accordance with this section are intended to soften the visual impacts of a building's base or foundation along any façade visible from a street other than an alley.
2. These standards are also intended to provide for the even dispersal of trees across a development site.

B. APPLICABILITY

Except where exempted by Section 5.6.11.C, Exemption, these standards shall apply to all new residential, institutional, and commercial development constructed in the Town after January 1, 2020.

C. EXEMPTION

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

1. Development existing prior to January 1, 2020, including any additions or expansions;
2. Land uses listed under the Industrial land use classification in Table 4.2.3, Principal Use Table;
3. Helicopter landing pads, telecommunications facilities, and utilities; and
4. Uses where the obstruction of the site or the building constitutes a danger to public safety in the determination of the Planning Director.

D. REQUIRED PLANT MATERIAL

1. FOUNDATION PLANTINGS

a. Evergreen shrubs or decorative grasses with a minimum height of 18 inches shall be located within 10 feet of any building foundation wall visible from a public street excluding alleys.

b. Shrubs shall maintain a maximum on-center placement of three feet (see Figure 5.6.11.D.1: Foundation Plantings and Site Landscaping).

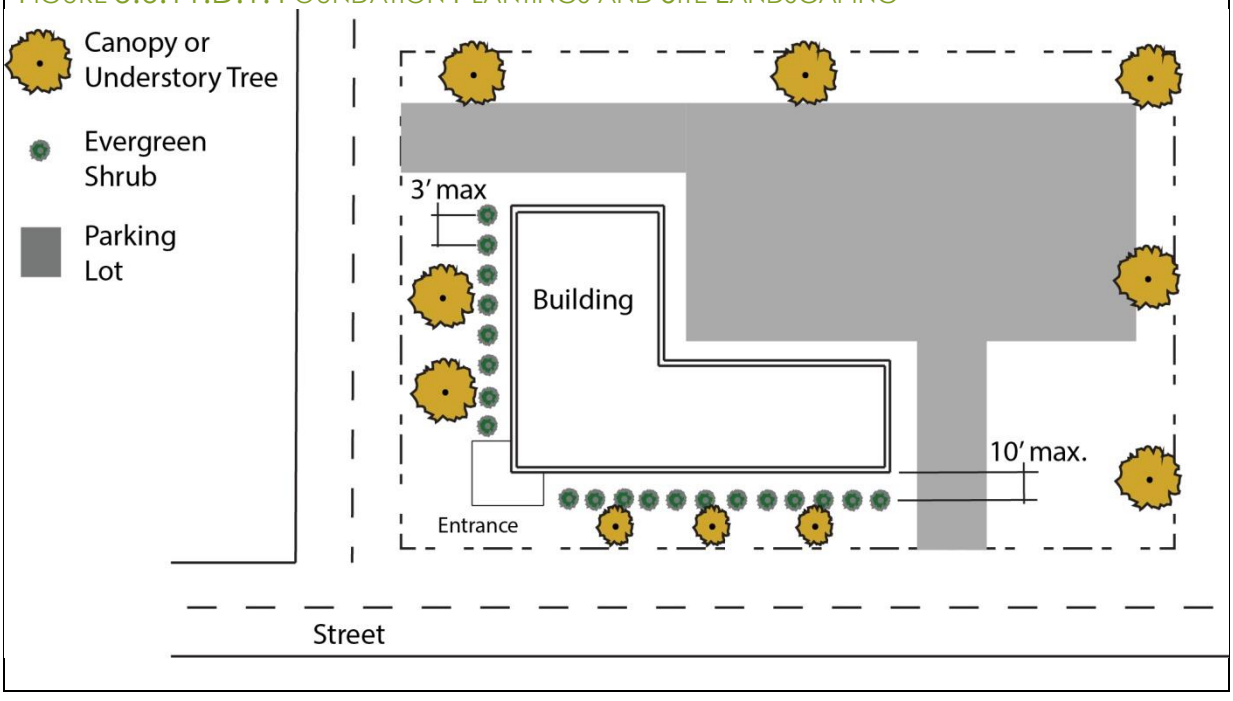
c. Shrubs are not required in front of steps or access ramps.

2. SITE LANDSCAPING

a. One canopy tree for every 2,000 square feet of lot area for the first 20,000 square feet of a lot.

b. These trees may be located anywhere on the site except where limited by Section 5.6.11.E, Placement.

FIGURE 5.6.11.D.1: FOUNDATION PLANTINGS AND SITE LANDSCAPING



E. PLACEMENT

Landscaping material associated with these standards shall not be located in the following areas:

1. Portions of a development site subject to Section 5.10, Screening;

2. Areas subject to the standards in Section 5.1.7, Sight Distance Triangles; or
3. Lands within a utility or drainage easement;
4. Lands beneath overhead utilities;
5. Lands within a required stormwater control measure unless the measure relies on flora to assist with water quality protection.

F. CREDIT FROM REQUIRED LANDSCAPING

Other required landscaping material or existing vegetation may be credited towards these requirements in cases where such landscaping material meets the intent of these standards in the opinion of the Planning Director.

5.6.12. STREETSCAPE BUFFERS

A. PURPOSE AND INTENT

Streetscape buffers are proposed to soften the view of development from the Town's street rights-of-way, and are intended to:

1. Enhance pedestrian orientation and encourage pedestrian travel;
2. Address urban heat islands by providing shade for streets and sidewalks;
3. Provide shade on sidewalks;
4. Promote the Town's "sense of place";
5. Support property values by enhancing the aesthetic character of the Town's streets; and
6. Provide habitat for flora and fauna.

B. APPLICABILITY

1. The standards in this section shall apply to all lot lines bounded by the following features, whether existing or identified in the Town's adopted policy guidance.
   a. Collector streets; and
   b. Arterial streets.
2. In cases where a future street is planned but its approximate location is not indicated on an adopted or approved Town map or plan, streetscape buffering shall not be required on lots abutting the future street alignment.

C. EXEMPTION

Streetscape buffers are not required in the following instances:

1. When the primary building façade, or the façade with the building's primary entrance faces and is visible from the arterial or collector street right-of-way;
2. Lot lines abutting platted street rights-of-way that are or have remained unopened for at least 15 years; or
3. Lot frontages where the entirety of the lot frontage is within a required sight distance triangle.

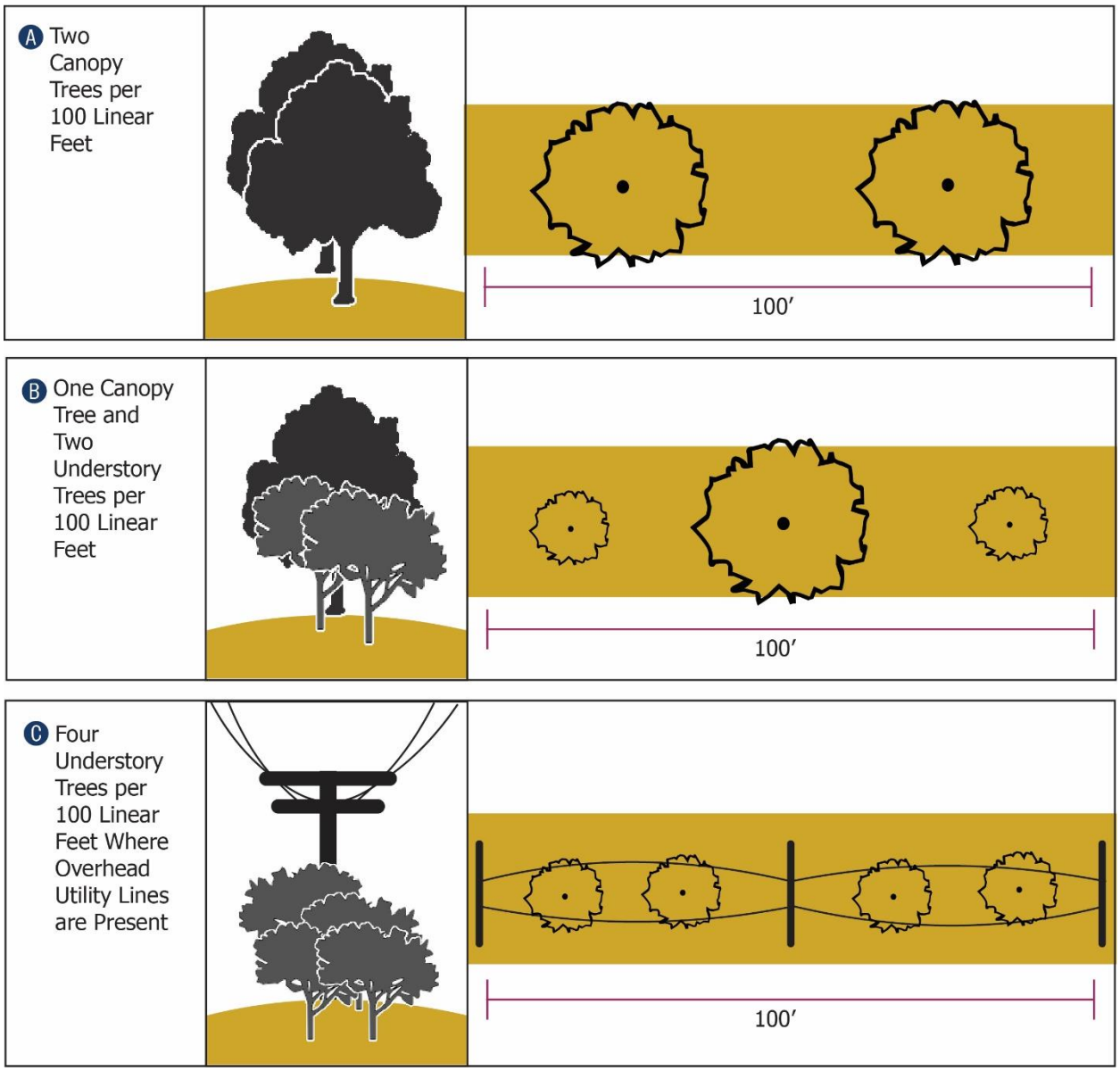
D. MINIMUM BUFFER WIDTH

1. Streetscape buffers shall maintain a minimum width of at least 15 feet from the lot lines subject to these standards.
2. Streetscape buffers shall not be located within required sight distance triangles (see Section 5.1.7, Sight Distance Triangles).

E. REQUIRED PLANT MATERIAL

Streetscape buffers shall be configured as a Type C semi-opaque buffer except that the minimum number of required shrubs is reduced from 25 to 20, and the on-center spacing is reduced to 5 feet.

FIGURE 5.6.12: STREETSCAPE BUFFER CONFIGURATION



F. PLACEMENT

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

G. PROHIBITED FEATURES

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

5.6.13. STREET TREES

Except for alleys and lawfully-established half-streets, all Town-maintained streets shall include street trees along both sides of the street.

A. WHERE REQUIRED

Street trees shall be located within tree pits or planting strips within the street right-of-way (see Figure 5.6.13: Street Tree Configuration).

B. LOCATION

1. WITHIN TREE PITS

In cases where sidewalks, boardwalks, or paving are located in the right-of-way, street trees shall be located within tree pits, configured in accordance with the following standards:

a. Tree pits shall have a minimum planting area of at least 25 square feet per tree pit;
b. Tree pits shall be covered or configured with ground covering at the same general height as the pedestrian walkway to avoid being a tripping hazard; and
c. Tree pits shall include structural soils or screened backfill to ensure appropriate drainage and backfill.

2. WITHIN PLANTING STRIPS

In cases where sidewalks are not present or where a portion of the right-of-way is not paved, street trees may be placed within planting strips, configured in accordance with the following standards:

a. Tree planting strips shall be configured parallel to the street;
b. Tree planting strips shall maintain a minimum width of five feet; and
c. Tree planting strips shall be raised above the sidewalk or include edging that prevents pedestrians from walking in the planting strip.

C. TREE PLACEMENT

1. Street trees, when located within tree pits or planting strips, shall be located so that the trunk is at least two-and-one-half feet from the back of the curb or the edge of the pavement.
2. Street trees shall not be located within sight distance triangles (see Section 5.1.7, Sight Distance Triangles).

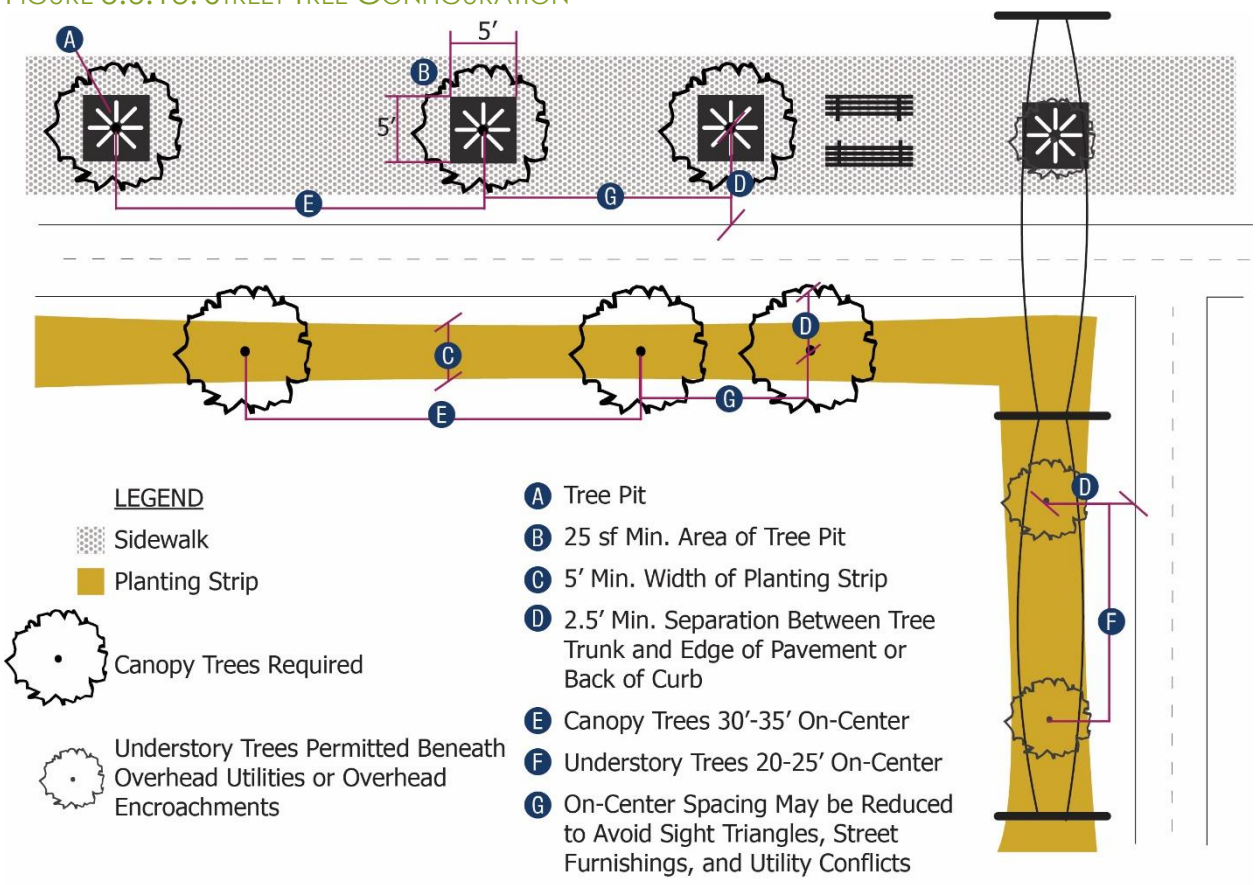
D. TYPES OF TREES

1. Except in areas underneath existing overhead utilities or upper story encroachments into the right-of-way, street trees shall be canopy trees that meet the standards in Section 5.6.6: Plant Material Specifications.
2. In areas beneath existing overhead utilities or upper story encroachments into the right-of-way, street trees shall be understory trees that meet the standards in Section 5.6.6: Plant Material Specifications.

E. ON-CENTER SPACING

1. Canopy trees shall be planted 45 to 50 feet on-center.
2. Understory trees shall be planted 20 to 25 feet on-center.
3. Grouping or clustering of street trees shall be prohibited, but on-center spacing may be reduced as necessary to avoid sight distance triangles, street furnishings, or other utility conflicts.

FIGURE 5.6.13: STREET TREE CONFIGURATION



F. COMPLIANCE WITH NCDOT STANDARDS

In cases where street trees are located within street rights-of-way maintained by the NCDOT, street tree configuration shall be in accordance with NCDOT standards in addition to the standards in this section. In the event the standards in this section conflict with applicable NCDOT standards, the NCDOT standards shall control.

5.6.14. PLANTING FLEXIBILITY

A. CREDIT FOR EXISTING VEGETATION

1. In order to encourage the preservation of established, healthy vegetation, credit shall be given towards the landscaping requirements in this section for preservation of existing trees and shrubs that are pre-existing within required landscaping areas at a rate of 1.25 times the amount of existing, healthy vegetation to be retained.
2. Credit towards landscaping requirements shall be determined in accordance with Section 5.9.6, Credit Towards Other Ordinance Requirements.
3. Vegetation to be credited towards these requirements shall be protected in accordance with Section 5.9.5, Tree Protection Devices, before and during development of the site and maintained thereafter in a healthy growing condition.

B. REVISIONS TO APPROVED LANDSCAPE PLANS

Due to seasonal planting problems and/or a lack of plant availability, approved landscape plans may require minor revisions. Minor revisions to planting plans may be approved by the Planning Director if:

1. There is no reduction in the quantity of plant material.
2. There is no significant change in size or location of plant materials.
3. The new plants are of the same general category (i.e., canopy tree, understory tree, evergreen, or shrub) and have the same general design characteristics (mature height, crown spread, etc.) as the materials being replaced.

C. ALTERNATIVE LANDSCAPE PLANS

An alternate landscape plan that allows modifications to the requirements of this section may be approved by the Planning Director in accordance with the following.

1. CONDITIONS JUSTIFYING ALTERNATIVE LANDSCAPE PLAN

Any of the following natural physical conditions may be used as a justification for an alternative landscape plan:

- **a.** Wetland areas;
- **b.** Topography;
- **c.** Non-arable soils;
- **d.** Difficult or unusual lot configuration;
- **e.** Utility, access, drainage, or maintenance easements;
- **f.** A desire to retain existing on-site vegetation;
- **g.** Natural rock formations;
- **h.** Required landscaping areas that are shaded; and
- **i.** Impractical situations that would result from application of this section.

2. INTENT

To be approved, any alternative landscape plan shall meet the intent of the applicable planting yard(s) and the purpose and intent of the landscaping standards of this section.

3. ALLOWABLE MODIFICATIONS

- **a.** The following landscape standards may be modified by an alternate landscape plan.
  - **i.** The location of required plant materials;
  - **ii.** The width of required planting areas;
  - **iii.** The configuration of required plant materials; and
  - **iv.** The number of required plant materials.
- **b.** The alternative landscape plan shall include justification for the modifications requested, based upon but not limited to, the following:
  - **i.** The presence or planned location of public utilities, infrastructure, or easements;
  - **ii.** The location of existing healthy vegetation or other beneficial site features to be retained after development;
  - **iii.** The size, shape, or topographic elevation of the site relative to the street(s) it abuts; and
  - **iv.** The need to protect solar access or avoid permanently shaded areas on the site.

5.6.15. TIME OF INSTALLATION

A. A certificate of occupancy shall not be issued, until all required plant materials have been placed in accordance with the approved site plan and requirements of this section.

B. A temporary certificate of occupancy may be issued for a period of 180 days under circumstances that would affect the seeding and planting of the site, or until the proper planting season is reached to complete the landscaping requirements, and may be extended up to 90 days upon request to the Planning Director.

C. In cases where a temporary certificate of occupancy is requested, the applicant shall furnish the following:

1. A signed contract for the installation of all required landscape materials; and

2. A performance guarantee for the amount of the contract configured in accordance with the standards in Section 6.6, Performance Guarantees.

5.6.16. REQUIRED MAINTENANCE

A. RESPONSIBILITY

1. The responsibility for maintenance of required landscaping areas shall remain with the owner of the property, their successors, heirs, assignees or any consenting grantee.
2. Maintenance is required in order to ensure the proper functioning of the plantings as a landscaped area which reduces or eliminates nuisance and/or conflict.
3. Failure to adequately maintain required landscaping material is a violation of this Ordinance subject to the remedies and penalties in Article 8: Enforcement.

B. MAINTENANCE

1. All plantings shall be maintained in an attractive and healthy condition. Maintenance shall include, but not be limited to: watering, mulching, fertilizing, pest management, mowing, weeding, removal of litter and dead plant material, and necessary pruning and trimming.
2. Necessary pruning and trimming shall be accomplished in accordance with the Tree Care Industry Association (TCIA) Standards for the Professional Arborist, and shall not include:
   a. The topping of trees;
   b. Removal of 30 percent or more of the crown material in one calendar year;
   c. Removal of the central leader; or
   d. Any other similarly severe procedures that may cause irreparable harm to the natural form of the tree.
3. Dead or diseased plantings shall be removed. Unless specifically exempted (such as understory trees shaded by canopy trees), replacement plantings shall be provided for any dead, diseased, or removed vegetation when such replacement plantings are necessary to meet the standards or this Ordinance or maintain the screening objective of the landscaping material.
4. Landscape structural features such as walls, fences, berms, or water features shall be maintained in a structurally safe and attractive condition.
5. Where other uses, including pedestrian and bicycle accessways, are allowed within a required landscaping area, these uses shall be maintained to provide for their safe use.

C. EXCESSIVE PRUNING OR TRIMMING

Pruning or trimming exceeding the TCIA standards or activities exceeding necessary pruning or trimming as identified in subsection B above shall be a violation of this Ordinance, and shall require replacement of damaged vegetation in accordance with Section 5.6.18, Replacement of Required Vegetation.

D. FAILURE TO MAINTAIN

Failure to maintain required landscaping areas is a violation of this Ordinance, in accordance with Article 8: Enforcement.

5.6.17. SITE INSPECTION

A. POST CONSTRUCTION INSPECTION

1. A permanent certificate of occupancy for any development shall not be issued unless the landscaping required under this section is installed in accordance with these standards and in accordance with the approved site plan, preliminary plat, planned development master plan, or building permit, as appropriate.
2. No person shall refuse entry or access to any staff or authorized representative of the Town who requests entry for the purpose of inspection, and who presents appropriate credentials, nor shall any person obstruct, hamper, or interfere with that representative while in the process of carrying out official duties.

B. FOLLOW-UP INSPECTION

The Planning Director shall inspect the site one year after the issuance of a permanent certificate of occupancy in order to ensure compliance with this Ordinance.

C. PERIODIC INSPECTION

1. The Planning Director may periodically inspect sites subject to the provisions of this Ordinance. If, through inspection, it is determined that a site does not comply with the approved site plan, preliminary plat, planned development master plan, or building permit, a notice to comply shall be served upon the landowner by registered mail with return receipt or other means by the Town.
2. The notice shall set forth that which will be necessary to comply with the Ordinance.
3. The Town shall have the power to conduct investigations as it may reasonably deem necessary to carry out its duties as prescribed in this Ordinance and for this purpose may enter at reasonable times upon the property, public or private, for the purpose of inspecting the site(s) subject to the provisions of this Ordinance.

5.6.18. REPLACEMENT OF REQUIRED VEGETATION

A. DAMAGE OR REMOVAL OF VEGETATION IS A VIOLATION

The damage, disturbance, or removal of any landscaping area or vegetation required by this section shall constitute a violation of this Ordinance subject to the remedies described in Article 8: Enforcement.

B. REPLACEMENT REQUIRED

1. Any disturbed landscaping areas, areas of preserved existing vegetation, or required plant material shall be replaced in accordance with the approved development application and these standards.
2. Trees or vegetation that die within one year of construction completion shall be removed and replaced with new vegetation of equal or greater size.
3. Replacement trees shall be planted within 180 days of removal of required vegetation.

C. REVEGETATION PLAN REQUIRED

In cases where required landscaping or existing vegetation required to be preserved is damaged, disturbed, or removed, a revegetation plan shall be submitted for review and approval by the Planning Director, in accordance with the following standards:

1. Any tree with a caliper of at least eight inches that is damaged or removed shall be replaced with one or more trees that have a caliper of at least two and one-half (2½) inches and a cumulative caliper equal to or greater than the original tree.
2. Trees damaged or destroyed less than eight inches in diameter shall be replaced to satisfy the performance criteria of this section.
3. Shrubs may also be required to restore the landscaping performance criteria for the disturbed area.

D. LOCATION OF REPLACEMENT TREES AND VEGETATION

1. Replanting shall be located within the vicinity of the violation.
2. If the area is too small for sufficient growth, a more suitable location on the site may be selected, as permitted by the Planning Director.

5.6.19. STORMWATER CONTROL MEASURE (SCM) LANDSCAPING

In cases when a stormwater control measure is constructed and improved for active outdoor recreation space, a landscape plan shall be provided subject to the following conditions.

A. Area surrounding the SCM shall be landscaped to the Type A buffer standard per Table 5.6.10.C unless otherwise restricted based on engineering or State of North Carolina requirements.

B. Shrubs may be clustered if a combination of canopy and understory treets are planted.

C. Plantings within the pond area shall meet the recommendations of the NC State Extension Office for Stormwater Wetland Construction.

5.7. OPEN SPACE

5.7.1. HOW TO USE THESE STANDARDS

A. Developments subject to these open space set-aside standards (see Section 5.7.3, Applicability) shall provide the minimum amount of open space set-aside required for the zoning district where located as identified in Article 3: Districts.

B. The physical amount of open space to be set aside within a particular development is a percentage of total development size. These percentage requirements in found in the dimensional standards tables for the zoning districts in Article 3: Districts. There is no limitation on the provision of additional open space set-aside beyond the minimum specified in Article 3: Districts.

C. Once the minimum amount of open space set-aside to be provided is determined, the type of open space set-aside, if specified, should also be determined.

D. Applicants should consult Section 5.7.5, Open Space Set-Aside Configuration, in order to understand any applicable design requirements or prohibited features.

E. The required amount of open space set-aside may be reduced based on the provision of sustainable development features in accordance with Section 5.12, Sustainability Incentives, or other aspects of this Ordinance.

5.7.2. PURPOSE AND INTENT

The purpose of this section is to help ensure the provision and maintenance of open space resources that encourage recreation and the gathering of Town residents and visitors. These standards are further intended to:

A. Establish the standards under which residential, mixed-use, and nonresidential development shall set aside a portion of the development area as open space;

B. Distinguish between the characteristics, requirements, and appropriate locations for open space set-asides, based on the zoning district designation; and

C. Establish minimum ownership and maintenance standards for homeowner and property owner associations related to open space set-asides.

5.7.3. APPLICABILITY

A. GENERALLY

1. Unless exempted in accordance with Section 5.7.3.C, Exemptions, the standards in this section shall apply to all new development and redevelopment in the City.

2. Redevelopment conducted after January 1, 2020, shall comply with the standards in this section, to the maximum extent practicable, and shall provide its pro rata share of open space set-aside.

B. CONSERVATION SUBDIVISIONS

Open space set-asides associated with a conservation subdivision shall be subject to the standards in Section 6.2, Conservation Subdivision, in addition to these standards. In the event of a conflict, the standards in Section 6.2, Conservation Subdivision, shall control.

C. EXEMPTIONS

The following forms of development shall be exempted from the standards in this section:

1. Development of an individual single-family dwelling (including manufactured homes) on lots platted prior to January 1, 2020;

2. Subdivisions comprised solely of four or fewer lots where all lots intended for single-family detached residential dwellings;
3. Development located within the LI, IC, HI, and DTC districts.

5.7.4. MINIMUM OPEN SPACE SET-ASIDE REQUIREMENTS

A. AMOUNT

1. The minimum required amount of open-space set-aside, as a percentage of a development's size, shall be provided in accordance with the Table 5.7.4.A: Minimum Open Space Set-Aside Required.
2. Nothing shall limit the provision of a greater minimum percentage or other type of open space set-aside, provided the minimum requirements in this section are met.

TABLE 5.7.4.A: MINIMUM OPEN SPACE SET-ASIDE REQUIRED

TYPE OF LAND USE [1]	AMOUNT OF OPEN SPACE SET-ASIDE REQUIRED (% OF DEVELOPMENT AREA) [2]	OPEN SPACE SET-ASIDE COMPOSITION [3] [4]		
		MIN. % ACTIVE	MIN. % PASSIVE	MIN. % URBAN
Residential, Single-Family Detached	10	At least 25% when outside of OI or DTC districts	No minimum requirement	Up to 50% when inside OI or DTP districts
Residential, All Use Types Except Single-Family Detached	10	At least 50% when outside of OI or DTC districts	No minimum requirement	At least 50% when inside OI or DTP districts
Institutional, Other Than Utility-Related	8	No requirement	No minimum requirement	Up to 100% when inside OI or DTP districts
Institutional, Utility-Related	None Required	N/A		
Mixed-Use, with Residential	5	At least 25% when outside of OI & DTC districts	No minimum requirement	Up to 100% when inside OI or DTP districts
Mixed-Use, no Residential	3	No minimum requirement	No minimum requirement	Up to 100% when inside OI or DTP districts
Development in RMU District	15	No Requirement	50% excluding site features listed in 5.7.5.A.2	
Commercial	3	No minimum requirement	No minimum requirement	Up to 100% when inside OI or DTP districts
Industrial	None Required	N/A		
Agricultural	None Required	N/A		

NOTES:
[1] Determined based on the Use Classification listing in Table 4.2.3, Principal Use Table.
[2] Applied at the time of subdivision or site plan if subdivision is not required.
[3] See Section 5.7.5, Open Space Set-Aside Configuration, for details on the distinctions between active, passive, and urban set-aside.
[4] In cases where the total amount of open space set-aside is insufficient to be useable in the opinion of the Planning Director, the Town may accept a fee-in-lieu (see Section 6.3, Fee-in-Lieu).

B. TYPE

1. Unless otherwise indicated in the appropriate dimensional standards table in Article 3: Districts, open space set-aside shall be configured in accordance with the standards in Section 5.7.5.A, Passive Open Space Set-Aside.
2. In cases where development must configure open space set-aside with active recreation features, it shall be configured in accordance with Section 5.7.5.B, Active Open Space Set-Aside.
3. In cases where open space set-aside shall be configured as urban, it shall be configured in accordance with Section 5.7.5, Open Space Set-Aside Configuration.
4. Except in instances where open space set-aside must be configured for active recreation, nothing shall limit development from configuring required open space set-aside in accordance with the standards in Section 5.7.5.C, Urban Open Space Set-Aside.

5.7.5. OPEN SPACE SET-ASIDE CONFIGURATION

Open space set-asides shall be configured in accordance with the following standards.

A. PASSIVE OPEN SPACE SET-ASIDE

Passive open space set-asides are intended to provide land area that is undeveloped, or that is developed with low-intensity recreational features (such as those for walking or sitting), landscaping, replacement trees, or stormwater management features that are configured as a site amenity (see Figure 5.7.5.D: Types of Open Space).

1. ALLOWABLE FEATURES

The land area occupied by any of the following types of features is credited towards required passive open space set-aside:

- **a.** Walking, bicycling, and equestrian trails;
- **b.** Boardwalks;
- **c.** Gardens and greenway trails;
- **d.** Benches and seating areas;
- **e.** Tables, shelters, grills, and related picnicking facilities;
- **f.** Lawn areas and community greens;
- **g.** Lakes, ponds, wetlands, swamps, canals, and streams;
- **h.** Piers and docks for fishing or viewing wildlife; and
- **i.** Undisturbed land subject to a deed restriction or conservation easement.

2. SITE FEATURES CREDITED TOWARDS PASSIVE OPEN SPACE SET ASIDE REQUIREMENTS

- **a.** The following site features shall be credited towards passive open space set-aside requirements:
  - **i.** Required landscaping areas;
  - **ii.** Reforestation areas;
  - **iii.** Tree protection areas;
  - **iv.** U.S. Army Corps of Engineers designated 404 wetlands;
  - **v.** Riparian buffer areas;
  - **vi.** Natural heritage areas; and
  - **vii.** Land area occupied by stormwater management facilities, including retention ponds, fully vegetated detention basins, and other bio-retention devices, provided these facilities are treated as a site amenity.
- **b.** In order to be considered a site amenity that is credited towards passive open space set-aside requirements, stormwater management facilities shall include all the following:
  - **i.** Pedestrian access to the facility;
  - **ii.** Gentle slopes of three-to-one (3:1) or less;
  - **iii.** Pedestrian elements such as paths, benches, and similar aspects to and around the facility; and

iv. Vegetation, whether planted or retained.

B. ACTIVE OPEN SPACE SET-ASIDE

Active open space set-asides provide for active recreational needs of the residents or visitors they serve. Active features include fields and courts as well as built structures (see Figure 5.7.5.D: Types of Open Space). Active open space set-asides shall meet the following standards:

1. CONFIGURATION

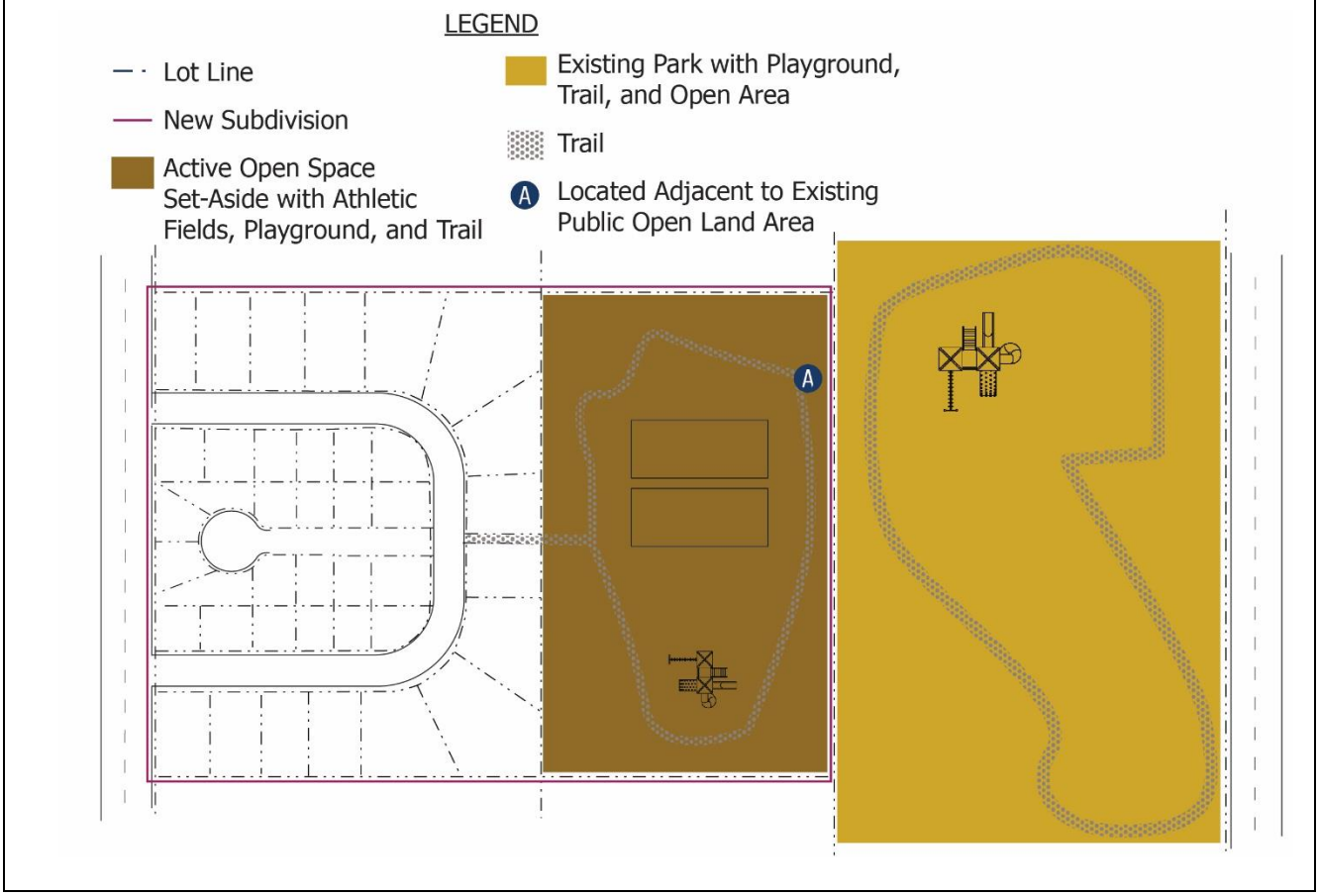
a. Lands set aside as active open space set-aside shall be compact and contiguous unless the land is used as a continuation of an existing trail, or specific natural or topographic features require a different configuration.

b. Active open space set-aside areas shall be located so as to be readily accessible and useable by residents and users of the development.

c. Where possible, a portion of the open space set-aside should provide focal points for the development.

d. Where the development site is adjacent to existing or planned trails, parks, or other public open area land, the open space set-aside shall, to the maximum extent practicable, be located to adjoin, extend, and enlarge the trail, park, or other open area (see Figure 5.7.5.B.1.d: Open Space Continuation).

FIGURE 5.7.5.B.1.D: OPEN SPACE CONTINUATION



2. ALLOWABLE FEATURES

The following types of features are allowable in and credited towards active open space set-asides:

- **a.** Swimming pools, splash pads, and areas devoted to water play for children;
- **b.** Athletic fields and courts;
- **c.** Boat launches and swimming platforms;
- **d.** Club houses;
- **e.** Playgrounds and play structures for children; and
- **f.** Obstacle courses and exercise trails.

C. URBAN OPEN SPACE SET-ASIDE

Urban open space set-asides provide formal or informal gathering areas for people or locations for vegetation or stormwater uptake within urbanized portions of the Town's jurisdiction. Urban open space can include outdoor dining areas, building atriums with plants and seating, or green roofs (see Figure 5.7.5.D: Types of Open Space).

1. ALLOWABLE FEATURES

The following types of features are allowable in urban open space set-asides:

- **a.** Plazas and courtyards;
- **b.** Roof gardens;
- **c.** Indoor atriums with plantings and seating that are open to the general public;
- **d.** Outdoor dining areas;
- **e.** Fountains; and
- **f.** Areas devoted to public gathering.

D. WITHIN CONSERVATION SUBDIVISIONS

Open space set-asides within conservation subdivisions may include any of the features allowed in active, passive, or urban open space set-aside areas in addition to farm fields, forestry lands, or lands used for agricultural purposes.

FIGURE 5.7.5.D: TYPES OF OPEN SPACE



E. FEATURES NOT CREDITED TOWARDS OPEN SPACE SET-ASIDE

The following areas shall not be included in or credited towards any open space set-aside requirements:

1. Private yards not subject to a deed restriction or conservation easement;
2. Street rights-of-way;
3. Parking areas and driveways for dwellings or other uses;
4. Land covered by structures not designated for active recreational uses;
5. On-site wastewater treatment facilities, including septic tank drain fields
6. Stormwater management features not configured as a site amenity; and
7. Designated outdoor storage areas.

5.7.6. OWNERSHIP OF OPEN SPACE SET-ASIDES

Open space set-asides are intended to remain under private ownership while being available for use to residents and visitors in the development where located. Ownership of open space set-aside shall remain with the owner of the land, except in the following circumstances.

A. HOMEOWNERS' OR PROPERTY OWNERS' ASSOCIATION

All open space set-aside areas may be owned jointly or in common by the owners of the development through a recognized homeowners' or property owners' association, which shall be established in accordance with Section 6.5, Owners' Associations.

B. NONPROFIT ORGANIZATION

The landowners may decide to convey an open space set-aside to a nonprofit organization such as a land trust or land conservancy for management and maintenance if the Town is provided adequate assurance the set-aside will be properly managed and maintained.

C. DEDICATED TO TOWN OR OTHER PUBLIC AGENCY

In some cases, certain lands designated as open space set-asides, such as wildlife habitat or greenways, may be dedicated to the Town or other public agency during the development review process. The Board of Commissioners shall determine which lands and under what conditions open space set-asides may be dedicated to the Town or other public agency.

5.7.7. MAINTENANCE OF OPEN SPACE SET-ASIDES

A. The owner of the land shall be responsible for maintenance of all open space set-aside areas (including land, vegetation, private infrastructure, greenways, and other features) in accordance with this Ordinance and any conditions of approval associated with the development.

B. Failure to maintain open space set-aside areas is a violation of this Ordinance subject to the remedies and penalties in Article 8: Enforcement.

5.8. PARKING AND LOADING

5.8.1. PURPOSE AND INTENT

The purpose of this section is to ensure provision of off-street parking and loading facilities in proportion to the generalized parking, loading, and transportation demand of the different uses allowed by this Ordinance. The standards are further intended to:

A. Provide for adequate off-street parking, off-street loading, and safe movement of vehicles into, out of, and through parking areas;

B. Allow for flexibility to accommodate alternative solutions to off-street parking and loading needs, where such flexibility is consistent with the Town's adopted policy guidance;

C. Reduce the aesthetic impact of surface parking lots in gateway corridors, downtown, and mixed-use areas through standards addressing on-site parking lot locations;

D. Avoid excessive paved surface areas and the resulting problems associated with stormwater runoff and urban heat islands; and

E. Protecting compatibility between adjacent uses of land and historic resources.

5.8.2. APPLICABILITY

The standards in this section shall apply to all development in the Town's planning jurisdiction, unless exempted in accordance with Section 5.8.3, Exemptions.

A. GENERALLY

Whenever a building is constructed, an open-air use of land is conducted, or a principal or accessory use is established, the development shall meet the requirements of this section.

B. ADDITIONS AND EXPANSIONS

Whenever a building, open air use of land, or principal or accessory use is enlarged or increased in capacity, the development shall comply with the requirements in Section 7.4, Nonconforming Sites.

C. CHANGES IN USE

1. If the principal use changes, then the new principal use shall meet the requirements of this section, except that if the use change results in an increase of less than five percent in the required number of parking spaces, or less than two additional parking spaces, no additional parking spaces are required.
2. In cases where an existing parking lot does not comply with the parking lot configuration requirements of this section, changes in use shall require the parking lot's configuration to be brought into compliance with these standards to the maximum extent practicable.

D. PRE-EXISTING DEVELOPMENT

Lawfully-established off-street parking and loading areas established prior to January 1, 2020, that do not comply with these standards shall be subject to the applicable standards in Article 7: Nonconformities.

5.8.3. EXEMPTIONS

A. The following forms of development are exempt from the requirements of this section:

1. Lawfully-established lots of record existing prior to January 1, 2020, that are 33 feet wide or less, contain a single-family detached residential structure, and are not served by an alley;
2. Re-striping an existing parking lot which does not create a deficient number of parking spaces or a nonconforming situation; and
3. Rehabilitation or re-use of an historic structure in an LHO district.

B. Development located in the DTC,DTP, and RMU districts is exempted from the minimum off-street parking requirements in Table 5.8.4.H, Minimum Off-Street Parking Requirements Table,

but any off-street parking spaces shall comply with the standards in Section 5.8.5, Parking Lot Configuration, and development is subject to the other standards in this section.

5.8.4. OFF-STREET PARKING REQUIREMENTS

A. PARKING PLAN REQUIRED

Every application for a site plan or building permit shall include a parking plan or plot plan drawn to scale and fully-dimensioned as necessary in order to demonstrate compliance with the standards in this Ordinance.

B. MINIMUM OFF-STREET PARKING SPACES REQUIRED

1. The minimum number of off-street parking spaces required for development shall be in accordance with Table 5.8.4.H, Minimum Off-Street Parking Requirements Table.
2. Off-street parking shall be provided to meet the parking demand without the use of streets, except as specifically allowed by this section.

C. OFF-STREET PARKING SPACE MAXIMUM

1. Retail use types subject to the standards in Section 5.3.1.G, Standards for Large Format Retail Uses, shall limit the total number of off-street parking spaces provided to not more than 125 percent of the minimum parking spaces required in Table 5.8.4.H, Minimum Off-Street Parking Requirements Table.
2. Deviations from this standard may be requested in accordance with Section 5.8.11, Parking Alternatives.

D. USE TYPE NOT LISTED

1. For use types that do not correspond to the use types listed in Table 5.8.4.H, Minimum Off-Street Parking Requirements Table, any one of the following actions may be taken as part of determining the applicable off-street parking requirements:
   a. The applicant may provide a parking study for the use(s) prepared by a professional engineer licensed by the State of North Carolina;
   b. The applicant may propose a text amendment to this UDO in accordance with Section 2.2.20, UDO Text Amendment;
   c. The applicant may request a formal interpretation of these off-street parking standards in accordance with Section 2.2.12, Interpretation; or
   d. The Planning Director may determine the minimum parking space requirement based on a similar use in accordance with the standards of this Ordinance.
2. In cases where the applicant desires the Planning Director to make a determination, the application shall provide adequate information for review, which includes, but is not limited to: the type of use(s), number of employees, the availability of transit, the occupancy of the building, square feet of sales, service and office area, parking spaces proposed, and hours of operation.

E. DEVELOPMENTS WITH MULTIPLE USE TYPES OR LOTS

1. Development containing more than one principal use shall provide the minimum number of off-street parking spaces in an amount equal to the total required for all individual principal uses in the development, except as allowed by Section 5.8.11, Parking Alternatives.
2. Developments consisting of multiple lots that are planned and developed as a single, unified, or consolidated project may be configured to locate a portion of the required parking for one lot on another in the same development as allowed by Section 5.8.11, Parking Alternatives.

F. USE OF REQUIRED OFF-STREET PARKING SPACES

1. Off-street parking areas used for any of the following vehicles are not credited towards the minimum number of required off-street parking spaces in Table 5.8.4.H, Minimum Off-Street Parking Requirements Table, and such vehicles shall be located outside required off-street parking spaces and any street right-of-way:
   a. Vehicles for sale or lease;

b. Vehicles being stored, serviced, or repaired; or
c. Vehicles belonging to the use, such as company vehicles.

2. Required off-street parking spaces shall not be used for any purpose other than the temporary parking of operable vehicles.

3. In no instance shall motor vehicle servicing or repair of a vehicle take place within a required off-street parking space except for washing and emergency service necessary to start the vehicle.

G. DRIVEWAYS USED TO MEET PARKING REQUIREMENTS

1. Driveways may be used to accommodate required off-street parking spaces only for the following uses:
a. Boarding/rooming houses;
b. Duplex dwellings;
c. Cemeteries;
d. Family care homes;
e. Group homes;
f. Live/work dwellings;
g. Manufactured dwellings;
h. Mobile homes;
i. Single-family attached dwellings when located in developments of six or fewer dwellings;
j. Single-family detached dwellings, including those in bungalow courts and pocket neighborhoods; and
k. Triplex/quadplex dwellings.

2. Driveways shall be of sufficient size to accommodate all the off-street parking spaces required by Table 5.8.4.H, Minimum Off-Street Parking Requirements Table. In no instance shall accommodation of vehicle parking in accordance with this subsection result in parked vehicles protruding into or over street rights-of-way, sidewalks, greenways, required sight distance triangles, areas used for refuse collection, or required landscaping areas.

H. MINIMUM OFF-STREET PARKING REQUIREMENTS TABLE

TABLE 5.8.4.H: MINIMUM OFF-STREET PARKING SPACES REQUIRED

USE TYPE	MINIMUM NUMBER OF REQUIRED OFF-STREET PARKING SPACES [1] [2]
RESIDENTIAL USE TYPES	
Assisted Living Facility	1 per employee on the largest shift + 0.25 per bed
Boarding/Rooming House	2 + 1 per each rental room
Bungalow Court	1 + 0.25 guest spaces per dwelling unit
Continuing Care Retirement Community	1.5 per every individual dwelling unit + 1 per every employee on the largest shift + per every 200 sf used by the public
Duplex Dwelling	2 per every dwelling unit
Family Care Home	2 + 1 per bedroom
Group Home	2 + 1 per bedroom
Halfway House	2 per bedroom
Live/Work Dwelling	2 + 1 per every 500 sf of non-residential floor area
Manufactured Dwelling	2 per dwelling unit
Manufactured Dwelling Park	2 per every home site

TABLE 5.8.4.H: MINIMUM OFF-STREET PARKING SPACES REQUIRED

USE TYPE	MINIMUM NUMBER OF REQUIRED OFF-STREET PARKING SPACES [1] [2]
Mobile Home	2 per dwelling unit
Mobile Home Park	2 per every mobile home site
Multi-Family Dwelling	1.5 per every dwelling unit + 0.25 guest spaces per unit
Pocket Neighborhood	1 + 0.25 guest spaces per dwelling unit
Nursing Home	1 per employee on largest shift + 0.25 per bed
Single-Family Attached Dwelling	2 per every dwelling unit + 0.25 guest spaces per unit
Single-Family Detached Dwelling	2 per dwelling unit + 0.25 guest spaces per unit
Triplex/Quadriplex	2 per every dwelling unit
Upper-Story Residential	1 per dwelling unit
INSTITUTIONAL USE TYPES	
Adult Day Care Center	1 + 1 per every employee on largest shift
Airport and Related Facilities	1 per every 200 sf used by public + 1 per every 600 sf not used by the public [3]
Antenna Collocation, Major	None
Antenna Collocation, Minor	None
Arboretum or Formal Garden	1 per employee on largest shift + 1 per 5,000 sf of garden area
Auditorium	Greater of: 1 per every 4 seats or 1 per every 40 sf of seating area with moveable seating
Blood/Tissue Collection	1 per every 200 sf
Broadcasting Studio	1 per every 2 employees
Cemetery, Columbarium, or Mausoleum	1 per employee on the largest shift
Child Day Care Center	1 per every employee + 1 per every 10 children
College or University	5 per every classroom and office
Community/Youth/Senior Center	1 per every 300 sf
Community Garden	None
Coliseum or Arena	Greater of: 1 per every 4 seats or 1 per every 40 sf of seating area with moveable seating
Conference or Convention Center	Greater of: 1 per every 4 seats or 1 per every 40 sf of seating area with moveable seating
Cultural Facility, Library, or Museum	1 per every 200 sf used by public + 1 per every 600 sf not used by the public
Drug/Alcohol Treatment	Greater of: 1 per every 400 sf or 1 per bed
Fire/EMS/Police Station	1 per every 200 sf used by public + 1 per every 600 sf not used by the public
Fraternal Club or Lodge	1 per every 300 sf
Government Office	1 per every 200 sf used by public + 1 per every 600 sf not used by the public
Government Maintenance, Storage, Distribution	1 per every 200 sf used by public + 1 per every 600 sf not used by the public
Helicopter Landing Pad	2 per landing pad
Hospital	1 per every 2 beds + 1 per every doctor and nurse + 1 per every 4 other employees
Indoor Private Recreation	1 per every 200 sf
Outdoor Private Recreation	1 per every 1,000 sf of activity area
Park (public or private)	1 per employee on largest shift + 1 per acre

TABLE 5.8.4.H: MINIMUM OFF-STREET PARKING SPACES REQUIRED

USE TYPE	MINIMUM NUMBER OF REQUIRED OFF-STREET PARKING SPACES [1] [2]
Passenger Terminal (rail or bus)	1 per every 200 sf [3]
Post Office	1 per every 200 sf used by public + 1 per every 600 sf not used by the public
Psychiatric Treatment Facility	1 per every 3 patient beds
Religious Institution	Greater of: 1 per every 6 seats or 1 per every 50 sf of floor area in main assembly room
School, Elementary	1 per employee
School, High/Middle	5 per every classroom and office
School, Vocational	5 per every classroom and office
Small Wireless Facility	None
Telecommunications Tower, Major	None
Telecommunications Tower, Minor or Concealed	None
Temporary Wireless Facility	None
Urgent Care Facility	1 per employee on the largest shift + 1 per every 300 sf
Utility, Major	1 per every 1,500 sf
Utility, Minor	None
COMMERCIAL USE TYPES	
ABC Store	1 per every 250 sf
Adult Business	1 per every 150 sf
Aircraft Parts, Sales, and Maintenance	1 per every 600 sf
Animal Day Care/Grooming	1 per every 200 sf used by public + 1 per every 600 sf not used by the public
Animal Shelter	1 per every 200 sf used by public + 1 per every 600 sf not used by the public
Auction House	1 per every 300 sf of seating area + 1 per employee
Automobile Repair and Servicing (without painting/bodywork)	2 + 1 per every service bay
Automobile Sales and Rentals	1 per every 200 sf
Automotive Painting/Body Shop	2 + 1 per every service bay
Automotive Parts and Accessories Sales	1 per every 200 sf
Automotive Wrecker Yard	1 per employee on the largest shift
Bar, Cocktail Lounge, or Private Club	1 per every 150 sf
Bed and Breakfast	2 + 1 per every rental unit
Boat and Marine Rental, Sales, and Service	1 per every 600 sf
Bottle Shop (with on premise consumption)	1 per every 4 seats
Business Incubator	1 per every 450 sf
Campground	1 + 1 per every camping space
Car Wash or Automobile Detailing	2 per every washing bay
Catering Establishment	1 per every 300 sf
Check Cashing/Payday Lending Establishment	1 per every 200 sf used by public + 1 per every 600 sf not used by the public

TABLE 5.8.4.H: MINIMUM OFF-STREET PARKING SPACES REQUIRED

USE TYPE	MINIMUM NUMBER OF REQUIRED OFF-STREET PARKING SPACES [1] [2]
Clothing Rental	1 per every 200 sf
Coffee Shop	1 per every 150 sf
Commercial Recreation, Indoor	1 per every 200 sf
Commercial Recreation, Outdoor	1 per every 1,000 sf of activity area (including building sf)
Computer-related Services	1 per every 600 sf
Convenience Store (no gasoline sales)	1 per every 200 sf
Convenience Store (with gasoline sales)	1 per every 200 sf
Co-Working Space	1 per every 250 sf
Equipment and Tool Rental	1 per every 600 sf
Event Venue	1 per every 150 sf
Fairgrounds	1 per every 600 sf of use area
Financial Services Establishment	1 per every 200 sf used by public + 1 per every 600 sf not used by the public
Flea Market	1 per every 200 sf
Funeral-related Services	Greater of: 1 per every 200 sf used by public, or 1 per every 4 seats in chapel
Games of Skill	1 per every 200 sf
Golf Course or Driving Range	1 per every 4 persons of design capacity or 2 + 1 per every tee
Grocery Store	1 per every 250 sf
Gymnasium/Fitness Center	1 per every 200 sf
Hair, Nails, and Skin-related Services	1 per every 200 sf
Heavy Equipment Sales, Rental, and Repair	1 per every 600 sf
Hotel or Motel	5 + 1 per every rental unit
Kennel, Indoor/Outdoor	1 per every 200 sf
Laundry or Cleaning Service	1 per every 200 sf used by the public
Microbrewery, Microwinery, or Microdistillery	1 per every 150 sf
Nightclub or Dance Hall	1 per every 150 sf
Office, Medical	4 per every doctor/practitioner
Office, Professional	1 per every 200 sf used by public + 1 per every 600 sf not used by the public
Office, Sales or Service	1 per every 200 sf used by public + 1 per every 600 sf not used by the public
Outdoor Storage	1 + 1 per employee on largest shift
Package and Printing Service	1 per every 200 sf
Park and Ride Facility	1 per employee on the largest shift
Parking Lot	1 per employee on largest shift
Parking Structure	1 per employee on largest shift
Pharmacy	1 per every 200 sf
Pool Hall	1 per every 150 sf
Racetrack	1 per every 4 persons of design capacity

TABLE 5.8.4.H: MINIMUM OFF-STREET PARKING SPACES REQUIRED

USE TYPE	MINIMUM NUMBER OF REQUIRED OFF-STREET PARKING SPACES [1] [2]
Recreational Vehicle Park	1 per employee on largest shift + 0.25 per every recreational vehicle space
Repair Shop	1 per every 600 sf
Restaurant, Indoor/Outdoor Seating	1 per every 4 seats
Restaurant with Drive-Through/Drive-up Service	1 per every 4 seats
Restaurant, Walk-up Only	1 per employee on largest shift + 1 per every two outdoor seating locations
Retail, Bulky Item	1 per every 600 sf
Retail, Large Format	1 per every 200 sf
Retail Use, Other	1 per every 200 sf
Self Service Storage, External Access Only	1 + 1 per employee on largest shift
Self Service Storage, Internal Access Only	1 per every 5,000 sf
Shooting Range, Indoor	1 per firing station + 3
Specialty Eating Establishment	1 per every 4 seats
Tattoo and Piercing Establishment	1 per every 600 sf
Theatre	Greater of: 1 per every 4 seats or 1 per every 40 sf of seating area with moveable seating
Truck Stop	1 per every 200 sf + separate truck/trailer parking
Veterinary Clinic	4 per every doctor
INDUSTRIAL USE TYPES	
Asphalt or Concrete Plant	2 per every 3 employees on major shift
Contractor Services/Yard	Greater of: 1 per every 300 sf or 1 per every 1,000 sf of outdoor area
Electrical, Plastic, or Plumbing Fabrication	2 per every 3 employees on major shift
Extractive Industry	1 + 1 per employee on largest shift
Flex Space	1 per every 200 sf
Fuel Oil/Bottled Gas Distributor	1 per every 200 sf used by public + 1 per employee on largest shift
Gas Energy Conversion	1 + 1 per employee on largest shift
General Industrial Services	2 per every 3 employees on major shift
Landfill	2+ 1 per employee on largest shift
Makerspace	1 per every 400 sf
Manufacturing, Heavy	2 per every 3 employees on largest shift
Manufacturing, Light	2 per every 3 employees on largest shift
Metal Fabrication	2 per every 3 employees on major shift
Public Convenience Center/Transfer Station	10 + 1 per employee on the largest shift
Recycling Center	1 per every 1,000 sf (min. of 2 spaces)
Research and Development	1 per every 300 sf of office area + 1 per every 500 sf of other floor area
Salvage or Junkyard	3+ 1 per employee on the largest shift
Solar Farm	None
Truck or Freight Terminal	2 per every 3 employees on largest shift
Warehouse, Distribution	2 per every 3 employees on largest shift

TABLE 5.8.4.H: MINIMUM OFF-STREET PARKING SPACES REQUIRED	
USE TYPE	**MINIMUM NUMBER OF REQUIRED OFF-STREET PARKING SPACES [1] [2]**
Warehouse, Storage	2 per every 3 employees on largest shift
Waste Composting	1 per employee on the largest shift
Wholesale Sales	1 per every 900 sf
Wind Energy Conversion	None
AGRICULTURAL USE TYPES	
Agriculture and Horticulture	1 per every 1,500 sf of principal building floor area
Agriculture Support Services	1 per every 800 sf of principal building floor area
Animal Husbandry	1 per every 2,000 sf of principal building floor area
Farmer's Market	1 per every 300 sf
Plant Nursery	5 + 1 per employee on the largest shift

NOTES:
[1] See Section 9.3.11Parking Space Computation, for details on how required parking spaces are computed.
[2] "sf" means square feet.
[3] Does not include long-term parking for travelers.
[4] Excludes bona fide farm uses.

5.8.5. PARKING LOT CONFIGURATION

Except for driveways credited towards these parking standards in Section 5.8.4.G, Driveways Used to Meet Parking Requirements, or parking areas subject to an approved alternative parking plan (see Section 5.8.11, Parking Alternatives) all parking lots shall comply with the following standards:

A. GENERAL

1. All required off-street parking spaces shall be located on the same lot as the principal use they serve, except as allowed in Section 5.8.11, Parking Alternatives.
2. Required off-street parking shall be maintained for the duration of the principal use and shall not be reduced unless the principal use ceases or changes.
3. Except where allowed by this Ordinance, off-street parking spaces shall be not be located in any required landscaping or stormwater management area.
4. Off-street parking spaces shall not protrude into any street, fire lane, drive aisle, sidewalk, greenway, or pedestrian connection.

B. DIMENSIONAL STANDARDS FOR PARKING SPACES AND AISLES

Off-street parking spaces and drive aisles serving them shall comply with the minimum dimensional standards established in Table 5.8.5.B: Dimensional Standards for Off-Street Parking Spaces, and Figure 9.3.11.F: Parking Space and Access Aisle Dimensions.

TABLE 5.8.5.B: DIMENSIONAL STANDARDS FOR OFF-STREET PARKING SPACES				
TYPE OF PARKING SPACE [1]	**MINIMUM WIDTH (FEET)**	**MINIMUM DEPTH (FEET)**	**MINIMUM AISLE WIDTH (FEET) [2]**	
			ONE WAY	**TWO WAY [3]**
Parallel (0°)	9	20	13	19
Angled (30°)	10	19	12	20

Angled (45°)	10	19	13	21
Angled (60°)	10	19	18	23
Perpendicular (90°)	9	20	20	24
Compact	8.5	18	20	24

NOTES:
[1] All off-street parking spaces shall remain unobstructed from grade level to a height of at least 6½ feet above the parking space's grade level.
[2] Minimum aisle width shall be measured from edge-of-pavement to edge-of-pavement, and shall not include gutters or curbing.
[3] The Town may require one direction of travel to maintain a wider width than the other direction.

C. MINIMUM PARKING LOT STEM LENGTH

All vehicular accessways serving off-street parking lots shall comply with the standards in Section 5.1.6.FMinimum Parking Lot Stem Length.

D. PARKING SPACE ACCESS

1. All off-street parking spaces shall be accessed directly from drive aisles or private driveways and not directly from arterial or collector streets.
2. All off-street parking areas shall be designed with an appropriate means of vehicular access to a street or alley in a manner that allows for safe vehicular movements.

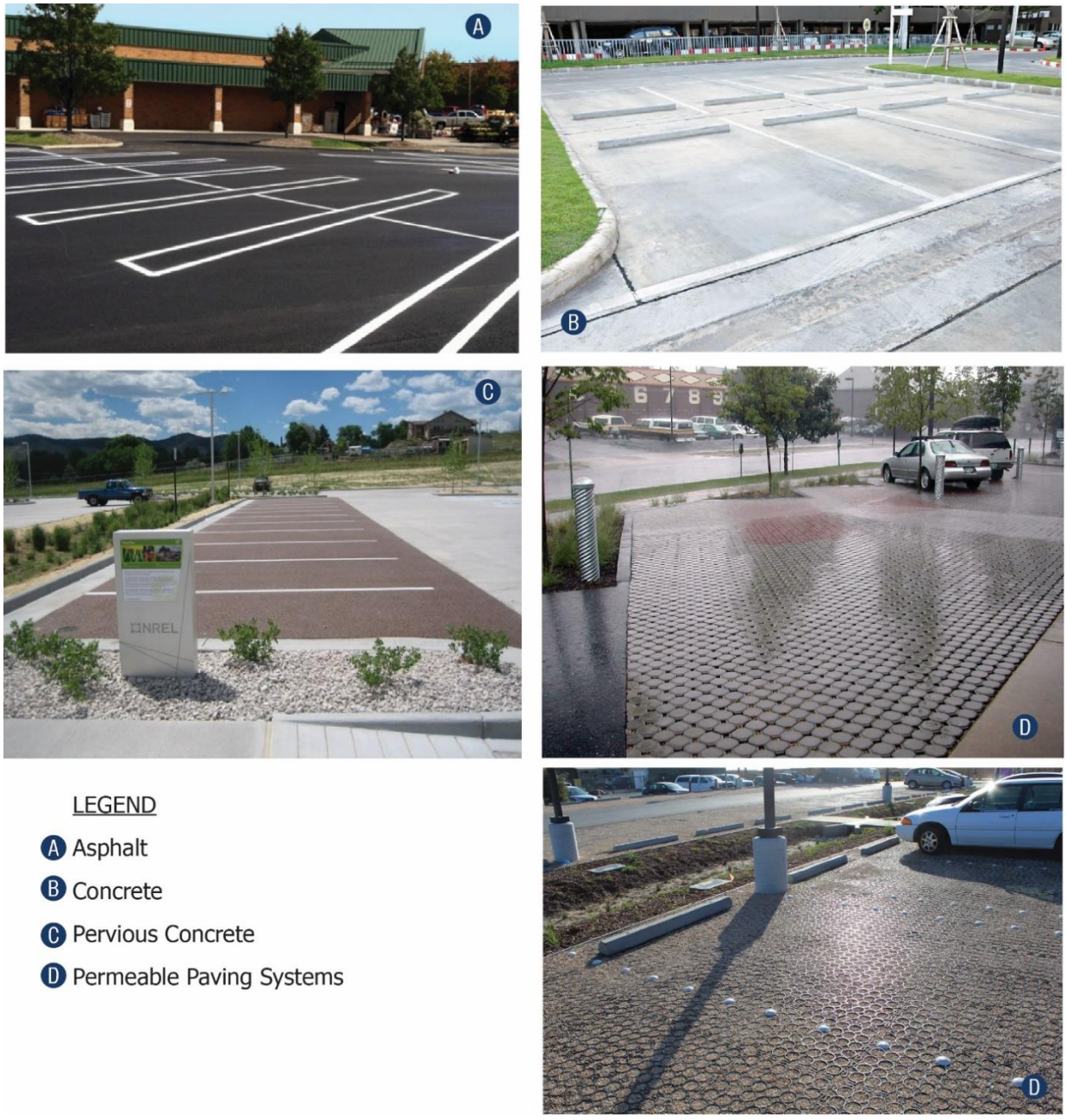
E. VEHICLE BACKING

Vehicular use areas shall be designed so that a vehicle is not required to back onto a street to enter or exit the parking lot, a parking space, or a stacking space.

F. SURFACE MATERIALS

1. Except for use types identified in subsection (3) below, all off-street parking spaces, accessible parking spaces, drive aisles, and vehicular use areas shall be paved and maintained with concrete, asphalt, or similar material of sufficient thickness and consistency to support anticipated traffic volumes and weights (see Figure 5.8.5.F: Parking Lot Surface Materials).
2. The use of pervious or semi-pervious materials may be approved as part of an alternative parking plan (see Section 5.8.11, Parking Alternatives), provided it is demonstrated that the materials will function in a similar fashion as required materials.
3. Required off-street parking spaces (excluding accessible parking spaces), drive aisles, and vehicular use areas may be constructed with gravel or other approved comparable all-weather surface for the following:
   a. Parking used on an irregular basis for religious institutions, private clubs or lodges, and other similar nonprofit organizations;
   b. Parking for a bed and breakfast establishment where six or fewer spaces are required; and
   c. Parking for an office use converted from a single-family detached dwelling where four or fewer spaces are required.
4. Configuration of parking lots in accordance with low impact development practices (see Table 5.12.6: Menu of Sustainable Development Practices) is encouraged.

FIGURE 5.8.5.F: PARKING LOT SURFACE MATERIALS



G. GRADING AND DRAINAGE

1. The parking lot shall be graded, properly drained, stabilized, and maintained to minimize dust and erosion.
2. Parking lots shall not impound stormwater unless surface impoundment is required as a method of stormwater management. However, in no instance shall surface impoundment result in a fewer number of parking spaces than required by Table 5.8.4.H, Minimum Off-Street Parking Requirements Table.
3. Parking lots shall not drain onto or across public sidewalks, or into adjacent property except into a natural watercourse or a drainage easement unless alternative provisions for drainage are proposed and accepted by the Planning Director.

H. PEDESTRIAN WALKWAYS

Pedestrian walkways between the principal buildings on a development site and a sidewalk or other pedestrian way (like a greenway trail) shall be provided in accordance with Section 5.1, Access and Circulation.

I. MARKINGS

All parking spaces and lanes in parking lots shall be clearly delineated with paint lines, curbs, or other treatment.

J. CURBS AND WHEEL STOPS

All off-street parking spaces provided in accordance with Table 5.8.4.H, Minimum Off-Street Parking Requirements Table, shall have curbs or wheel stops located so that no part of the parked vehicle extends onto or over a sidewalk, walkway of six feet in width or less, adjacent property, or landscape area, whether the vehicular use area is paved or unpaved.

K. SEPARATION FROM FIRE PROTECTION FACILITIES

1. No required off-street parking space shall be located within 15 feet of a fire hydrant or other fire protection facility.
2. Parking shall not take place within designated fire lanes or other areas demarcated for fire protection.

L. EXTERIOR LIGHTING

1. Exterior lighting in parking lots shall be designed to provide illumination of parking lot areas for the purposes of safe vehicle and pedestrian circulation.
2. Exterior lighting within a parking lot shall be configured to prevent glare or illumination exceeding maximum allowable levels on adjacent land and shall comply with the standards of Section 5.4, Exterior Lighting, as appropriate.

M. LANDSCAPING

Parking lot landscaping shall be provided in accordance with Section 5.6, Landscaping.

5.8.6. ACCESSIBLE PARKING SPACES

Accessible parking spaces for the disabled are required for all forms of development except single-family detached dwellings, and shall meet the following criteria:

A. CONFIGURATION

Handicapped parking spaces shall be in accordance with the regulations set forth by the Americans with Disabilities Act and the North Carolina Building Code.

B. NUMBER PROVIDED

Accessible (handicapped) parking spaces shall be provided in accordance with the North Carolina Building Code requirements.

5.8.7. GUEST PARKING SPACES

A. Multi-family, single-family attached, and mixed-use development shall provide 0.25 guest parking spaces per residential unit.

B. New single-family detached residential developments shall provide guest parking spaces at a rate of 0.25 spaces per dwelling.

C. In cases when guest parking is provided, it shall be in a central location, well lit, served by pedestrian access, located no farther than 1,320 feet from the dwelling units it serves, and within a common area, either within the right of way in marked on-street parking spaces on within an HOA controlled area.

5.8.8. COMPACT PARKING SPACES

A. Compact car off-street parking spaces with a minimum width of 8.5 feet and a minimum depth of 18 feet may be provided for up to 30 percent of the minimum parking requirements in Table 5.8.4.H, Minimum Off-Street Parking Requirements Table.

B. In no instance shall the minimum size of a compact parking space be further reduced through an alternative parking plan, administrative adjustment, conditional rezoning application, or other flexibility mechanism in this Ordinance.

5.8.9. STACKING SPACES

A. GENERAL

Uses with drive-through facilities and other auto-oriented uses where vehicles queue up to access a service shall provide adequate stacking spaces on-site for the uses or buildings in accordance with Table 5.8.9.A: Stacking Spaces Required.

TABLE 5.8.9.A: STACKING SPACES REQUIRED

USE OF ACTIVITY	MINIMUM # OF STACKING SPACES REQUIRED	ORIGIN POINT FOR MEASUREMENT
Assisted living facility and nursing home	3	Building entrance adjacent to stacking spaces
Automated teller machine (drive through)	2	Teller machine
Automobile repair and servicing/Automotive painting or body shop	1 per bay	Bay entrance
Car wash or automobile detailing	1 per bay for manual car washes, otherwise 3	Bay/wash process entrance
Child day care center	2	Building entrance adjacent to stacking spaces
Convenience store with gasoline sales	1	Each end of the outermost gas pump
Coffee shop with a drive through	[1]	[1]
Equipment and tool rental	2	Security gate
Financial services with a drive through	3 per lane	Agent window
Funeral-related service	2	Building entrance adjacent to stacking spaces
Gasoline sales, whether as a principal or accessory use	1	Each end of the outermost gas pump
Heavy equipment sales, rental, and repair	2 [2]	Security gate
Hospital	4	Building entrance adjacent to stacking spaces
Hotel or motel	2	Building entrance adjacent to stacking spaces
Laundry and cleaning service with a drive through	3	Agent window or door intended for service to vehicles
Outpatient treatment facility	4	Building entrance adjacent to stacking spaces
Pharmacy with a drive through	3 per lane	Agent window
Post office	2	Each mailbox intended for access via automobile
Public convenience center/transfer station	5	Front edge of scale
Restaurant with a drive through	[1]	[1]
School (elementary, middle, or high school)	3	Building entrance adjacent to stacking spaces
Truck of freight terminal	1 [3]	Security gate

NOTES:
[1] Stacking spaces shall be provided in accordance with a stacking space needs study prepared for the specific use type proposed and in accordance with the business model and local experience of similar establishments and authored by professional engineer licensed by the State of North Carolina
[2] The stacking space shall be of sufficient length to accommodate a trailer attached to a cab.
[3] Subject to the standards for gasoline sales if provided to individual passenger automobiles.

B. DESIGN

Stacking spaces are subject to the following design and layout standards (see Figure 5.8.9.B: Stacking Spaces):

1. SIZE

Stacking spaces shall be a minimum of nine feet wide and 25 feet long.

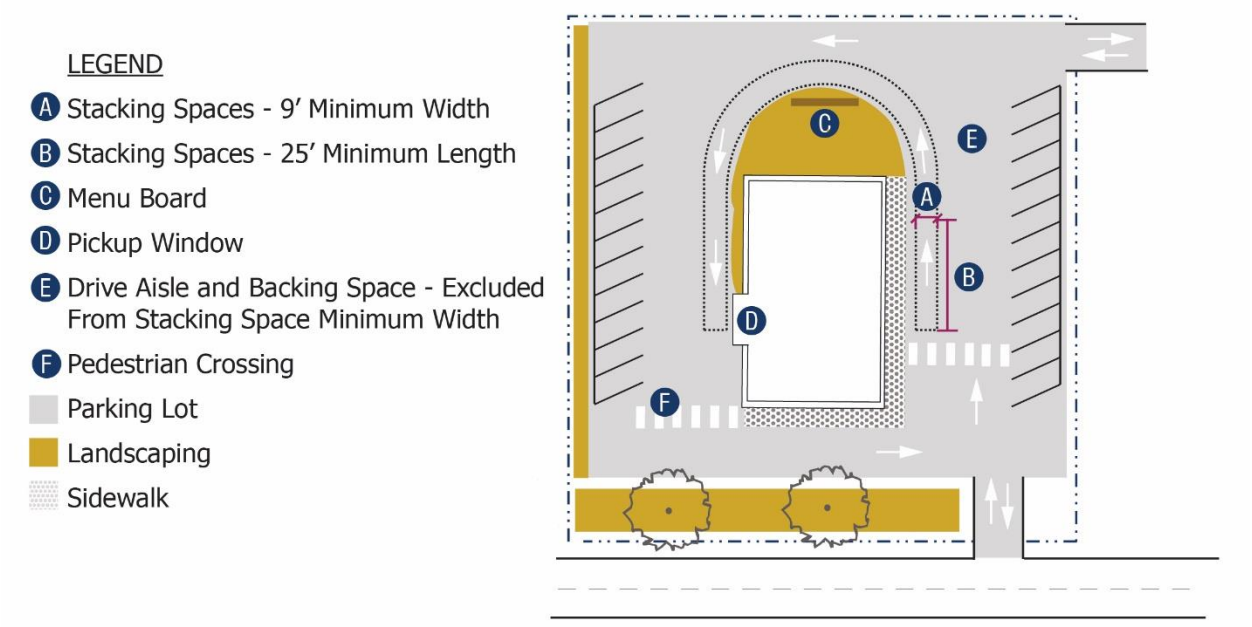
2. TRAFFIC MOVEMENTS

Required stacking spaces shall not impede vehicular traffic movements or movements into or out of parking spaces, whether on-site or off-site.

3. BICYCLE AND PEDESTRIAN MOVEMENT

Required stacking spaces shall not impede on-site or off-site bicycle or pedestrian traffic movements, whether on-site or off-site.

FIGURE 5.8.9.B: STACKING SPACES



5.8.10. BICYCLE PARKING

Bicycle parking shall be provided in accordance with the following standards:

A. APPLICABILITY

1. Bicycle parking facilities shall be provided on all new commercial, mixed-use, multi-family, and institutional use types served by 20 or more off-street parking spaces for vehicles.

2. Bicycle parking shall not be required for industrial use types.

B. RATE OF PROVISION

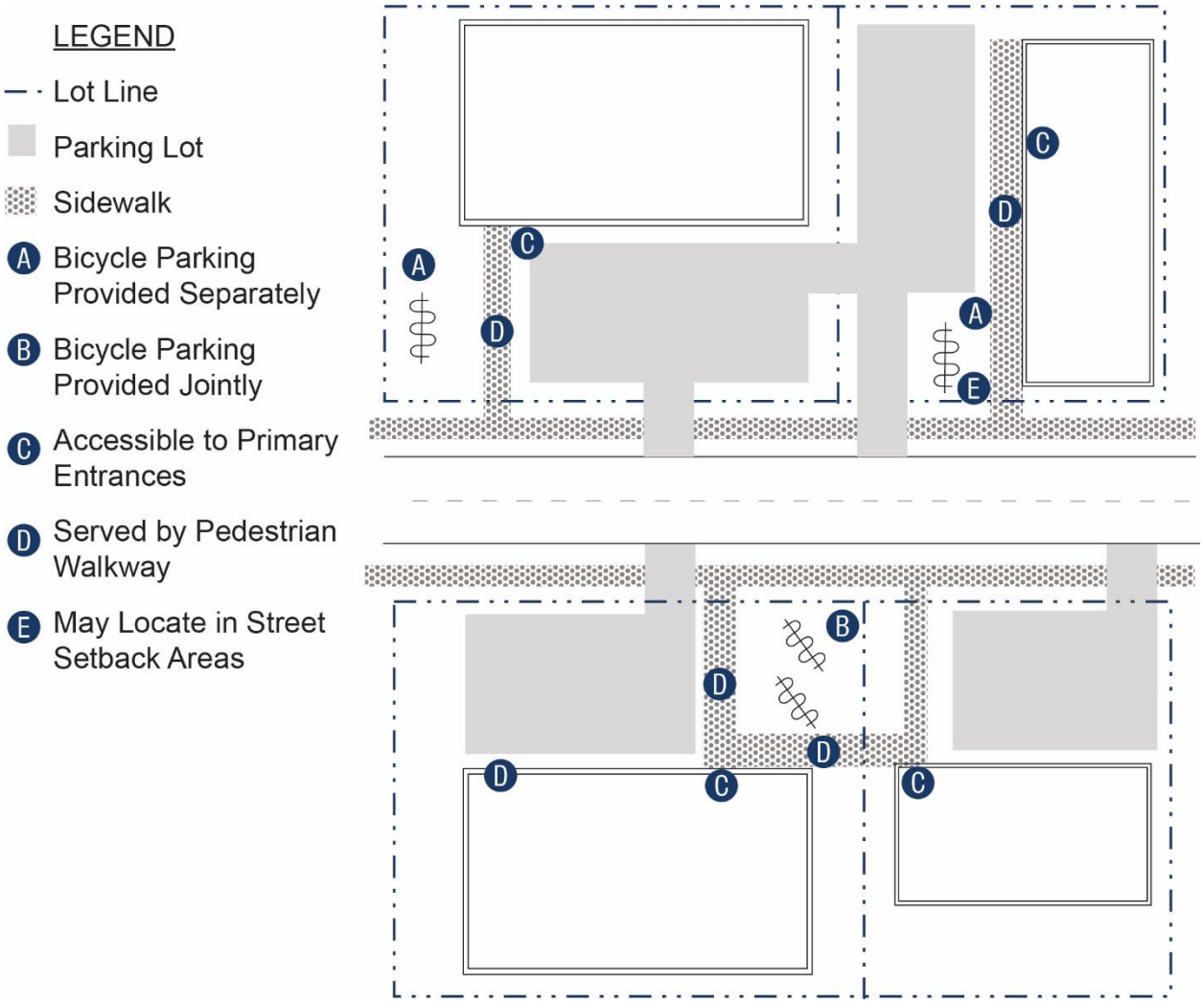
Bicycle parking spaces shall be provided at a rate of one bicycle parking space for every 20 off-street parking spaces for automobiles. Nothing shall limit the provision of more bicycle parking spaces than are otherwise required.

C. CONFIGURATION

1. Bicycle parking should be accessible to the primary entrances of the development and located in a visible, well-lit area (see Figure 5.8.10: Bicycle Parking).

2. Bicycle parking shall be served by a pedestrian walkway connecting the bicycle parking to the closest primary building entrance.
3. Bicycle parking shall be located where it does not interfere with pedestrian traffic and is protected from conflicts with vehicular traffic.
4. Bicycle parking may be accommodated within street setback areas.
5. A bicycle rack or other device shall be provided to enable bicycles to be secured.

FIGURE 5.8.10: BICYCLE PARKING



D. SHARED PARKING SPACES

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

5.8.11. PARKING ALTERNATIVES

Development may deviate from the off-street parking requirements in this section through the requirements and procedures in Section 2.2.1, Administrative Adjustment, and Section 2.2.21, Variance, or through approval of an alternative parking plan accepted by the Planning Director and configured in accordance with the following:

A. DEVIATION FROM REQUIRED MINIMUM

An applicant may propose a reduced rate of provision for off-street parking less than that specified in Table 5.8.4.H, Minimum Off-Street Parking Requirements Table, in accordance with a parking study prepared by a professional engineer licensed by the State of North Carolina. The parking study shall document why fewer spaces than required will be adequate while still protecting the public's health, safety, and welfare.

B. PROVISION OVER THE MAXIMUM ALLOWED

An applicant proposing development subject to the standards in Section 5.8.4.C, Off-Street Parking Space Maximum, may propose a total number of off-street parking spaces that exceeds the maximum allowed only through the provision of a parking study prepared by a professional engineer licensed by the State of North Carolina. The parking study shall document why the provision of off-street parking spaces beyond the maximum authorized is necessary for the public's health, safety, or welfare.

C. OFF-SITE PARKING

Up to 50 percent of off-street parking space requirements for an existing building may be met by locating required parking in an off-site location, in accordance with the following standards:

1. The off-site parking is located within 1,000 feet from the use it serves, as measured from the entrance of the use to the nearest off-site parking space.
2. A sidewalk or paved pedestrian walkway is provided to the off-site parking area from the use.
3. In cases where the off-site parking is located on land under separate ownership from the use it serves, the off-site parking shall be subject to a written agreement executed by the owners involved and filed with the Planning Director prior to the use of off-site parking facilities. The agreement shall guarantee the long-term availability of the off-site parking in question.
4. Should an off-site parking agreement cease, then the use shall be considered a nonconformity subject to the standards in Article 7: Nonconformities, unless the use is brought into compliance with the minimum off-street parking requirements of this section.

D. SHARED PARKING

The required off-street parking for a use may be met with shared use of the required off-street parking spaces of another use, only in accordance with the following standards:

1. The use of shared off-street parking spaces shall be subject to a shared parking agreement executed by the landowners of the uses involved, approved by the Planning Director, and recorded in the office of the Wake County Register of Deeds.
2. The shared parking agreement shall guarantee the long-term availability of the shared parking spaces in question. Nothing shall limit the percentage of required off-street parking spaces that may be provided through a shared parking agreement.
3. The shared parking is located within 1,000 feet, as measured from the entrance of the use to the nearest shared parking space.
4. A sidewalk or paved pedestrian walkway is provided to the shared parking area from the use.
5. The uses served by the shared parking must have different peak parking demands, differences in hours or days of operation, or otherwise operate such that the uses sharing parking have access to the required minimum number of off-street parking spaces when in operation.
6. Should the shared parking agreement cease, then the use(s) formerly served by shared parking shall be considered a nonconformity subject to the standards in Article 7: Nonconformities, unless the use(s) is brought into compliance with the minimum off-street parking requirements of this section.

E. ALTERNATIVE SURFACING

The use of pervious or semi-pervious parking area surfacing materials—including, but not limited to, "grass-crete," "turfstone," cellular reinforced paving systems, porous concrete, crushed stone, or recycled materials such as glass, rubber, used asphalt, brick, block, and concrete—may be proposed for required off-street parking spaces, drive aisles, or vehicular surface areas on a site, provided such areas are properly maintained. Where possible, such materials should only be used in areas proximate to and in combination with on-site stormwater control mechanisms or tree protection measures.

5.8.12. OFF-STREET LOADING

A. LOADING FACILITIES REQUIRED

Every application for a non-residential use shall ensure that adequate off-street loading facilities are provided so that loading vehicles do not occupy required off-street parking spaces, block vehicular access, or prevent appropriate on-site maneuvering.

B. MINIMUM OFF-STREET LOADING SPACE REQUIREMENTS

1. A minimum number of off-street loading spaces is not established; however, if off-street loading spaces are provided, they shall be provided and maintained in sufficient numbers to adequately handle the needs of a non-residential use.
2. Failure to provide or maintain off-street loading spaces when they are necessary to serve the development is a violation of this Ordinance.
3. In no instance shall an off-street loading space occupy a required off-street parking space or interrupt the safe operation of vehicles or circulation of pedestrian or bicycles.
4. Each off-street loading space shall be designed with an appropriate means of vehicular access to a street or alley in a manner that will least interfere with traffic circulation.

C. LOCATION

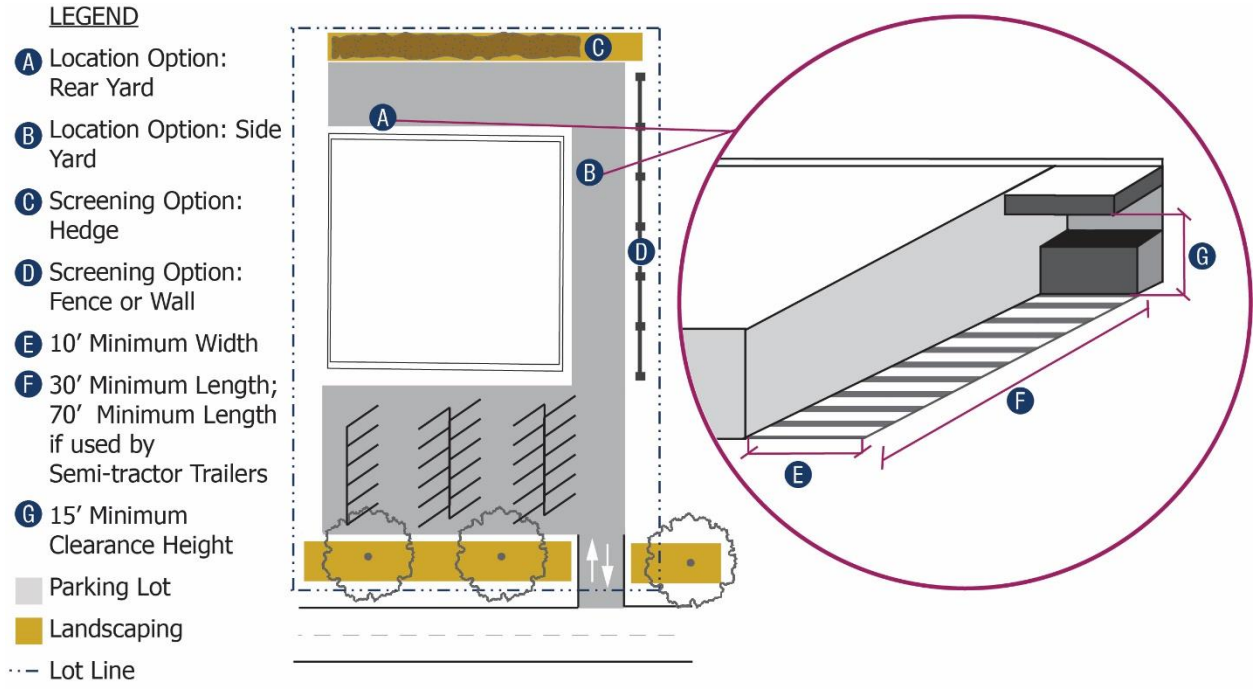
No off-street loading space shall be located within a required setback or within 30 feet of a street intersection.

D. DIMENSIONAL STANDARDS FOR LOADING SPACES

When off-street loading spaces are provided, they shall comply with the following minimum requirements (see Figure 5.8.12.D: Off-Street Loading Spaces):

1. Except for loading spaces used by semi-tractor trailers, off-street loading spaces shall be at least 10 feet wide and at least 30 feet long.
2. Off-street loading spaces used by semi-tractor trailers shall be at least 70 feet long.
3. Overhead clearance for an off-street loading space shall be at least 15 feet.
4. Off-street loading spaces shall be designed so that no backing onto or from a public street is necessary.

FIGURE 5.8.12.D: OFF-STREET LOADING SPACES



5.9. REFORESTATION

5.9.1. PURPOSE AND INTENT

This section is proposed to ensure that the Town's planning jurisdiction includes areas of mature tree canopy cover during and after development. These standards are further intended to:

A. Promote sequestration of carbon dioxide through the establishment of new trees or the retention of existing trees on lots following the development process;

B. Protect species diversity and habitat through the establishment of connected or linked areas of protected urban forest;

C. Encourage the retention of existing trees during the development process through accelerated credit towards landscaping requirements; and

D. Establish tree protection requirements for trees voluntarily proposed for retention during the development process.

5.9.2. APPLICABILITY

Unless exempted in accordance with Section 5.9.3, Exemptions, the standards in this section shall apply to all lands and development, including subdivisions of land for single-family detached residential dwellings, in the Town's planning jurisdiction.

5.9.3. EXEMPTIONS

The following activities are exempt from the standards of this section:

A. Activity on a bona fide farm;

B. Tree removal associated with normal forestry activity that is conducted:

1. On land taxed on the basis of its present-use value as forestland pursuant to Chapter 105, Article 12 of the North Carolina General Statutes; or

2. In accordance with a forest management plan prepared or approved by a forester registered in accordance with Chapter 89B of the North Carolina General Statutes;

C. Development or redevelopment within the DTC and DTP districts;

D. Development or redevelopment within the LHO district;

E. Construction of an individual single family detached home on its own lot; and

F. Construction of an individual duplex dwelling on one or two individual lots.

5.9.4. REQUIREMENTS

A. GENERALLY

New development subject to these standards shall either reforest a portion of the development site after construction in accordance with the standards in Section 5.9.4.B, Reforestation Standards, or shall retain existing trees on the site in accordance with the standards in Section 5.9.4.C, Tree Retention Standards.

B. REFORESTATION STANDARDS

1. AMOUNT

Development seeking to meet the standards of this section through reforestation shall identify and reserve a portion of the development site corresponding to at least five percent of the site's total developable area.

2. LOCATION

The preferred location(s) for reforestation areas on an individual development site are listed in the following priority order (see Figure 5.9.4.B.2: Reforestation Location):

a. Areas adjoining unbuildable lands such as riparian buffers, wetlands, steep slopes, or lands within a floodway;

b. Areas that directly abut reforestation areas on adjoining lots;

c. Areas adjacent to existing forest land on adjoining lots;
d. Areas adjacent to parks or conservation lands on adjoining lots;
e. Areas within the flood fringe on the same lot; or
f. Other areas as determined by the Planning Director.

3. CONFIGURATION

a. SPECIES

i. Trees shall be native or local to Wake County and should be of a variety that can be expected to survive for at least 25 years under normal conditions.
ii. Nuisance species, such as the Tree of Heaven, Mimosa, Bradford Pear, or Chinese Tallowtree shall not be included in reforestation areas.

b. SPECIES DIVERSITY

Trees provided as part of reforestation activity shall be comprised of at least three different species, and differing species shall be interspersed throughout the reforestation planting area.

c. MATURE HEIGHTS

Trees proposed for planting in a reforestation area shall have a range of heights at maturity.

d. MINIMUM SIZE AT TIME OF PLANTING

Trees proposed for planting shall be from containerized stock. Bare-root stock is not recommended, and use of seeds or cuttings is prohibited.

e. SPACING

i. Newly planted trees shall be planted to follow contours of land and not planted in rows so as to avoid the appearance of being planted.
ii. Trees shall be located at least six feet from one another and from the edge of the reforestation area boundary, but no greater than eight feet from one another or the reforestation area boundary.

f. MINIMUM NUMBER OF TREES REQUIRED

Trees shall be planted at a rate to ensure uniform coverage throughout the reforestation area based on the maximum spacing requirements.

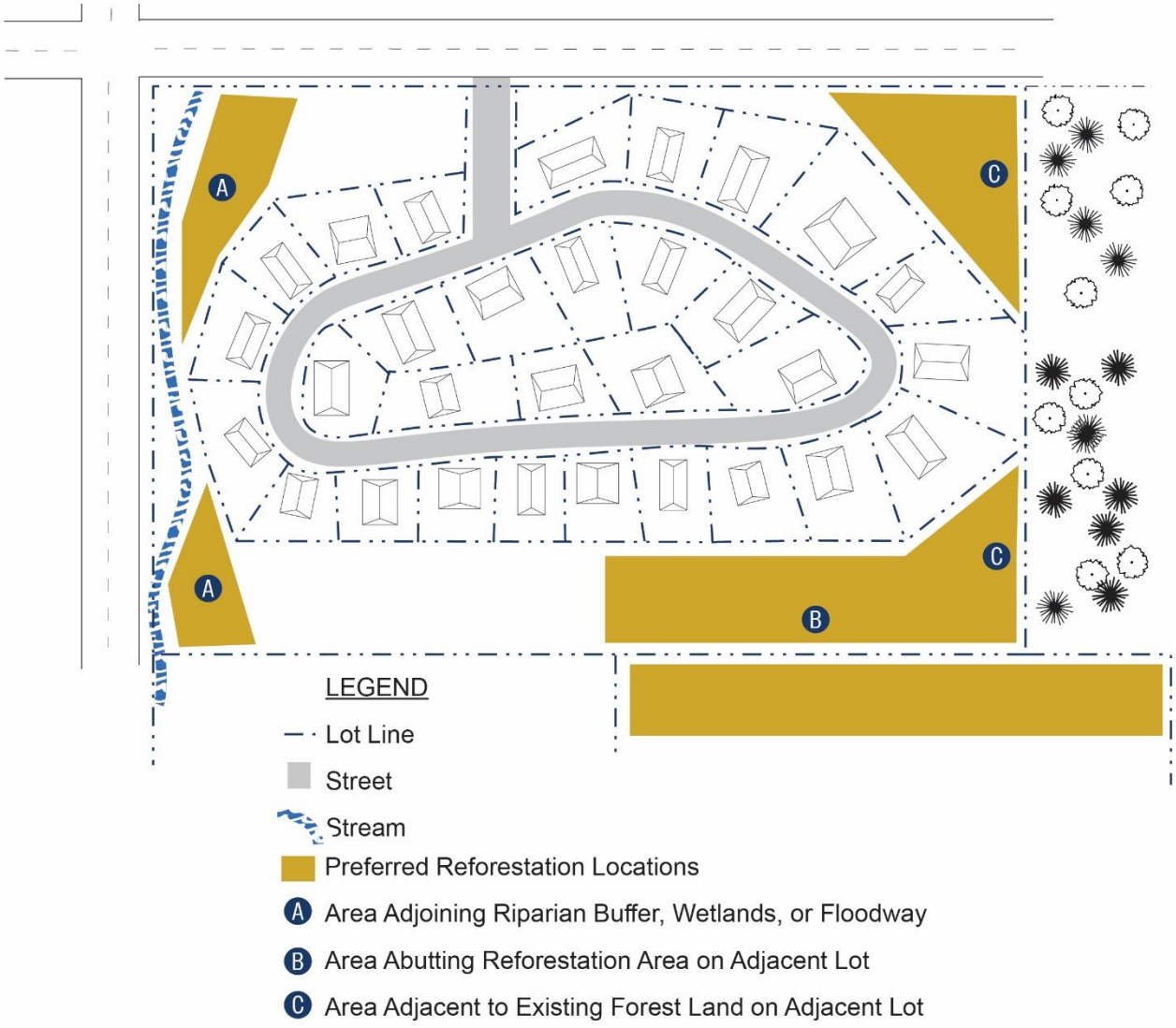
g. CONTIGUITY

i. Reforestation areas shall be contiguous and shall not be separated from one another on a lot or development site of less than 30 acres in size
ii. In cases where reforestation is proposed on a lot or site of more than 30 acres in size, individual reforestation areas may occupy two or more separate locations, provided that each individual reforestation area is at least one-half acre in area.

h. WITHIN A RESIDENTIAL SUBDIVISION

When required as part of a subdivision of land for residential purposes, a reforestation area shall be located outside the boundary of individual building lots.

FIGURE 5.9.4.B.2: REFORESTATION LOCATION



C. TREE RETENTION STANDARDS

Retention of existing trees on a development site, in accordance with the following standards, may be proposed as an alternative to the reforestation requirements in Section 5.9.4.B, Reforestation Standards.

1. AMOUNT

The number of existing trees to be retained during and after development shall be the minimum necessary to ensure that at least five percent of the total buildable area of the lot or site is located beneath existing tree canopy.

2. CONFIGURATION

The portion of the site to be retained under tree canopy shall be compact and contiguous, to the maximum extent practicable (see Figure 5.9.4.B.3: Tree Canopy Retention).

3. LOCATION

The tree canopy retention area shall be located away from areas proposed for grading or the installation of impervious surface.

4. WITHIN A RESIDENTIAL SUBDIVISION

When required as part of a subdivision of land for residential purposes, a reforestation area shall be located outside the boundary of individual building lots.

5. SIZE OF RETAINED TREES

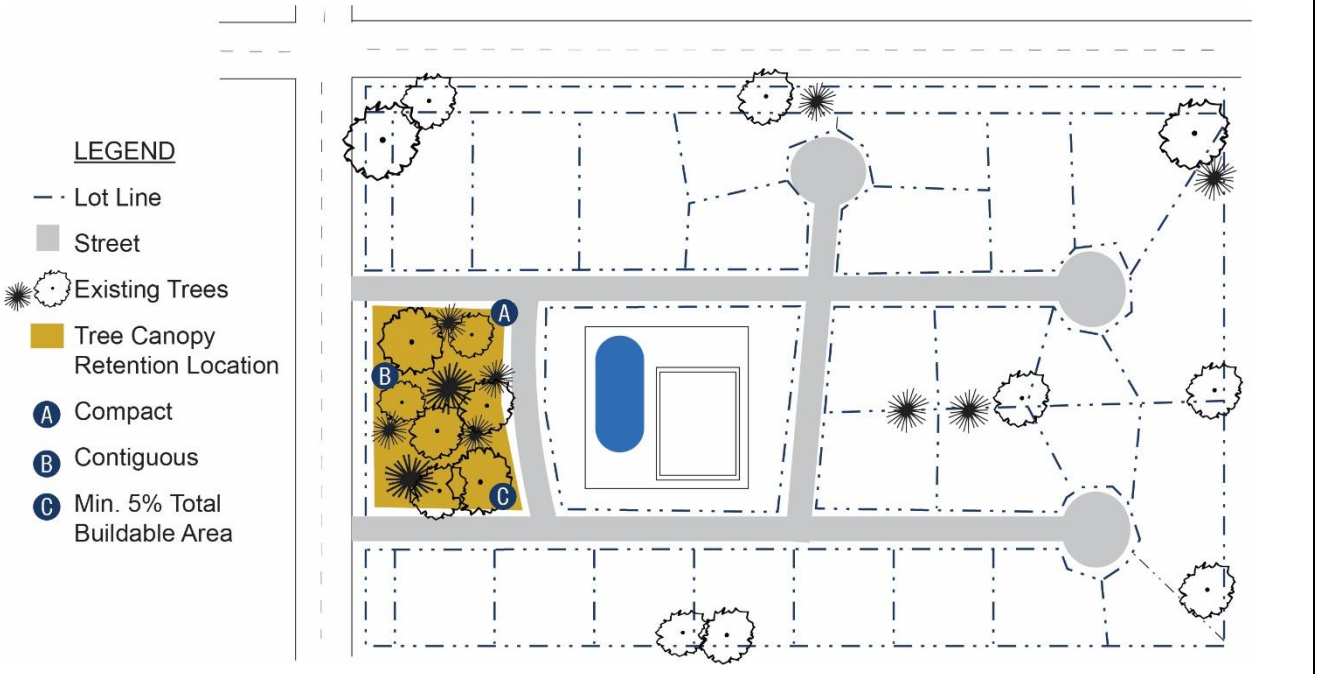
a. Only the tree canopy associated with trees of four inches in DBH or larger shall be credited towards the tree retention standards.

b. An applicant shall not be required to submit a tree survey unless trees within the retention area are proposed for credit towards the requirements in Section 5.6, Landscaping.

6. COMPLIANCE WITH TREE PROTECTION DEVICE STANDARDS

In cases where a development is proposing retention of existing trees as a means of compliance with these reforestation standards, the area of tree retention shall be surrounded by tree protection devices during the construction process in accordance with Section 5.9.5, Tree Protection Devices.

FIGURE 5.9.4.B.3: TREE CANOPY RETENTION



5.9.5. TREE PROTECTION DEVICES

A. RESPONSIBILITY

During any development activity (including demolition activity) on a lot or site containing trees to be retained for credit towards reforestation requirements or to be credited towards requirements in Section 5.6, Landscaping, the landowner or developer shall be responsible for protecting existing trees to be retained in accordance with the standards in this section.

B. PROTECTIVE FENCING AND SIGNAGE

1. PROTECTIVE FENCING

a. Continuous fencing consisting of a bright orange plastic mesh at least four feet high shall be provided along the driplines of trees to be retained for credit towards any Ordinance requirements (see Figure 5.9.5: Tree Protection Devices).

b. Retained trees that are inaccessible to development activities or separated from all development activities by a distance of at least 300 linear feet are exempted from the requirement for tree protection fencing.

2. WARNING SIGNAGE

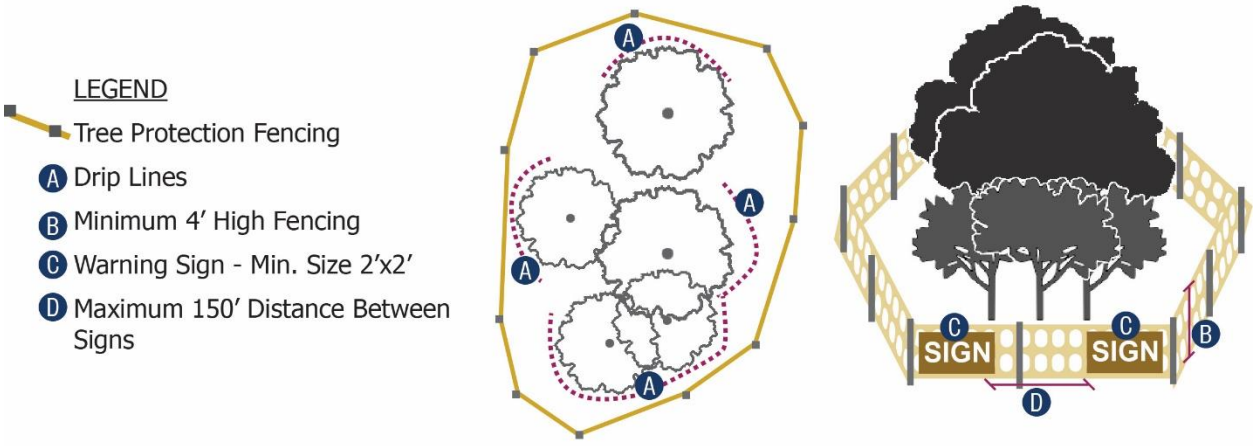
a. Warning signs shall be installed along any required tree protective fencing.

b. The signs shall be clearly visible from all sides around the outside of the fenced-in area.

c. The size of each sign must be a minimum of two feet by two feet.

d. The sign message shall, in both English and Spanish, identify the fenced or marked area as a tree protection area and direct construction workers not to encroach into the area (e.g., "Tree Protection Area: Do Not Enter"). For the purposes of this Ordinance, these warning signs are considered government signs exempted from First Amendment protections regarding regulation of sign content.

FIGURE 5.9.5: TREE PROTECTION DEVICES



C. DURATION OF PROTECTIVE FENCING AND SIGNAGE

Required protective fencing and signage shall be erected before any grading or other development activity begins and shall be maintained until issuance of a certificate of occupancy following completion of all development in the immediate area of the fencing or signage.

D. TREE PROTECTION REQUIREMENTS

1. No development activity—including grade changes, the operation or parking of heavy equipment, or the washing down of concrete or cement handling equipment, or the storage of fuel, chemicals, materials, supplies, or construction waste and debris—shall be allowed within areas surrounded by tree protection fencing.

2. No structures or hard surfaces shall be located within areas surrounded by tree protection fencing.

3. Retaining walls and drywells may be used to protect trees to be preserved from severe grade changes if venting adequate to allow air and water to reach tree roots is provided through any fill.

E. DAMAGE OR DEATH OF A PROTECTED TREE

If a violation of this section occurs and a protected tree is removed or dies within two years after a certificate of occupancy is granted for that portion of a development where the tree is or was located, then the landowner, owners' association, or occupancy permit recipient, or their successor, as appropriate, shall be required to install replacement trees at the rate necessary to re-establish the tree canopy coverage requirements.

5.9.6. CREDIT TOWARDS OTHER ORDINANCE REQUIREMENTS

A. OPEN SPACE SET-ASIDE

Land area devoted to reforestation or to the retention of existing trees during and after development activity shall be credited towards any passive open space set-aside requirements in Section 5.7.4, Minimum Open Space Set-Aside Requirements.

B. REQUIRED LANDSCAPING

1. Existing healthy, well-formed canopy and understory trees that are retained on site during and after development shall be credited toward the minimum landscaping requirements in Section 5.6, Landscaping, provided:
   - **a.** The vegetation to be credited shall meet the minimum size standards for required landscaping;
   - **b.** The vegetation to be credited conforms with all species requirements and does not include noxious weeds or other nuisance vegetation;
   - **c.** The vegetation to be credited is protected before and during development in accordance with Section 5.9.5: Tree Protection Devices, prior to the start of any land-disturbing activities; and
   - **d.** The location of the existing vegetation contributes to the screening or buffering functions of the landscaping.
2. As an incentive for retention of existing trees, existing trees meeting the standards in (a) above that are retained during and after development shall be credited towards the minimum landscaping requirements in this Ordinance at a rate of 1.25 times the tree's actual caliper or diameter at breast height.

5.9.7. MAINTENANCE

A. Reforestation and tree retention areas are intended to remain undisturbed by clearing or development. Any disturbance of these areas shall be a violation of this Ordinance in accordance with Article 8: Enforcement.

B. Trees located within reforestation or tree retention areas are intended to remain until their natural death. In the event of disease or the creation of an unsafe situation, the Planning Director may allow selective clearing or removal of trees subject to an approved replanting plan.

5.10. SCREENING

5.10.1. PURPOSE AND INTENT

These standards are intended to reduce the visual and auditory impact upon adjacent lots and the public realm from certain site features and activities occurring on individual nonresidential, multi-family and mixed use lots. In addition to mitigating negative impacts, these standards are also proposed to enhance the aesthetics of development in the Town's planning jurisdiction.

5.10.2. USING THESE STANDARDS

A. These standards identify a series of use types, site features, and activities that are required to be screened from off-site views (see Section 5.10.3, Applicability, and Section 5.10.4, Exemptions).

B. The standards establish a series of screening methods organized into differing levels (e.g., Level 1 through Level 10). The higher the screening method's level number, the greater its opacity, or its ability to obscure a particular site feature from off-site view (see Table 5.10.5, Screening Methods).

C. The standards identify which methods of screening may be used to screen a site feature or activity from view from a particular location, such as an adjacent street or abutting lot with residential zoning (see Table 5.10.6, Views to Be Screened). Nothing prohibits a landowner from using a more intense or opaque screening technique than is required by Table 5.10.6, Views to Be Screened.

5.10.3. APPLICABILITY

A. GENERALLY

Unless exempted in accordance with Section 5.10.4, Exemptions, the standards in this section apply to the following site features and activities for all development in the Town's planning jurisdiction:

1. Refuse collection containers of more than 100 gallons in size;
2. Recycling containers of more than 100 gallons in size, including cardboard recycling containers;
3. Waste and cardboard compactors;
4. Ground-based mechanical equipment, including but not limited to wireless telecommunications equipment, permanently-mounted electrical generators, compressors, climate control equipment, breaker panels, meters, electrical service risers, and similar equipment;
5. Roof-mounted equipment of any kind;
6. Above ground storage tanks for gases, solids, or liquids;
7. Outdoor equipment storage or repair areas;
8. Outdoor storage of raw, or semi-finished materials (including tires), or finished products for sale;
9. Impounded vehicles and equipment;
10. Vehicles and equipment being repaired; and
11. Inoperable vehicles being used for parts.

B. PRE-EXISTING DEVELOPMENT

Lawfully-established development established prior to January 1, 2020, that is subject to, but that does not comply with these standards shall be subject to applicable the standards in Article 7: Nonconformities.

C. EXPANSIONS OR REMODELING

All expansions or remodeling of principal buildings or open uses of land existing on or before January 1, 2020, shall comply with these standards, subject to the requirements in Section 7.4, Nonconforming Sites.

5.10.4. EXEMPTIONS

The following items are exempted from the screening requirements of this section:

A. Any of the features listed in sub-section 5.10.3.A above that are located entirely within a building;

B. Refuse collection containers serving individual single-family detached, single-family attached, duplex, triplex, or quadplex dwellings;

C. Utility meters, whether wall or ground mounted;

D. Small wireless facilities;

E. Roof-mounted solar energy or wind energy conversion devices;

F. Transformers and similar devices serving electric vehicle charging stations;

G. Family health care structures;

H. Outdoor display/sales as a principal or accessory use subject to an approved building permit; and

I. Outdoor seasonal sales and portable storage containers subject to an approved temporary use permit (see Section 2.2.19, Temporary Use Permit) and Section 4.5, Temporary Uses.

5.10.5. GENERAL REQUIREMENTS

A. Items or activities subject to the requirements in this section shall be fully screened from one or more off-site views in accordance with Section 5.10.6, Views to Be Screened, using one of the allowable methods identified in Table 5.10.5, Screening Methods.

B. Table 5.10.5, Screening Methods, sets out the various methods for screening site features and activities subject to these standards. Screening, when required, shall comply with the configuration requirements listed below.

C. In the event a ground-based site feature or activity to be screened exceeds a height of eight feet above grade, evergreen understory trees configured in accordance with the standards for Screening Level 2 shall be included as part of any required screening method.

TABLE 5.10.5: SCREENING METHODS

LEVEL OF SCREENING	REQUIREMENTS
1. Screening Level 1:	**Understory Tree Hedgerow**

TABLE 5.10.5: SCREENING METHODS

LEVEL OF SCREENING	REQUIREMENTS
	a. All trees shall be of the same species and all shrubs shall be of an evergreen species. b. A hedgerow shall include one row of evergreen understory trees and one row of evergreen shrubs. c. The hedgerow shall include plants capable of providing a fully opaque screen of at least 36 inches in depth from the grade to the minimum height required. d. Trees shall maintain an on-center spacing of no greater than 60 inches. Shrubs shall maintain an on-center spacing of no greater than 48 inches. e. Trees shall be of a minimum height necessary at time of planting to achieve a minimum height of 8 feet above grade within 3 years. f. Shrubs shall be of a minimum height necessary at time of planting to achieve a minimum height of 6 feet above grade within 3 years. g. If damaged in a manner that impairs the performance of the screening, vegetative material shall be promptly replaced.
2. Screening Level 2:	**Evergreen Shrub Hedge**
	a. All shrubs shall be evergreen and of the same species. b. The screening material shall be configured as two staggered rows of shrubs that together form a hedge. c. The screening shall maintain a minimum width of at least 36 inches at the time of planting. d. Shrubs shall be capable of providing a fully opaque screen of at least 36 inches in depth from the grade to the minimum height required. e. Shrub rows shall be planted no more than 30 inches apart. f. Shrubs shall maintain an on-center spacing of no greater than 36 inches. g. Shrubs shall be of a minimum height necessary at time of planting to achieve a minimum height of 6 feet above grade within 3 years. h. If damaged in a manner that impairs the performance of the screening, vegetative material shall be promptly replaced.
3. Screening Level 3:	**Chain Link Fence with Opaque Slats/Fabric**
	a. Fencing must be configured in accordance 5.3.H.2, Fences and Walls. b. All fencing shall maintain the minimum height necessary to fully screen the site feature or activity. c. Fencing shall be at least 60 percent opaque, when viewed from a distance of ten feet or more. d. All gates shall maintain a complimentary level of opacity excluding gaps for mounting hardware, latches, and hinges. e. Slats or fabric shall extend downwards to the grade. f. The fence and screening material shall be comprised of consistent materials and shall maintain a single color. g. Slats may be plastic or wood and shall be promptly repaired if damaged in a manner that reduces the screening function.
4. Screening Level 4:	**Building Wall Projection**

TABLE 5.10.5: SCREENING METHODS

LEVEL OF SCREENING	REQUIREMENTS
	a. Building wall projections must be attached to a principal or accessory structure. b. All walls shall maintain the minimum height necessary to fully screen the site feature or activity. c. The wall shall be comprised of consistent materials and colors to those used on the principal or accessory structure. d. Building walls may incorporate louvers, grates, or similar features, provided the screening function is maintained. e. All gates shall be comprised of a complimentary material and be opaque excluding gaps for mounting hardware, latches, and hinges. f. Screening materials shall be promptly repaired if damaged in a manner that reduces the screening function.
5. Screening Level 5:	**Wooden Opaque Fence**
	a. Fencing shall be configured in accordance 5.3.H.2, Fences and Walls, and the North Carolina Building Code. b. All fencing shall maintain the minimum height necessary to fully screen the site feature or activity, but shall not exceed a maximum height of 8 feet. c. All gates shall maintain a complimentary level of opacity excluding gaps for mounting hardware, latches, and hinges. d. The fence shall be comprised of consistent materials and colors. e. Enclosures for refuse and recycling containers shall meet all applicable City requirements. f. Screening material shall be promptly repaired if damaged in a manner that reduces the screening function.
6. Screening Level 6:	**Opaque Masonry Wall**
	a. Walls shall be configured in accordance 5.3.H.2, Fences and Walls. b. All walls shall maintain the minimum height necessary to fully screen the site feature or activity, but shall not exceed a maximum height of 8 feet. c. The wall shall be comprised of consistent materials and colors to those used on the principal structure. d. Masonry walls may incorporate louvers or similar features provided the screening function is maintained. e. All gates shall be comprised of a complimentary material and be opaque, excluding gaps for mounting hardware, latches, and hinges. f. Support columns may exceed the maximum height as necessary for wall construction. g. Enclosures for refuse and recycling containers shall meet all applicable City requirements. h. Screening material shall be promptly repaired if damaged in a manner that reduces the screening function.
7. Screening Level 7:	**Berms and Mounds**

TABLE 5.10.5: SCREENING METHODS

LEVEL OF SCREENING	REQUIREMENTS
	a. Berms shall be configured in accordance with the standards in Section 5.3.H.1, Berms. b. Nothing shall limit the use of retaining walls, as necessary. c. Berms shall be supplemented with walls, fencing, or vegetation as necessary to meet screening objectives.
8. Screening Level 8:	**Concealment by Other On-site Structures**
	a. Site features and activities subject to these standards may be screened by other permanent buildings or structures on the same lot. b. Buildings or structures used to provide screening shall be permanent and shall be of a minimum height necessary to provide required screening. (note: red circle in photo added for clarity)
9. Screening Level 9:	**Roof Screening**
	a. Roof screening shall be 100 percent opaque, and shall only be used to screen items on a roof. b. Roof screening shall extend the minimum height necessary to fully screen roof-mounted equipment as seen at grade from any lot line. c. Roof-mounted equipment on pitched roofs shall be located on the side of the roof least visible from the street, to the maximum extent practicable.
10. Screening Level 10:	**Parapet Wall**
	a. Parapet walls shall be comprised of the same exterior material or be the same color as the building and shall be capped with a cornice, coping, or other decorative molding. b. Parapet walls shall be in alignment with the exterior building wall below. c. Parapet walls shall extend above the roof deck the minimum height necessary to screen roof-mounted equipment as seen from grade-level at the lot line. d. Parapet walls shall be engineered to comply with all applicable North Carolina Building Code requirements, including wind loading.

NOTES:
[1] Screening provided in accordance with this section shall be credited towards perimeter buffer and parking lot landscaping requirements (see Section 5.6, Landscaping) when the screening methods contribute to the performance objective of required landscaping.

5.10.6. VIEWS TO BE SCREENED

Site features and activities subject to these standards shall be screened from identified locations in Table 5.10.6, Views to Be Screened. The level of screening provided is at the applicant or landowner's discretion, provided it meets or exceeds the minimum screening level specified in the table below.

TABLE 5.10.6: VIEWS TO BE SCREENED

Feature or Activity to Be Screened	Required Screening Level, by Location			
	From an Abutting Public Street, Sidewalk, Greenway, or Open Space	From Abutting Land In a Residential or Mixed-Use Zoning District	From Abutting Land in an Commercial Zoning District	From Abutting Land in an Industrial Zoning District
Refuse or Recycling Containers or Compactors	4 or higher	3 or higher	1 or higher	1 or higher
Ground-based Mechanical Equipment	3 or higher	2 or higher	1 or higher	1 or higher
Roof-mounted Equipment	10	9 or higher		1 or higher
Above Ground Storage Tanks	4 or higher	3 or higher	1 or higher	1 or higher
Outdoor Equipment Storage or Repair	4 or higher	3 or higher	2 or higher	1 or higher
Outdoor Storage of Raw or Semi-finished Materials	3 or higher		2 or higher	1 or higher
Outdoor Storage of Finished Products for Sale	1 or higher	2 or higher	1 or higher	1 or higher
Impounded Vehicles and Equipment	4 or higher	5 or higher	3 or higher	1 or higher
Vehicles and Equipment Being Repaired				
Inoperable Vehicles Being Used for Parts				

5.11. SIGNAGE

5.11.1. SECTION ORGANIZATION

A. These signage standards are comprised of eight subsections that address the purpose and intent of these regulations, the types of signage subject to or excluded from these regulations, the prohibited forms of signage, a subsection on general standards applied to all forms of signage subject to these regulations, a subsection on removal of dilapidated or obsolete signage, and a subsection that sets out a series of standards applied to each specific type of sign.

B. The subsection on general standards applied to all forms of signage (see Section 5.11.6, General Standards Applicable to All Signs) addresses the following topics:

1. Sign permit requirements;
2. Distinctions for public art and murals;
3. Allowance for signs in the right-of-way;
4. Prohibited sign locations;
5. How signage is measured;
6. Changeable copy;
7. Sign illumination;
8. Structural configuration; and
9. Maintenance of signage.

C. The subsection on standards applied to specific types of signs (see Section 5.11.9, Sign Standards by Sign Type) is organized into standardized tables that establish the standards for the following types of signs:

1. Awning Signs;
2. Banners;
3. Electronic Message Boards;
4. Flags;
5. Ground (or monument or pedestal) Signs;
6. Incidental Signs;
7. Political Signs;
8. Projecting Signs;
9. Sidewalk Signs;
10. Subdivision Signs;
11. Supplemental Signs;
12. Suspended Signs;
13. Wall Signs; and
14. Window Signs.

5.11.2. PURPOSE AND INTENT

This section provides guidance and standards for signage across the Town's planning jurisdiction. The erection and maintenance of signs is controlled and regulated in order to promote the health, safety, welfare, convenience, and enjoyment of travel on streets and sidewalks. These provisions are also intended to balance between the promotion of beneficial commerce and the protection of community character. More specifically, these standards are intended to:

A. Promote traffic safety;

B. Avoid interference with protected free speech;

C. Regulate the content of signs to the least extent possible and only when absolutely necessary to protect health and safety;

D. Regulate off-premise signage in accordance with federal jurisprudence;

E. Ensure that any content–based signage standards serve a compelling public purpose and are as narrowly-tailored as possible;

F. Promote economic development and beneficial commerce;
G. Ensure residents and visitors can locate desired goods, services, and destinations;
H. Avoid conflicts between advertising and public safety signage;
I. Reflect the aesthetic character and design quality anticipated in the Town's adopted policy guidance; and
J. Minimize any detrimental effects of signage on adjacent properties.

5.11.3. APPLICABILITY

Except for the sign types exempted from these standards identified in Section 5.11.4, Exclusions, all signs shall be constructed, erected, affixed, placed, posted, painted, repainted, hung, or otherwise established only in accordance with the standards in this section and Section 2.2.16, Sign Permit.

5.11.4. EXCLUSIONS

The following forms of signage shall not be subject to these signage standards, but may be subject to other applicable standards in this Ordinance, such as the requirement to obtain a building permit. Applicants shall be responsible for securing all required permits prior to erecting or modifying any of the following forms of excluded signage:

A. Fence-wrap signs affixed to fences surrounding a construction site in accordance with the standards in Section 160D-908 of the North Carolina General Statutes;
B. Legal notices required by governmental bodies, public utilities, or civic associations;
C. Governmental signage, including flags, street signs, traffic warning signs, and other signage provided solely for public health and safety;
D. Building cornerstones, historical plaques, or grave markers;
E. Signage associated with public transit stops;
F. Holiday displays on lots within all zoning districts;
G. Signage that is not visible from any off-site areas (e.g., entirely enclosed by opaque walls that prevent the visibility of signage from any off-site areas); and
H. Signage associated with off-street parking spaces or the prohibition of parking in certain locations like fire lanes, bus lanes, or loading zones.

5.11.5. PROHIBITED SIGN TYPES

The following signs, sign construction, and displays are prohibited throughout the Town's planning jurisdiction:

A. Off-premise signs or signage that advertises goods or services provided on a different lot, tract, or site from where the sign is located, provided that this prohibition shall not apply to subdivision signs configured in accordance with the applicable standards in Section 5.11.9, Sign Standards by Sign Type;
B. Outdoor advertising, except for outdoor advertising lawfully established prior to January 1, 2020, which may be permitted to continue as a nonconforming use only in accordance with Article 7: Nonconformities, and Sections 136-126 through 136-140.1 of the North Carolina General Statutes;
C. Feather flags, bow signs, pennants, and streamers;
D. Moving signs, excluding flags, banners, and clocks;
E. Flashing, scrolling, twirling, or blinking signs;
F. Gas- or air-filled balloons, figures, and other inflatable signs;
G. Signs on the roof or above the parapet of a building;
H. Any sign which the Planning Director determines obstructs the view of bicyclists, pedestrians, or motorists using any street, approach to any street intersection, or which interferes with the effectiveness of or obscures any traffic sign, device, or signal;
I. Signs, lights, rotating features, words, and other devices, which resemble or may be erroneously construed as traffic signals, traffic signs, or emergency vehicle lights;

J. Illuminated or highly reflective signs that law enforcement determines hampers the vision of motorists, pedestrians, or bicyclists;

K. Any sign which interferes with free passage from or obstructs any fire escape, downspout, door, stairway, ladder, or opening intended as a means of ingress or egress;

L. Any sign placed on a utility pole, street sign post, traffic signal support, hydrant, bridge, tree, aspect of public infrastructure, or street paving that is not installed or approved by an appropriate governmental agency;

M. Signage affixed to a stationary motor vehicle, boat, or trailer that remains in the same or essentially the same location for more than 30 days; and

N. Signs with speakers intended for audio playback.

5.11.6. GENERAL STANDARDS APPLICABLE TO ALL SIGNS

A. SIGN PERMIT REQUIRED

1. Unless exempted by Section 5.11.4, Exclusions, or included in Section 5.11.6.B, Signs Not Subject to Sign Permit, all signs shall require issuance of a sign permit in accordance with Section 2.2.16, Sign Permit, prior to construction, installation, revision, or display.

2. Some signs may also require building and electrical permits in accordance with the North Carolina Building Code.

B. SIGNS NOT SUBJECT TO SIGN PERMIT

1. The following sign types shall not be required to obtain a sign permit, but shall comply with all applicable requirements in this section and this Ordinance:

a. The placement of one or more incidental signs, subject to the applicable standards in Table 5.11.9, Sign Standards by Sign Type;

b. The placement of a supplemental sign, subject to the applicable standards in Table 5.11.9, Sign Standards by Sign Type; and

c. Public art, subject to the standards in Section 5.11.6.C, Public Art.

2. Failure to comply with the standards for these sign types shall be a violation of this Ordinance subject to the provisions in Article 8: Enforcement.

C. PUBLIC ART

1. DISTINGUISHED FROM SIGNS

a. Painted or printed murals or other forms of public art shall not be considered as signage subject to these standards in cases where the art or mural does not incorporate a direct or indirect reference to a tradename, trademark, or the name of the establishment associated with the mural or artwork.

b. All other forms of public art or murals shall be considered as signage subject to the standards in this section.

2. STANDARDS FOR PUBLIC ART

In cases where public art or a mural does not constitute a sign, it shall be subject to any applicable adopted policy guidance and the following standards:

a. A mural or public art installation shall require approval of a site plan in accordance with the standards in Section 2.2.17, Site Plan.

b. Murals and public art shall be maintained and periodically cleaned, refreshed, or refurbished so that the mural remains visible and consistent with its approval.

c. In the event the owner of a building with a mural no longer wishes to maintain the mural, it shall be removed or covered with paint or other material consistent with the existing exterior material on the building wall where the mural is located. In cases where an approved mural is removed or concealed, it may only be re-established through approval of a site plan in accordance with Section 2.2.17, Site Plan.

D. SIGNS IN STREET RIGHTS-OF-WAY

1. GENERALLY

No sign shall be permitted within a street right-of-way except in accordance with Section 5.11.6.D.2, Signs Allowed in the Right-of-Way.

2. SIGNS ALLOWED IN THE RIGHT-OF-WAY

a. Only the following signs may be permitted in a street right-of-way:

i. Regulatory signage erected by the Town of Zebulon;

ii. Signage erected by NCDOT;

iii. Emergency warning signage erected by a governmental agency, public utility, or contractor performing work within the right-of-way;

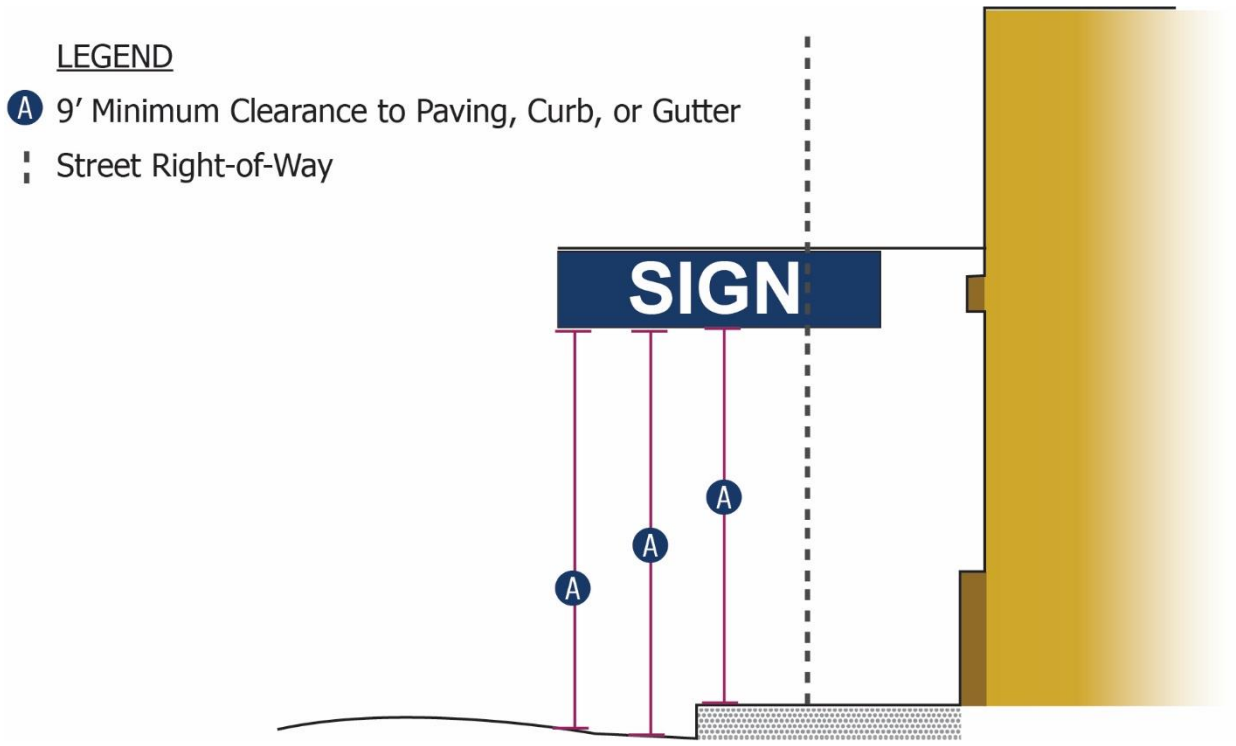
iv. Signage in the DTC and DTP districts; and

v. Political signs.

b. Except for sidewalks signs, signs permitted within a street right-of-way shall maintain a minimum vertical clearance of at least nine feet above the paving, curb, gutter, sidewalk, or grade, as appropriate (see Figure 5.11.6.D.2.b: Minimum Vertical Clearance).

c. In the event the establishment or realignment of a street results in an existing sign becoming wholly or partially within the right-of-way in violation of these standards, the sign shall be removed at the expense of the person or agency establishing or realigning the street.

FIGURE 5.11.6.D.2.B: MINIMUM VERTICAL CLEARANCE



3. REMOVAL OF ILLEGAL SIGNS IN RIGHT-OF-WAY AND PUBLIC PROPERTIES

a. The Planning Director may remove any sign placed on public property or within any public right-of-way in violation of this Ordinance.

b. Signage determined to be in violation of this Ordinance and removed from public property or a public right-of-way shall be discarded.

c. Penalties may be levied for each such illegal sign as prescribed Article 8: Enforcement.

E. PROHIBITED LOCATIONS

1. In no instance shall a sign or sign support structure be located within the following areas:
- **a.** Within five feet of the street right-of-way, except as allowed in Section 5.11.6.D.2, Signs Allowed in the Right-of-Way;
- **b.** Sight distance triangles, unless required by NCDOT;
- **c.** Required open space set-asides; or
- **d.** Within a recorded access or drainage easement.

2. Nothing shall limit the placement of a sign or sign support structure within a required zoning district setback, provided it complies with the applicable standards in this section and does not interfere with landscaping materials required by Section 5.6, Landscaping.

F. MEASUREMENT

Sign face area, maximum sign height, and other measurement standards pertaining to signage are determined in accordance with the standards in Section 9.3.13, Signage Measurement.

G. CHANGEABLE COPY

Areas devoted to changeable copy on a sign shall be subject to the following standards:

1. Changeable copy areas may only be located on ground or wall signs;
2. No more than 50 percent of the sign face area may be devoted to changeable copy area;
3. The display of copy shall not change more than once per minute;
4. Outdoor advertising signs shall not include areas devoted to changeable copy;
5. Signage copy shall not be animated, and shall not blink, scroll, flash, or have other moving effects. This provision shall not restrict the copy from changing from one message to another.

H. ILLUMINATION

Where authorized, signs may only be illuminated in accordance with the following standards:

1. GENERALLY

- **a.** Illuminated signs shall obtain a building permit and be configured in accordance with North Carolina Building Code, applicable electric code, and the adopted fire code.
- **b.** All wiring to ground, pole, or other freestanding signs erected after January 1, 2020, shall be located underground.

2. INTERNAL ILLUMINATION

- **a.** Internally illuminated signs are prohibited within all residential districts.
- **b.** Signs facing residentially-zoned lots or lots used solely for residential purposes shall not be internally illuminated. Nothing shall require a pre-existing internally illuminated sign to be removed if the lot it faces becomes used solely for residential purposes.

3. INDIRECT OR EXTERNAL ILLUMINATION

- **a.** All external or indirectly illuminated signs shall illuminate only the face of the sign and shall not shine directly into or create glare on a right-of-way or residential use.
- **b.** Indirect or externally illuminated signs shall comply with the standards in Section 5.4.7, Maximum Illumination Levels.

4. FLASHING OR INTERMITTENT LIGHTS PROHIBITED

- **a.** Flashing lights are prohibited.
- **b.** Sign illumination shall not vary in degrees of brightness or intensity.

I. STRUCTURAL CONFIGURATION

All signs and sign supporting structures shall be constructed and designed according to generally accepted engineering practices to withstand wind pressures and load distribution as specified in the current North Carolina Building Code.

J. MAINTENANCE REQUIRED

1. All signs and sign supports shall be maintained in good repair.
2. In the event a sign or sign support is poorly maintained or becomes unsafe, the Planning Director shall notify the sign owner of the condition, and the sign owner shall take whatever action is required to maintain public safety.
3. Failure to correct the unsafe condition is a violation of this Ordinance and shall be subject to the remedies in Section 8.8, Remedies.

5.11.7. REMOVAL OF DILAPIDATED OR OBSOLETE SIGNS

A. DILAPIDATED SIGNS

1. Dilapidated signs shall be removed or repaired by a landowner or other responsible party in accordance with the requirements described in a notice of violation by the Planning Director.
2. An existing sign shall be considered dilapidated if it:
   - **a.** Is in disrepair or exhibits a state of being broken or neglected;
   - **b.** Fails to maintain its form as originally constructed or permitted;
   - **c.** Fails to perform its intended function;
   - **d.** Suffers from support pole or structural failure;
   - **e.** Has borders that are falling off or are already removed;
   - **f.** Has panels that are missing or that have fallen off;
   - **g.** Has its message falling off or in a state of disrepair such that it cannot be interpreted by the motoring public; or
   - **h.** Signs that are overgrown by vegetation.

B. OBSOLETE SIGNS

1. PERMANENT SIGNS

- **a.** Permanent signs identifying business establishments that are no longer in operation shall be removed from the premises within 180 days from the date of termination.
- **b.** In cases where the cabinet associated with an obsolete sign is removed, all sign supports, sign framework, mounting hardware, or similar features shall also be removed.
- **c.** In no instance shall a sign cabinet be left in place without sign faces.

2. SUPPLEMENTAL SIGNS

- **a.** Supplemental signs advertising shows, displays, meetings, or similar events shall be removed within 3 days from the date the event is completed.
- **b.** Removal of supplemental signs shall include removal of any frames, supports, or hardware used exclusively for the display of signage.

C. FAILURE TO REMOVE SIGNAGE

Failure of an owner to remove an obsolete or dilapidated sign may result in removal of the sign at the owner's expense following provision of notice to the owner by the Planning Director.

D. INSPECTION

If, through inspection, the Planning Director determines that a sign or sign supporting structure does not comply with the provisions of these regulations, the Town shall take action in accordance with the standards in Article 8: Enforcement.

E. NONCONFORMING SIGNAGE

Nonconforming signage shall be subject to the standards in Section 7.3, Nonconforming Signs.

5.11.8. NONCONFORMING SIGNAGE

A. Lawfully established nonconforming signage may remain in place after January 1, 2020, in accordance with the standards in Section 7.3, Nonconforming Signs, or Section 5.11.7, Removal of Dilapidated or Obsolete Signs, as applicable.

B. After January 1, 2020, all lots shall comply with the incidental, window, and supplemental signage requirements in this section.

5.11.9. SIGN STANDARDS BY SIGN TYPE

Table 5.11.9: Sign Standards by Sign Type, sets out the standards applicable to each sign type regulated by this Ordinance.

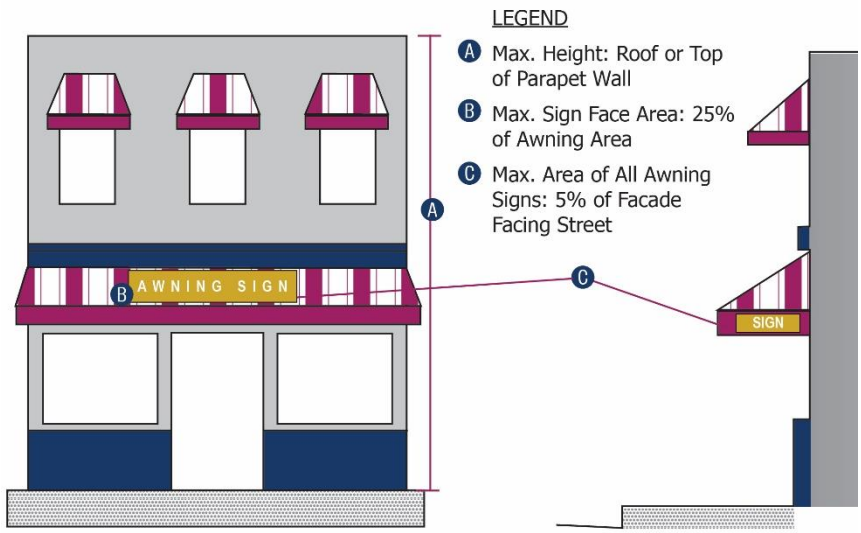
TABLE 5.11.9: SIGN STANDARDS BY SIGN TYPE

A. AWNING SIGN









EXAMPLE:
Total Awning Area of Lower Awning = 90 sf
Total Area of Facade Facing Street = 600 sf

Max. Awning Sign Area on Lower Awning = 25% x 90 = **22.5 sf**
Max. Area of All Awning Signs: 5% x 600 sf = **30 sf**

1. DEFINITION	A sign that is part of or attached to an awning, canopy, or other protective canvas, plastic, or metal cover affixed to a building and located over a door, entrance, window, or other outdoor area. Colors, stripes, or patterns on an awning's surface shall not be considered as signage.					
2. WHERE PERMITTED	**Residential**	**OI**	**NC**	**GC & HC**	**DTC,DTP & RMU**	**LI, CI, HI**
	No	No	Yes	Yes	Yes	Yes
3. DIMENSIONAL STANDARDS						
Maximum Number of Awning Signs per Lot	1 per every ten linear feet of building façade facing a street [1]					
Maximum Height	Under the roof or top of a parapet wall [2]					
Maximum Sign Face Area per Individual Awning Sign	25 percent of the awning area upon which it is located, including the drip flap, if provided					
Maximum Sign Face Area of all Awning Signs per Lot	5 percent of each façade facing a street [1]					
NOTES: [1] Signage on umbrellas or shade structures associated with an outdoor dining area are not counted as awning signs and are exempted from the awning sign number and face area standards. [2] Awning signs shall maintain a minimum height of at least eight feet above grade.						
4. ADDITIONAL STANDARDS						
a. Signage may be located on the drip flap, subject to the maximum sign face area standards.						
b. No awnings above the 3rd building story may be internally illuminated.						
c. Awning signs, when allowed within a street right-of-way, shall not project more than five feet into a right-of-way, nor closer than two feet from the curbline.						
d. Signage may be subject to additional standards identified in Section 3.8.3, Gateway Corridor Overlay (GCO) District.						

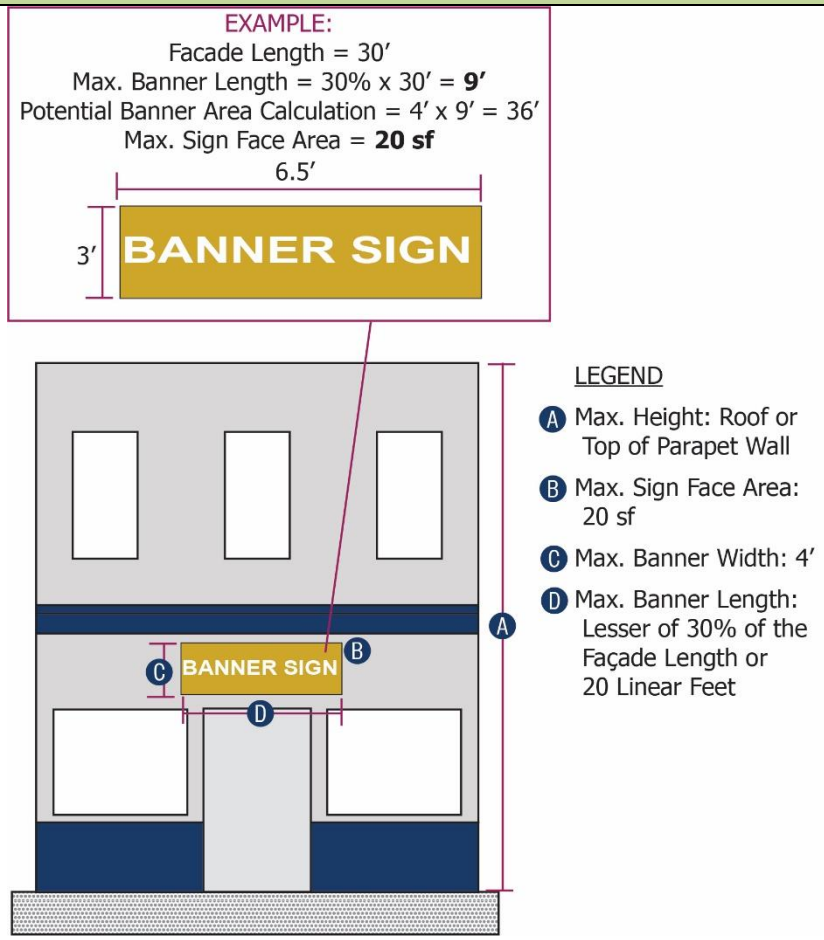
TABLE 5.11.9: SIGN STANDARDS BY SIGN TYPE

B. BANNER SIGN









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

2. WHERE PERMITTED	**Residential**	**OI**	**NC**	**GC & HC**	**DTC, DTP & RMU**	**LI, CI, HI**
	No	No	No	Yes	Yes	No

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

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

4. ADDITIONAL STANDARDS

a. Banners shall be adequately secured through the use of grommets, d-rings, brackets, or similar fastening devices.
b. Banners over 9 square feet in size shall incorporate wind slits.
c. Banners shall not be placed within required sight distance triangles or in locations that obstruct the safe movement of vehicles and pedestrians.
d. Signage may be subject to additional standards identified in Section 3.8.3, Gateway Corridor Overlay (GCO) District.

TABLE 5.11.9: SIGN STANDARDS BY SIGN TYPE

C. Construction Sign/Development Advertising Signs









Ⓐ Maximum Height = 8'
Ⓑ Maximum Sign Face Area = 32 sf Per Side
Ⓒ Min. Setback from Lot Line = 10'



1. DEFINITION	A temporary sign located on a lot for the duration of its construction/development.					
2. WHERE PERMITTED	**Residential**	**OI**	**NC**	**GC & HC**	**DTC,DTP & RMU**	**LI, CI, HI**
	Yes	Yes	Yes	Yes	Yes	Yes

3. DIMENSIONAL STANDARDS		
Maximum Number of Construction /Development Advertising Signs Per Lot	One sign per frontage with public Right-of-Way access which must maintain at least a 200 ft separation from a construction sign on the same site.	
Maximum Sign Height [1]	8 Feet	
Maximum Sign Face Area	32 Square Feet per side (max. 2 sides)	
Minimum Setback from any Lot Line	10 feet from any lot line	
NOTES: [1] Sign support structures shall be included in maximum sign height and face area.		
3. DURATIONAL STANDARDS		
Maximum Duration of the Sign	All Residential Districts	2 Years
	Non Residential and Mixed Use Districts	1 Year
Removal	All Construction/Development Advertising signs must be removed once the development is determined to be complete	
Notes: [1] Renewal of the existing sign permit may be obtained once the duration of the previous sign permit is complete.		

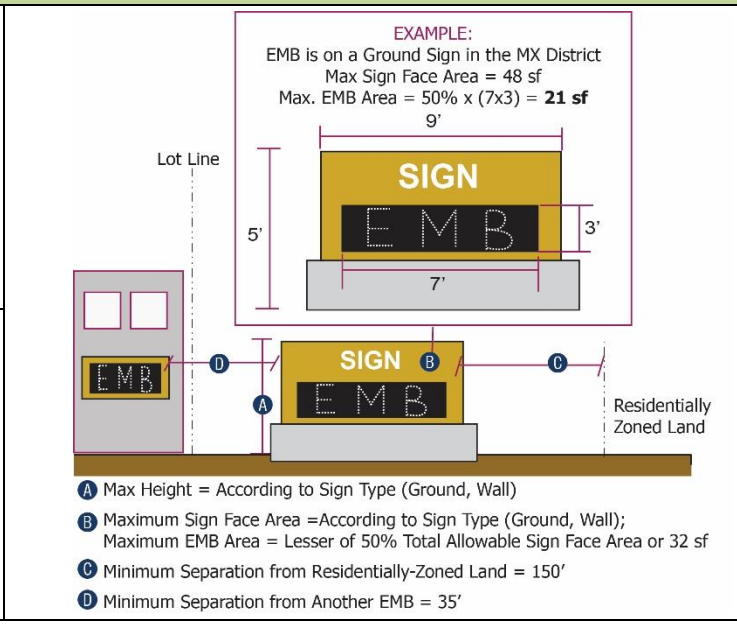
4. ADDITIONAL STANDARDS
a. Supports and braces should be hidden from public view to the fullest extent possible.
b. Construction/Development Advertising signs shall not be located within a street right-of-way.
c. Construction/Development Advertising signs shall not be placed within required sight distance triangles or in locations that obstruct the safe movement of vehicles and pedestrians.
d. Construction/Development Advertising signs shall not include permanent modifications to a site or building.
e. Construction/Development Advertising signs may not be illuminated.
f. Construction/Development Advertising signs shall not block windows or doors.
g. Construction/Development Advertising signs must be maintained in good condition.

TABLE 5.11.9: SIGN STANDARDS BY SIGN TYPE

C. ELECTRONIC MESSAGE BOARD







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

2. WHERE PERMITTED	**Residential**	**OI**	**NC**	**GC & HC**	**DTC, DTP & RMU**	**LI, CI, HI**
	No	No	No	Yes	Yes	No

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

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

4. ADDITIONAL STANDARDS
a. EMBs may only be configured as a wall or ground sign, or portion thereof.
b. EMBs may only be allowed as part of a permanent sign, not a temporary sign.
c. Use of the terms "stop", "caution", or "danger" is prohibited on an EMB for reasons of public safety.
d. Appearance of animation or message movement is prohibited.

e. Signage may be subject to additional standards identified in Section 3.8.3, Gateway Corridor Overlay (GCO) District.
f. The owner or operator of an EMB shall attest to the installation of a power supply system that will power the EMB off after a power outage or other condition that causes the sign to blink, flash, or have the appearance of movement.

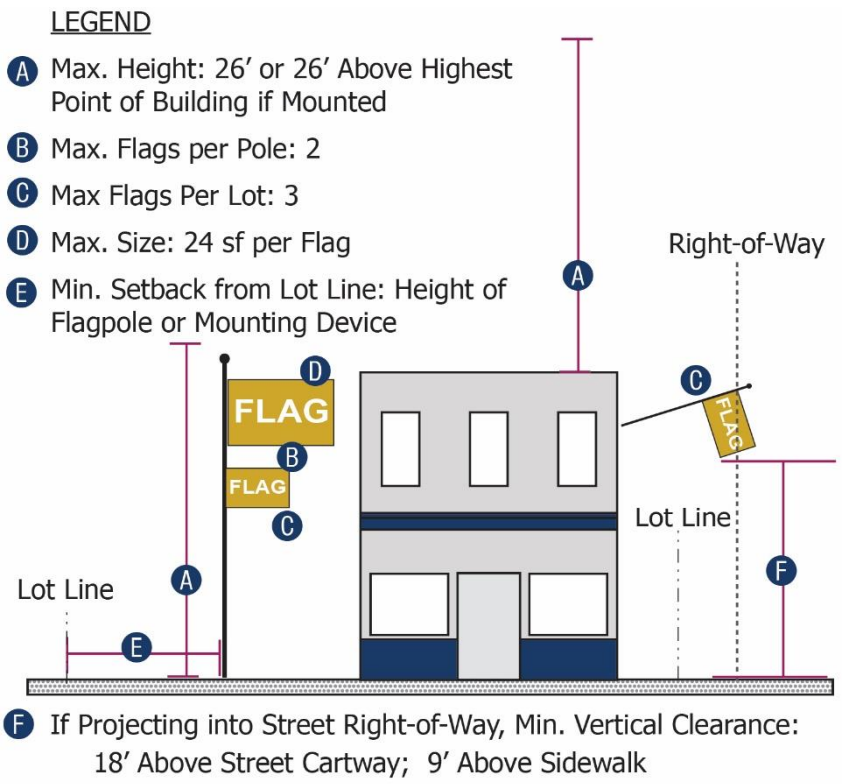
TABLE 5.11.9: SIGN STANDARDS BY SIGN TYPE

D. FLAGS









1. DEFINITION	A piece of cloth or similar material, typically rectangular or square in shape, that is attached to a pole or rope along the shorter side of the material. Flags flown by a governmental agency, located on land owned or operated by a governmental agency, or on a building owned or operated by a governmental agency are exempted from these standards. Flags affixed to two or more poles at the same time are subject to the standards for banners. Feather flags and bow signs are prohibited.

2. WHERE PERMITTED	**Residential**	**OI**	**NC**	**GC & HC**	**DTC, DTP & RMU**	**LI, CI, HI**
	Yes	Yes	Yes	Yes	Yes	Yes

3. DIMENSIONAL STANDARDS	
Maximum Number of Flags per Lot	3
Maximum Mounting Height	25 feet above grade or 25 feet above the highest point of a building if building-mounted [1]
Maximum Number of Flags per Flag Pole	2
Maximum Size per Flag	24 square feet
Minimum Setback from any Lot Line for a Flagpole or other Mounting Device	The height of the flagpole or mounting device

NOTES:
[1] In cases where a flag projects out into a street right-of-way, the flag shall maintain a minimum vertical clearance of 18 feet above the street pavement and 9 feet above a sidewalk.

4. ADDITIONAL STANDARDS

i. Flags and flagpoles shall not be placed within required sight distance triangles or in locations that obstruct the safe movement of vehicles and pedestrians.

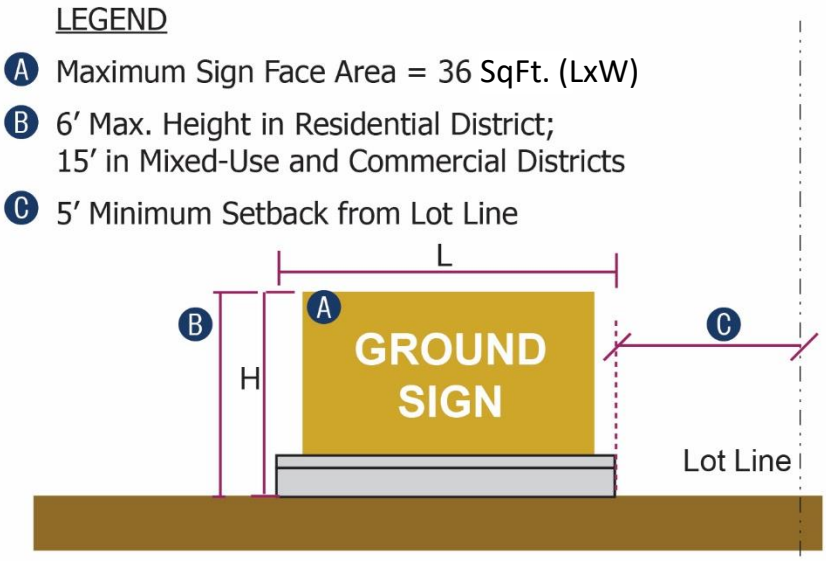
ii. Except on lots in residential districts, flags on poles shall be located no more than 10 feet from the front building line.
iii. Signage may be subject to additional standards identified in Section 3.8.3, Gateway Corridor Overlay (GCO) District.

TABLE 5.11.9: SIGN STANDARDS BY SIGN TYPE

E. GROUND SIGNS







1. DEFINITION	Any sign, other than a pole sign, that is attached directly to the ground by means of a supporting system comprised of a solid pedestal, or other bracing system where there is no open space between the bottom of the sign face area and the ground. Ground signs are configured so that the base of the sign support structure is at least as wide as the sign face area. Ground signs may also be referred to as "pedestal" signs or "monument" signs. Any sign with an opening between the bottom of the sign's face area and ground or where the sign face area is wider than the sign support structure shall be considered as a pole or "freestanding" sign, which are prohibited. Ground signs are not mounted to a building wall, and are not located within a street right-of-way.					
2. WHERE PERMITTED	**Residential**	**OI**	**NC**	**GC & HC**	**DTC, DTP & RMU**	**LI, CI, HI**
	Yes	Yes	Yes	Yes	Yes	Yes
3. DIMENSIONAL STANDARDS						
Maximum Number of Ground Signs Per Lot	1 [1]					
Maximum Height [2] [3] [4]	Residential	OI	NC	GC & HC	DTP, DTC & RMU	LI, CI, HI
	3 Feet	4 Feet	4 Feet	6 Feet	3 Feet	15 Feet
Maximum Sign Face Area [5]	36 Square Feet					
Minimum Setback from any Lot Line	5 feet [6]					
Minimum Separation between Ground Signs on Adjacent Lots	50 feet [7]					

NOTES:
[1] Developments on lots of 2 acres in size or greater and corner lots may have a ground sign for each roadway fronting the perimeter of the development.
[2] Sign height shall be determined based on the higher of: the adjacent grade level or the grade level of the adjacent street.
[3] In nonresidential districts, the maximum height of a ground sign may be increased by 1 foot for every 10 feet of setback beyond the minimum applicable setback to a maximum ground sign height of 25 feet.
[4] The support structure shall be included within the measurement of the sign's maximum height.

[5] The maximum sign face area may be increased by 4 square feet for every 10 feet of setback beyond the minimum applicable setback to a maximum ground sign face area of 175 square feet. [6] Except within the DTC,DTP, and RMU districts, all portions of a ground sign shall be at least 5 feet from a street right-of-way. [7] In cases where a ground sign is proposed and it is impossible to meet the minimum separation distance requirements from an existing ground sign, the proposed sign shall maintain the minimum street setback necessary to ensure an unimpeded view of the existing ground sign on an adjacent lot.
4. ADDITIONAL STANDARDS
a. Ground signs shall not be placed within required sight distance triangles or in locations that obstruct the safe movement of vehicles and pedestrians.
b. Ground signs with support structures of three feet in height or more above grade shall include evergreen plantings around the base of the sign support structure in sufficient number to screen its view from off-site areas.
c. Signage may be subject to additional standards identified in Section 3.8.3, Gateway Corridor Overlay (GCO) District.

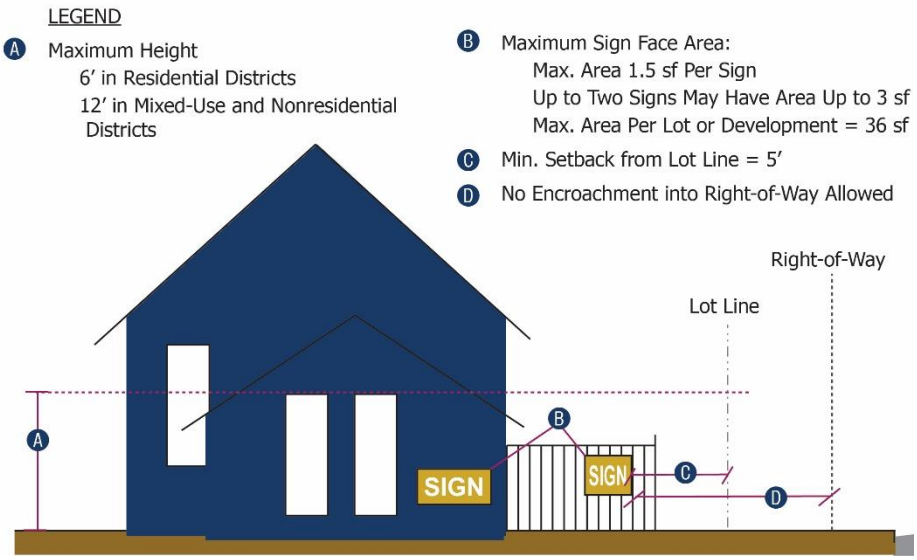
TABLE 5.11.9: SIGN STANDARDS BY SIGN TYPE

F. INCIDENTAL SIGN









1. DEFINITION	Any small or nondescript sign that only provides directional information or safety information for the public. Examples of incidental signs include signs addressing on-site traffic circulation (such as "entrance" or "exit" signs), public safety (such as "high voltage" or "beware of dog" signs), or address signs.

2. WHERE PERMITTED	**Residential**	**OI**	**NC**	**GC & HC**	**DTC, DTP & RMU**	**LI, CI, HI**
	Yes	Yes	Yes	Yes	Yes	Yes

3. DIMENSIONAL STANDARDS [1]		
Maximum Number of Incidental Signs Per Lot	Lots with an existing single family detached dwelling, mobile home, or manufactured home	1 per principal structure
	Lots with a duplex, triplex, or quadplex dwelling unit	1 per dwelling unit
	Single family attached dwelling	1 per dwelling unit
	Multi-family development	1 per building + 5
	Lots in a mixed-use or commercial district	[2]
Maximum Height	6 feet for lots in residential districts; 12 feet for lots in mixed-use and nonresidential districts [3]	
Maximum Sign Face Area	1½ square feet per sign [4]	
Total Incidental Sign Face Area per Mixed-use or Nonresidential Lot or Development	20 square feet	
Minimum Setback from any Lot Line	5 feet [5]	

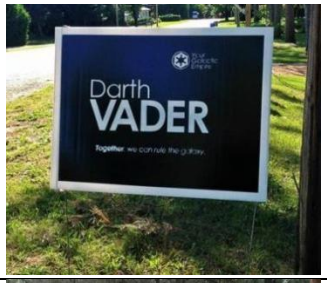
NOTES:
[1] Incidental signs that exceed the maximum height or sign face area shall be considered as a wall sign, ground sign, pole sign, or projecting sign, as appropriate.
[2] See total incidental sign face area per lot or development.
[3] Sign height shall be determined based on the grade immediately adjacent to the sign.
[4] Up to two incidental signs on any single lot may be up to three square feet in sign face area size.
[5] In no instance shall an incidental sign be located within a right-of-way, a sight distance triangle, or in locations that obstruct the safe movement of vehicles and pedestrians

4. ADDITIONAL STANDARDS

a. No sign permit shall be required for the establishment of incidental signs, but all incidental signage shall comply with the standards in this section.
b. Signage may be subject to additional standards identified in Section 3.8.3, Gateway Corridor Overlay (GCO) District.

TABLE 5.11.9: SIGN STANDARDS BY SIGN TYPE

G. POLITICAL SIGNS





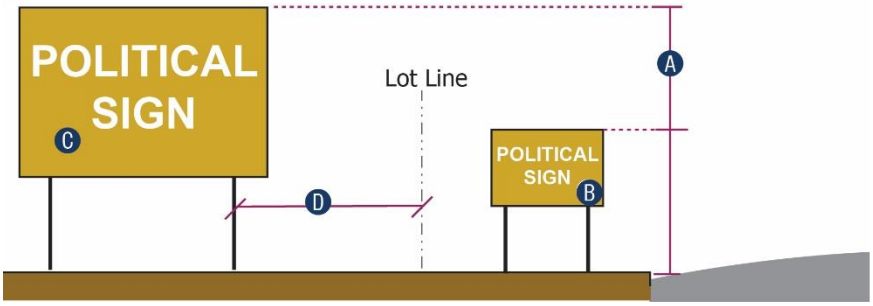
LEGEND

Ⓐ Maximum Height = 60" Above Adjacent Grade When on an Individual Lot; 42" Above Pavement of Adjacent Roadway when in a Street Right-of-Way

Ⓑ Maximum Sign Face Area within ROW= 6 sf

Ⓒ Maximum Sign Face Area on a Lot= 32 sf

Ⓓ No Min. Setback from Lot Line



1. DEFINITION	Any sign that advocates for a particular political candidate, party, position, or political action that is made available for view by the public before and during the portion of a calendar year when elections are underway as described in Section 136-32 of the North Carolina General Statutes. Political signs are also referred to as "campaign" signs or "election" signs. Signs of a political nature that are placed on private property outside the period of time when elections are underway shall be considered as an incidental sign.					
2. WHERE PERMITTED	**Residential**	**OI**	**NC**	**GC & HC**	**DTC, DTP & RMU**	**LI, CI, HI**
	Yes	Yes	Yes	Yes	Yes	Yes

3. DIMENSIONAL STANDARDS		
Maximum Number of Political Signs Per Lot	6 [1]	
Maximum Height	In a right-of-way	42 inches above the edge of the pavement of the adjacent roadway
	On an individual lot	60 inches above adjacent grade
Maximum Sign Face Area	In a right-of-way	6 square feet per sign
	On an individual lot	32 square feet per sign
Minimum Setback from any Lot Line	None	
Minimum Separation between Political Signs	[2]	

NOTES:
[1] There is no limit on the number of political signs that may be placed within the right-of-way in front of a lot during the portion of the year when elections are underway provided the owner of the sign obtains the consent of the lot's owner to place the sign in front of the lot.
[2] No political sign may be placed in any manner that obscures another sign from view.

4. ADDITIONAL STANDARDS
a. Political signs shall not be placed within required sight distance triangles or in locations that obstruct the safe movement of vehicles and pedestrians.
b. Political signs may not be placed on utility poles or traffic control signal poles.
c. Political signs may be placed in the right-of-way only during the period of time when elections are underway as identified in Section 136-32 of the North Carolina General Statutes.
d. Political signs may not be illuminated.

e. Political signs found to be in violation of these standards or the applicable standards in Section 136-32 of the North Carolina General Statutes may be removed by the Planning Director.

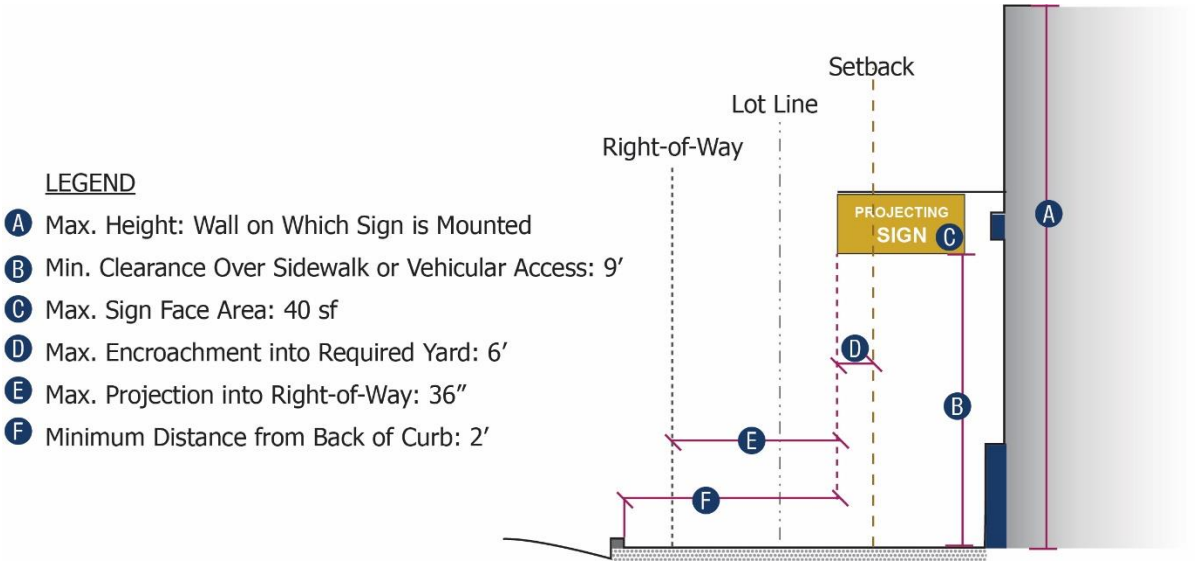
TABLE 5.11.9: SIGN STANDARDS BY SIGN TYPE

H. PROJECTING SIGNS









1. DEFINITION	Any sign that projects outward from a building's exterior wall where the sign face area is not parallel to the building wall upon which is mounted. Projecting signs are also referred to as "marquee" signs. Signs mounted to a building wall with sign face areas that are parallel to the building wall are considered "wall" signs. A sign comprised of fabric or similar material is a "flag" or a "banner" sign.					
2. WHERE PERMITTED	**Residential**	**OI**	**NC**	**GC & HC**	**DTC, DTP & RMU**	**LI, CI, HI**
	Yes	Yes	Yes	Yes	Yes	Yes
3. DIMENSIONAL STANDARDS						
Maximum Number of Projecting Signs Per Lot	One per building façade					
Maximum Height	A projecting sign shall not project above the height of the wall it is mounted to [1]					
Maximum Sign Face Area	40 square feet [2]					
Minimum Setback from any Lot Line	A projecting sign shall not encroach into a required yard by more than 6 feet [3]					
NOTES: [1] Any projecting sign that projects into a right-of-way or that projects over a sidewalk or vehicular accessway shall maintain a minimum clearance of at least 9 feet above grade. [2] Projecting signs with 3 sides may have up to 80 square feet of sign area. [3] A projecting sign shall not project into a right-of-way by more than 36 inches, and shall maintain a minimum of two feet of horizontal distance from the back of the curb.						
4. ADDITIONAL STANDARDS						
a. Projecting signs of 1½ square feet in total sign area or less shall be considered incidental signs.						

b. Any electrical wiring shall be located within the sign or the wall it is affixed to.

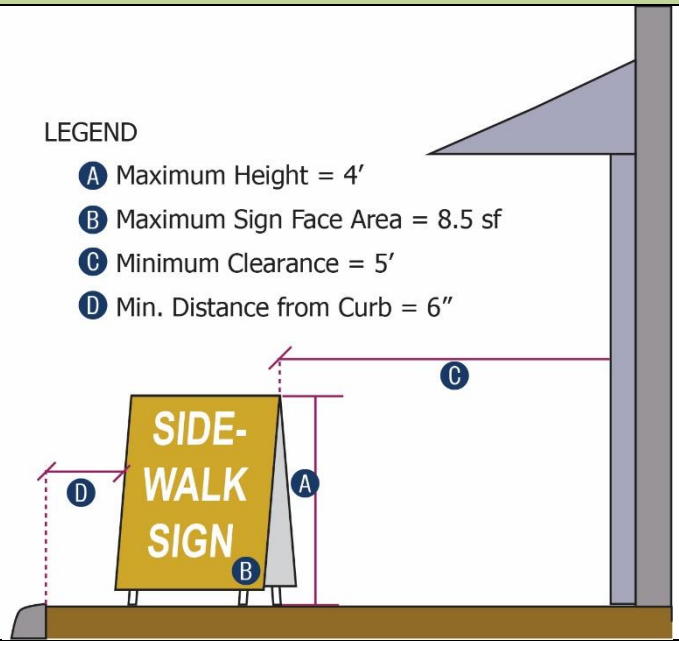
c. Signage may be subject to additional standards identified in Section 3.8.3, Gateway Corridor Overlay (GCO) District.

TABLE 5.11.9: SIGN STANDARDS BY SIGN TYPE

I. SIDEWALK SIGNS







1. DEFINITION	A pedestrian-oriented movable sign that sits on the grade located proximate to the primary entrance of the nonresidential or mixed use being advertised. Sidewalk signs are also referred to as "A-frame" signs or "Board" signs. The sign shall be self-supporting and only visible during operating hours. Sidewalk signs are configured with a broader base then a top or are equipped with supports to ensure they remain stable in normal wind conditions.					
2. WHERE PERMITTED	**Residential**	**OI**	**NC**	**GC & HC**	**DTC, DTP & RMU**	**LI, CI, HI**
	No	No	Yes	Yes	Yes	No

3. DIMENSIONAL STANDARDS	
Maximum Number of Sidewalk Signs Per Lot	1 per street frontage, regardless of the number of tenants [1] [2]
Minimum Clearance Around Sidewalk Sign	5 feet [3] [4]
Maximum Height	4 feet
Maximum Sign Face Area	8.5 square feet
Maximum Number of Sidewalk Sign Sides	2
Maximum Distance from Primary Entrance of Use Being Advertised	25 linear feet

NOTES:
[1] Sidewalk signs may only be permitted on a sidewalk or on-site pedestrian walkway.
[2] Nothing shall limit the rotating of different sidewalk signs on an individual lot provided the total number of signs does not exceed the maximum.
[3] A sidewalk sign may only be placed in a manner that allows for unrestricted pedestrian access around all sides of the sign, and shall not be located within an access ramp, proximate to an accessible parking space, or within a sight distance triangle.
[4] A sidewalk sign shall be no closer than 6 inches from the curb.

4. ADDITIONAL STANDARDS

a. A sidewalk sign shall not be permanently attached to the sidewalk, signs, street trees, landscaping, bicycle rack, or any other fixtures on the sidewalk.

b. Each sidewalk sign shall be removed each day by the close of business.

c. Sidewalks signs may include changeable copy.

d. Sidewalks signs shall not be illuminated.

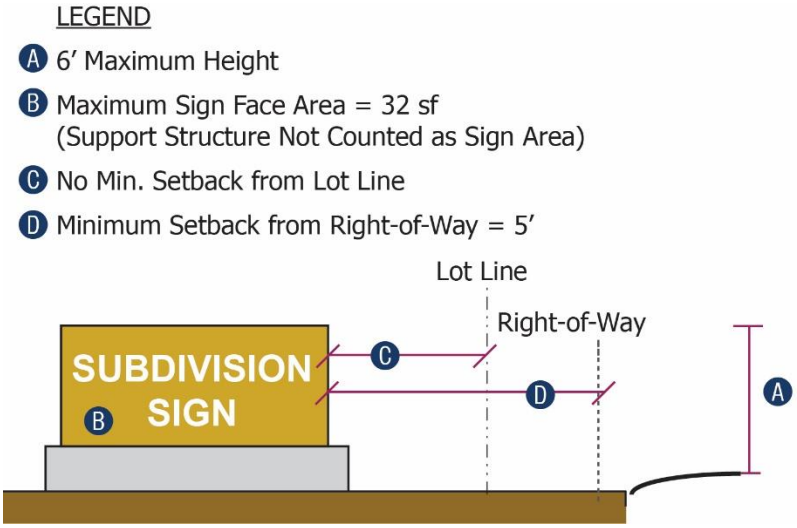
e. Signage may be subject to additional standards identified in Section 3.8.3, Gateway Corridor Overlay (GCO) District.

TABLE 5.11.9: SIGN STANDARDS BY SIGN TYPE

J. SUBDIVISION SIGNS







1. DEFINITION	A ground sign located at the entrance to a subdivision consisting of two or more lots. Subdivision signs shall be located outside all street rights-of-way, and shall not be located on a lot with a principal building.					
2. WHERE PERMITTED	**Residential**	**OI**	**NC**	**GC & HC**	**DTC, DTP & RMU**	**LI, CI, HI**
	Yes	Yes	Yes	Yes	Yes	Yes

3. DIMENSIONAL STANDARDS	
Maximum Number of Subdivision Signs Per Development	1 per development entrance
Maximum Height	6 feet [1]
Maximum Sign Face Area	32 square feet [2] [3]
Minimum Setback from any Lot Line	None
Minimum Setback from Right-of-Way	5 feet

NOTES:
[1] Sign height shall be determined based on the higher of: the adjacent grade level or the grade level of the adjacent street.
[2] The support structure for a subdivision sign configured as a ground sign shall not be included with the calculation of the maximum allowable sign face area.
[3] Developments with 2 or more entries may have up to 64 square feet of subdivision sign provided that no single entry has a subdivision sign with a sign face area exceeding 32 square feet.

4. ADDITIONAL STANDARDS

a. Subdivision signs may only be configured as a ground sign.

b. Subdivision signs shall not be placed within required sight distance triangles or in locations that obstruct the safe movement of vehicles and pedestrians.

c. Subdivision signs that are illuminated shall comply with the applicable limitations on glare in Section 5.4, Exterior Lighting.

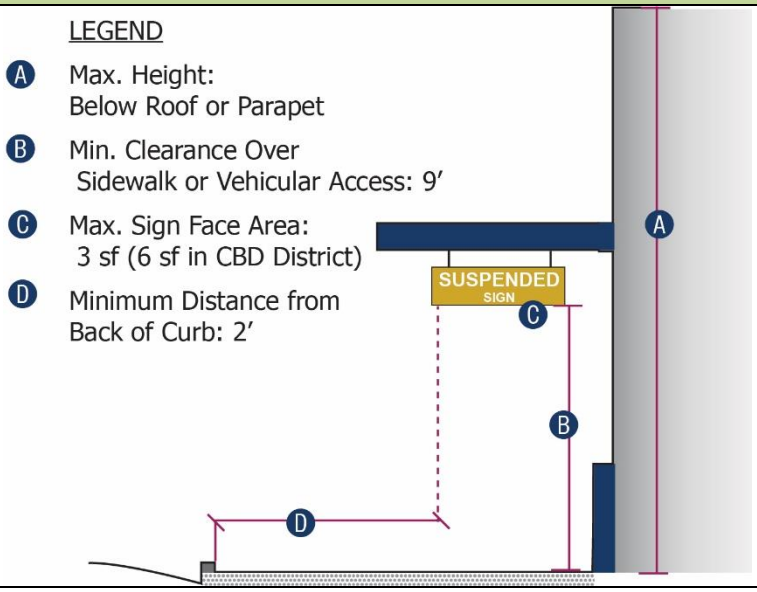
d. Signage may be subject to additional standards identified in Section 3.8.3, Gateway Corridor Overlay (GCO) District.

TABLE 5.11.9: SIGN STANDARDS BY SIGN TYPE

K. SUSPENDED SIGNS







1. DEFINITION	A sign that is suspended from the underside of a principal building's overhang or canopy that is intended for view by pedestrians or patrons already on a site. The sign may be parallel or perpendicular to the building wall. A sign that is not suspended from a canopy or overhang of a building is not a suspended sign. A sign mounted on a building wall parallel to the wall is a "wall" sign. A sign mounted on a building wall perpendicular to the building wall is a "projecting" sign. Signs visible through a window are "window" signs.

2. WHERE PERMITTED	**Residential**	**OI**	**NC**	**GC & HC**	**DTC, DTP & RMU**	**LI, CI, HI**
	No	Yes	Yes	Yes	Yes	Yes

3. DIMENSIONAL STANDARDS	
Maximum Number of Projection Signs Per Development	1 per lot or 1 per tenant in a multi-tenant building
Maximum Mounting Height	Below the roof or parapet [1]
Maximum Sign Face Area	3 square feet; 6 square feet in the CBD district
Minimum Setback from any Lot Line	[2]

NOTES:
[1] Any suspended sign that projects into a right-of-way or that projects over a sidewalk, walkway, or vehicular accessway shall maintain a minimum clearance of at least 9 feet above the grade or the walkway.
[2] A suspended sign shall maintain a minimum of two feet of horizontal distance from the back of the curb.

4. ADDITIONAL STANDARDS
a. Suspended signs shall not project beyond the canopy or overhang they are mounted to.
b. Suspended signs shall be flush mounted or drop mounted with metal pipe, chain, wire, or other comparable material and permanently affixed to the overhang or canopy where mounted.
c. Suspended signs shall not be mounted to an accessory structure.
d. Signage may be subject to additional standards identified in Section 3.8.3, Gateway Corridor Overlay (GCO) District.

TABLE 5.11.9: SIGN STANDARDS BY SIGN TYPE

L. SUPPLEMENTAL SIGNS



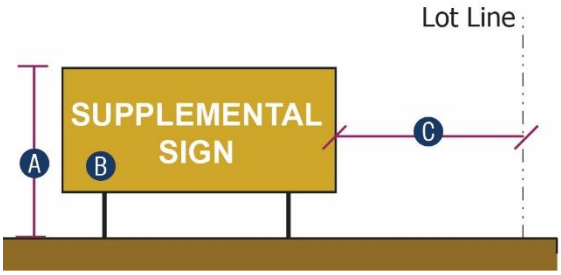






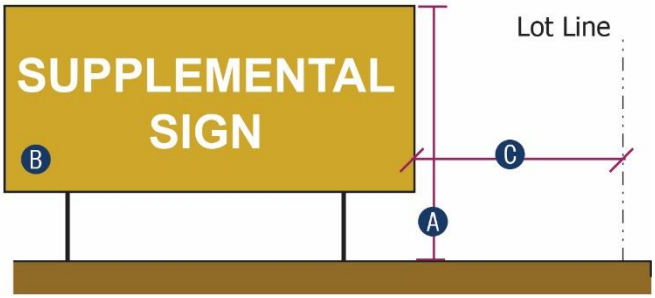
In Residential Districts

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



In Nonesidential Districts

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



1. DEFINITION	Any sign that is not permanently affixed to the ground or a building which can be removed without special handling and that may be located on a lot or site in addition to other forms of signage. Banners and incidental signs are not supplemental signs. Ideological signs are considered supplemental signs.					
2. WHERE PERMITTED	**Residential**	**OI**	**NC**	**GC & HC**	**DTC, DTP & RMU**	**LI, CI, HI**
	Yes	Yes	Yes	Yes	Yes	Yes

3. DIMENSIONAL STANDARDS		
Maximum Number of Supplemental Signs Per Lot	1 per lot; 1 per nonresidential tenant in a multi-tenant development	
Maximum Sign Height [1]	Residential Districts	6 feet
	All Other Districts	12 feet
Maximum Sign Face Area [2]	Residential Districts	6 square feet
	All Other Districts	20 square feet
Minimum Setback from any Lot Line	10 feet from any lot line	
NOTES: [1] Sign support structures shall be included in maximum sign height and face area. [2] Signs visible through a window are also subject to the standards for window signs.		

4. ADDITIONAL STANDARDS
a. Supplemental signs shall not require issuance of a sign permit and are not subject to a maximum duration.
b. Supplemental signs shall not be located within a street right-of-way.
c. Supplemental signs shall not be placed within required sight distance triangles or in locations that obstruct the safe movement of vehicles and pedestrians.
d. Supplemental signs shall not include permanent modifications to a site or building.
e. Supplemental signs may not be illuminated.
f. Supplemental signs shall not block windows or doors.

h. Signage may be subject to additional standards identified in Section 3.8.3, Gateway Corridor Overlay (GCO) District.

TABLE 5.11.9: SIGN STANDARDS BY SIGN TYPE

M. WALL SIGNS









Ⓐ Max. Height: Height of Building

Ⓑ Max. Sign Face Area:

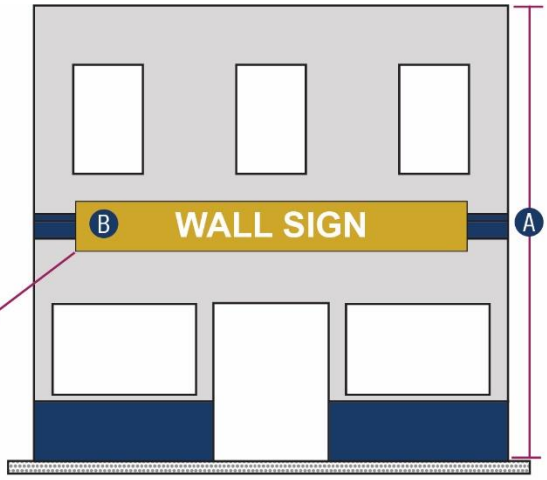
16 sf Residential Districts

32 sf OI and NC Districts

DTC and DTP Districts = 1/2 sf area per lineal foot of facade fronting a street; max. 32 sf

GC, HC and Industrial Districts = 1/2 sf area per lineal foot of facade fronting a street; max. 64 sf

EXAMPLE:
Building is in DTP District
30' Facade Fronting Street
Max. Wall Sign Area = 30 x 1/2 = **15 sf**



1. DEFINITION	Any sign, other than a projecting sign, that is mounted to or painted on an exterior building wall. Wall signs have only one sign face and are configured to be parallel to the building wall upon which they are located. Signs mounted perpendicular to a wall are "projecting" signs. Signs mounted from the ceiling of a building's canopy or overhang are "suspended" signs. Signs made of fabric or other material that moves are "banners" or "flags." Signs visible through a window are "window" signs.					
2. WHERE PERMITTED	**Residential**	**OI**	**NC**	**GC & HC**	**DTC, DTP & RMU**	**LI, CI, HI**
	RMF Only	Yes	Yes	Yes	Yes	Yes

3. DIMENSIONAL STANDARDS		
Maximum Number of Wall Signs Per Development	Lots in residential districts	1
	Lots in all other districts – single tenant building	1 per building façade
	Lots in all other districts – multi-tenant building	1 per tenant
Maximum Mounting Height	No wall sign shall extend above, below or beyond the building wall to which it is attached [1]	
Maximum Sign Face Area [2]	Lots in residential districts	16 square feet
	Lots in OI and NC districts	32 square feet
	Lots in DTC, DTP, and RMU districts	½ square foot of sign face area per lineal foot of building façade upon which the sign is located [3]
	Lots in GC, HC, and industrial districts	½ square foot of sign face area per lineal foot of building façade upon which the sign is located [4]
Minimum Setback from any Lot Line	Same as the building [5]	

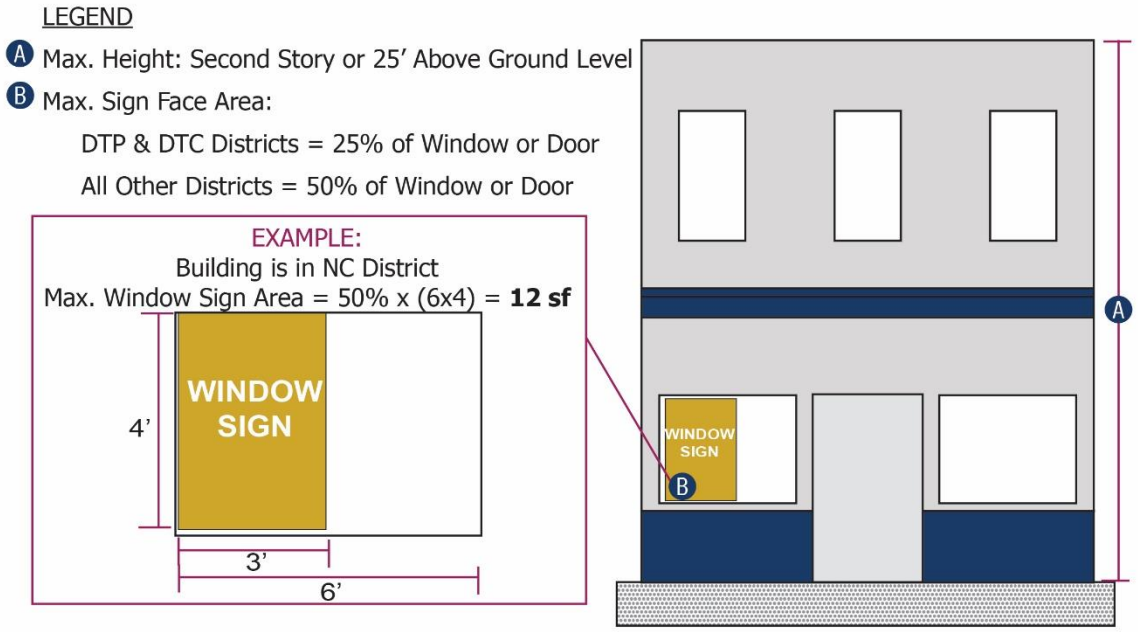
NOTES: [1] Wall signs that project into a right-of-way shall maintain a minimum vertical clearance of at least 9 feet above grade. [2] In the case of multi-tenant nonresidential buildings, the total sign area per tenant shall be determined based on the portion of the building frontage occupied by each storefront. End units may have a wall sign on each building façade, subject to the maximum sign face area standards. [3] No individual wall sign shall exceed 32 square feet of sign face area. [4] No individual wall sign shall exceed 64 square feet of sign face area. [5] Wall signs shall not project into a right-of-way by more than six inches.
4. ADDITIONAL STANDARDS
i. No wall sign shall be located in a manner that covers or blocks ingress or egress from a door, window, or fire escape.
ii. Any electrical wiring shall be located within the sign or the wall it is affixed to.
iii. Wall signs that are illuminated shall comply with the applicable limitations on glare in Section 5.4, Exterior Lighting.
iv. Signage may be subject to additional standards identified in Section 3.8.3, Gateway Corridor Overlay (GCO) District.

TABLE 5.11.9: SIGN STANDARDS BY SIGN TYPE

N. WINDOW SIGNS







1. DEFINITION	A sign affixed to or visible through the surface of a window or glass door that is intended to be visible to the public from outside the building. Signs painted on glass and etched or frosted glass that includes text or symbols shall be considered as a window sign. Signs not visible from off-site areas are exempted from these standards. Signs mounted to a building's exterior wall are "wall" signs.					
2. WHERE PERMITTED	**Residential**	**OI**	**NC**	**GC & HC**	**DTC, DTP & RMU**	**LI, CI, HI**
	No	Yes	Yes	Yes	Yes	Yes
3. DIMENSIONAL STANDARDS						
Maximum Number of Window Signs Per Development	No limit, subject to the maximum sign face area standards					
Maximum Mounting Height	Window signs are not permitted above the second story or higher than 25 feet above ground level					
Maximum Sign Face Area [1]	DTP & DTC districts	25% of the outer extent of any single window or door [2][3]				
	All other districts	40% of the outer extent of any single window or door [2]				

NOTES:
[1] Groups of multiple windows or doors within six inches of one another on the same building façade shall be considered as one window or door for the purposes of sign face area calculation.

[2] Window signs shall not be located or configured in ways that prevent patrons operating doors safely. [3] The Planning Director may allow for the maximum sign area to be up to 25% of the cumulative surface area of all the windows on the face of a wall if there are no other signs located on that wall and if the positioning of the window to which the window signs are attached do not accomplish the transparency intent.
4. ADDITIONAL STANDARDS
a. Window signs may not be externally illuminated.
b. Material used to block views into a vacant building (such as brown paper) is not considered to be a window sign.
c. Blinds, shades, or curtains bearing symbols or text that is visible from off-site areas shall be considered to be a window sign subject to these standards.
d. Signage may be subject to additional standards identified in Section 3.8.3, Gateway Corridor Overlay (GCO) District.

5.12. SUSTAINABILITY INCENTIVES

5.12.1. HOW TO USE THESE INCENTIVES

These sustainable development incentives are intended to reward applicants and forms of development that are configured in ways that conserve resources or are better able to withstand damaging natural hazards. Rewards take the form of increased maximum residential densities, increased maximum building heights, or reductions from other kinds of development standards such as required parking or maximum sign face area.

A. Applicants seeking to take advantage of these sustainable development incentives should first understand the type of incentives available in accordance with Section 5.12.4, Type of Incentives.

B. Once the preferred type of incentive(s) is determined, an applicant should review Section 5.12.5, Procedure, in order to determine the minimum number and type(s) of sustainable development practices required to take advantage of the desired incentive(s).

C. Each type of incentive requires provision of one or more types of sustainable development practice from each of two different schedules (Schedule A and Schedule B).

D. The sustainable development practices are listed, by schedule type, in Table 5.12.6: Menu of Sustainable Development Practices.

E. The types of sustainable development practices to be provided are at the applicant's discretion, but the minimum number of practices from each schedule must be provided. Nothing shall limit the Board of Commissioners from including a condition of approval that specifies the use of one or more particular types of sustainable development practice should an applicant decide to pursue a sustainable development incentive.

F. Site plans, subdivision plats, and other application materials shall identify the type(s) of incentives sought and the sustainable development practices provided.

5.12.2. PURPOSE AND INTENT

In an effort to encourage sustainable development practices as a means of addressing climate change and the need for more resilient development practices, the protection of natural resources, and ensuring a high quality of life for future Town residents, the UDO provides the following sustainable development practice incentives.

5.12.3. APPLICABILITY

The incentives included in this section are available to new development in the residential, commercial, industrial, and planned development districts.

5.12.4. TYPE OF INCENTIVES

A. Development integrating sustainable development practices in accordance with the provisions of this section shall be eligible for the following incentives:

1. A density bonus of up to one additional dwelling unit per acre beyond the maximum allowed in the base zoning district;
2. An increase in the maximum allowable height by up to one story or ten feet beyond the maximum allowed in the base zoning district, with approval of the Fire Marshal;
3. A modification to the off-street parking requirements resulting in a reduction from the minimum requirements by 15 percent, or an increase to the maximum allowable number of spaces provided by 15 percent (without an alternative parking plan); or
4. An increase in the maximum allowable sign area or maximum height for signs by 10 percent.

B. Development may include a sufficient number of sustainable development practices to take advantage of more than one type of incentive, but in no instance shall the amount of an incentive be increased or decreased (as appropriate) beyond the maximum listed in this sub-section.

5.12.5. PROCEDURE

A. Development seeking to use incentives shall include a written request with the development application that demonstrates how compliance with the standards will be achieved.

B. Review for compliance with this section, and granting of requests in accordance with this section shall occur during review of a site plan, subdivision, planned development master plan, special use permit, or building permit, as appropriate. The review authority responsible for review of the development application shall also be responsible for the review of sustainable development incentive request.

C. Approval of use of a particular incentive shall be based on the number of sustainable development practices provided, in accordance with Table 5.12.5: Sustainable Development Practice Incentives, and Table 5.12.6: Menu of Sustainable Development Practices. To obtain the right to a particular incentive, development shall provide the minimum number associated of sustainable development practices from both schedule A and schedule B in the table below.

D. In cases where a proposed development seeks to combine two or more development incentives, the minimum number of required sustainable development practices for each individual incentive shall be provided.

TABLE 5.12.5: SUSTAINABLE DEVELOPMENT PRACTICE INCENTIVES

Type of Incentive	Minimum Number of Sustainable Development Practices Provided	
	From Schedule A	From Schedule B
A density bonus of up to one additional dwelling unit per acre beyond the maximum allowed in the base zoning district	2	4
An increase in the maximum allowable height by up to one story or ten feet beyond the maximum allowed in the base zoning district	2	3
A reduction from the minimum parking space requirements by 15 percent, or an increase to the maximum allowable number of parking spaces provided by 15 percent	2	2
An increase in the maximum allowable sign area or maximum height for wall or freestanding signs by 10 percent	1	3

5.12.6. MENU OF SUSTAINABLE DEVELOPMENT PRACTICES

One or more of the sustainable development practices in Table 5.12.6: Menu of Sustainable Development Practices, may be offered by an applicant for proposed development in accordance with Table 5.12.5: Sustainable Development Practice Incentives. An applicant may suggest a practice not listed, which shall be considered by the Planning Director as part of review.

TABLE 5.12.6: MENU OF SUSTAINABLE DEVELOPMENT PRACTICES

Schedule	Type of Practice	Documentation of Compliance
Energy Conservation		
A	Inclusion of solar photovoltaic panels or small wind energy facilities in an amount capable of producing 900 kilowatt hours	Indication on site plan

TABLE 5.12.6: MENU OF SUSTAINABLE DEVELOPMENT PRACTICES

SCHEDULE	TYPE OF PRACTICE	DOCUMENTATION OF COMPLIANCE
	of electricity per month for each dwelling or principal use in the development	
A	Use of central air conditioners that are Energy Star qualified	Provision of manufacturer's certification statement
A	Use of only solar or tankless water heating systems throughout the structure	Inclusion on construction drawings
A	Use of a white roof or roofing materials with minimum reflectivity rating of 60 percent or more	Provision of materials sample and manufacturer's certification statement (statement not required for white roofs)
A	Pre-plumb and pre-wire structures for solar water heating and photovoltaic installation	Indication on site plan
B	Provision of skylights in an amount necessary to ensure natural lighting is provided to at least 15 percent of the habitable rooms in the structure	Indication on site plans
B	Roof eaves or overhangs of three feet or more on southern or western elevations	Indication on site plans
B	Structure design that can accommodate the installation and operation of solar photovoltaic panels or solar thermal heating devices (including appropriate wiring and water transport systems)	Inclusion on construction drawings
B	Inclusion of shade features (e.g., awnings, louvers, shutters, etc.) to shade all windows and doors on the southern building facade	Indication on site plan
B	Shade impervious surfaces and southern/western building exposures to limit heat gain	
B	Inclusion of on-demand hot water systems instead of tank-based systems	
B	Configuration of new buildings with one axis at least 1.5 times longer than the other, and the long axis oriented in an east-west configuration for solar access	
Certification		
AAA [1]	Construction of the principal structure(s) to meet or exceed LEED Platinum certification standards	Provision of verification of project compliance by certifying agency (may be provided within one year following occupancy)
AA [2]	Construction of the principal structure(s) to meet or exceed LEED Gold certification standards	
BBB	Construction of the principal structure(s) to meet or exceed LEED Silver certification standards	
BB	Construction of the principal structure(s) to meet or exceed LEED Bronze certification standards	
AAA	Construction of the principal structure(s) to meet or exceed BREEAM "Excellent" certification standards	
AA	Construction of the principal structure(s) to meet or exceed BREEAM "Very Good" certification standards	

TABLE 5.12.6: MENU OF SUSTAINABLE DEVELOPMENT PRACTICES

SCHEDULE	TYPE OF PRACTICE	DOCUMENTATION OF COMPLIANCE
BBB	Construction of the principal structure(s) to meet or exceed BREEAM "Good" certification standards	
BB	Construction of the principal structure(s) to meet or exceed BREEAM "Pass" certification standards	
AAA	Construction of the principal structure(s) to meet or exceed National Green Building Standard's "Emerald" certification standards	
AA	Construction of the principal structure(s) to meet or exceed National Green Building Standard's "Gold" certification standards	
BBB	Construction of the principal structure(s) to meet or exceed National Green Building Standard's "Silver" certification standards	
BB	Construction of the principal structure(s) to meet or exceed National Green Building Standard's "Bronze" certification standards	
AA	Green Globes certification for new construction or an existing building, as appropriate	
A	Construction of the principal structure(s) to meet some other recognized organization's sustainability standards, as determined by the TRC	
Water Conservation and Quality Protection		
AA [2]	Configuration of the principal structure's roof so that at least 50 percent of the roof is a "green" roof intended to capture and hold rainwater	Indication on site plan
A	Inclusion of rainwater capture and re-use devices such as cisterns, rain filters, and underground storage basins with a minimum storage capacity of 500 gallons	Inclusion on construction drawings
A	Provision of bio-retention area(s) or other appropriate stormwater infiltration system(s) of at least 700 square feet in area	Indication on site plan
A	Provision of open space set-asides at a rate 200 percent or more beyond the minimum required	
B	Provision of bio-retention area(s) or other appropriate stormwater infiltration SCM systems of at least 100 square feet in area	
B	Removal of all lawn or turf in favor of living ground cover	
B	Use of xeriscape landscaping techniques without irrigation	
B	Provision of 150-foot undisturbed buffers adjacent to/surrounding all wetlands or surface waters	
B	Use of permeable surfacing on 50 percent or more of the vehicular use area	
Building Configuration		
A	Construction of principle structure in accordance with Barrier Free Design Standards (ANSI A1171.1)	Inclusion on construction drawings
A	Construction of the principal structure to a design wind speed standard of 150 mph	Signed attestation from a qualified NC licensed engineer

TABLE 5.12.6: MENU OF SUSTAINABLE DEVELOPMENT PRACTICES

SCHEDULE	TYPE OF PRACTICE	DOCUMENTATION OF COMPLIANCE
A	Inclusion of underground parking or parking structures sufficient to accommodate 51 percent or more of the off-street parking requirements	Indication on site plan
B	Include operable windows on all building sides	
B	Provision of on-site transit facilities (e.g., designated park-and-ride parking spaces, bus shelters, or similar features)	
B	Inclusion of showering and dressing facilities in nonresidential developments for employees using alternative forms of transportation	Inclusion on construction drawings
B	Provision of at least one enclosed recycling station per building suitable for storage and collection of recyclables generated on-site	Indication on site plan
Site Configuration		
AAA	Configuration of the lots in a subdivision so that at least one-third of the lots created in any particular phase have a minimum lot area that differs from the average lot area in the subdivision by 33 percent or more	Indication on the preliminary plat

NOTES:
[1] Credited as provision of three schedule "A" features
[2] Credited as provision of two schedule "A" features

5.12.7. FAILURE TO INSTALL OR MAINTAIN SUSTAINABLE DEVELOPMENT PRACTICES

The failure to install or maintain approved sustainable development practices is a violation of this Ordinance, shall render the subject development nonconforming, and may result in revocation of the authorization for use of sustainable development practice incentives.

ARTICLE 6: SUBDIVISIONS





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6: SUBDIVISIONS

6.1. INTRODUCTORY PROVISIONS

6.1.1. HOW TO USE THESE STANDARDS

A. The standards in this section are applied to applications seeking to divide land into two or more lots. Some subdivisions of land are exempted from complying with these requirements (see Section 6.1.4, Exemptions), while others are subject to these standards.

B. Any activity, whether associated with a subdivision or a site plan application, shall be subject to applicable infrastructure standards in this chapter.

C. Any applicant considering a subdivision of land should first determine if the subdivision is subject to or exempt from these standards. All subdivisions subject to these standards shall comply with the provisions in Section 6.12, Subdivision Standards, as well as any of the following applicable provisions.

D. Subdivisions (and site plans) that incorporate or rely on public infrastructure shall be subject to the various infrastructure-related provisions in this chapter such as those in Section 6.10, Streets, Section 6.8, Sidewalks, Section 6.14, Utilities and Infrastructure, and Section 6.4, Greenways.

E. Lots within a proposed subdivision (or individual structures proposed as part of a site plan) may not be conveyed or occupied until all required public infrastructure is installed and accepted by the Town or made subject to a performance guarantee posted by the applicant as a promise to complete all required public infrastructure in accordance with Section 6.6, Performance Guarantees.

F. Subdivisions (or individual developments established without a prior subdivision of land) that include land or infrastructure elements to be owned or operated in common by the owners of the development shall establish and operate an owner's association in accordance with the standards in Section 6.5, Owners' Associations.

G. Where permitted in accordance with this chapter and Article 3: Districts, subdivisions may be configured as conservation subdivisions, which are intended to protect open space farmland, natural resources, and rural character in accordance with Section 6.2, Conservation Subdivision.

6.1.2. PURPOSE AND INTENT

The purpose of this section is to establish standards for the subdivision of land and extension of public infrastructure in the Town's jurisdiction. More specifically, this section is intended to:

A. Provide for the orderly growth and development of the Town;

B. Maintain conditions essential to the public's health, safety, and welfare;

C. Facilitate the further re-subdivision of larger tracts into smaller parcels of lands and individual lots, where appropriate;

D. Coordinate the provision of streets within and contiguous to proposed subdivisions;

E. Provide for the dedication or reservation of rights-of-way, and easements, in accordance with the Town's adopted policy guidance; and

F. Ensure lots and public infrastructure are configured in ways that ensure public safety, easy maintenance, and good planning practice.

6.1.3. APPLICABILITY

Unless exempted in accordance with Section 6.1.4, Exemptions, any division of land consistent with the definition of a subdivision in Section 9.4, Definitions, that is located within the Town's jurisdiction shall comply with the requirements of this section.

6.1.4. EXEMPTIONS

The following divisions of land shall be exempt from these subdivision standards:

A. Expedited subdivisions configured in accordance with Section 2.2.9, Expedited Subdivision;

B. Subdivisions exempted in accordance with Section 160A-376 of the North Carolina General Statutes; and

C. Court-ordered subdivisions that comply with Chapter 29 of the North Carolina General Statutes.

6.1.5. COMPLIANCE WITH OTHER STANDARDS

Subdivision subject to these standards in accordance with Section 6.1.3, Applicability, shall comply with the standards in this article as well as the applicable standards in:

A. Article 3: Districts;

B. Article 4: Uses; and

C. Article 5: Development Standards.

6.1.6. APPROVAL OF SUBDIVISION PLATS REQUIRED

No subdivision of land within the Town's jurisdiction, as defined in Section 9.4, Definitions, shall occur, and no lot or parcel created by such division of land may be sold or developed unless the division complies with the standards of this chapter as well as the applicable standards in Section 2.2.14, Preliminary Plat, or Section 2.2.10, Final Plat, as appropriate.

6.1.7. RECORDATION OF SUBDIVISION PLATS REQUIRED

A. Subdivisions of land subject to these standards shall be recorded in the office of the Wake County Register of Deeds following approval of the plat by the Town.

B. The owner of land or an authorized agent shall sign a statement on the plat prior to recordation that states whether or not all the land shown on the plat is within the Town's jurisdiction.

C. No subdivision plat of land within the Town's jurisdiction that is subject to these standards shall be filed or recorded until it has been approved by the Town in accordance with Section 2.2.14, Preliminary Plat, or Section 2.2.10, Final Plat, as appropriate.

D. The Wake County Register of Deeds shall not file or record a subdivision plat for land located within the Town's jurisdiction without evidence that the division has been approved by the Town, or is not subject to this Ordinance.

6.1.8. ISSUANCE OF PERMITS FOLLOWING PLAT APPROVAL

No street shall be accepted and maintained by the Town, nor shall any water or sewer be extended or connected, nor shall any permit be issued for a building or other improvement, on land where a subdivision plat is required until the requirements set forth in this article have been complied with.

6.1.9. SUBDIVIDING IN VIOLATION

A. Any owner of land (or their agent) who subdivides land in the Town's jurisdiction, or transfers or sells land by reference to, exhibition of, or any other use of a plat showing a subdivision of the land before the plat has been properly approved under this Ordinance and recorded in the office of the Register of Deeds for Wake County shall be guilty of a Class I misdemeanor in accordance with Section 160A-375 of the north Carolina General Statutes.

B. The selling or transferring of land subject to these subdivision standards by any document other than a plat prepared subject to this Ordinance is a Class I misdemeanor in accordance with Section 160A-375 of the North Carolina General Statutes.

C. The Town may enjoin any illegal subdivision, transfer, or sale of land by action for injunction in accordance with Article 8: Enforcement.

6.2. CONSERVATION SUBDIVISION

6.2.1. PURPOSE AND INTENT

The purpose and intent of this section is to provide landowners in the rural and suburban portions of the Town a development option that provides additional development flexibility to build on smaller lots when additional open space set-asides are provided, and the development is designed and located in a way that protects rural character, agricultural activities, or natural and historic features on the site. This is done in order to:

A. Conserve open land, including those areas containing productive agricultural soils, unique and sensitive natural features such as floodplains, wetlands, river and stream corridors, areas with mature deciduous trees, and watersheds;

B. Promote existing rural character particularly in areas visible from major roadways in the Town;

C. Retain and protect existing environmental, natural, and cultural resources;

D. Create a linked network of open lands; and

E. Provide reasonable economic use of the land.

6.2.2. APPLICABILITY

A. TYPE OF DEVELOPMENT

This conservation subdivision option shall be limited to development of single-family detached residential dwellings on individual lots in subdivisions of more than five lots. The conservation subdivision option shall not be available for any other form of development or use type.

B. WHERE ALLOWED

Single-family detached residential subdivisions of more than five lots in the R1, R2, and R4 districts may be developed as a conservation subdivision, in accordance with the standards in this section.

C. WHERE PROHIBITED

The conservation subdivision option is not available for use in the R6, RMF, OI, or other commercial districts.

6.2.3. PROCEDURE

Development utilizing the conservation subdivision option shall be approved as a preliminary plat in accordance with the procedures and standards in Section 2.2.14, Preliminary Plat, after approval of a conservation and development plan in accordance with this section.

A. CONSERVATION AND DEVELOPMENT PLAN

Prior to review of an application for preliminary plat for a conservation subdivision, an applicant shall have a conservation and development plan for the land reviewed and approved, or approved with conditions by the Planning Director in accordance with this section and the standards of Section 6.2.4, Conservation Subdivision Standards, and Section 6.2.5, Delineation of Conservation and Development Areas.

B. CONSERVATION AND DEVELOPMENT PLAN REQUIREMENTS

1. STEP 1—SITE ANALYSIS MAP

The applicant shall prepare a site analysis map that provides information about existing site conditions and context, and that analyzes existing conditions both on the land proposed for the development site and on land within 500 feet of the site, and submit the site analysis map to the Planning Director. It is the intent of this section that the information required to be presented in the site analysis map be produced primarily from existing sources, maps, in order to ensure the process is economical for the applicant.

2. STEP 2—SITE INSPECTION

After receipt of the site analysis map, the Planning Director shall schedule a site inspection of the land with the applicant. The applicant or the applicant's representative

shall attend the site inspection with a Town staff member. The purpose of this site visit is to:

a. Familiarize the staff with the existing site conditions and natural and historic features of the site;

b. Identify potential site development issues, including the best location for the development to ensure its visibility from surrounding areas and major roadways is minimized; and

c. Provide an opportunity to discuss site development concepts, including the general layout of conservation areas and potential locations for proposed structures, utilities, streets, and other development features. Comments made by the staff during the site inspection shall be interpreted as being only suggestive. No official decision on the conservation and development plan shall be made during the site inspection.

3. STEP 3—CONSERVATION AND DEVELOPMENT AREAS MAP

Based on the site analysis map and the information obtained during the site inspection, the applicant shall prepare a conservation and development areas map that depicts proposed primary conservation areas, secondary conservation areas, and development areas, in accordance with Section 6.2.5, Delineation of Conservation and Development Areas.

4. STEP 4—CONSERVATION AND DEVELOPMENT PLAN

Based on the site analysis map, the information obtained during the site inspection, and the conservation and development areas map, the applicant shall prepare and submit to the Planning Director a conservation and development plan. The conservation and development plan shall include the following:

a. A site analysis map;

b. A conservation and development areas map; and

c. A preliminary site improvements plan, showing proposed site development, including utilities, streets, other development features, buffers (if applicable), and lot lines located in the proposed development area(s).

C. REVIEW OF CONSERVATION AND DEVELOPMENT PLAN

The Planning Director shall review the conservation and development plan in accordance with the procedures and requirements of Section 6.2.4, Conservation Subdivision Standards, and Section 6.2.5, Delineation of Conservation and Development Areas.

D. REVIEW AND APPROVAL OF CONSERVATION SUBDIVISION

Following review and approval or approval with conditions of the conservation and development plan by the Planning Director for a preliminary plat of the conservation subdivision shall be submitted and reviewed in accordance with Section 2.2.14, Preliminary Plat.

6.2.4. CONSERVATION SUBDIVISION STANDARDS

A conservation subdivision shall comply with the following standards:

A. LOCATION

Conservation subdivisions shall be configured to minimize their visibility from adjacent lands and major roadways.

B. MINIMUM PROJECT SIZE

Conservations subdivisions shall be at least 10 acres in area.

C. REQUIRED CONSERVATION AREA

1. The required conservation area shall occupy at least 50 percent of the total acreage of the conservation subdivision site, but nothing shall limit it from occupying more than 50 percent of a conservation subdivision site.

2. The conservation area shall be considered open space set-aside subject to the applicable standards in Section 5.7, Open Space.

D. MAXIMUM RESIDENTIAL DENSITY

A conservation subdivision shall be limited to the maximum density for a conservation subdivision in the zoning district in which it is located. Nothing shall prevent a conservation subdivision from increasing the maximum allowable residential density in accordance with Section 5.12, Sustainability Incentives.

E. DIMENSIONAL REQUIREMENTS

Conservation subdivision lots shall comply with the dimensional standards for the zoning district where located. Conservation subdivisions in a PD district shall comply with the dimensional requirements specified in the PD Master Plan.

F. SETBACKS

1. Conservation subdivision lots shall comply with the setback requirements for the zoning district where located.
2. Conservation subdivision lots in the PD district shall comply with the setback requirements specified in the PD Master Plan.
3. Lots in a conservation subdivision shall comply with required setbacks from streets, wetlands/surface waters, or other protected natural areas.

G. MAXIMUM LOT COVERAGE

1. Conservation subdivision lots shall comply with the maximum lot coverage requirements for the zoning district where located.
2. Conservation subdivision lots in the PD district shall comply with the maximum lot coverage requirements specified in the PD Master Plan.

H. ON-SITE WASTEWATER

With approval from the appropriate county health department, individual septic systems and drain lines may be located within the conservation area, provided:

1. Easements shall be recorded showing the location of systems within conservation area;
2. Restrictive covenants shall provide for access, maintenance, and upkeep of systems located in the conservation area; and
3. All septic systems shall be operated in compliance with State and local regulations.

I. GRADING

In order to promote land development practices that maximize the preservation of natural vegetation, minimize disturbance to vegetation and soils, limit alteration of the natural topography, minimize surface water and ground water runoff and diversion, minimize the need for additional storm drainage facilities, reduce sedimentation in surrounding waters and promote land development and site planning practices that are responsive to the Town's scenic character without preventing the reasonable development of land; the initial clearing and grading of all conservation subdivisions shall be limited to dedicated public rights-of-way and easements for the installation of streets, utilities, and other infrastructure. All grading activities shall be done in accordance with all applicable federal, state and local laws, rules and regulations, including those pertaining to air and water pollution and noise control.

1. Infrastructure: Grading for infrastructure improvements (streets, sidewalks, curb, gutter, water, sewer, utilities, stormwater, spoil and borrow areas, etc.) shall be phased according to the Master Plan. Prior to proceeding to another phase, the developer shall stabilize the present phase with adequate ground cover sufficient to restrain erosion and have all infrastructure installed.
2. Lots: Grading of individual lots within any conservation subdivision shall not begin without having first obtained a building permit from the Town of Zebulon and shall be limited to those areas comprising the building footprint, driveway and a minimal area surrounding the building footprint to accommodate construction equipment.

6.2.5. DELINEATION OF CONSERVATION AND DEVELOPMENT AREAS

The conservation area and development area on the conservation and development areas map shall comply with the following standards:

A. PRIMARY CONSERVATION AREAS

1. FEATURES TO BE PRESERVED

The following features shall be located and delineated on the conservation and development areas map, and shall be preserved in the following priority order as primary conservation areas:

- **a.** Areas with existing mature trees around the perimeter of the site;
- **b.** U.S. Army Corps of Engineers designated 404 wetlands;
- **c.** Riparian buffers and other lands within 50 feet of estuarine or other surface waters;
- **d.** Areas with impermeable soils; and
- **e.** Habitat utilized by endangered or threatened species or designated Natural Heritage Areas.

2. AMOUNT TO BE PRESERVED

All areas occupied by features comprising a primary conservation area shall be set aside and reserved for conservation purposes in accordance with the following standards:

a. PRIMARY CONSERVATION AREA IS LESS THAN MINIMUM REQUIRED

In cases where the geographic area occupied by all features comprising the primary conservation area is less than the minimum required conservation area, then all lands comprising the primary conservation area shall be set aside.

b. PRIMARY CONSERVATION AREA EXCEEDS THE MINIMUM REQUIRED

- **i.** In the event the geographic area of all features identified and prioritized as the primary conservation area results in a primary conservation area exceeding the conservation area requirement, priority for retention shall be given to the highest quality portion of the features to be conserved. (For example, conservation of the first type of prioritized features constitute 47 percent of a site, and the next prioritized feature consists of five percent and the minimum required conservation area is 50 percent of the site area, the applicant may identify which portions of the features exceeding the 50 percent conservation area requirement will be designated for conversion to development area).
- **ii.** Development on lands made available for conversion to development area shall be in accordance with the standards in this Ordinance.

3. ALLOWABLE USES

Uses located within a primary conservation area shall be limited to:

- **a.** Pervious pedestrian trails, walkways, and boardwalks;
- **b.** Above ground and below ground public utilities and associated easements, provided no feasible alternative exists;
- **c.** Street or driveway crossings, provided such crossings do not violate this Ordinance, or other State or federal laws;
- **d.** Stormwater management systems, where no practicable alternative exists; and
- **e.** Docks and other water-dependent features, as allowed in this Ordinance.

B. SECONDARY CONSERVATION AREAS

1. FEATURES TO BE PRESERVED

In addition to primary conservation areas, the conservation and development areas map shall also identify secondary conservation areas, which shall be preserved in the following priority order:

- **a.** Historic, archeological, and cultural resources;
- **b.** Prime agricultural lands, including existing pastures (whether in use or otherwise);
- **c.** Existing and mature woodland forests, natural fields, and meadows (especially those greater than five acres);

d. Scenic corridors and views; and
e. Areas that could serve to extend existing greenways, trails, parks, or recreation areas.

2. AMOUNT TO BE PRESERVED

All areas occupied by features comprising a secondary conservation area shall be set aside and reserved as a part of the conservation area in accordance with the following standards:

a. PRIMARY CONSERVATION AREA OCCUPIES MORE THAN THAT REQUIRED
In the event that the geographic area set aside as the primary conservation area is more of the required conservation area, no additional lands occupied by secondary conservation features shall be required to be included in the conservation area.

b. PRIMARY CONSERVATION AREA OCCUPIES LESS THAN THAT REQUIRED
In the event the geographic area set aside as the primary conservation area is less than the required conservation area, then lands containing secondary conservation features shall also be set aside as part of the conservation area in priority order.

3. ALLOWABLE USES

Uses located within a secondary conservation area shall be limited to:
a. All uses allowed in a primary conservation area;
b. Uses allowed in the Agricultural Use classification in Table 4.2.3, Principal Use Table;
c. Individual water supply and septic systems;
d. Stormwater management facilities;
e. Required drainage or other utility easements; and
f. Mitigation of development activities, including restoration of disturbed or degraded areas to enhance habitat and scenic value.

C. OWNERSHIP OF CONSERVATION AREAS

1. LANDOWNER OR ASSOCIATION

A conservation area shall be owned jointly or in common by the owners of the development or through a recognized homeowners' or property owners' association, which shall be established in accordance with Section 6.5, Owners' Associations.

2. NONPROFIT ORGANIZATION

The landowners may decide to convey a conservation area to a nonprofit organization such as a land trust or land conservancy for management and maintenance if the Town is provided adequate assurance the area will be properly managed and maintained.

3. DEDICATED TO TOWN OR OTHER PUBLIC AGENCY

In some cases, certain lands designated as conservation areas, such as greenways, may be dedicated to the Town, a nonprofit organization, or other public agency during the development review process, at the landowner's discretion. If offered by the landowner, the Town Council shall determine whether that land is appropriate for dedication to the Town or other public agency.

4. DEVELOPMENT AREAS

After identifying the primary and secondary conservation areas, the development area shall be identified. It is the area within which development may occur, and shall include the area within the site where:
a. Any clearing or grading activities will take place in accordance with Section 6.2.4.I.;
b. Ingress and egress will be located;
c. Individual or community wells and septic systems may be located (if not located within the secondary conservation area);
d. Streets, utilities, and other similar structures will be located; and
e. All allowable uses may be located.

6.2.6. EVALUATION CRITERIA FOR CONSERVATION SUBDIVISION LAYOUT

Conservation subdivisions shall be configured to:

A. Protect and preserve all floodways and wetlands;

B. Preserve and maintain mature woodlands, existing fields, pastures, meadows and orchards and creates sufficient buffer areas to minimize conflicts between residential and other uses;

C. Locate development outside of prime agricultural soils, to the maximum extent practicable;

D. Ensure the appearance of development is minimized, to the maximum possible extent;

E. Design around existing hedgerows and tree lines between fields or meadows;

F. Leave scenic views and vistas unblocked or uninterrupted, particularly as seen from streets;

G. Avoid siting new construction on prominent rises or highly visible areas by taking advantage of lower topographic features;

H. Protect wildlife habitat areas of species listed as endangered, threatened or of special concern by NCDEQ;

I. Preserve sites of historic, archaeological, or cultural value (including spring houses, barn foundations, cellar holes, earthworks, burial grounds and similar features);

J. Include a pedestrian circulation system designed to assure that pedestrians can walk safely and easily on the site, between properties and activities or special features within the neighborhood open space system; and

K. Consolidate open space into areas that are contiguous, to the maximum extent practicable.

6.3. FEE-IN-LIEU

6.3.1. PURPOSE

The purpose for this section is to establish a procedure and standards for instances where an applicant and the Town agree that a payment-in-lieu of dedication or construction of infrastructure by the applicant is appropriate and in closer alignment with the Town's adopted policy guidance of capital improvement program.

6.3.2. PROCEDURE

A. REQUIRED BY TOWN

1. In cases where the Planning Director determines that installation of a required sidewalk, greenway, bikeway, or other roadway improvement could conflict with another Town, State, or federal infrastructure project that is planned or programmed to begin construction within five years, the applicant or developer shall be required to submit a fee in-lieu of the required infrastructure element(s).
2. Notification of the requirement for provision of a fee-in-lieu shall be in writing, and shall be delivered to the applicant or developer prior to the notice of decision on the associated application.
3. Upon receipt of notification, and applicant shall provide the required fee-in-lieu in accordance with Section 6.3.2.B.4, Acceptance Of Fee-In-Lieu.
4. In the event the conflict necessitating the fee-in-lieu is eliminated prior to final approval, the fee-in-lieu shall be refunded and the applicant or developer shall be required to dedicate the required land or perform the required installation. The developer or applicant may request the Town retain the funds in accordance with Section 6.3.2.B, Requested By Applicant.

B. REQUESTED BY APPLICANT

In cases where an applicant or developer desires to receive final approval of development under this Ordinance without providing land or infrastructure as required, the process for requesting such approval shall be in accordance with this section.

1. FILE REQUEST

a. An applicant seeking the ability to provide a fee-in-lieu of making a required dedication or constructing required infrastructure shall file a written request with the Planning Director prior to the rendering of a decision on the associated application by the appropriate review authority (see Table 2.2, Application Review Procedures).
b. The request shall include the reasons for the request, the rationale why a fee-in-lieu is in closer alignment with the Town's adopted policy guidance, and the estimated value of the land that would otherwise be dedicated or the estimated cost of completion of the infrastructure in question, based on current unit prices.

2. STAFF REVIEW

a. Upon receipt of the request, the Planning Director shall review the information and notify the applicant if the information provided is sufficient.
b. The Planning Director shall forward the request along with any supporting information provided by Town staff to the Technical Review Committee in the event the TRC wishes to consider the request.

3. DECISION BY PLANNING DIRECTOR

a. The Planning Director shall decide the request in accordance with the Town's adopted policy guidance and Section 6.3.4, Review Standards for Fee-In-Lieu.
b. The decision shall be to either accept the request for provision of fee-in-lieu as offered, accept a modified request for provision of fee-in-lieu, or deny the request for provision of fee-in-lieu.

4. ACCEPTANCE OF FEE-IN-LIEU

a. In cases where a fee-in-lieu is required by the Town or a request for provision of a fee-in-lieu is accepted by the Planning Director, payment of a fee-in-lieu shall take place prior to the approval of a final plat or issuance of the final approval associated with the subdivision.

b. All fees collected by the Town pursuant to this section shall be deposited in Town's revolving fund for purchase of recreation land, installation of vegetation, or installation of required infrastructure (whether streets, sidewalks, bikeways, or other infrastructure, as appropriate).

c. Use of funds collected in accordance with this section shall only take place in the general vicinity of where funds are collected and may only be used for the purchase of in-kind lands or the same type of infrastructure in accordance with all applicable State and federal law.

d. The Planning Director shall maintain records of the amounts collected, the timing, and the location, which shall be used by the Town as part of its capital facilities program.

6.3.3. AMOUNT

A. LAND

1. The fee-in-lieu shall be calculated based upon the total acreage of land required for dedication.

2. The land's assessed value (as determined by the Wake County Tax Assessor) following subdivision shall be used to arrive at the required payment-in-lieu amount.

B. INFRASTRUCTURE

1. The amount of fee-in-lieu shall be based on an estimate by a professional engineer licensed by the State of North Carolina.

2. The estimate shall include the cost of all materials and labor based on current unit prices.

3. Nothing shall prevent the Planning Director from acquiring an additional estimate for the same infrastructure from another professional engineer licensed by the State of North Carolina.

4. The Planning Director may select the estimate that will form the basis for the fee-in-lieu payment.

C. VEGETATION

In cases where a fee-in-lieu is proposed for the installation of vegetation, the fee amount shall be based upon the unit price of the vegetation along with all associated labor, transportation, and incidental costs such as ground cover, staking, and fertilizer, but not irrigation.

6.3.4. REVIEW STANDARDS FOR FEE-IN-LIEU

In determining whether to accept a request for payment of fee-in-lieu, the Planning Director may rely on any of the following review criteria.

A. PARK LAND

1. There is sufficient public park land in proximity to the proposed development based on a review of the Town's adopted policy guidance and information from Town staff;

2. Private common open space resources provided on the subject site will be available for public use and will mitigate park land needs created by the proposed development;

3. Collected funds could be utilized to further improve an existing park facility in a proximate location;

4. The topography or other natural conditions of the site do not provide adequate opportunities for on-site recreation and park areas;

5. The amount of park land to be dedicated is too small to provide adequate recreation and park opportunities or to be efficiently maintained;

6. The intended location of the park land is too far from existing recreation and park areas to be efficiently maintained; or

7. Adequate access is not available to the proposed park land.

B. GREENWAY LAND

1. The conditions on the land make installation or operation of a greenway segment impossible or cost prohibitive for the Town;

2. The potential for the connection of a proposed greenway segment to the Town's greenway network is unlikely within the foreseeable future, in the opinion of Town staff; or

3. There are suitable alternatives to a greenway segment, such as a multi-purpose trail, in close proximity to the proposed site.

C. STREETS

1. The proposed street alignment creates a unacceptable environmental impact; or
2. The proposed street is impossible or impractical to build based on topography, slope, soil conditions, or development patterns on adjacent lands.

D. SIDEWALKS

1. The potential for the connection of a proposed sidewalk segment to the Town's sidewalk network is unlikely within the foreseeable future, in the opinion of Town staff; or
2. There are suitable alternatives to a sidewalk, such as a greenway, in close proximity to the proposed site.

E. VEGETATION

1. The proposed location of vegetation will not support healthy vegetation due to shading or topographic conditions
2. The site where vegetation is proposed is incapable of supporting additional vegetation due to the presence of exiting vegetation, buildings, or impervious surfaces.

6.4. GREENWAYS

6.4.1. REQUIRED GREENWAY DEDICATION AND CONSTRUCTION

A. Whenever a tract of land included within any proposed subdivision, site plan, or planned development master plan includes any part of a greenway designated in the Town's Greenway Plan or other adopted policy guidance, the greenway shall be platted and dedicated to the Town as a greenway easement.

B. Greenways shall be constructed as part of the required infrastructure serving a site or a subdivision.

6.4.2. PAYMENT IN-LIEU OF PROVIDING GREENWAYS

Only proposed greenways that may cause conflicts with other Town, State, or federal infrastructure projects may be subject to the requirements for fee-in-lieu provision in accordance with Section 6.3, Fee-in-Lieu.

6.4.3. GREENWAY CONFIGURATION

Greenways shall be configured in accordance with the Greenway Plan and the Standard Specifications Manual.

6.4.4. DENSITY CREDITS

Land that is dedicated in fee-simple interest to and accepted by the Town for the expressed purpose of establishing a public greenway shall be credited toward the donating parcel, lot, or tract area for the purpose of calculating the density of development and area coverage calculations though no longer part of the parcel.

6.4.5. OPEN SPACE SET-ASIDE CREDITS

Land area dedicated to the Town for use as a greenway shall be credited towards applicable active, passive, and urban open space set-aside requirements in Section 5.7, Open Space.

6.5. OWNERS' ASSOCIATIONS

6.5.1. PURPOSE

The purpose of this section is to set out the requirements for establishment of a homeowners' or property owners' association (hereinafter "association") that shall be responsible for the long-term maintenance of common areas, common features, and private infrastructure in a subdivision.

6.5.2. APPLICABILITY

The standards in this section shall apply to subdivisions with open space set-aside(s), lands held under common ownership, or shared responsibility for common infrastructure where the subdivider or developer will not remain responsible for maintenance of any of the following lands or infrastructure:

A. Stormwater control mechanisms;
B. Private potable water systems;
C. Private sewage system features (such as pump stations serving only the development where located);
D. Cluster mailbox units;
E. Commonly-held off-street parking facilities; and
F. Open space set-asides.

6.5.3. CREATION REQUIRED

A. In cases where a landowner or subdivider will not retain maintenance responsibility of all lands and site features in a development, a homeowners' or property owners' association shall be established in areas that have private open space set-asides or shared private infrastructure.
B. Associations established in accordance with these provisions are required to accept ownership and maintenance responsibility of all open space set-aside(s), shared infrastructure, or common areas within a development.
C. The association shall be in legal existence prior to the transfer of maintenance responsibility.

6.5.4. RESPONSIBILITIES OF ASSOCIATION

Upon transfer of maintenance responsibility, the association shall be responsible for:

A. Liability insurance and payment of premiums for liability insurance and local taxes;
B. Maintenance of all common elements including, but not limited to, private utilities, private drives, private sidewalks and trails, private streetlights, and private common recreation facilities shown on the preliminary and final plats;
C. Maintenance of public streets until such time as the Town or NCDOT agrees to accept the responsibility for street maintenance; and
D. Maintenance of a fund intended for the maintenance and repair of community facilities.

6.5.5. PROCEDURE FOR ASSOCIATION ESTABLISHMENT

A. Documents for the creation of the association shall be submitted to the Town for review and approval prior to approval of the final plat (see Section 2.2.10, Final Plat). Documentation shall include, but not be limited to the information in Section 6.5.6, Documentation Requirements.
B. The association shall be established by the subdivider prior to transfer of maintenance responsibility.

6.5.6. DOCUMENTATION REQUIREMENTS

A. The association documents submitted to the Town for review and approval shall include, but not be limited to, the following:
1. A declaration of all restrictive covenants, if proposed;
2. A declaration of all deed restrictions, if proposed;

3. A declaration that the association is responsible for liability insurance and all applicable taxes;
4. A declaration of common ownership and maintenance responsibilities of all on-site improvements not dedicated to a local or state agency, including but not limited to drainage systems, wastewater systems, open space set-aside areas, recreational facilities, and private infrastructure;
5. A description of the structural organization and operating procedures of the association;
6. Association by-laws;
7. A legal description of all open space set-asides and other lands owned in common;
8. Provisions establishing the legal authority of the association to maintain control over all common areas, common features, and private infrastructure in the subdivision, following transfer of control by the subdivider;
9. Provisions authorizing the association to compel contributions from owners in the development to cover their proportionate share of maintenance costs associated with common areas, common features, and private infrastructure;
10. Provisions authorizing the association to increase the amount of mandatory fees or assessments, when necessary, for the continued maintenance of common areas, common features, or private infrastructure;
11. Provisions authorizing the association to convert any member's unpaid assessments into a lien on the real property; and
12. Evidence related to the establishment of a fund to support the continued maintenance and upkeep of common areas, common features, and private infrastructure.

B. Following approval of the required documentation by the Town, the subdivider shall record all required documentation with the Wake County Register of Deeds.

6.5.7. MEMBERSHIP REQUIREMENTS

A. Following establishment of the association by the subdivider, membership in the association shall be automatic and mandatory for all purchasers of land within the subdivision and their successors in title.

B. All members of an association shall be responsible for contributions to the association's reserve fund to cover their proportionate share of maintenance costs associated with common areas, common features, and private infrastructure.

6.5.8. TRANSFER OF MAINTENANCE RESPONSIBILITY

The subdivider shall be responsible for maintenance of all common areas, common features, and private infrastructure until maintenance responsibility is transferred to the association in accordance with the standards in this section.

6.5.9. FAILURE TO MAINTAIN IS A VIOLATION

Failure to maintain common areas, common features, or infrastructure is a violation of this Ordinance and is subject to the penalties and remedies in Article 8: Enforcement.

6.6. PERFORMANCE GUARANTEES

6.6.1. PURPOSE AND INTENT

These standards create the additional flexibility necessary for development to be occupied or for lots in a subdivision to be conveyed prior to completion of all required infrastructure or site improvements, provided funds have been reserved for completion of these features. These provisions ensure that funds are available for the Town's use to complete required pubic infrastructure or private site features in the event an applicant or developer is unable to do so.

6.6.2. ELIGIBLE FACILITIES AND FEATURES

A. The following facilities and site features may be eligible for performance guarantees at the discretion of the Town:

1. PUBLIC FACILITIES

The following forms of public infrastructure may be completed subject to a performance guarantee:

- **a.** Sidewalks;
- **b.** Greenways;
- **c.** Multi-use paths; or
- **d.** The final lift of asphalt on a street.

2. PRIVATE SITE FEATURES

- **a.** The following forms of private site features may be completed subject to a performance guarantee:
  - **i.** Required landscaping;
  - **ii.** Private stormwater management facilities; and
  - **iii.** Reforestation activity (see Section 5.9.4.B, Reforestation Standards).
- **b.** All other required site features shall be completed prior to issuance of a certificate of occupancy for the development.

B. Performance guarantees shall be configured and managed in accordance with the standards in this section.

6.6.3. INELIGIBLE FACILITIES

The following infrastructure facilities are not eligible for performance guarantees, and shall be completed and dedicated to the Town prior to approval of the final plat:

- **A.** Potable water;
- **B.** Sanitary sewer;
- **C.** Public stormwater management facilities;
- **D.** Curb and gutter;
- **E.** Street signs, traffic control signals, and
- **F.** Street lights.

6.6.4. MAXIMUM TERM OF GUARANTEE

Performance guarantees associated with landscaping or reforestation shall have a maximum term of one year, otherwise there shall be no maximum term or expiration for other performance guarantees.

6.6.5. FORM OF GUARANTEE

A. The applicant shall determine the form(s) of the performance guarantee, which shall be provided in one or more of the following forms:

1. CASH OR IRREVOCABLE (EVERGREEN) LETTER OF CREDIT

- **a.** The developer shall deposit cash or an irrevocable (or "evergreen") letter of credit, either with the Town or in escrow with a North Carolina financial institution.

b. If cash or other instrument is deposited in escrow with a financial institution, an agreement between the financial institution and the developer shall be filed with the Town guaranteeing the following:

i. That the escrow account shall be held in trust until released by the Town and may not be used or pledged by the developer for any other matter during the term of the escrow; and

ii. That in case of a failure on the part of the developer to complete or repair the improvements, the financial institution shall, upon notification by the Town, immediately pay the funds deemed necessary by the Town to complete or repair the improvements up to the full balance of the escrow account, or deliver to the Town any other instruments fully endorsed or otherwise made payable in full to the Town.

iii. The financial institution holding the cash or other instrument shall indicate to the Town its notification requirements for release or payment of funds.

2. SURETY BOND

a. The developer shall obtain a surety bond from a surety bonding company authorized to issue surety bonds in North Carolina.

b. The bond shall be payable to the Town and shall be in an amount as required by this subsection.

3. OTHER GUARANTEE

The developer may provide another form of guarantee that provides equivalent security to a surety bond or letter of credit, as determined by the Town Attorney.

B. The performance guarantee shall distinguish between the portion of the guarantee provided for public infrastructure improvements as well as the portion of the guarantee provided for private site improvements, if applicable.

C. The performance guarantee shall be conditioned on the performance of all work necessary to complete the installation of the required improvements within the term of the guarantee.

6.6.6. ADMINISTRATION OF GUARANTEES

A. GUARANTEES ASSOCIATED WITH REFORESTATION OR LANDSCAPING

The Planning Director shall process, review, and decide performance guarantee requests associated with reforestation or landscaping.

B. GUARANTEES ASSOCIATED WITH PUBLIC INFRASTRUCTURE

The Town Engineer shall process, review, and decide performance guarantee requests associated with public infrastructure.

C. GUARANTEES ASSOCIATED WITH STORMWATER

The Stormwater Administrator shall process, review, and decide performance guarantee requests associated with stormwater-related provisions.

6.6.7. AMOUNT OF GUARANTEE

A. GENERALLY

Performance guarantees shall be in an amount equal to 125 percent of the estimated cost of completing the installation of the required improvements, including the costs of materials, labor, and project management.

B. ESTIMATED COSTS

Estimated costs of completing installation of required public improvements, landscaping or reforestation, or stormwater measures shall be itemized by improvement type and certified by the developer's licensed professional engineer that is consistent with the NCDOT Bid Tab Average for the year in which the guarantee is requested, and is subject to approval in accordance with Section 6.6.6, Administration of Guarantees.

C. RENEWAL

If a performance guarantee is renewed, the appropriate Town official (see Section 6.6.6, Administration of Guarantees) may require the amount of the performance guarantee be updated to reflect changes in cost over time.

6.6.8. RELEASE OR REDUCTION OF GUARANTEE

A. RELEASE REQUESTED

The appropriate Town official (see Section 6.6.6, Administration of Guarantees) shall release or reduce a performance guarantee only after:

1. The owner or developer has submitted to the Town a written request for a release or reduction of the performance guarantee that includes certification by the owner's or developer's engineer or contractor, whichever is appropriate, that installation of the guaranteed improvements has been completed in accordance with approved plans and specifications, and as-builts (if applicable);
2. Town staff has performed an inspection of the improvements and certified in writing that installation of the guaranteed improvements is completed in accordance with approved plans and specifications; and
3. No release or reduction in performance guarantee amounts will be considered until more than 25 percent of the work is in place and approved.

B. ACCEPTANCE SHALL BE DOCUMENTED

The appropriate Town official (see Section 6.6.6, Administration of Guarantees) shall provide written notice of the Town's final acceptance of the improvements subject to performance guarantees.

6.6.9. IMPROPER RELEASE OF PERFORMANCE GUARANTEES

If the Town releases a performance guarantee through error, the error shall not release the developer from responsibility for the completion of all improvements in accordance with this Ordinance.

6.6.10. FORFEITURE OF GUARANTEE

A. NOTICE OF FAILURE TO INSTALL OR COMPLETE IMPROVEMENTS

If the owner or developer fails to complete installation of the guaranteed improvements within the term of the performance guarantee (as may be extended), the appropriate Town official (see Section 6.6.6, Administration of Guarantees) shall give the owner or developer 30 day's written notice of the scope and degree of the default, by certified mail.

B. TOWN COMPLETION OF IMPROVEMENTS

After the 30-day notice period expires, the Town may draw on the guarantee and use the funds to perform the work necessary to complete installation of the guaranteed improvements. After completing such work, the Town shall provide a complete accounting of the expenditures to the owner or developer. In the event of a default triggering the use of the performance guarantee, the Town shall return any of the unused deposited cash funds or other security.

6.6.11. AS-BUILT PLANS REQUIRED

A. PUBLIC IMPROVEMENTS

Upon completion of a public infrastructure project, the developer shall certify to the Town Engineer that the completed project has been constructed in accordance with the approved plans and shall submit actual "as built" plans for all public improvements after final construction is completed.

B. STORMWATER MANAGEMENT FACILITIES

Upon completion of a private stormwater management facility, the developer shall certify to the Stormwater Administrator that the completed project is in accordance with the approved plans and shall submit actual "as built" plans after final construction is completed. The plans shall show the final design specifications for all improvements and the field

location, size, depth, and related measures, controls and devices, as installed. The designer shall certify, under seal, that the as-built design, measures, controls, and devices are in compliance with the approved plans and with the requirements of this Ordinance.

C. INSPECTION REQUIRED

A final inspection and approval by the appropriate Town official (see Section 6.6.6, Administration of Guarantees) shall occur before the release of the performance guarantee.

6.7. RESERVATION OF PUBLIC LANDS

6.7.1. RESERVATION OF SCHOOL SITES

A. If a proposed subdivision of 40 or more lots includes a school site that is designated in the Land Use Plan (in accordance with Section 153A-331 of the North Carolina General Statutes) or some other long range document adopted by the Board of Commissioners, the Town shall immediately notify the Wake County Board of Education.

B. If the Board of Education determines the school site does not need to be reserved, it shall not be required as part of the subdivision.

C. If the Board of Education determines the school site needs to be reserved to accommodate a new school, the subdivision shall not be approved without reservation of the school site. If the school site is reserved, the Board of Education must acquire the site within 18 months after the date the site is reserved, or the subdivider may treat the reservation as null and void as authorized by Section 153A-331 of the North Carolina General Statutes.

6.7.2. DEDICATION OF LAND FOR PUBLIC PARKS

Subdivisions of land for 30 or more single-family residential lots shall be required to dedicate a portion of land, or pay a fee-in-lieu thereof, for public parkland, in accordance with the standards of this section.

A. DEDICATION AMOUNT

1. Single-family residential subdivisions of 30 or more lots shall dedicate 1,000 square feet of land per residential lot to the Town for its use in developing public parkland.

2. No credit towards required parkland dedication is given for 404 wetlands or other lands mandated for preservation by federal or state requirements.

3. No more than 25 percent of the total dedication requirement may be met through dedication of water areas.

B. PROCEDURE FOR DEDICATION OR PAYMENT

1. The developer shall identify land proposed for dedication on the preliminary plat, or propose payment of an in-lieu fee as part of the application for approval of a preliminary plat.

2. The Board of Commissioners shall review the proposed application and determine if it complies with the standards in Section 6.7.2.C, Nature of Area to be Dedicated, or Section 6.3, Fee-in-Lieu, as appropriate. The decision to accept dedication or payment-in-lieu is up to the sole discretion of the Board of Commissioners.

3. Land shall be dedicated prior to recording the first final plat for the subdivision, or the payment-in-lieu shall be paid prior to recording the first final plat for the subdivision for which the payment-in-lieu is paid.

C. NATURE OF AREA TO BE DEDICATED

All lands proposed for dedication as recreation and park areas shall meet the following standards:

1. UNITY

The dedicated land shall be a single parcel of land, whether the subdivision is developed in phases or sections, except where it is determined by the BOC that multiple parcels would better serve Town residents.

2. USABILITY

Public parkland must be flat, well-drained, usable land for a park, as determined by the BOC. In cases where dedication includes an area of water, public access to all portions of a water feature shall be provided and maintained, regardless of water feature's size.

3. SHAPE

The dedicated land shall be of a shape that supports gathering and recreation activities.

4. LOCATION

- **a.** The dedicated parkland shall be located so it can reasonably serve the park needs of the residents of the subdivision and immediate area.
- **b.** The BOC may require that the land dedicated be located on the periphery of the development in order to allow enlargement by combining the recreation and park area with adjacent development or park facilities, existing or planned.

5. ACCESS

- **a.** All dwelling units in the subdivision and residents in the immediate area shall have access to and from the parkland provided by means of streets and public walkways or trails.
- **b.** Rights-of-way for this access shall be shown on the preliminary and final plats.
- **c.** All dedicated lands shall have access by way of a street. Such access can be provided when the dedicated land is adjacent to existing or proposed public parkland with street access.

6.8. SIDEWALKS

Sidewalks shall be configured in accordance with the following standards:

6.8.1. LOCATION

Sidewalks are required in accordance with the Town's Pedestrian Plan and the following standards:

A. BOTH SIDES OF THE STREET

1. Sidewalks shall be provided along both sides of all streets in the residential, mixed-use, and NC, GC, and HC districts.
2. Sidewalks shall be provided along both sides of all principal or minor arterial streets, regardless of the zoning district where located.

B. ONE SIDE OF THE STREET

1. Sidewalks, at a minimum, shall be required on one side of the street in the LI, IC, and HI districts.
2. When sidewalks are required on one side of the street, they shall generally be located on the side of the street to best continue existing sidewalk networks, if present.
3. On local streets within a conservation subdivision.
4. Where there is no clear preferable street side for the placement of a sidewalk, the sidewalk shall be placed on the street side where it is least likely to have a negative impact on stormwater management, in the opinion of the Planning Director.

C. NO SIDEWALKS REQUIRED

No sidewalks shall be required in the following locations:

1. In the R1 district;
2. Along alleys and accessways to individual lots not served by a street;
3. Where an existing or proposed all-weather surface trail or pedestrian pathway can provide an equivalent level of pedestrian circulation; and
4. In cases where environmental or topographic conditions make required sidewalk provision impossible, an alternative design shall be considered by the Planning Director.

6.8.2. CONFIGURATION

A. Sidewalks shall be at least four feet in width and configured in accordance with the Town of Zebulon's specifications.

B. Sidewalks and pedestrian pathways shall connect with existing or planned sidewalks at property boundaries.

C. New nonresidential, mixed-use, and multi-family development shall provide at least one on-site improved connection between the development and the adjacent public sidewalk system (planned or existing).

D. Whenever curb and gutter construction is used on public streets, wheelchair ramps for the disabled, configured in accordance with Town or NCDOT standards, as applicable, shall be provided at intersections and other major points of pedestrian flow in accordance with Section 136-44.14 of the North Carolina General Statutes.

6.8.3. CREDIT FOR TRAILS

Hard-surfaced, ADA-accessible trails within open space set-asides shall be credited towards these sidewalk requirements when trails connect developments or connect open space set-asides to schools, shopping areas, or other recreation areas.

6.8.4. PAYMENT IN-LIEU OF PROVIDING SIDEWALKS

Only those proposed sidewalks that may cause conflicts with other Town, State, or federal infrastructure projects may be subject to the requirements for fee-in-lieu provision in accordance with Section 6.3, Fee-in-Lieu.

6.9. SOIL EROSION & SEDIMENTATION

6.9.1. NATURAL DRAINAGE SYSTEM UTILIZED TO THE EXTENT FEASIBLE

A. To the extent practicable, all development shall conform to the natural contours of the land and natural and preexisting human-made drainage ways shall remain undisturbed.

B. To the extent practicable, lot boundaries shall be made to coincide with natural and pre-existing human-made drainage ways within subdivisions to avoid creation of lots that can be built upon only by altering the drainage ways.

6.9.2. DEVELOPMENT MUST DRAIN PROPERLY

A. All development shall be provided with a drainage system that is adequate to prevent the undue retention of surface water on the development site. Surface water shall not be regarded as unduly retained if:

1. The retention results from a technique, practice or device deliberately installed as part of an approved sedimentation or storm water runoff control plan; or

2. The retention is not substantially different in location or degree than that experienced by the development site in its pre-development stage, unless the retention presents a danger to health or safety.

B. No surface water may be channeled or directed into a sanitary sewer.

C. Whenever practicable, the drainage system of a development shall coordinate with and connect to the drainage systems or drainage ways on surrounding properties or streets.

D. Use of drainage swales rather than curb and gutter and storm sewers in subdivisions is provided elsewhere. Private roads and access ways within unsubdivided developments shall utilize curb and gutter and storm drains to provide adequate drainage if the grade of the roads or access ways is too steep to provide drainage in another manner or if other sufficient reasons exist to require the construction.

6.9.3. EROSION AND SEDIMENTATION CONTROL PLAN REQUIRED

Any development subject to a site plan, preliminary plat, or final plat that requires land disturbing activity of one acre in area or more shall require prior approval of an erosion and sedimentation control plan by the Wake County Inspections Division in accordance with The Wake County Soil Erosion and Sedimentation Control Ordinance and Section 113A-57(4) of the North Carolina General Statutes.

6.9.4. EXEMPTIONS

Section 6.9.3, Erosion and Sedimentation Control Plan Required, shall not apply in cases where the Wake County Inspections Division or the State Sedimentation Control Commission has certified to the Town that:

A. An erosion and sedimentation control plan for the associated project has already been submitted to and approved by the County or the Commission; or

B. The Wake County Inspections Department or the State Sedimentation Control Commission has examined the preliminary plans for the development and it reasonably appears that an erosion and sedimentation control plan can be approved upon submission by the developer of more detailed construction or design drawings. However, in this case, construction of the development may not begin (and no building permits may be issued) until the County or the Commission approves the erosion and sedimentation control plan.

6.9.5. TIMING OF REVIEW

An applicant for development subject to this section shall submit proof of an approved erosion and sedimentation control plan prior to issuance of a grading permit, building permit, or final plat, as appropriate.

6.10. STREETS

6.10.1. COMPLIANCE WITH GUIDING DOCUMENTS

A. All streets and street-related infrastructure in the Town's jurisdiction shall be installed and maintained in accordance with the Town's adopted policy guidance, including, but not limited to the following:

1. The Comprehensive Transportation Plan;
2. The Functional Classification Map, as amended;
3. The Town of Zebulon's Engineering Specifications and Standard Details Manual; and
4. Any applicable North Carolina Department of Transportation requirements.

B. All streets and rights-of-way shall be constructed in accordance with the standards established for the particular type of street in question by the Town of Zebulon, unless a higher or more restrictive standard is established by NCDOT, in which case the street shall meet that higher or more restrictive standard.

6.10.2. STREET CLASSIFICATION

A. All streets dedicated to public use shall be classified in accordance with Table 6.10.2: Street Classification:

TABLE 6.10.2: STREET CLASSIFICATION

STREET TYPE [1] [2]	DESCRIPTION
Interstate	Interstates are the highest classification of arterials streets and are designed and are constructed with mobility and long-distance travel in mind. Access is controlled, intersections are grade-separated, and roadways are designed for high-speed travel. Roadways in this functional classification category connect the Town to other destinations in the State and connect major activity centers in the Town to one another. Interstates carry the highest traffic volumes.
Principal Arterial	These streets provide a high degree of mobility both within the Town's urban areas as well as through neighboring rural areas. While principal arterials do provide direct access to adjacent land uses along their alignments, their primary function is to facilitate the movement of vehicles from one part of the Town's jurisdiction to another. Principal arterials are found in the most urban or intense parts of the Town and are generally not located within residential neighborhoods, office centers, or industrial parks. Vehicles move at moderate speeds and four-way intersections are often signal-controlled. These streets include at-grade intersections with other streets, but driveways to individual lots are kept to a minimum. The average number of vehicles trips can vary widely based on the urban or rural location of an arterial street.
Minor Arterial	Minor arterial streets connect principal arterial streets to one another and provide for vehicle trips of moderate length within geographic areas smaller than those served by principal arterials. Minor arterials help to distribute vehicle trips across the Town and provide much more direct access to individual lots and land uses via driveways. Normally, the spacing of arterial streets should not exceed one mile in fully developed areas.
Major Collector	Major collector streets gather traffic from local streets and funnel it to the arterial street network. They serve as traffic circulators as well as facilitators of direct vehicular access to individual land uses such as multi-family residential,

TABLE 6.10.2: STREET CLASSIFICATION	
STREET TYPE [1] [2]	**DESCRIPTION**
	commercial, and industrial developments. Major collector streets may also serve larger single-family residential neighborhoods. Most vehicular trips on a major collector street are longer than three-quarters of a mile. Collector streets accommodate higher vehicle speeds than local streets and often have a blend of signalized and non-signalized intersections in addition to individual driveways for larger developments. In rural areas, major collectors often facilitate intra-county travel of distances shorter than those typical to an arterial street.
Minor Collector	Minor collectors also gather or collect traffic from local streets and connect it with the larger arterial street network. Most vehicular trips on minor collector streets are less than three-quarters of a mile. Typically, minor collector streets are shorter than major collectors, have fewer travel lanes, have a lower density of individual driveway access points, are designed for lower traffic speeds, and are spaced at greater intervals than major collectors. At the same time, the total lane mileage of minor collector streets in a community is greater than the total mileage of major collector streets.
Local	Local streets occupy the largest percentage of lane miles across all types of streets and primarily provide direct access to individual lots. Local streets are often configured to discourage through traffic, though local streets can also effectively disperse local traffic when configured as part of a highly connected network offering multiple routes.
Cul-de-Sac	A dead-end local street that terminates in a vehicular turnaround.
Alley	A secondary street that provides direct access to a limited number of individual lots or land uses. In most cases, access is provided to the side or rear of the lot served by the alley.
NOTES: [1] The classification shall be based upon the function of the street and projected volume of traffic to be carried by the street, stated in terms of the number of trips per day. [2] The types of streets and their general locations are depicted on the NC Capital Area Metropolitan Planning Organization's Functional Classification Map, as amended.	

B. New streets constructed in the Town's jurisdiction shall be designated in accordance with Table 6.10.2: Street Classification.

C. Whenever a street within a new development continues an existing street that formerly terminated outside the development or it is expected that a new street will be continued beyond the development at some future time, the classification of the street will be based upon the street in its entirety, both within and outside of the development.

6.10.3. STREET RIGHTS-OF-WAY

All new streets established in the Town's jurisdiction after November 1, 2019, shall include a minimum street right-of-way configured in accordance with the Town of Zebulon's Engineering Specifications and Standard Details Manual, and Table 6.10.3: Minimum Street Right-of-Way Requirements.

TABLE 6.10.3: MINIMUM STREET RIGHT-OF-WAY REQUIREMENTS	
STREET TYPE	MINIMUM RIGHT-OF-WAY (FEET) [1] [2]
Principal Arterial	80
Minor Arterial	70
Major Collector	60
Minor Collector	60
Local	50
Cul-de-Sac	50
Alley	20

NOTES:
[1] The street right-of-way shall include curb and gutter, sidewalks, multi-use paths, bicycle lanes (where indicated), and associated utility strips.
[2] Minimum rights-of-way may need to be wider to accommodate all forms of planned infrastructure in accordance with the Town's adopted policy guidance.

6.10.4. DEDICATION AND CONSTRUCTION

A. All lands associated with a street right-of-way shall be dedicated to the Town or the State as a part of the development process in accordance with Section 136-66.10 of the North Carolina General Statutes.

B. The subdivider or developer shall be responsible for the construction and installation of all streets and infrastructure in accordance with the applicable development approval, NCDOT standards, the standards in this Ordinance, and any applicable state or federal requirements.

C. No road construction or improvements shall commence until a plan showing the proposed roadway improvements is approved by the TRC in writing and a construction plan is approved by the Town Engineer.

D. All streets shall be improved to the full width, cross section, and profile, including paving, curb and gutter, and related improvements as specified in the development approval, this Ordinance, the Town's adopted policy guidance, State or federal law, and any other applicable provisions.

E. Land associated with a street right-of-way shall not be credited towards allowable residential density in accordance with Section 9.3.6, Residential Density.

6.10.5. PAYMENT IN-LIEU OF PROVIDING ROAD IMPROVEMENTS

Only those proposed streets, bikeways, or other road improvements that may cause conflicts with other Town, State, or federal infrastructure projects may be subject to the requirements for fee-in-lieu provision in accordance with Section 6.3, Fee-in-Lieu.

6.10.6. PRIVATE STREETS

A. NEW STREETS

All streets constructed, extended, or modified after January 1, 2020, shall be constructed, maintained, and operated in accordance with the standards for public streets. Private streets shall not be constructed as part of development within the Town's planning jurisdiction.

B. EXISTING STREETS

1. Neither the Town of Zebulon or NCDOT shall be responsible for maintenance of private streets existing on or after January 1, 2020.
2. Private streets may be marked with signage indicating where Town or State maintenance responsibility stops.

6.10.7. STREET DESIGN

A. GENERAL LAYOUT

1. The layout, arrangement, width, grade, character, and location of streets shall conform to the Town's adopted policy guidance, topographic conditions, natural features, and drainage systems.
2. When a development abuts or contains an existing or proposed interstate or arterial, the TRC may require frontage streets, reverse frontage with landscape plantings, or other treatment as may be necessary for adequate protection of residential properties and to ensure separation of through and local traffic.
3. Reserve strips or parcels controlling access to streets shall be prohibited, except where required as part of development on a double-frontage lot.

B. COMPLIANCE WITH ACCESS AND CIRCULATION STANDARDS

New streets and changes to existing streets located within a single lot or tract shall also be subject to the standards in Section 5.1, Access and Circulation.

C. COMPLIANCE WITH TRANSPORTATION IMPACT ANALYSIS FINDINGS

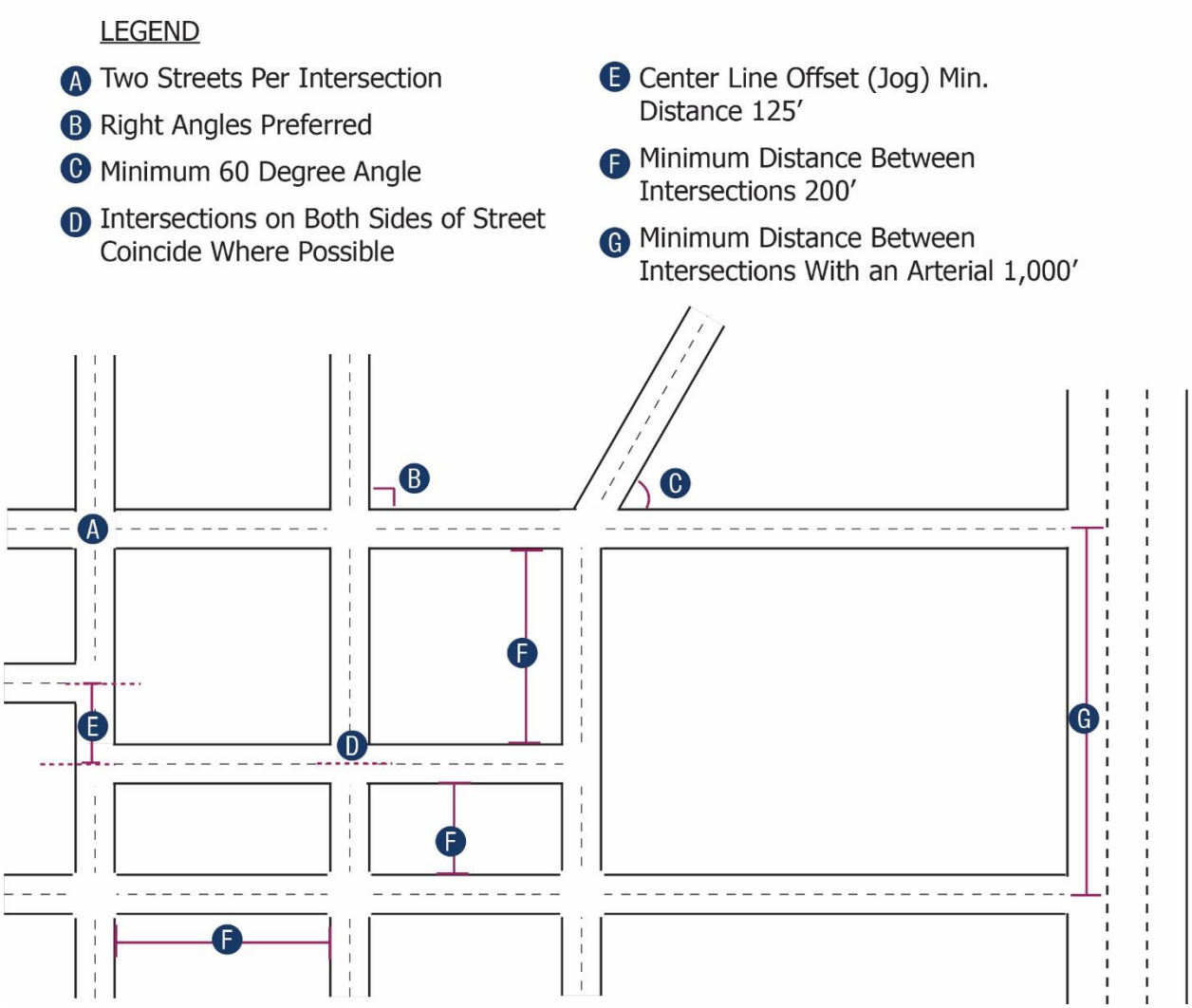
In cases where new development is subject to a requirement to prepare a transportation impact analysis in accordance with Section 6.13, Transportation Impact Analysis, all streets and street-related infrastructure shall comply with the findings of the analysis.

D. STREET INTERSECTIONS

Street intersections shall be configured in accordance with the following standards (see Figure 6.10.7.D: Street Intersections):

1. Not more than two streets shall intersect at any one point unless the Town or NCDOT certifies that such an intersection can be constructed with no extraordinary danger to public safety.
2. Streets shall intersect at right angles to the maximum extent practicable, and no two streets shall intersect at less than 60 degrees.
3. Whenever possible, proposed intersections along one side of a street shall coincide with existing or proposed intersections on the opposite side of the street.
4. Where a street center line offset (jog) occurs at an intersection, the distance between centerlines of the intersecting streets shall be not less than 125 feet.
5. Except when no other alternative is practicable or legally possible, no two streets may intersect with any other street on the same side at a distance of less than 200 feet measured from centerline to centerline of the intersecting street. When the intersected street is an arterial, the distance between intersecting streets shall be at least 1,000 feet, unless no other alternative is practicable.
6. Property lines at street intersections shall be shown as a chord connecting points not less than 15 feet back from the street intersection along each street right-of-way line. Longer setbacks for chord connections for property lines may be required by the TRC as needed for public safety.
7. In commercial developments the Town may assign traffic control to thru traffic within 500 feet of the point of access to the public right-of-way.
8. Alleys are required to provide a vehicular turn-around or connect to another street or alley.

FIGURE 6.10.7.D: STREET INTERSECTIONS



E. BLOCK LENGTH AND WIDTH

1. BLOCK LENGTH

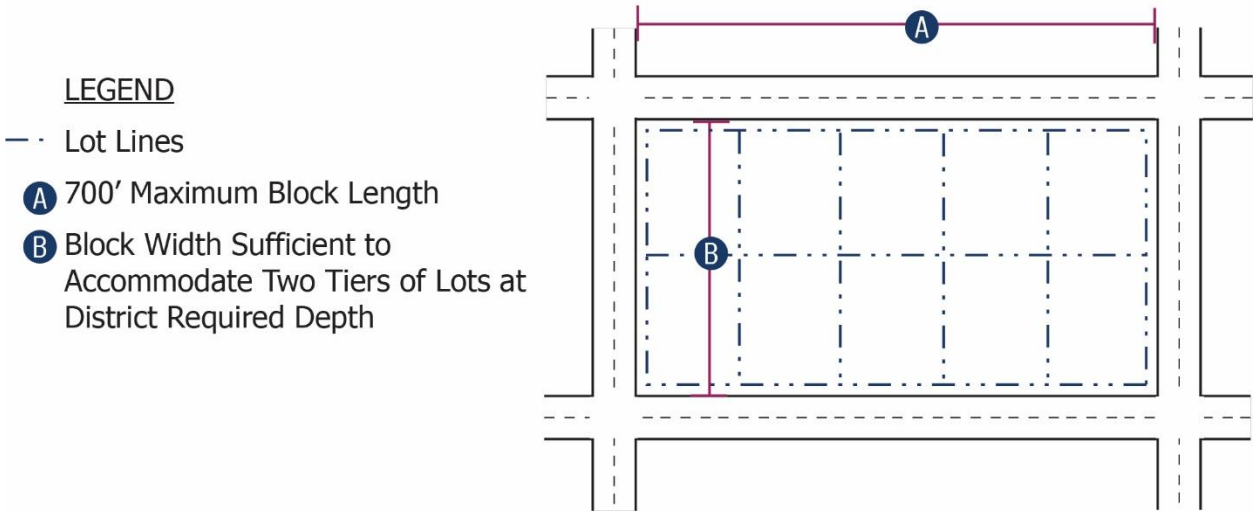
Except for arterial streets, or where otherwise required by the NCDOT, intersecting streets shall be laid out at such intervals that block lengths do not exceed 700 linear feet.

2. BLOCK WIDTH

a. The width of the block shall normally be sufficient to allow two tiers of lots of appropriate depth.

b. Blocks intended for business or industrial use shall be of such width as to be considered most suitable for their respective use, including adequate space for off-street parking and deliveries (see Figure 6.10.7.E: Block Configuration).

FIGURE 6.10.7.E: BLOCK CONFIGURATION



F. STREET GRADE

Street grades shall comply with the following standards:

1. Streets and their associated gutters shall maintain grade levels in accordance with the Town of Zebulon Standard Specifications.
2. Street and intersection approaches shall not have grades in excess of three percent for a distance of 100 feet from the intersection of center lines in all directions for all streets.
3. All changes in grades for local streets and collectors shall be connected by a vertical curve of a minimum length of 40 times the algebraic difference in the percents of grade ("K" value). Stop conditions shall have a minimum "K" value of 14 times the algebraic difference of the percents of grade. "K" values for arterials shall be per the AASHTO Geometric Design of Highways and Streets based on design speed.
4. The Town Engineer may consider deviations from these standards based on topographic conditions or public safety concerns.

G. STREET CURVES

Street curves shall maintain the minimum radii established in Table 6.10.7.G: Minimum Curve Radii and Tangents:

TABLE 6.10.7.G: MINIMUM CURVE RADII AND TANGENTS

STREET TYPE	MINIMUM RADII (FEET)	MINIMUM TANGENT DISTANCE BETWEEN REVERSE CURVES ON THE SAME STREET (FEET)
Principal and Minor Arterials	600	150
Major and Minor Collectors	400	100
Local Streets	150	0

H. STREET CONNECTIVITY

1. The arrangement of streets in a development shall provide for the alignment and continuation of existing or proposed streets into adjoining lands in those cases in which the adjoining lands are undeveloped and deemed appropriate by the Planning Director for future development or in which the adjoining lands are developed and include opportunities for such connections.

2. Street rights-of-way shall be extended to or along adjoining property boundaries such that a roadway connection or street stub shall be provided for development where practicable and feasible in each direction (north, south, east, and west) for development which abuts vacant lands.
3. Arterial and collector streets shall intersect with surrounding collector or arterial streets at safe and convenient locations, as determined by the NCDOT and Planning Director.
4. At all locations where streets terminate with no street connection, but a future connection is planned or accommodated, a sign shall be installed at the location with the words "FUTURE ROAD CONNECTION" to inform property owners.
5. The final plat shall identify all stub streets and include a notation that all street stubs are intended for connection with future streets on adjoining undeveloped or underdeveloped lands.
6. The use of residential strips of land in order to prevent the extension of proposed or existing streets or access thereto is prohibited.
7. Where access to a subdivision site is by a street that does not meet State standards, that street shall be improved by the developer in order to meet current State standards.

I. DEVELOPMENT ENTRY POINTS

1. Unless exempted in accordance with subsection (4) below, all subdivisions shall provide streets from the development to the street system outside the development in accordance with Table 6.10.7.I: Required Points of Access:

TABLE 6.10.7.I: REQUIRED POINTS OF ACCESS

Type of Development	Development Size	Minimum Number of Vehicular Access Points [2]
Residential and Mixed-Use Development	50 or fewer lots	1
	51 to 200	2
	201 or more	2 + 1 per every additional 100 lots
Non-residential Development, other than Industrial	Less than 5 acres or fewer than 10 lots	1
	More than 5 acres	2

NOTES:
[1] Points of access shall refer to streets, not driveways.
[2] Additional vehicular access points may be required where determined necessary by the Town.

2. Nothing in this section shall limit the total number of streets providing access to the street system outside a development, or exempt a development from meeting all applicable street connectivity standards.
3. Street stubs shall be credited as an access point when all ingress or egress to a development is only available from a single arterial or collector street.
4. Development shall be exempted from these standards if it is demonstrated the following conditions apply:
   a. A transportation impact analysis allows a deviation;
   b. No other street access points can be located due to existing lot configurations, absence of connecting streets, environmental, or topographic constraints;
   c. NCDOT will not authorize the required number of entrances; or
   d. Alternative access can be provided in a manner acceptable to the Town that is supported by a transportation impact analysis.

J. CUL-DE-SAC DESIGN

1. Cul-de-sac length that shall be in accordance with the standards in Table 6.10.7.J: Maximum Cul-de-Sac Length:

TABLE 6.10.7.J: MAXIMUM CUL-DE-SAC LENGTH

Zoning District	Maximum Cul-de-Sac Length (linear feet) [1]
R1 & R2	1,000
R4	800
R6 & RMF	200
DTP	500
All Other Districts	800

NOTES:
[1] In cases where a cul-de-sac street segment cross more than one zoning district, the more restrictive length standard shall apply.

2. All permanent cul-de-sacs or other dead-end streets shall be provided at the closed end with a turn-around configured in accordance with the Town of Zebulon's specifications.
3. Dead-end streets intended to be continued at a later time shall be provided with a turn-around as required for a dead-end street when required by the Planning Director.
4. Only that portion to be required as right-of-way when the street is continued shall be dedicated and made a public street.

K. STREET KNUCKLES OR BULB-OUTS

If knuckles or bulb outs are provided as a part of new development, they shall comply with all applicable Town requirements.

L. HALF STREETS

Half streets along property lines shall be prohibited except that whenever a half street already exists adjacent to a tract to be subdivided, the other half of the street shall be platted within the tract to be subdivided.

6.10.8. STREET DRAINAGE

A. All required drainage facilities shall be constructed prior to consideration of a final plat.

B. Storm sewers, drains, and structures installed by the subdivider shall be installed of a size, type, and in locations as approved by the Planning Director or NCDOT, as appropriate.

C. Street drainage facilities located outside the street right-of-way shall be maintained by the developer, the landowner, or an owners' association, and maintenance responsibility shall be noted on the final plat.

D. The Town shall not be responsible for any private or commonly-held subdivision drainage infrastructure connected to publicly-maintained drainage facilities, streams, or other outlets having constant flow.

6.10.9. STREET SIGNS

A. The Town shall install standard street signs as part of new development.

B. In cases where decorative street signs are proposed, the developer or subdivider shall be responsible for the cost of the decorative street signs.

C. Decorative street signs shall be approved as to form and content by the Town prior to installation.

D. Street name signs shall conform to Town and NCDOT standards.

E. At least two street name signs shall be placed at each four-way street intersection and at least one at each "T" intersection.

F. Street signs shall be installed on the northwest and southeast corners of every four-way intersection.

G. Signs shall be installed free of visual obstruction.

6.10.10. TRAFFIC CONTROL SIGNS AND SIGNALS

A. If deemed necessary by the Town or by NCDOT, signals shall be installed by the developer at each street intersection within the subdivision and at each intersection of a subdivision street and a state-maintained road or access road.

B. Signs and signals shall comply with NCDOT regulations with regards to size, shape, color, location and information contained thereon.

C. At least two or more traffic-control signs shall be placed at each four-way street intersection and at least one at each "T" intersection.

D. Signs and signals shall be installed free of visual obstruction.

6.10.11. STREET LIGHTS

A. Streets and sidewalks shall be illuminated with street lights or pedestrian lighting for security and safety, in accordance with Town, utility company, and NCDOT standards.

B. Areas adjacent to the vehicular entrances for non-residential, mixed-use, and multi-family residential developments containing more than four dwelling units shall be adequately lighted to ensure the safety of persons and the security of the buildings.

C. Exterior lighting located outside of a street right-of-way shall be configured in accordance with the standards in Section 5.4, Exterior Lighting.

D. Illumination requirements must be met prior to issuance of an occupancy permit.

6.10.12. VEHICULAR GATES

A. Gates to private property shall conform to Town requirements for emergency access and be served by a vehicular turnaround.

B. Proposed gates shall be reviewed and decided by the Planning Director.

6.10.13. BRIDGES

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

6.10.14. DAMS

A. Public streets that traverse a dam shall be approved by the Planning Director and construction plans for the street shall be approved by the applicable state review agency.

B. Maintenance of a dam structure shall be the responsibility of the developer or an owners' association.

C. The party responsible for dam maintenance shall provide a performance guarantee for the dam's maintenance in perpetuity in accordance with the standards in Section 6.6, Performance Guarantees.

6.11. STORMWATER

6.11.1. GENERALLY

All developments shall be constructed and maintained so that adjacent properties are not unreasonable burdened with surface waters as a result of development.

6.11.2. HIGHER ADJACENT LANDS

No development shall be constructed or maintained in ways that unreasonably impedes the natural flow of water from higher adjacent lands across the development, thereby causing substantial damage to those higher adjacent properties.

6.11.3. LOWER ADJACENT LANDS

No development shall be constructed or maintained so that surface waters from the development are unreasonably collected and then channeled into lower adjacent properties at location or volumes so as to cause substantial damage to those lower adjacent properties.

6.12. SUBDIVISION STANDARDS

6.12.1. SUBDIVISION NAME

Every subdivision shall be given a name that shall not duplicate or be similar to that of any other subdivision existing or previously planned within the Town's planning jurisdiction or Wake County.

6.12.2. REASONABLE RELATIONSHIP

All required improvements, easements, and rights-of-way (other than required reservations) shall substantially benefit the development or bear a reasonable relationship to the need for public facilities attributable to the new development.

6.12.3. LOT CONFIGURATION

A. DIMENSIONAL REQUIREMENTS

1. The size, width, depth, shape, orientation, and minimum setback lines of lots shall be as required for the zoning district where located in accordance with the standards in Article 3: Districts.
2. All lots created after January 1, 2020, shall have sufficient area, dimensions, and access to allow a principal building to be erected on it in compliance with the requirements of this Ordinance.
3. Lots intended for non-residential development shall be of an adequate size and shape to accommodate required off-street parking, loading, and on-site circulation features.

B. SIDE LOT LINES

Side lines of lots should be at or near right angles or radial to street lines.

C. FLAG LOTS

New flag lots may be established, subject to the following requirements:

1. No more than two flag lots may be created from a parent parcel after January 1, 2020.
2. New flag lots may only be established along existing streets.
3. The "pole," arm," or "pan handle" portion of a flag lot shall maintain a minimum width of at least 30 feet.
4. Use of a single driveway to serve an adjoining lot is encouraged. Wherever possible, the shared driveway shall be on the flag lot.
5. In no case shall flag lots be configured to have two "poles," "arms," or "pan handles" adjacent to one another.

D. DOUBLE-FRONTAGE LOTS

1. Double frontage (or "through" lots) shall be prohibited except where essential to provide separation of residential development from traffic arteries or to overcome specific challenges of topography and orientation.
2. In cases where a double frontage lot abuts an arterial or collector street, access to the lot shall be provided from the street with the lowest average daily trips. This requirement may be waived by the Planning Director in cases where compliance with this standard will likely result in dramatic increases in traffic within residential areas.
3. A double frontage lot shall include an easement of at least ten feet in width across the rear of the lot which shall prohibit access to the abutting street.

E. CORNER LOTS

Corner lots shall be of sufficient size to ensure development may be configured in accordance with the standards in Section 5.1.7, Sight Distance Triangles.

F. LOTS SERVED BY PRIVATE WATER OR WASTEWATER SYSTEMS

1. Wake County Environmental Health shall evaluate proposed or existing sewer facilities on lots ten acres or less that are not served by governmental water and/or sewerage systems in accordance with the following:

a. New subdivision lots without existing sewer systems shall be evaluated by current state and county health department regulations.

b. New subdivision lots with existing sewer systems shall be evaluated for visual malfunctioning by the appropriate county health department. Malfunctioning systems shall be repaired prior to subdivision plat approval. New property lines shall meet current minimum setback requirements or an easement for the sewer facilities must be shown on the plat.

2. Lots that are located within 1,000 linear feet of an existing public potable water or public sanitary sewer line shall connect to these existing systems.

a. If the potable water system will not generate water pressure that is equal to the average of connected customers within a quarter-mile radius of the owner's point of connection (as determined by a licensed professional engineer), then connection to the water system is not required.

b. If the cost to connect to the sewer system is greater than the cost to install an on-site wastewater system (as determined by a licensed soil scientist, on-site wastewater contractor, or licensed plumbing contractor), then connection to sewer system is not required.

G. LOTS SERVED BY PRIVATE WATER OR WASTEWATER SYSTEMS IN WATERSHED AREAS

Lots in watershed areas that must have an individual (on site) water supply and sewage disposal system shall be evaluated by current State and county health department regulations and/or other requirements governing the protection of public water supplies.

H. DRAINAGE AND FLOOD PREVENTION

New subdivisions shall comply with the applicable requirements for drainage in Section 6.9, Soil Erosion & Sedimentation, stormwater management in Section 6.11, Stormwater, and flood prevention in Section 3.8.2, Flood Hazard Overlay (FHO) District.

6.12.4. ACCESS TO LOTS

A. All lots subdivided after January 1, 2020, shall be provided with access to an existing street that has been accepted for maintenance by the State of North Carolina or the Town of Zebulon.

B. Streets providing access to lots shall be constructed in conformance with the standards and specifications of the Town's construction standards and details and/or the North Carolina Department of Transportation and dedicated in accordance with this Ordinance.

6.12.5. MONUMENTS

Monuments shall be included as part of any subdivision, and shall be configured in accordance The Standards of Practice for Land Surveying in North Carolina, as adopted by the North Carolina State Board of Registration for Professional Engineers and Land Surveyors, and the following:

A. Markers shall be set at all lot corners, points of curvature, points of tangency, and at all points with a change in bearings.

B. The location and type of all markers used shall be indicated on the final plat.

6.12.6. EASEMENTS

Easements for drainage or utilities may be required where necessary, and shall be provided in accordance with the following:

A. LOCATIONS

1. Such easements shall be placed along side or rear property lines where practicable.

2. Easements shall center along or be adjacent to a common property line where practicable.

3. Redesign of the lot arrangements may be required to meet extreme conditions.

B. 2. UTILITIES

1. POWER OR COMMUNICATIONS

Where alleys are not provided, easements (of not less than ten feet in width) shall be provided adjacent to public rights-of-way or in such other locations as may be directed by the Planning Department for poles, wires, or conduits for electrical utilities, natural gas service, or telephone services.

2. POTABLE WATER

Easements of at least 20 feet in width, as centered on the pipe, shall be provided for public potable water supply systems in locations as may be directed by the Planning Department for water distribution lines, water meters, and access points.

3. SANITARY SEWER

Easements of at least 30 feet in width, as centered on the pipe, shall be provided for public sanitary sewer systems in locations as may be directed by the Planning Department for sewer collection lines and access points.

4. EASEMENT UPSIZING

The Planning Director may increase the easement widths for public water and sewer services based on the size of the line, the required depth of the line, or the need to remain clear of other utilities.

C. DRAINAGE

1. Provision of drainage facilities to maintain the established flow of off-site water through any property to be subdivided shall be the responsibility of the subdivider.
2. No subdivision shall block or obstruct the natural drainage of an adjoining area.
3. Easements, when required for drainage of the area to be subdivided, shall be of such width as is necessary to permit proper construction and maintenance of the drainage facilities required to drain the area properly.
4. Open channel drainage easements shall be of a minimum width of 10 feet.
5. Drainage easements containing piped stormwater facilities shall be at least 20 feet in width.
6. The Planning Director may require drainage easements up to 50 feet in width as necessary in the public interest.
7. Easements of greater width may be required along the lines of or across lots where necessary for storm drainage, channels, surface overflow or for the extension of main sewers or similar utilities and when necessary for adequate separation of specific utilities.
8. Existing natural drainage shall be retained or adequately relocated.

D. MAINTENANCE

1. All easements for drainage or utilities shall be cleared of undergrowth, trees, and other obstructions prior to approval of the final plat unless Planning Director certifies in writing that such clearance is unnecessary.
2. Clearance is not required for easements that are provided for possible future use.
3. Easements for stormwater management facilities and stormwater drainage systems located outside the street right-of-way shall be maintained by an owners' association, and maintenance responsibility for these features shall be indicated on the final plat.

E. IDENTIFICATION

All easements shall be granted in favor of the Town of Zebulon, the State of North Carolina, the appropriate utility provider, an owners' association, as appropriate, and shall be shown and clearly labeled on the final plat.

6.12.7. CLUSTER MAILBOXES

When cluster mailbox units are required by the US Postal Service, they shall be configured in accordance with the following:

A. Cluster mailbox units shall be configured in accordance with all applicable USPS standards.

B. Cluster mailbox units shall be served by a sidewalk connected to the larger pedestrian network in the development, or shall provide at least two designated parking spaces that provide safe an unobstructed access to the mailbox unit.

C. Cluster mailboxes shall be covered to protect pedestrians from inclement weather while accessing their individual mailbox.

D. Cluster mailboxes shall be served by exterior illumination of at least 2 footcandles to ensure safety during night time hours.

6.12.8. BUILDING NUMBERS

Building numbers shall be assigned by the Town in accordance with the following standards:

A. Road address numbers must be clearly displayed so that the location can be identified easily from the road.

B. The official address number must be displayed on the front of a building or at the entrance to a building which is most clearly visible from the street or road during both day and night.

C. If a building is more than 75 feet from any road, the address number shall be displayed at the end of the driveway or easement nearest the road which provides access to the building.

D. Numerals indicating the address number of a single-family dwelling shall be at least four inches in height and shall be posted and maintained so as to be legible from the road.

E. Numerals for multiple dwelling units and nonresidential buildings shall be at least six inches in height and shall be placed on the front of the building facing the road or on the end of the building nearest the road.

F. Numerals must be of contrasting color to the background.

G. Mobile home lots shall have sequential address numbers throughout the park. Each lot will have a separate address number assigned. The address number of each lot must be clearly displayed on the lot so as to be legible from the road rather than mounted on the mobile home unit.

H. Owners or occupants of buildings already constructed which do not comply with this section will be notified and requested to meet these requirements within 60 days from the date of notification. If the owner or occupant fails to comply with this request within the specified period of time, the Planning Director may revoke any of the penalties or remedies available in this Ordinance.

6.13. TRANSPORTATION IMPACT ANALYSIS

6.13.1. INTRODUCTION

The Town of Zebulon requires that the traffic and circulation impacts of proposed development projects be analyzed. The traffic impacts of proposed developments are to be analyzed through the preparation of a traffic impact analysis (TIA) prepared in conformance with the Town of Zebulon requirements. The TIA must be prepared, signed and sealed by a traffic engineer or a civil engineer registered in the State of North Carolina, qualified to practice traffic engineering. This section identifies the required format and methodology that is generally required to be utilized in the study preparation, subject to the review and approval of the Town of Zebulon.

6.13.2. PURPOSE

The purpose of the TIA is to identify the impacts on capacity, level of service (LOS), and safety, which are likely to be created by a proposed development. A TIA report should identify the improvements needed to:

A. Ensure safe ingress to and egress from a site;

B. Maintain adequate street capacity on adjacent public streets;

C. Ensure safe and reasonable traffic operating conditions on streets and at intersections in the vicinity of a proposed development;

D. Avoid creation of or mitigate existing hazardous traffic conditions;

E. Minimize the impact of nonresidential traffic on residential neighborhoods in the community; and

F. Protect the substantial public investment in the existing street system.

6.13.3. APPLICABILITY

A. A TIA shall be required for any new development projects utilizing a development plan, site plan, and preliminary plat that can be anticipated to generate at least 50 vehicle trips in either the a.m. or p.m. peak hour, or exceeding 150 average daily trips (as determined by Institute of Transportation Engineers Standards).

B. Any redevelopment projects to an existing building that involve a rezoning of the property or a special use permit shall be required to provide a TIA if the projects are anticipated to generate at least 50 vehicle trips in either the a.m. or p.m. peak hour (as determined by Institute of Transportation Engineers Standards).

C. A TIA shall be required for any new school development or school redevelopment projects utilizing a development plan, site plan, and preliminary plat that can be anticipated to generate at least 100 vehicle trips in either the a.m. or p.m. peak hour. Trip generation calculations shall be determined using the North Carolina Department of Transportation (NCDOT) Municipal and School Transportation Assistance (MSTA) Traffic Calculator. Final approval of such developments may require comments, recommendations, and approval from the NCDOT Division Office based on an analysis and evaluation of the capacity and efficiency of the anticipated development's roadway network. Any roadway modifications or improvements necessitated by the proposed development should be designed and constructed in conformance with the current NCDOT design and construction guidelines.

D. Town staff reserves the right to require a TIA if operational or safety concerns exist. Some additional factors for determination may include any nonresidential use meeting one or more of the following:

1. covering more than two (2) acres;
2. including more than three (3) building lots;
3. providing an assembly area for more than four hundred (400) persons;
4. involving office or sales floor area over twenty thousand (20,000) square feet;
5. within one hundred fifty (150) lineal feet of any intersection of two (2) designated Thoroughfares

6. within five hundred (500) lineal feet of any public road intersection currently operating as a Level of Service D, E or F;
7. and/or involving service or delivery vehicles in excess of one (1) ton.

E. Whenever a TIA is required and meets the standards set forth in this section pursuant to division (A, B, C, or D above, the TIA report shall be incorporated and included as part of the Technical Review Committee (TRC) submittal packet.

6.13.4. PRE-APPLICATION CONFERENCE

The applicant shall schedule a pre-application meeting with the Planning Director to discuss procedures, standards, and regulations required for TIA submittal and approval.

6.13.5. MEMORANDUM OF UNDERSTANDING

The traffic engineer shall submit a memorandum of understanding (MOU) to the Planning Director to document the agreements made during the pre-application conference which discusses the criteria used in the analysis of the TIA. The MOU may be received by the town via email, fax, or mail. The traffic engineer shall not begin work on the TIA until the Town has approved the MOU.

6.13.6. PERIOD OF VALIDITY

A TIA report and traffic counts shall be valid for a specific site for no more than one year, so long as no significant modifications to the development proposed for the site that substantially increase the traffic impact are made.

6.13.7. TRAFFIC IMPACT ANALYSIS REPORT ELEMENTS

The TIA shall follow standard transportation engineering processes for determining trip generation and distribution including trip generation category, diversion assumptions, distribution assumptions, the adequacy of the road network to serve the proposed development, and whether off-site road dedication and improvements should be made to mitigate the effects of the development proposed in the application. The data and methods used in the TIA shall be based upon the latest editions of Institute of Transportation Engineers (ITE) manuals. A TIA shall address the factors listed below:

A. EXECUTIVE SUMMARY

At the beginning of the TIA, the executive summary shall summarize the analysis and conclusions and identify recommended transportation improvements.

B. SITE DESCRIPTION

The TIA shall contain reports, graphics, illustrations, narratives, and a site plan that describe the characteristics of the site and adjacent land uses as well as expected development in the vicinity that will influence future traffic conditions. A description of potential uses and traffic generation to be evaluated shall be provided. A description of the proposed development, including access plans, staging plans, and an indication of land use and intensity, shall be provided.

C. STUDY AREA

The study area shall include all proposed access points, all signalized intersections and all non-signalized intersections having side-street average daily traffic counts of 2,000 vehicles per day or more within one-half mile of the property lines on all streets adjoining the site in accordance with Table 6.13.7.C: Study Area Boundaries. If the estimated trip generation for the project is over 2,500 trips per day, then the study area shall include all proposed access points, all signalized intersections, and all non-signalized intersections having side-street average daily traffic counts of 2,000 vehicles per day or more within one mile of the property lines on all adjoining streets. The potential traffic from any approved project shall be considered in the study as determined by the Planning Director. The Planning Director has the right to add or subtract study area intersections based on specific study area characteristics, and local traffic patterns.

TABLE 6.13.7.C: STUDY AREA BOUNDARIES		
ELEMENT	< 2,500 TRIPS PER DAY	> 2,500 TRIPS PER DAY
All proposed access points	Yes	Yes
All signalized intersections within 1/2 mile	Yes	Yes
All signalized intersections more than 1/2 mile but within one mile of site	No	Yes
All non-signalized intersections within 1/2 mile of the site with at least 2,500 average daily trips	Yes	Yes
All non-signalized intersections more than 1/2 mile but within one mile of the site with at least 2,500 average daily trip	No	Yes

D. INTERSECTIONS SHALL BE ANALYZED UNDER FOUR SCENARIOS

1. Existing.
2. No-build: (existing + annual growth + approved developments).
3. Build: (existing + annual growth + approved developments + site traffic).
4. Build improved: (existing + annual growth + approved developments + site traffic + necessary improvements).
5. Scenario 4 may be eliminated if improvements are not necessary to satisfy any queuing problems or the LOS criteria listed herein. Overall LOS and delay must be provided for all signalized intersections and worst movement LOS and delay must be provided for all unsignalized intersections. Intersection analysis shall include queue analysis. The analysis year for all future scenarios is one year following the development's scheduled completion year (build + 1).

E. EXISTING TRAFFIC CONDITIONS

The TIA shall contain a summary of the data utilized in the study and an analysis of existing traffic conditions, including:

1. Traffic count and turning movement information, including the source of and date when traffic count information was collected;
2. Correction factors that were used to convert collected traffic data into representative design-hour traffic volumes;
3. Roadway characteristics, including the design configuration of existing or proposed roadways, existing traffic control measures (e.g., speed limits and traffic signals), and existing driveways and turning movement conflicts in the vicinity of the site; and
4. Identification of the existing level of service for roadways and intersections without project development traffic using accepted methods of evaluation. Level of service should be calculated for the weekday peak hour and, in the case of uses generating high levels of weekend traffic, the Saturday peak hour.

F. LEVEL OF SERVICE

For corridors, including mainline, merging areas, and ramp junctions, a LOS C shall be maintained on any expressway, freeway, or arterial, and an LOS D on any other designated nonlocal street on the thoroughfare plan. At all intersections, an LOS C shall be maintained on any arterial or higher-order street and an LOS D on any other nonresidential street. Where the existing level of service is below these standards, the traffic impact analysis report shall identify those improvements or transportation demand management techniques needed to maintain the existing level of service, and what additional improvements would be needed to raise the level of service to the standards indicated.

G. NUMBER OF ACCESS POINTS

The number of access points provided shall be the minimum needed to provide adequate access capacity for the site. Evidence of LOS D operations for individual public street

movements at access locations is a primary indication of the need for additional access points. However, the spacing and geometric design of all access points shall be consistent with the access management criteria of the ordinance.

H. TRAFFIC FLOW AND PROGRESSION

The location of new traffic signals or proposed changes to cycle lengths or timing patterns of existing signals to meet level of service standards shall not interfere with the goal of achieving adequate traffic progression on major public streets in the vicinity of the development.

I. VEHICLE STORAGE

The capacity of storage bays and auxiliary lanes for turning traffic shall be adequate to ensure that turning traffic will not interfere with through traffic flows on any public street.

J. INTERNAL CIRCULATION

On-site vehicle circulation and parking patterns shall be designed so as not to interfere with the flow of traffic on any public street and shall accommodate all anticipated types of site traffic.

K. SAFETY

Access points shall be designed to provide for adequate sight distance and appropriate facilities to accommodate acceleration and deceleration of site traffic. Where traffic from the proposed development will impact any location with an incidence of high accident frequency (defined as one of the five to ten highest accident locations in the area), the accident history should be evaluated and a determination made that the proposed site access or additional site traffic will not further aggravate the situation.

L. HORIZON YEAR(S) AND BACKGROUND TRAFFIC GROWTH

The TIA shall identify the horizon year(s) that were analyzed in the study, the background traffic growth factors for each horizon year, and the method and assumptions used to develop the background traffic growth. Background growth rates should be developed using historical traffic counts and/or population and employment growth in the area, with a maximum of 6% per year. Unless otherwise approved by the Planning Director, the impact of development shall be analyzed for the build out year plus one year into the future after the development is completed.

M. TIME PERIODS TO BE ANALYZED

For each defined horizon year, specific time periods are to be analyzed. For most land uses, this time period will be the average peak hour a.m. and p.m. However, certain uses (e.g., major retail centers, schools, or recreational uses) will have characteristic peak hours different than that found for adjacent streets, and these unique peak hours may need to be analyzed to determine factors, such as proper site access and turn lane storage requirements.

N. TRIP GENERATION, REDUCTION, AND DISTRIBUTION

The TIA shall summarize the projected peak hour and average daily trip generation for the proposed development and illustrate the projected trip distribution of trips to and from the site, and should identify the basis of the trip generation, reduction, and distribution factors used in the study. Trip distribution assumptions should be based on existing traffic patterns and employment and population centers in the area.

O. TRAFFIC ASSIGNMENT

The TIA shall identify projected design-hour traffic volumes for roadway segments, intersections, or driveways in the study area, with and without the proposed development, for the horizon year(s) of the study.

P. IMPACT ANALYSIS

Q. THE TIA SHALL ADDRESS THE IMPACT OF TRAFFIC VOLUMES OF THE PROJECTED HORIZON YEAR(S) RELATIVE TO EACH OF THE APPLICABLE TRAFFIC SERVICE

STANDARDS AND SHALL IDENTIFY THE METHODOLOGY UTILIZED TO EVALUATE THE IMPACT. THE WEEKDAY A.M. AND P.M. PEAK HOUR IMPACT SHALL BE EVALUATED AS WELL AS THE SATURDAY PEAK HOUR FOR THOSE USES EXHIBITING HIGH LEVELS OF WEEKEND TRAFFIC GENERATION. MITIGATION/ALTERNATIVES

In situations where the traffic levels of service standards are exceeded, the traffic impact report shall evaluate each of the following alternatives for achieving the traffic service standards by:

1. Identifying where additional rights-of-way are needed to implement mitigation strategies; and
2. Identifying suggested phasing of improvements where needed to maintain compliance with traffic service standards.

R. RECOMMENDATIONS

The TIA shall clearly state the mitigation measures recommended by the analysis and shall summarize how the recommended mitigations are roughly proportional to the identified impacts. The recommended street and highway mitigation measures shall be shown on a drawing that depicts existing and recommended improvements.

S. OTHER

Other items may be required at the discretion of the Town Manager, Planning Director, or Public Works Director depending upon the type and scale of the project. These may include, but are not limited to: queue length analysis, pedestrian counts, accident data, traffic speeds, stopping sight distances, and signal warrant analyses.

6.13.8. SAFETY AND OPERATIONAL ANALYSIS

The TIA shall examine existing roadway conditions to determine if safety and/or operational improvements are necessary due to increase in traffic from the project or cumulative projects. The types of improvements to be identified may include, but are not limited to:

A. Need for turning lanes;
B. Intersections needing sight distance studies;
C. Parking restrictions;
D. Measures to reduce cut-through project traffic in adjacent residential areas;
E. Potential impacts to adjacent schools;
F. Queue lengths and impacts to adjacent intersections;
G. Need for signal interconnect systems.

6.13.9. DEFERRAL OF OBLIGATION

Upon request of the applicant or property owner to the hearing body, the obligation to dedicate or improve thoroughfare rights-of-way or to make intersection improvements imposed on an application may be deferred to a later stage of the development process. As a condition of deferring the obligation to dedicate rights-of-way for or to improve thoroughfares, which deferral shall be in the sole discretion of the town, the town shall require the developer to execute a subdivision or site development improvement agreement specifying the amount and timing of the rights-of-way dedication or improvements to thoroughfares, including the posting or depositing of a bond, letter of credit, or other fiscal surety, in a form and under terms acceptable to the town, in advance of approval of the development application.

6.13.10. WAIVER

A. The Board of Commissioners is empowered to hear and decide waiver exemptions from the terms of this section. A request for a waiver shall be heard at a quasi-judicial hearing. All appropriate fees shall be paid at the time of application for a waiver.

B. The Board of Commissioners may waive the requirements for a TIA if a previously prepared traffic study or transportation plan, not older than ten years clearly shows that no capacity or safety issues exist that might be compounded as a result of the proposed development,

and thereby, no adverse impacts of unsafe or hazardous conditions would be created on the transportation system.

C. Developments in the central business districts that are not required to provide on-site or off-street parking are exempt from the requirements of this section.

D. After completion of the TIA, the Board of Commissioners may waive suggested improvements upon determining the spirit and intent of this section will still be met through alternative standards.

6.13.11. FORMAT AND SUBMITTAL OF REPORT

A. Five copies of the final printed report must be bound and submitted to the Planning Department.

B. The report should contain discussion of all of the major facets of the study including background data, traffic data collected, trip generation, trip distribution and assignment, analysis of conditions with and without the proposed project, recommended mitigation measures, and appendices with pertinent data.

C. Renderings of the proposed development are recommended for inclusion in the report.

D. If necessary, copies relating to projects impacting state roads should be submitted to the North Carolina Department of Transportation (NCDOT) District Office as well as the NCDOT Traffic Engineering Branch.

E. The report must be signed and sealed by a traffic engineer registered in the State of North Carolina on the cover or table of contents page.

F. The report shall include a graphic map with aerial photo of the studied intersections with labels showing the different LOS scenarios listed in subsection D above and a list of recommended improvements.

6.14. UTILITIES AND INFRASTRUCTURE

6.14.1. UTILITY OWNERSHIP AND EASEMENT RIGHTS

In any case in which a developer installs or causes the installation of water, sewer, electrical power, telephone or cable television facilities and intends that the facilities shall be owned, operated or maintained by a public utility or any entity other than the developer, the developer shall transfer to the utility or entity the necessary ownership or easement rights to enable the utility or entity to operate and maintain the facilities.

6.14.2. LOTS SERVED BY GOVERNMENTALLY OWNED WATER OR SEWER LINES

A. Whenever it is legally possible and practicable in terms of topography to connect a lot with a Town water or sewer line by running a connection line not more than 200 feet from the lot to the line, then no use requiring water or sewage disposal service may be made of the lot unless connection is made to the line.

B. Connection to the water or sewer is not legally possible if, in order to make connection with the line by a connecting line that does not exceed 200 feet in length, it is necessary to run the connecting line over property not owned by the owner of the property to be served by the connection and, after diligent effort, the easement necessary to run the connecting line cannot reasonably be obtained.

C. For purposes of this article, a lot is served by a Town-owned water or sewer line if connection is required by this section, with the exception of:

- **a.** If the potable water system will not generate water pressure that is equal to the average of connected customers within a quarter-mile radius of the owner's point of connection (as determined by a licensed professional engineer), then connection to the water system is not required.
- **b.** If the cost to connect to the sewer system is greater than the cost to install an on-site wastewater system (as determined by a licensed soil scientist, on-site wastewater contractor, or licensed plumbing contractor), then connection to sewer system is not required.

6.14.3. SEWAGE DISPOSAL FACILITIES REQUIRED.

A. Every principal use and every lot within a subdivision shall be served by a sewage disposal system that is adequate to accommodate the reasonable needs of the use or subdivision lot and that complies with all applicable health regulations.

B. Primary responsibility for determining whether a proposed development will comply with these standards typically lies with a county or state agency rather than the Town, and the developer must comply with the detailed standards and specifications of another agency.

C. Whenever applicable the developer must present the Planning Director with certification from the appropriate agency which regulate the type of sewage disposal facility being proposed that the facility complies with all standards and requirements. If a permit is required, the developer must present the Planning Director with a copy of the permit as well as any detailed drawings which were required prior to its issuance.

6.14.4. WATER SUPPLY SYSTEM REQUIRED

A. Every principal use and every lot within a subdivision shall be served by a water supply system that is adequate to accommodate the reasonable needs of the use or subdivision lot and that complies with all applicable health regulations.

B. Primary responsibility for determining whether a proposed development will comply with these standards typically lies with a county or state agency rather than the Town, and the developer must comply with the detailed standards and specifications of such other agency.

C. Whenever applicable the developer must present the Planning Director with certification from the appropriate agency which regulate the type of sewage disposal facility being proposed that the facility complies with all standards and requirements. If a permit is

required, the developer must present the Planning Director with a copy of the permit as well as any detailed drawings which were required prior to its issuance.

6.14.5. ELECTRIC POWER

A. Every principal use and every lot within a subdivision shall have available to it a source of electric power adequate to accommodate the reasonable needs of the use and every lot within the subdivision. Compliance with this requirement shall be determined as follows:

B. If the use is not a subdivision and is located on a lot that is served by an existing power line and the use can be served by a simple connection to the power line, then no further certification is needed; and

C. If the use is a subdivision or is not located on a lot served by an existing power line or a substantial internal distribution system will be necessary, then the electric utility service provider must review the proposed plans and certify to the Town that it can provide service that is adequate to meet the needs of the proposed use and every lot within the proposed subdivision.

6.14.6. TELEPHONE SERVICE

A. Every principal use and every lot within a subdivision shall have available to it a telephone service cable adequate to accommodate the reasonable needs of the use and every lot within the subdivision. Compliance with this requirement shall be determined as follows:

B. If the use is not a subdivision and is located on a lot that is served by an existing telephone line and the use can be served by a simple connection to the power line, then no further certification is needed; and

C. If the use is a subdivision or is not located on a lot served by an existing telephone line or a substantial internal distribution system will be necessary, then the telephone utility company provider must review the proposed plans and certify to the town that it can provide service that is adequate to meet the needs of the proposed use and every lot within the proposed subdivision.

6.14.7. UNDERGROUND UTILITIES

A. All electric power lines, not to include transformers or enclosures containing electrical equipment including, but not limited to, switches, meter or capacitors which may be pad mounted, telephone, gas distribution and cable television lines in subdivisions constructed after the effective date of this chapter shall be placed underground in accordance with the specifications and policies of the respective utility service and subject to approval by the town.

B. Whenever an unsubdivided development is hereafter constructed on a lot that is undeveloped on the effective date of this Ordinance, then all electric power, telephone, gas distribution and cable television lines installed to serve the development that are located on the development site outside of a previously existing public street right-of-way shall be placed underground in accordance with the specifications and policies of the respective utility companies and subject to approval by the town.

6.14.8. UTILITIES TO BE CONSISTENT WITH INTERNAL AND EXTERNAL DEVELOPMENT

A. Whenever it can reasonably be anticipated that utility facilities constructed in one development will be extended to serve other adjacent or nearby developments, the utility facilities shall be located and constructed so that extensions can be made conveniently and without undue burden or expense or unnecessary duplication of service.

B. All utility facilities shall be constructed in such a manner as to minimize interference with pedestrian or vehicular traffic and to facilitate maintenance without undue damage to improvements or facilities located within the development.

6.14.9. AS-BUILT DRAWINGS REQUIRED

A. Whenever a developer installs or causes to be installed any utility line in any public right-of-way, the developer shall, as soon as practicable after installation is complete, and before

acceptance of any water or sewer line, furnish the city with a copy of a drawing that shows the exact location of the utility lines.

B. The drawings must be verified as accurate by the utility service provider. Compliance with this requirement shall be a condition of the continued validity of the permit authorizing the development.

6.14.10. FIRE HYDRANTS

A. WATER SYSTEM

1. Every development that is served by a public water system shall include a system of fire hydrants sufficient to provide adequate fire protection for the buildings located or intended to be located within the development.
2. Refer to the City of Raleigh Public Utilities Department current handbook for all water design standards.

B. SPRINKLERS

1. Where automatic sprinkler systems are used, a fire department connection, five-inch storz with 30-degree elbow, shall be provided on the building or at a location approved by the local fire code official.
2. Where a single riser serves more than one occupancy, or building tenant, an approved indicating shut off valve must be provided for each occupancy and supervised in accordance with the current North Carolina Fire Prevention Code.
3. Where automatic sprinkler systems are used, a Fire Department connection shall be provided on the building. The Fire Department connection shall be located within 100 feet of a hydrant.

ARTICLE 7: NONCONFORMITIES





Grow Zebulon

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7: NONCONFORMITIES

7.1. GENERAL APPLICABILITY

7.1.1. PURPOSE AND INTENT

There are existing structures, uses of land, and lots of record that were lawfully established before the effective date of this Ordinance or a subsequent amendment thereto, that now do not conform to standards and requirements of this Ordinance. Such uses, structures, and lots are collectively referred to as "nonconformities." The purpose and intent of this chapter is to allow nonconformities to continue to exist, but to regulate and limit their continued existence and expansion so as to bring them into conformity to the extent that is reasonably practicable.

7.1.2. DETERMINATION OF NONCONFORMITY STATUS

In all cases, the burden of establishing that a nonconformity lawfully exists shall be the responsibility of the landowner of the land on which the alleged nonconformity is located.

7.1.3. CONTINUATION, MINOR REPAIRS, AND MAINTENANCE ALLOWED

A. CONTINUATION

Nonconformities are allowed to continue in accordance with the requirements of this chapter.

B. COMPLETION

Nonconforming projects incomplete as of before January 1, 2020 shall only be completed in accordance with this chapter and Section 1.10, Transitional Provisions. Nothing in these standards shall require a change in approved plans or approved uses for development upon which construction was lawfully commenced prior to before January 1, 2020. For the purposes of this section, commencement of construction shall mean excavation or demolition, permanent placement of construction materials on site, or the permanent fastening of building materials.

C. MAINTENANCE ALLOWED

Nonconformities are allowed and encouraged to receive minor repairs and routine maintenance that are necessary to maintain the nonconformity and its surroundings in a safe condition and to protect against health hazards.

D. STRENGTHENING ALLOWED

Nothing in this Ordinance shall prevent the strengthening or restoration to a safe or lawful condition of any part of any building or structure declared unsafe or unlawful by a duly authorized Town official.

7.1.4. CHANGE OF TENANCY OR OWNERSHIP

No change in tenancy or ownership of land shall limit the continuance of a lawfully established nonconformity.

7.2. NONCONFORMING LOTS OF RECORD

7.2.1. APPLICABILITY

Lawfully established nonconforming lots of record may be developed in accordance with the standards in this section.

7.2.2. NONCONFORMING LOT WIDTH OR AREA

A. LOTS WITH CONTIGUOUS FRONTAGE IN ONE OWNERSHIP

When two or more adjoining lots with contiguous frontage are under common ownership and one or more of the lots are nonconforming in terms of width or area, such lots shall be combined to create one or more lots, each of which conforms to the applicable dimensional requirements of the district prior to the commencement of development.

B. SINGLE LOT OF RECORD IN A RESIDENTIAL DISTRICT

When a lot in a residential zoning district has an area or width which does not conform to the dimensional requirements of the district where it is located, but was lawfully established on or before January 1, 2020, then a single-family detached dwelling may be built on the lot, subject to compliance with setback standards.

C. SINGLE LOT OF RECORD IN A NONRESIDENTIAL DISTRICT

When a lot in a nonresidential district has an area or width which does not conform to the dimensional requirements of the district where it is located, but was lawfully established on or before before January 1, 2020, then development on the lot may be permitted, subject to compliance with all required dimensional and development standards, and all other applicable development and design standards.

7.2.3. NONCONFORMITY AFFECTS REQUIRED SETBACKS

In cases where the size or shape of a nonconforming lot inhibits the ability of a use to comply with required setbacks, an applicant may apply to reduce the setback requirements the minimum amount necessary in accordance with the standards and requirements in Section 2.2.1, Administrative Adjustment.

7.2.4. EXPANSION OR ENLARGEMENT

The boundaries, shape, or size of a nonconforming lot may be modified through a lot line adjustment, boundary adjustment, recombination, or consolidation, provided it reduces the extent of the nonconformity.

7.2.5. GOVERNMENTAL ACQUISITION OF LAND

Conforming lots subject to governmental acquisition of a portion of the lot for a public purpose that results in the lot becoming nonconforming because it no longer complies with lot area, width, or depth standards of the district shall be deemed conforming provided the development complies with the following:

A. COMPLIES WITH USE TABLE

The development proposed complies with the requirements in Table 4.2.3, Principal Use Table; and

B. COMPLIES WITH DIMENSIONAL STANDARDS

With the exception of the lot area requirements for the district where located, the development proposed shall comply with all other dimensional standards and other requirements of the district where located.

7.3. NONCONFORMING SIGNS

7.3.1. GENERAL

A sign that was legally in existence on before January 1, 2020, and was constructed in accordance with the applicable laws and ordinances in effect on the date of construction, but by reason of its size, height, location, design, or construction is no longer in compliance with the requirements of the Ordinance, shall be deemed a nonconforming sign subject to the standards in this section.

7.3.2. PROHIBITED ACTIONS

The following actions associated with a nonconforming sign shall be prohibited:

A. ENLARGEMENT OR ALTERATION

Structural alteration, enlargement, or extension of a nonconforming sign or sign structure shall not be permitted, however, nothing shall limit the ability to modernize a billboard in accordance with Section 136.131.2 of the North Carolina General Statutes.

B. RELOCATION

Relocation of a nonconforming sign upon the premises, unless the relocation meets the requirements of this Ordinance, however, nothing shall limit the ability to modernize a billboard in accordance with Section 136.131.2 of the North Carolina General Statutes.

7.3.3. MAINTENANCE OF NONCONFORMING SIGNAGE ALLOWED

A nonconforming sign may remain in place and be maintained, subject to the following standards:

A. MAINTENANCE ACTIONS

Normal maintenance of a nonconforming sign shall be allowed, and shall be limited to the following:

1. Nonstructural repairs, such as repainting or electrical repairs;
2. Incidental alterations which do not increase the degree or extent of the nonconformity; and
3. Changing of copy, as provided in this section.

B. CHANGE OF SIGN COPY

Nonconforming signs may change copy in the form of replacement panels or replacement lettering.

7.3.4. REPLACEMENT OF NONCONFORMING SIGNAGE

A. REMOVAL

Any nonconforming sign that is removed for any reason shall only be replaced with a sign that complies with the provisions of this Ordinance.

B. DAMAGE

1. If damage to a nonconforming sign from any cause is less than 50 percent of its replacement value, the sign may be rebuilt or repaired to its original condition in its original location and may continue to be displayed.
2. If damage from any cause to a nonconforming sign equals or exceeds 50 percent of its replacement value, the nonconforming sign, including sign supports and mounting hardware, may only be replaced with a sign that complies with the provisions of this Ordinance.

7.3.5. DISCONTINUANCE OF BUSINESS ACTIVITY

A. DISCONTINUED FOR LESS THAN 180 DAYS

If the business activity on the premises where a nonconforming sign is located is discontinued for a continuous period of less than 180 days, then the nonconforming sign may remain.

B. DISCONTINUED FOR 180 DAYS OR MORE

1. If the business activity on the premises where a nonconforming sign is located is discontinued for a continuous period of 180 days or more, then the nonconforming sign must be removed or replaced by a sign conforming to the standards of this Ordinance within 30 days of notice by the Planning Director.
2. In cases where the sign is nonconforming due to its height, face area, or location, then the sign, including the sign supports, shall be modified or removed as necessary in order to conform with the applicable requirements of this Ordinance.
3. No nonconforming portion of a sign or portion of a sign that would result in replacement sign face area that is nonconforming shall be retained following discontinuance.

7.4. NONCONFORMING SITES

7.4.1. APPLICABILITY

A. For purposes of this section, the term "nonconforming site features" includes the following:

1. Nonconforming off-street parking;
2. Nonconforming landscaping;
3. Nonconforming screening;
4. Nonconforming walls or fences; and
5. Nonconforming exterior lighting.

B. If an application is filed for a building permit (including mechanical, electrical, HVAC, or other typical permit) for the expansion of a structure and the development site contains one or more nonconforming site features, and the value of the proposed improvements totals at least 25 percent of the assessed value of the existing structure, the applicant shall be required to address the nonconforming site feature as provided in this section.

C. Town staff may develop administrative guidelines to assist in the implementation of this section, including guidelines for the resolution of conflicts when it may not be possible for one or more types of nonconforming site features to be brought into compliance with the requirements of this Ordinance because of particular site constraints or impacts on adjacent sites.

7.4.2. CHANGES OF USE

Changes in use shall comply with the following requirements:

A. In cases where an existing use is replaced by another use type of the same or lesser intensity (as measured by number of vehicular trips generated, hours of operation, number of on-site visitors, or other metric as determined by the Planning Director), then compliance with site features requirements shall be in accordance with the standards in Section 7.4.4, Expansion of Buildings or Structures.

B. In cases where an existing use is replaced by a more intense use type (as measured by number of vehicular trips generated, hours of operation, number of on-site visitors, or other metric as determined by the Planning Director) full compliance with all applicable provisions in this Ordinance is required.

7.4.3. DETERMINATION OF COST AND ASSESSED VALUE

A. For purposes of determining if upgrading of nonconforming site features is required by this subsection, the cost of the expansion shall be as shown on the approved building permit application.

B. Assessed value shall be based on the most recently available tax records from the county where the development is located.

7.4.4. EXPANSION OF BUILDINGS OR STRUCTURES

If a building permit is required for expansion of the building or structure, the expansion shall require correction of existing on-site nonconforming off-street parking, landscaping, screening, wall or fencing, and exterior lighting in accordance with this section.

A. 25 PERCENT OR LESS OF STRUCTURE VALUE

Expansions in any continuous one-year period that costs 25 percent or less of the current assessed value of the structure shall not require any correction to nonconforming site aspects.

B. MORE THAN 25 PERCENT BUT LESS THAN 75 PERCENT OF STRUCTURE VALUE

Expansions in any continuous one-year period that costs more than 25 percent but less than 75 percent of the current assessed value of the structure shall require that a corresponding percentage of the off-street parking, landscaping, screening, wall or fencing, and exterior

lighting standards of this Ordinance be installed or upgraded on the site, until the site achieves 100 percent compliance.

Example: A hypothetical building is required to provide at least 40 off-street parking spaces, but the building site only includes 20 spaces. If the building is remodeled such that the cost of remodeling equals 30 percent of the building's assessed value, the remodeling project must add 12 parking spaces (30% x 40 required spaces). This increases the development's degree of compliance with off-street parking standards from 50 percent (20 of 40 required spaces) to 80 percent (32 of 40 required spaces).

C. 75 PERCENT OR MORE OF STRUCTURE VALUE

Expansion projects that cost 75 percent or more of the current assessed value of the structure shall require 100 percent compliance with the off-street parking, landscaping, screening, wall or fencing, and exterior lighting standards of this Ordinance.

D. TWO OR FEWER ADDITIONAL PARKING SPACES

When two or fewer additional off-street parking spaces are required under this subsection as a result of an expansion project, such additional off-street parking is not required to be installed, but the applicant may install a comparable number of bicycle parking spaces.

E. ADDITION OF OUTDOOR STORAGE AREA ONLY

When only outdoor operations/storage/display areas are being added or increased on a site, the percentage increase in outdoor operations area shall require a corresponding percentage increase in perimeter buffers and screening. Perimeter buffer and screening augmentation shall be located so as to achieve the performance objectives in Section 5.6, Landscaping, with priority given to screening the impacts of outdoor operations.

7.4.5. PHYSICALLY CONSTRAINED PROPERTIES - COMPLY TO MAXIMUM EXTENT PRACTICABLE

Lands that are physically constrained due to limited size, topography, or other environmental considerations may seek a reduction to these standards in accordance with Section 2.2.1, Administrative Adjustment, or Section 2.2.21, Variance.

7.5. NONCONFORMING STRUCTURES

7.5.1. APPLICABILITY

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

7.5.2. CONTINUATION AND REPLACEMENT

A. CONTINUATION

A nonconforming structure may be continued in accordance with Section 7.1.3, Continuation, Minor Repairs, and Maintenance Allowed.

B. REPLACEMENT

1. Nonconforming manufactured or mobile homes may be replaced in accordance with the standards in Section 7.6.3.B, Manufactured or Mobile Homes.
2. Nothing shall limit activities that increase habitable space of a nonconforming residential structure to a height above the regulatory flood elevation.

C. RELOCATION

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

7.5.3. ALTERATION AND EXPANSION

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

7.5.4. CESSATION

A nonconforming structure shall not be modified or altered in any way that increases the amount of nonconformity.

7.6. NONCONFORMING USES

The lawful nonconforming use of a structure, land, or water existing as of January 1, 2020, may only be continued in accordance with the following standards:

7.6.1. DECLARED INCOMPATIBLE

All nonconforming uses are hereby declared generally incompatible with the permitted uses in the district in which they are located and with the provisions of this Ordinance.

7.6.2. INCREASING ELEVATION

Nothing in this section shall limit the increase in elevation of an existing or damaged building or structure in the FHO to a height above the regulatory flood elevation.

7.6.3. EXTENSION OR EXPANSION

A nonconforming use shall not be extended or expanded to occupy more space or altered in any way that increases the degree of nonconformity, except in accordance with the following standards:

A. SINGLE-FAMILY DETACHED DWELLINGS

Except for manufactured or mobile homes, a nonconforming residential use may not be extended, expanded, enlarged, or altered in any way that increases the degree of nonconformity.

B. MANUFACTURED OR MOBILE HOMES

An existing nonconforming manufactured or mobile home may be replaced with another nonconforming manufactured or mobile home provided the replacement mobile or manufactured home:

1. Is sixteen feet wide or wider;
2. In in place within 60 days of the removal of the prior nonconforming mobile or manufactured home;
3. Is connected to the public sewer system, or has all the necessary permits from the county health department pertaining to wastewater treatment; and
4. Is surrounded by underpinning comprised of an all-weather base material.

C. ALL OTHER USES

A nonconforming use may not be extended, expanded, enlarged, or altered in any way that increases the degree of nonconformity.

7.6.4. RENOVATION

Except for manufactured or mobile homes, a nonconforming use may be renovated provided the renovation does not extend, expand, or enlarge the nonconformity or create a new nonconforming use. Nonconforming manufactured or mobile homes may be renovated in accordance with Section 7.6.3.B, Manufactured or Mobile Homes.

7.6.5. CONVERSION TO ANOTHER NONCONFORMING USE

No nonconforming use shall be converted to another nonconforming use.

7.6.6. RESTORATION FOLLOWING CASUALTY DAMAGE

A. SIGNIFICANT DAMAGE

1. Except for manufactured or mobile homes, a nonconforming use that is damaged by fire, explosion, flood, or other calamity in an amount equal to 51 percent or more of the use's current assessed value or square footage may not be restored or reconstructed except as a conforming use.
2. Nonconforming manufactured or mobile homes damaged by fire, explosion, flood, or other calamity in an amount equal to 51 percent or more of the use's current assessed

value or square footage may be restored or reconstructed only in accordance with the standards in Section 7.6.3.B, Manufactured or Mobile Homes.

B. INSIGNIFICANT DAMAGE

If a nonconforming use is damaged by fire, explosion, flood, or other calamity to an extent less than 51 percent of its current assessed value or square footage, it may be restored to its pre-damage condition, provided the degree of nonconformity is not extended, expanded, enlarged, or altered in any way that increases the degree of nonconformity.

7.6.7. CESSATION

A. In the event a nonconforming use is discontinued or abandoned for a period of more than 180 consecutive days, the nonconforming use may only be replaced by a use permitted in the district where located.

B. Cessation shall specifically include the completion or termination of site activity by the prime tenant of a nonconforming use, site, or structure.

C. Any time a nonconforming use is converted to a conforming use, the conforming use shall not revert to the former nonconforming use or any other nonconforming use.

8

Grow Zebulon

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8: ENFORCEMENT

8.1. PURPOSE

This section establishes procedures through which the Town seeks to ensure compliance with the provisions of this Ordinance and obtain corrections for Ordinance violations. It also sets forth the remedies and penalties that apply to violations of this Ordinance. The provisions of this section are intended to encourage the voluntary correction of violations, where possible.

8.2. COMPLIANCE REQUIRED

Compliance with all the procedures, standards, and other provisions of this Ordinance is required by all persons owning, developing, managing, using, or occupying land or structures in the Town.

8.3. STATUTE OF LIMITATIONS

Enforcement of violations of this Ordinance shall be in accordance with Section 1-49(3) and Section 1-51(5) of the North Carolina General Statutes.

8.4. VIOLATIONS

Any of the following shall be a violation of this Ordinance and shall be subject to the remedies and penalties provided by this Ordinance and by State law:

8.4.1. DEVELOPMENT WITHOUT AUTHORIZATION

Engaging in any development, use, construction, land disturbance, or other activity of any nature upon land or improvements thereon subject to the jurisdiction of this Ordinance without all required plans, permits, certificates, or other forms of authorization as set forth in this Ordinance;

8.4.2. DEVELOPMENT INCONSISTENT WITH AUTHORIZATION

Engaging in any development, use, construction, land disturbance, or other activity of any nature in any way inconsistent with any approved plan, permit, certificate, or other form of authorization granted for such activity;

8.4.3. VIOLATION BY ACT OR OMISSION

Violating, by act or omission, any term, variance, modification, adjustment, condition, or qualification placed upon any required plan, permit, certificate, or other form of authorization for the development, use, construction, land disturbance, or other activity upon land or improvements thereon;

8.4.4. USE IN VIOLATION

Erecting, constructing, altering, repairing, maintaining, or using any building or structure, or use of any land in violation of this Ordinance or any regulation made under the authority conferred thereby;

8.4.5. SUBDIVIDE IN VIOLATION

Subdividing land in violation of this Ordinance, or transferring land by reference to a plat or map showing a subdivision of land before the plat or map has been properly approved under this Ordinance and recorded in the office of the Wake County Register of Deeds; and

8.4.6. VIOLATION OF ENVIRONMENTAL REGULATIONS

Failing to follow or violating the rules or regulations of Section 6.11, Stormwater, Section 3.8.2, Flood Hazard Overlay (FHO) District, or Section 6.9, Soil Erosion & Sedimentation.

8.5. RESPONSIBLE PERSONS

8.5.1. GENERAL

For the purposes of this article, "responsible persons" shall mean the landowner, tenant, or other occupant of any land or structure and an architect, engineer, builder, contractor, agent, or any other person who participates in, assists, directs, creates, or maintains a situation that constitutes a violation of this Ordinance may be held responsible for the violation and is subject to the remedies and penalties set forth in this Ordinance.

8.5.2. FAILURE BY TOWN DOES NOT RELIEVE INDIVIDUAL

Failure of a Town official charged with enforcement responsibility to observe or recognize conditions which violate the intent and purpose of this section of the Ordinance, or to deny the issuance of a development permit, shall not relieve the responsible party from responsibility for compliance with the condition or for any damages that may result, and shall not result in the Town, its officers, or agents being responsible for conditions or damages.

8.6. ENFORCEMENT RESPONSIBILITIES

The Planning Director shall have responsibility for enforcement of this Ordinance.

8.6.1. INVESTIGATIONS

The Planning Director shall have the power to conduct such investigation as may be deemed necessary to carry out their duties as prescribed in this Ordinance.

8.6.2. INSPECTIONS

A. The Planning Director shall have the right, upon receipt of permission from a responsible person, to enter on any premises within the jurisdiction at any reasonable hour for the purpose of inspecting locations subject to any complaints or alleged violations, or determination of compliance or other enforcement action of this Ordinance.

B. If any person charged with enforcing this Ordinance cannot obtain permission to enter from a responsible person, the Town shall obtain an administrative search warrant prior to entering the property.

8.6.3. SUPPORTING DOCUMENTATION

The Planning Director shall have the power to compel a person responsible for an alleged violation to provide written statements, certificates, certifications, or reports relating to complaints or alleged violations of this Ordinance.

8.7. ENFORCEMENT PROCEDURE

When the Planning Director finds a violation of this Ordinance, they shall notify the responsible person(s) of the violation in accordance with the following:

8.7.1. WRITTEN NOTICE OF VIOLATION

A written notice of violation shall be prepared and shall include all of following:

A. VIOLATION EXISTS
That the land, building, structure, sign, or use is in violation of this Ordinance;

B. NATURE OF THE VIOLATION
The nature of the violation, and citation of the section(s) of this Ordinance violated;

C. REMEDY
The measures necessary to remedy the violation;

D. ALLOWABLE TIME PERIOD

The time period in which the violation must be corrected;

E. PENALTIES THAT MAY BE ASSESSED
That penalties or remedies may be assessed; and

F. APPEAL
That the party cited has the right to appeal the notice in accordance with Section 2.2.3, Appeal.

8.7.2. DELIVERY OF WRITTEN NOTICE

Written notice of violation shall be provided to the owner of record an any parties in interest by any of the following means:

A. Certified mail;
B. Registered mail to their last known address;
C. Personal service;
D. Posting notice conspicuously on the property; or
E. In any matter permitted by Section 1A-1, Rule 4(j) of the North Carolina General Statutes.

8.7.3. REMEDY UPON NOTICE

Upon delivery of a written notice of a violation, the landowner or any other responsible person shall remedy the violation within the allowable time period.

8.7.4. FAILURE TO COMPLY WITH ORDER

If the landowner, occupant, or any other responsible person fails to comply with a notice of violation from which no appeal has been taken, or a final decision by the BOA following an appeal, the landowner or occupant shall be subject to such remedies and penalties as may be provided for by State law or Section 8.8, Remedies.

8.7.5. EACH DAY A SEPARATE VIOLATION

Each day a violation continues following notice or failure to comply is considered a separate and distinct offense.

8.8. REMEDIES

8.8.1. CIVIL PENALTIES

Any responsible person who violates any provision of this Ordinance shall be subject to the assessment of a civil penalty of $100.00 per day under the procedures provided in Section 8.9, Assessment of Civil Penalties.

8.8.2. DENIAL OF PERMIT OR CERTIFICATE

As appropriate, any of the review authorities listed in this section may withhold or deny a permit, certificate, or other authorization for the same land, subdivision, building, structure, sign, use, or development activity in which there is an uncorrected violation of a provision of this Ordinance, or of a condition or qualification of a permit, certificate, or other authorization previously granted.

8.8.3. CONDITIONAL PERMIT OR TEMPORARY CERTIFICATE

A. The Planning Director may condition the authorization of any permit, certificate, or other approval for land, subdivision, building, structure, sign, use, or development activity with a violation or outstanding enforcement action upon the correction of the violation, payment of civil penalties within a specified time, or the posting of a compliance security approved by appropriate governmental authority.

B. In no instance shall the Planning Director condition the authorization of any permit, certificate, or approval for one property with a violation or outstanding enforcement action upon the correction of the violation, payment of civil penalties within a specified time, or the posting of a compliance security for a different property.

8.8.4. STOP WORK ORDERS

A. GENERAL

Whenever a review authority listed in this section determines that a person is engaged in doing work that constitutes, creates, or results in a violation of this Ordinance and that irreparable injury will occur if the violation is not terminated immediately, the review authority may order the specific part of the work that constitutes, creates, or results in a violation of this Ordinance to be immediately stopped.

B. ORDER IN WRITING

The stop work order shall be in writing and directed to the landowner, and the occupant or person doing the work in a manner consistent with applicable law. The stop work order shall state the specific work to be stopped, the specific reasons for the stoppage, and the conditions under which the work may be resumed.

C. APPEAL

Any person aggrieved by the issuance of a stop work order may appeal the issuance of the order to the Board of Adjustment in accordance with Section 2.2.3, Appeal. An appeal shall not stay the stop work order unless the BOA fails to hear the appeal within 60 days of receipt of the notice of appeal. If the BOA fails to hear the appeal within 60 days, the stop work order shall be stayed until the BOA acts on the appeal.

D. COMPLIANCE REQUIRED

Neither the responsible person nor a landowner upon whom a stop work order is served shall continue with work in violation of the stop work order while it remains in effect, unless the order is stayed in accordance with subsection (c) above.

8.8.5. REVOCATION OF PERMITS

A. The Planning Director may revoke and require the return of a permit by notifying the permit holder in writing, stating the reason for the revocation.

B. Permits or certificates may be revoked, in accordance with Section 160D-403(f) of the North Carolina General Statutes, for any of the following:

1. Any substantial departure from the approved application, plans, or specifications;
2. Refusal or failure to comply with the requirements of State or local laws; or
3. For making false statements or misrepresentations in securing the permit, certificate, or approval.
4. Any permit or certificate mistakenly issued in violation of an applicable State or Town law may also be revoked.

8.8.6. CRIMINAL PENALTIES

A. VIOLATION OF EROSION AND SEDIMENTATION CONTROL

Any person who knowingly or willfully violates any soil erosion and sedimentation control provision of this Ordinance, or rule or order adopted or issued pursuant to the soil erosion and sedimentation control provisions of this Ordinance, or who knowingly or willfully initiates or continues a land-disturbing activity for which a soil erosion and sedimentation control plan is required, except in accordance with the terms, conditions, and provisions of an approved plan, shall be guilty of a Class 2 misdemeanor that may include a fine not to exceed five thousand dollars ($5,000).

B. ALL OTHER VIOLATIONS

Any violation of this Ordinance may be enforced as a Class 3 misdemeanor as provided for by Sections 14-4 and 160A-175 of the North Carolina General Statutes, subject to a maximum fine of $500.

8.8.7. INJUNCTIVE RELIEF

A. ACTION BY BOARD OF COMMISSIONERS

Whenever the Board of Commissioners has reasonable cause to believe that any person is violating or threatening to violate this Ordinance, or any rule or order adopted or issued pursuant to this Ordinance, or any term, condition, or provision of an approved development plan, or soil erosion and sedimentation control plan, it may, either before or after the institution of any other action or proceeding authorized by this Ordinance, institute a civil action in the name of the Town, for injunctive relief to restrain, correct, abate, mandate, or enjoin the violation or threatened violation.

B. SUPERIOR COURT

The action shall be brought in the Superior Court of the appropriate county. Upon determination by a court that an alleged violation is occurring or is threatened, it shall enter such orders or judgments as are necessary to abate the violation or to prevent the threatened violation.

C. NO RELIEF FROM CRIMINAL PENALTIES

The institution of an action for injunctive relief under this section shall not relieve any party to such proceedings from any civil or criminal penalty prescribed for violations of this Ordinance.

8.8.8. ORDER OF ABATEMENT

In addition to an injunction, the Town may apply for and the court may enter an Order of Abatement as part of the judgment in the case. An Order of Abatement may direct any of the following actions:

A. That buildings or other structures on the property be closed, demolished, or removed;
B. That fixtures, furniture, or other moveable property be moved or removed entirely;
C. That improvements, alterations, modifications, or repairs be made; or
D. That any other action be taken as necessary to bring the property into compliance with this Ordinance.

8.8.9. EQUITABLE REMEDY

The Town may apply to a court of law for any appropriate equitable remedy to enforce the provisions of this Ordinance. The fact that other remedies are provided under general law or this Ordinance shall not be used by a violator as a defense to the Town's application for equitable relief.

8.8.10. STATE AND COMMON LAW REMEDIES

In addition to other enforcement provisions contained in this section, the Board of Commissioners may exercise any and all enforcement powers granted to it by state law or common law.

8.8.11. PREVIOUS ENFORCEMENT

Nothing in this Ordinance shall prohibit the continuation of previous enforcement actions.

8.8.12. REMEDIES; CUMULATIVE AND CONTINUOUS

All such remedies provided herein shall be cumulative. To the extent that North Carolina law may limit the availability of a particular remedy set forth herein for a certain violation or a part thereof, such remedy shall remain available for other violations or other parts of the same violation.

8.9. ASSESSMENT OF CIVIL PENALTIES

8.9.1. RESPONSIBLE PARTIES

Any person who violates any provision of this Ordinance, including the owner or occupant of any land, building, structure, sign, use of land, or part thereof, may be held responsible for the violation and subject to the penalties and remedies provided in this Ordinance.

8.9.2. NOTICE

A. NOTIFICATION REQUIRED

Civil penalties may not be assessed until the responsible person in violation has been notified in accordance with Section 8.7, Enforcement Procedure.

B. CIVIL PENALTY IMPOSED

If after receiving a written notice of violation under Section 8.7, Enforcement Procedure, the person fails to take corrective action or file an appeal, a civil penalty may be imposed in accordance with this section.

C. NOTICE OF PENALTY ASSESSMENT

Notice of the civil penalty assessment shall be served in the same manner as a notice of violation.

D. ASSESSMENT CONTENTS

The assessment notice shall state the nature of the violation, the civil penalty to be imposed upon the violator, and shall direct the violator to pay the civil penalty within 30 days of the date of the notice.

E. SEPARATE NOTICES

Separate notices must be provided for the first or second violations. The Town may, in its discretion, treat the first notice for a violation as the final notice for chronic violators.

F. ASSESSMENT UNTIL COMPLIANCE

Civil penalties may be assessed until compliance is achieved.

8.9.3. CONTINUING VIOLATION

For each day the violation is not corrected, the violator will be guilty of an additional and separate offense and subject to additional civil penalty.

8.9.4. DEMAND FOR PAYMENT

If compliance is not achieved, then the Planning Director shall make written demand for payment of penalties that have accrued while the property has been in violation. The demand for payment shall be sent to the responsible person in violation and must include a description of the violation for which the civil penalties have been imposed.

8.9.5. NONPAYMENT

If payment is not received or equitable settlement reached within 30 days after demand for payment is made, the Town may recover any unpaid civil penalty by filing a civil action in the nature of debt.

8.9.6. PENALTIES

Any person who violates any provision of this Ordinance shall be subject to assessment of a civil penalty for each succeeding violation over the course of a calendar year.

8.9.7. CIVIL PENALTIES IN THE R1 DISTRICT

In addition to the remedies available in Section 8.8, Remedies, and the standards related to the assessment of civil penalties in this section, the North Carolina Environmental Management Commission may also assess civil penalties for violation of the R1 district standards in accordance with Section 143-215.6(A) of the North Carolina General Statutes.

8.10. ENFORCEMENT PROVISIONS FOR VIOLATIONS IN THE FHO DISTRICT

This section sets out the standards pertaining to violations of Section 3.8.2, Flood Hazard Overlay (FHO) District.

8.10.1. VIOLATIONS TO BE CORRECTED

When the Floodplain Administrator finds violations of applicable state and local laws, it shall be their duty to notify the owner or occupant of the building of the violation. The owner or occupant shall immediately remedy each of the violations of law cited in the notification.

8.10.2. INSPECTIONS OF WORK IN PROGRESS

A. As the work pursuant to a permit progresses, the Floodplain Administrator shall make as many inspections of the work as may be necessary to ensure that the work is being done according to the provisions of this Ordinance and the terms of the permit.

B. In exercising this power, the Floodplain Administrator has a right, upon presentation of proper credentials, to enter on any premises within the territorial jurisdiction at any reasonable hour for the purposes of inspection or other enforcement action.

8.10.3. STOP-WORK ORDERS

A. Whenever a building or part thereof is being constructed, reconstructed, altered, or repaired in violation of this Ordinance, the Floodplain Administrator may order the work to be immediately stopped.

B. The stop-work order shall be in writing and directed to the person doing the work in a manner consistent with applicable law. The stop-work order shall state the specific work to be stopped, the specific reasons for the stoppage, and the conditions under which the work may be resumed.

C. Violation of a stop-work order constitutes a misdemeanor.

8.10.4. REVOCATION OF PERMITS

A. The Floodplain Administrator may revoke and require the return of the development permit by notifying the permit holder in writing stating the reason for the revocation.

B. Permits shall be revoked for any substantial departure from the approved application, plans or specifications; for refusal or failure to comply with the requirements of state or local laws; or for false statements or misrepresentations made in securing the permit.

C. Any permit mistakenly issued in violation of an applicable state or local law may also be revoked.

8.10.5. PERIODIC INSPECTIONS

The Floodplain Administrator shall have a right, upon presentation of proper credentials, to enter on any premises within the Town's planning jurisdiction at any reasonable hour for the purposes of inspection or other enforcement action.

8.10.6. ACTIONS IN EVENT OF FAILURE TO TAKE CORRECTIVE ACTION

If the owner of a building or property shall fail to take prompt corrective action, the Floodplain Administrator shall give the owner written notice, by certified or registered mail to the owner's last known address or by personal service, stating:

1. That the building or property is in violation of this Ordinance;

2. That a hearing will be held before the Floodplain Administrator at a designated place and time, not later than ten days after the date of the notice, at which time the owner shall be entitled to be heard in person or by counsel and to present arguments and evidence pertaining to the matter; and

3. That following the hearing, the Floodplain Administrator may issue an order to alter, vacate, demolish the building, remove fill, or take such actions as necessary to comply with applicable laws.

8.10.7. ORDER TO TAKE CORRECTIVE ACTION

A. If, upon a hearing held pursuant to the notice prescribed above, the Floodplain Administrator shall find that the building or development is in violation of this Ordinance, they shall issue an order in writing to the owner, requiring the owner to remedy the violation within a specified time period, not less than 60 calendar days, nor more than 180 calendar days.

B. Where the Floodplain Administrator finds that there is imminent danger to life or other property, they may order that corrective action be taken in a lesser period as may be feasible.

8.10.8. APPEAL

A. Any landowner who has received an order to take corrective action may appeal the order to the BOA body by giving notice of appeal in writing to the Floodplain Administrator within ten days following issuance of the final order.

B. The BOA shall hear an appeal within a reasonable time and may affirm, modify and affirm or revoke the order.

C. In the absence of an appeal, the order of the Floodplain Administrator shall be final.

8.10.9. FAILURE TO COMPLY WITH ORDER

If the owner of a building or property fails to comply with an order to take corrective action for which no appeal has been made or fails to comply with an order of the governing body following an appeal, the owner shall be guilty of a misdemeanor and shall be punished at the discretion of the court.

ARTICLE 9: MEASUREMENT AND DEFINITIONS





Grow Zebulon

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9: MEASUREMENT AND DEFINITIONS

9.1. RULES OF LANGUAGE CONSTRUCTION

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

9.1.1. MEANINGS AND INTENT

A. All provisions, terms, phrases, and expressions contained in this Ordinance shall be interpreted in accordance with the general purposes set forth in Section 1.4, Purpose and Intent, and the specific purpose statements set forth throughout this Ordinance.

B. When a specific section of these regulations gives a different meaning than the general definition provided in Section 9.4, Definitions, the specific section's meaning and application of the term shall control.

C. Terms that are not defined are subject to their common or customary meaning.

9.1.2. HEADINGS, ILLUSTRATIONS, AND TEXT

A. In the event of a conflict or inconsistency between the text of this Ordinance and any heading, caption, figure, illustration, table, or map, the text shall control.

B. Graphics and other illustrations are provided for informational purposes only and should not be relied upon as a complete and accurate description of all applicable regulations or requirements.

9.1.3. LISTS AND EXAMPLES

Unless otherwise specifically indicated, lists of items, or examples that use terms like "for example," "including," and "such as," or similar language are intended to provide examples and are not exhaustive lists of all possibilities.

9.1.4. COMPUTATION OF TIME

The time in which an act is to be done shall be computed by excluding the first day and including the last day. If a deadline or required date of action falls on a Saturday, Sunday, or holiday observed by the town, the deadline or required date of action shall be the next day that is not a Saturday, Sunday, or holiday observed by the town.

9.1.5. TIME-RELATED LANGUAGE

A. TIME STANDARD
Whenever certain hours are named, they shall mean standard time or daylight savings time as may be in current use by the town.

B. DAY
The term "day" means a calendar day, or any day during a week, including business days and weekend days.

C. HOLIDAY
The term "holiday" means a legal holiday recognized by the Town.

D. WEEK
The term "week" means five business days and two weekend days. Weeks commence on a Monday.

E. MONTH

The term "month" means a calendar month.

F. YEAR
The term "year" means a calendar year.

G. TEMPORARY
The term "temporary" shall mean a condition lasting for only a limited period of time; not permanent.

H. FISCAL YEAR
The term "fiscal year" shall mean 12 consecutive months ending on the last day of any month except December.

9.1.6. REFERENCES TO THIS ORDINANCE

A reference to an article, section, subsection, or paragraph means an article, section, subsection, or paragraph of this Ordinance, unless otherwise specified.

9.1.7. REFERENCES TO OTHER REGULATIONS OR PUBLICATIONS

Whenever reference is made to a resolution, ordinance, statute, regulation, or document, it shall be construed as a reference to the most recent edition of such regulation, resolution, ordinance, statute, regulation, or document, unless otherwise specifically stated.

9.1.8. REFERENCES TO NORTH CAROLINA GENERAL STATUTES

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

9.1.9. DELEGATION OF AUTHORITY

Whenever a provision of this Ordinance requires or authorizes an officer or employee of the town to do some act or perform some duty, the officer or employee may designate, delegate, and authorize subordinates to perform the act or duty unless the terms of the provision specifically provide otherwise.

9.1.10. JOINT AUTHORITY

All words giving a joint authority to three or more persons or officers shall be construed as giving such authority to a majority of such persons or officers.

9.1.11. TECHNICAL AND NON-TECHNICAL TERMS

Words and phrases shall be construed according to the common and approved usage of the language, but technical words and phrases that may have acquired a peculiar and appropriate meaning in law shall be construed and understood according to such meaning.

9.1.12. PUBLIC OFFICIALS AND AGENCIES

All public officials, bodies, and agencies to which references are made are those of the Town of Zebulon, unless otherwise indicated.

9.1.13. MANDATORY AND DISCRETIONARY TERMS

The words "shall," "must," and "will" are mandatory in nature, establishing an obligation or duty to comply with the particular provision. The words "may," "can," and "should" are permissive in nature.

9.1.14. CONJUNCTIONS

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

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

9.1.15. TENSES, PLURALS, AND GENDER OF WORDS

A. TENSE

Words used in the past or present tense include the future tense as well as the past and present.

B. NUMBER

Words used in the singular number include the plural number and the plural number includes the singular number, unless the context of the particular usage clearly indicates otherwise.

9.1.16. OATH

The term "oath" shall be construed to include an affirmation in all cases in which, by law, an affirmation may be substituted for an oath, and in like cases the terms "swear" and "sworn" shall be equivalent to the terms "affirm" and "affirmed."

9.1.17. TERM NOT DEFINED

If a term used in any article of this Ordinance is not defined, the Planning Director is authorized to interpret the term in accordance with Section 2.2.12, Interpretation, based upon the definitions used in professionally accepted sources.

9.2. TABLE OF ABBREVIATIONS

Table 9.2: Abbreviations, is a summary table of abbreviations used in this Ordinance.

TABLE 9.2: ABBREVIATIONS

Abbreviation	Term
BFE	Base Flood Elevation
BMP	Best Management Practice
BOA	Board of Adjustment
CG	Commercial General
CI	Commercial Intense
CN	Commercial Neighborhood
CO	Certificate of Occupancy
DTC	Downtown Core
DTP	Downtown Periphery
ETJ	Extra Territorial Jurisdiction
FIRM	Flood Insurance Rate Map
FIS	Flood Insurance Study
IL	Industrial Light
IC	Industrial Campus
IH	Industrial Heavy
NC	North Carolina
NCAC	North Carolina Administrative Code
NCDEQ	North Carolina Department of Environmental Quality
NCDOT	North Carolina Department of Transportation
NCGS	North Carolina General Statutes
NFIP	National Flood Insurance Program
OI	Office Institutional
PD	Planned Development
PIN	Parcel Identification Number
R1	Residential Rural
R2	Residential Suburban
R4	Residential Neighborhood
R6	Residential Urban
ROW	Right-of-Way
TIA	Transportation Impact Analysis
TRC	Technical Review Committee
UDO	Unified Development Ordinance
BA	Watershed Balance
CA	Watershed Critical Area
WSW	Water Supply Watershed

9.3. RULES OF MEASUREMENT

9.3.1. PURPOSE

The purpose of this section is to clarify the rules of measurement and exemptions that apply to all principal and accessory uses allowed in this Ordinance. These standards may be modified by other applicable sections of this Ordinance.

9.3.2. MEASUREMENTS, GENERALLY

A. STRAIGHT LINES

Unless otherwise stated in this Ordinance, distances specified in this Ordinance are to be measured as the length of an imaginary straight line joining two points.

B. ROUNDING

All calculations that result in a fractional unit or part of a whole number, the number shall be rounded up to the next highest whole number, unless otherwise provided in this section or elsewhere in this Ordinance.

C. IRREGULAR SHAPES

In cases where an irregular shape complicates the application of these standards, the Planning Director shall determine the applicable dimensional, setback, or bulk standards in accordance with the standards in this section and Section 2.2.12, Interpretation.

D. SEPARATION

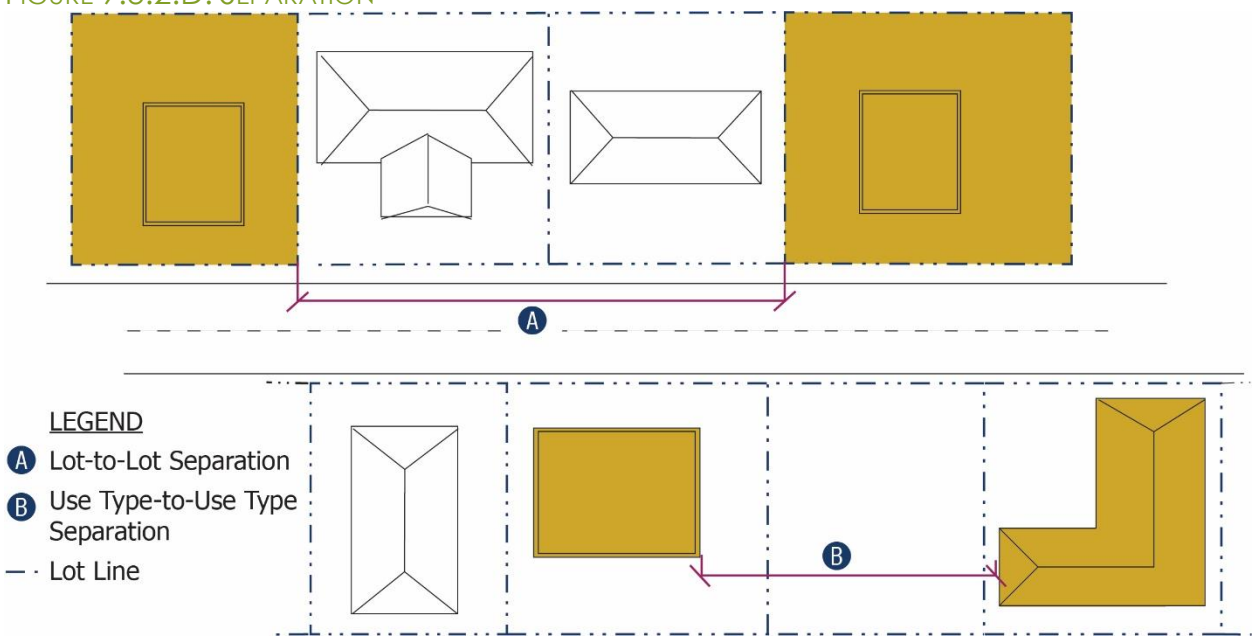
1. LOT TO LOT

When the provisions of this Ordinance require separation between two or more lots, or a lot and another feature, separation shall be measured by drawing straight lines from the nearest point of one lot line to the nearest point of the lot line subject to the separation requirement (see Figure 9.3.2.D: Separation).

2. USE TYPE TO USE TYPE

When the provisions of this Ordinance require one use type to be separated from another use type, separation shall be measured by drawing straight lines from the nearest point of the wall of one existing or proposed principal structure to the nearest point of the wall of another existing or proposed structure subject to the separation requirement.

FIGURE 9.3.2.D: SEPARATION



E. ABUTTING VERSUS ADJACENT

1. ABUTTING

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

2. ADJACENT

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

9.3.3. LOT DIMENSIONS

A. LOT MEASUREMENTS

1. ACREAGE

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

2. LOT DEPTH

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

3. LOT WIDTH

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

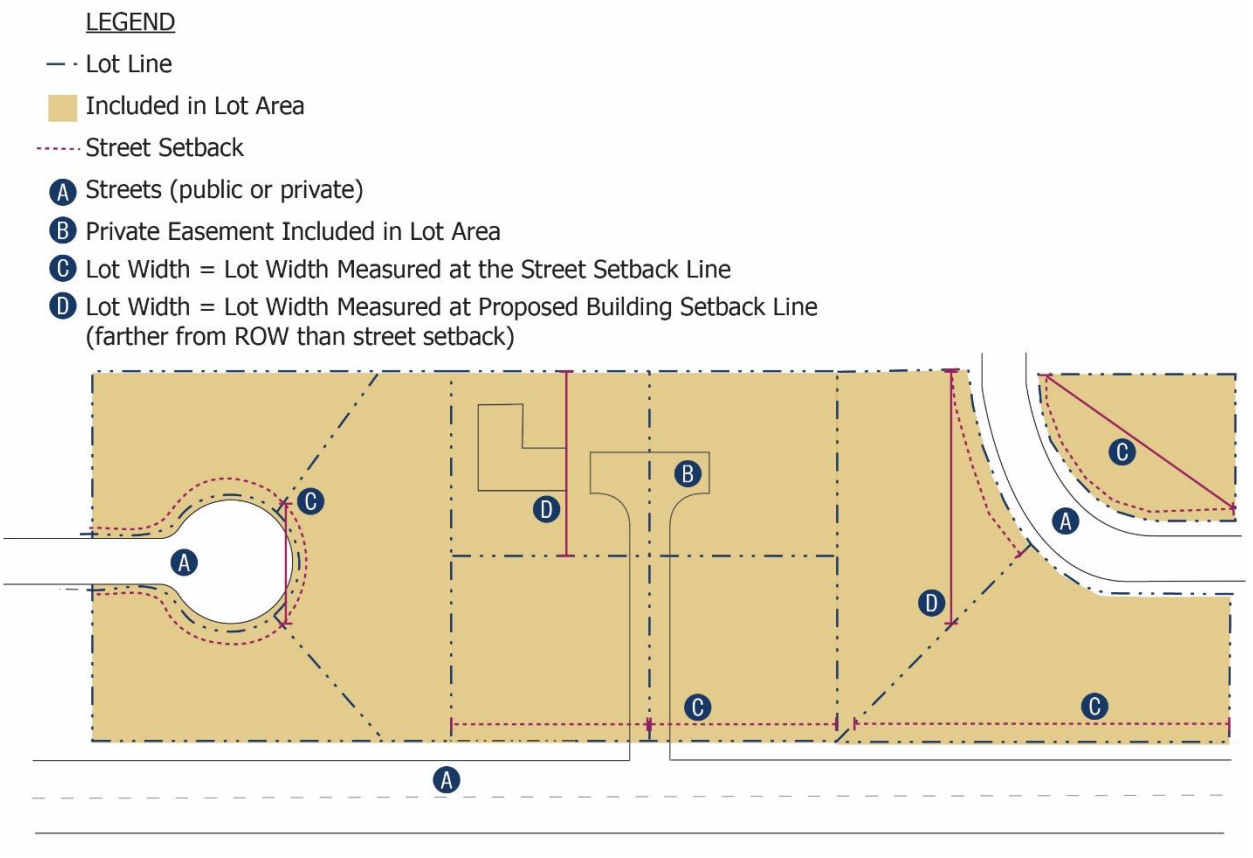
4. MINIMUM LOT AREA

The minimum amount of required land area, measured horizontally, that must be included within the lines of a lot (see Figure 9.3.3.A: Lot Measurement). Lands located within any private easements shall be included within the lot area.

5. STREET FRONTAGE

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

FIGURE 9.3.3.A: LOT MEASUREMENT



B. LOT LINES

A lot line is a line of record bounding a lot which separates one lot from another lot or separates that lot from a public or private street or any other public space (see Figure 9.3.3.B: Lot Lines). The following terms describe differing types of lot lines:

1. FRONT LOT LINE

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

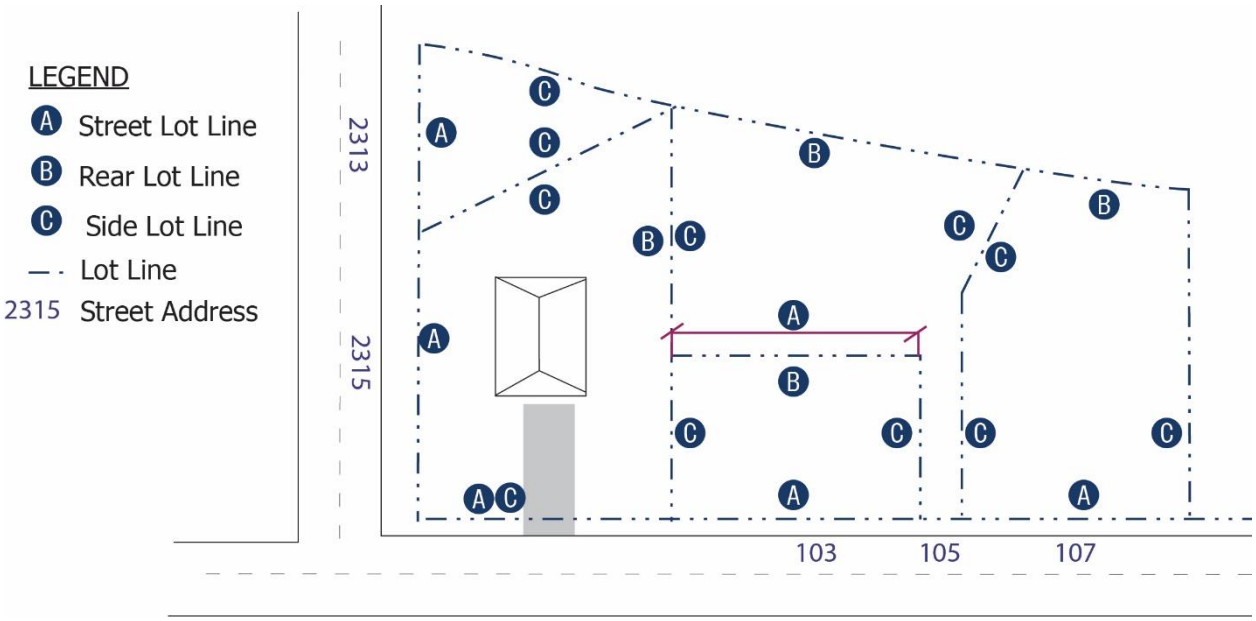
2. REAR LOT LINE

The lot line opposite and most distant from the front lot line.

3. SIDE LOT LINE

The lot line connecting the front and rear lot lines regardless of whether it abuts a right-of-way or another lot line.

FIGURE 9.3.3.B: LOT LINES



C. LOT TYPES

1. CORNER LOT

A lot which occupies the interior angle at the intersection of two street lines or a single street which make(s) an angle of more than 45 degrees and less than 135 degrees. The front of the lot is the lot line adjacent to the street from which the lot obtains its street address.

2. FLAG LOT

A lot having shape and configuration so that it connects to street frontage by an extension and/or arm of the main portion of the lot.

3. INTERIOR LOT

A lot other than a corner lot with only one frontage on a street.

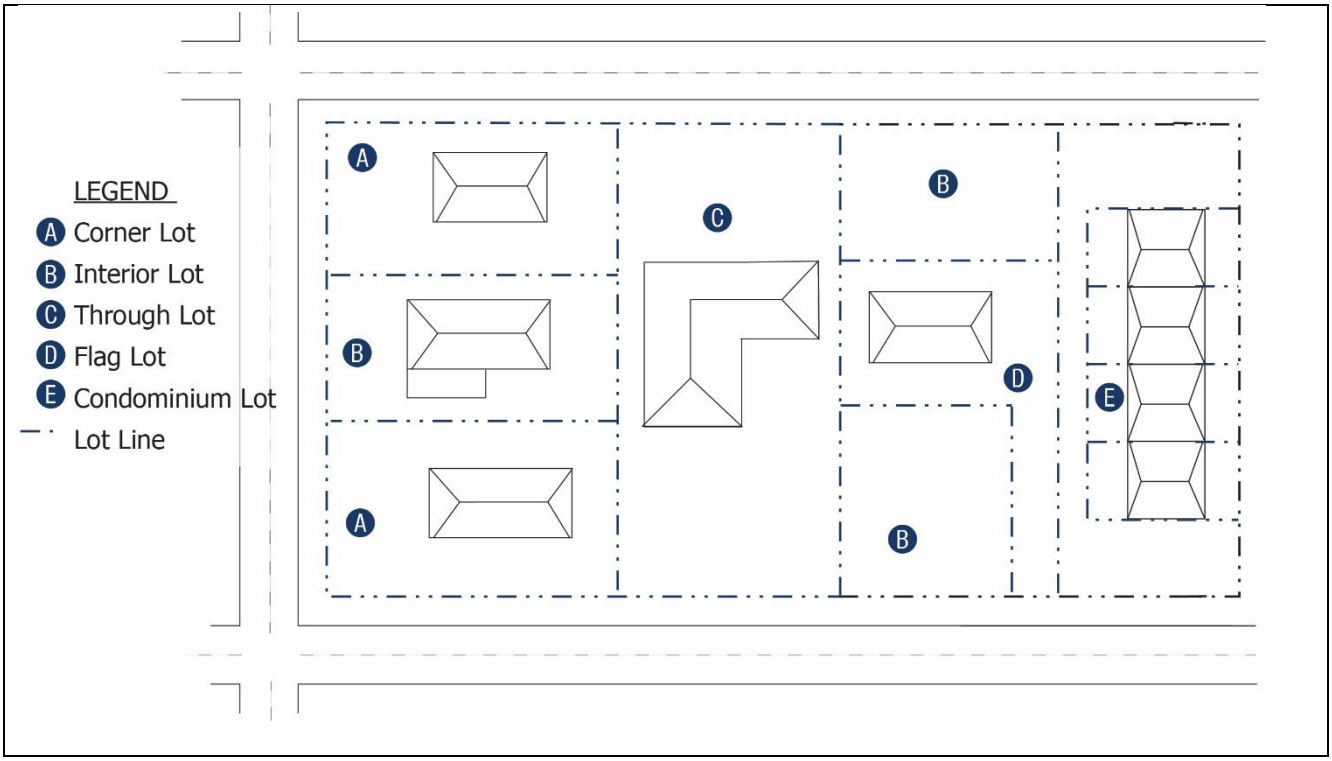
4. LOT OF RECORD

A lot that is a part of a subdivision, a plat of which has been recorded in the office of the Wake County Register of Deeds, as appropriate or a lot described by metes and bounds, the description of which has been recorded with the Wake County Register of Deeds, as appropriate.

5. THROUGH LOT (DOUBLE FRONTAGE LOT)

A lot which fronts upon two parallel streets, and/or which fronts upon two streets which do not intersect at the boundaries of the lot.

FIGURE 9.3.3.C: LOT TYPES



D. LOTS SERVING CONDOMINIUM USE TYPES

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

9.3.4. SETBACKS

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

A. PERIMETER SETBACK

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

B. REAR SETBACK

A setback from an interior lot line lying on the opposite side of the lot from the front setback.

C. SIDE SETBACK

Any interior property line setback other than a rear setback.

D. SETBACKS FROM RAILROADS OR SIDINGS

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

E. STREET SETBACK

1. A setback measured from the right-of-way edge associated with a public or existing private street.
2. The street setback is a minimum setback, and nothing shall prohibit a building from being located farther from the street right-of-way.

3. In cases where the street right-of-way edge is not readily identifiable, the location of the right-of-way edge shall be determined by measuring outwards from the street centerline one-half of the total right-of-way width. The right-of-way edge location shall be certified by a professional engineer or land surveyor licensed by the State of North Carolina.
4. Lots shall provide a street setback from all lot lines abutting a street (excluding alleys).

9.3.5. SETBACK ENCROACHMENTS

Table 9.3.5: Allowable Encroachment into Required Setbacks, sets out the kinds of features that are permitted to encroach within a required setback, provided they do not obstruct visibility for motorists at any street intersection (see Figure 9.3.5: Setback Encroachments).

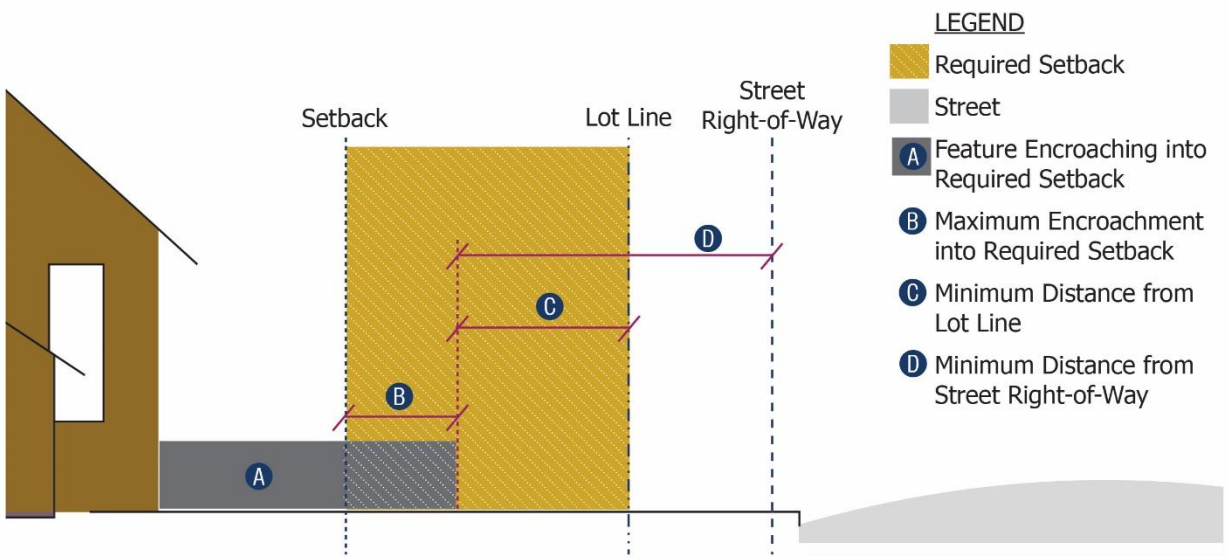
TABLE 9.3.5: ALLOWABLE ENCROACHMENT INTO REQUIRED SETBACKS

FEATURE	MAXIMUM ALLOWABLE ENCROACHMENT DISTANCE INTO A REQUIRED SETBACK
Awnings	May encroach into any setback up to eight feet, but shall maintain a minimum height of at least nine feet above a sidewalk or other pedestrian access
Balcony or Bay Window	May extend up to four feet into any required setback within a residential zoning district, but shall be no closer than three feet from any lot line
Bicycle Parking Facilities	Allowed within a setback, but no closer than five feet to the edge of the pavement of a street
Canopy, Attached	May encroach into any setback up to three feet, but shall maintain a minimum height of at least nine feet above a sidewalk or other pedestrian access In the CBD district, a canopy shall maintain a minimum distance of at least two feet from the back of the curb
Canopy, Freestanding	May be located in a setback provided no portion is closer than 15 feet to a street right-of-way
Chimneys, Fireplaces, Outdoor Kitchens, or steps	May extend up to four feet into any setback, but shall be no closer than three feet from any lot line
Cornice, Beltcourse, or Sill	May extend up to one-and-one-half feet into any required setback
Decks, Covered	Subject to the setbacks applied to principal structures
Decks, Uncovered	Subject to the setbacks applied to principal structures
Decks, Uncovered - Within Six Inches of Grade	May extend up to four feet into a required side yard or ten feet into a required front or rear yard
Driveways	May be located in any required setback
Elevators and Similar Mechanical Devices	May encroach into side setbacks no more than 18 inches and rear setbacks no more than 36 inches
Fences or Walls, excluding Retaining Walls	May be located in any required setback, subject to the limitations in Section 5.5, Fences and Walls, but shall not be located within a required sight distance triangle
Flagpoles, Mailboxes, Lamp and Address Posts	May be located in any required setback
Garage	May be located within rear yard, provided the structure is more than 10 feet from the principal dwelling

TABLE 9.3.5: ALLOWABLE ENCROACHMENT INTO REQUIRED SETBACKS

FEATURE	MAXIMUM ALLOWABLE ENCROACHMENT DISTANCE INTO A REQUIRED SETBACK
Gazebo or Garden Structure	May not be located within a street setback
Handicap Ramps	May be located in any required setback provided it does not unduly obstruct pedestrian or vehicular access
Outdoor Equipment (e.g., HVAC condenser, water heater, etc.) Serving Single-family Detached Residential Use	May extend up to four feet into any required setback
Outdoor Equipment Serving a Use other than Single-family Detached Residential	May encroach into a required setback except when the required setback is five feet or less
Outdoor Seating Areas Serving a Nonresidential Use	May encroach into a setback up to eight feet
Outdoor Storage	May not encroach into a required setback
Patio, Covered	Subject to the setbacks applied to principal structures
Patio, Uncovered	May extend up to four feet into a required side yard or ten feet into a required front or rear yard
Pet Shelters	Subject to the setbacks applied to principal structures
Playground Equipment Accessory to a Residential Use	When located ten or more feet from the principal structure, may be located within five feet of a side or rear lot line, but shall not be located within a required street setback
Retaining Walls	May encroach into a required setback
Roof Eaves, Rakes, and Overhangs	May extend up to four feet into any required setback
Signs	May extend into any required setback in accordance with Section 5.11, Signage
Swimming Pool, (including all ancillary appurtenances)	May extend into a required side or rear setback, but shall be no closer than five feet to a lot line or ten feet from the principal structure
Underground Structures (including septic systems but excluding swimming pools)	May be located in any required setback
Vegetation and Landscaping Features	May be located in any required setback
Vehicular Off-street Parking Area	May be located in any required setback provided that no parking area is located within five feet of the street right-of-way
Well House (functional or aesthetic)	May be located in any required setback, but shall be no closer than eight feet from a right-of-way

FIGURE 9.3.5: SETBACK ENCROACHMENTS



9.3.6. RESIDENTIAL DENSITY

Residential density is the maximum allowable number of residential dwelling units permitted on a particular site, tract, lot, or other unit of land area, typically expressed as a maximum number of residential units per acre.

A. CALCULATION

1. Maximum residential density is calculated by dividing the square footage of a lot by the number of square feet in an acre (43,560), then multiplying the maximum number dwelling units allowed in the zoning district, and rounding the product downwards to remove any fractions.

   Example:
   Lot size: 52,000 square feet / 43,560 = 1.19 acres.
   Zoning district maximum density is 1.08 units per acre: 1.19 x 1.08 = 1.28.
   Maximum number of residential units = 1 (fractions are rounded downwards).

2. Land area associated with floodplains and riparian buffers may be included in the calculation of the square footage of a tract or site for the purposes of determining the maximum residential density.
3. Land area located within a right-of-way shall not be included in the calculation of allowable density.
4. Maximum residential density in a particular zoning district may be increased beyond the amount stated in Article 3: Districts, in accordance with the standards in Section 5.12, Sustainability Incentives.

B. DENSITY EQUIVALENCE

1. Accessory dwelling units associated with a single-family residential principal use shall not be counted towards the maximum allowable residential density.
2. When calculating the density for a private dormitory associated with an educational use, two bedrooms in a private dormitory shall be equivalent to one regular dwelling unit.

3. Maximum density amounts do not apply to student housing or lodging on college or university campuses when the housing is owned or operated by the college or university. In these instances, residential land uses are considered as an accessory to the college or university principal use.

9.3.7. GROSS FLOOR AREA (GFA)

Gross floor area (GFA) shall be defined as the sum in square feet of all floors of the building measured from the exterior face of the exterior walls. The gross floor area shall include or exclude areas as indicated below:

A. AREAS INCLUDED IN GROSS FLOOR AREA

1. All enclosed habitable space.
2. Elevators, hallways, and stairwells on stories containing habitable space.

B. AREAS EXCLUDED FROM GROSS FLOOR AREA

1. Unenclosed porches or decks.
2. Off-street parking areas, including the elevators, hallways, mechanical equipment, and stairwells on stories containing off-street parking.
3. Utility services areas devoted to the electric service, the potable water service, the wastewater system, the telephone service, the cable service, or to a backup generator.
4. Mechanical areas and uninhabited enclosed spaces on tops of roofs not intended for general storage.

9.3.8. HEIGHT

A. MEASUREMENT

Building height shall be measured from the finished or established grade elevation following any land disturbing activities.

B. MAXIMUM HEIGHT

Building height is the vertical distance from a point established as the mean elevation of the finished grade along the front façade of a building to any of the following points (see Figure 9.3.8: Building Height):

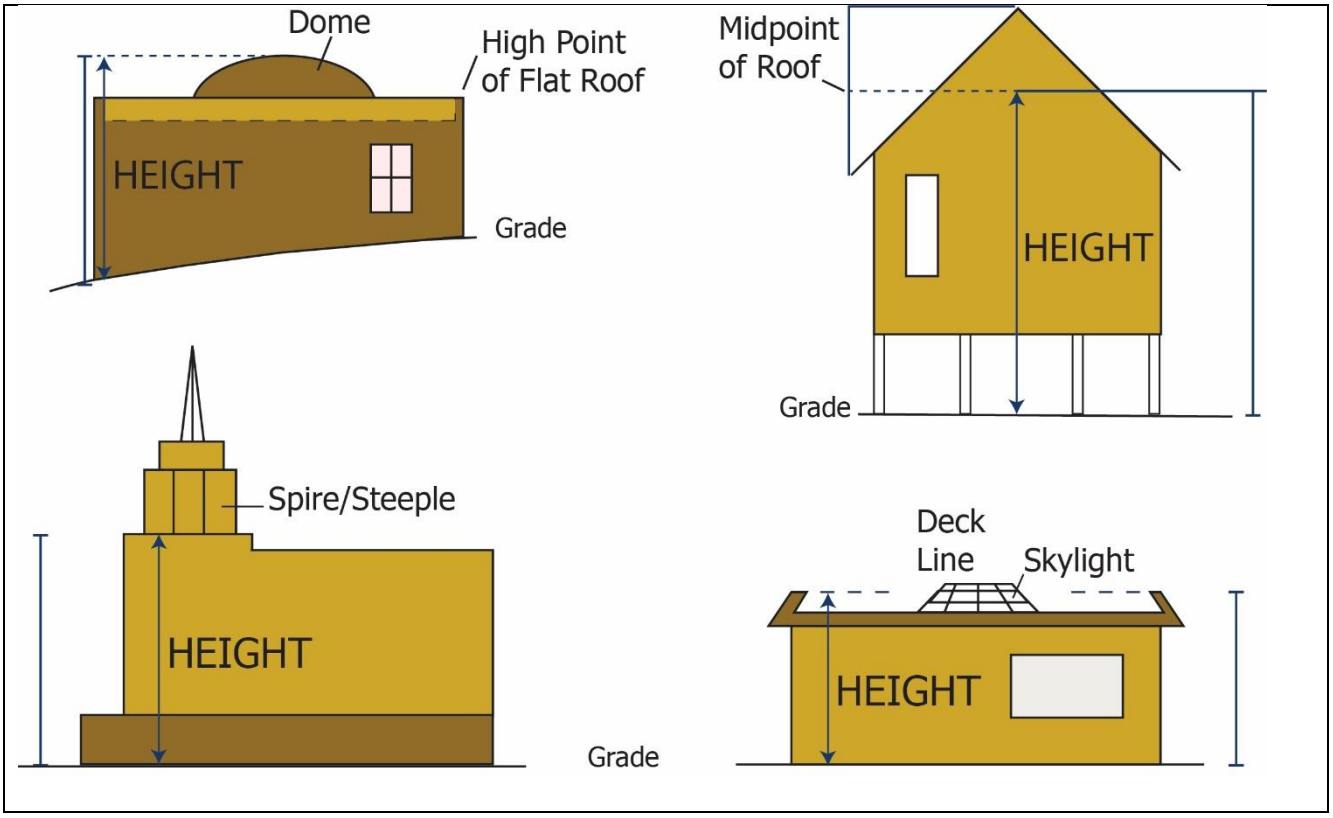
1. The highest point of a flat roof (excluding coping or parapet walls shorter than five feet above the roof deck);
2. The deck line of a mansard roof;
3. The mid-point of the roof between the ridge and the eaves for a gable, hip, or gambrel roof; or
4. To the highest point of a dome, shed, or cricket-style roof.

C. STORY

A building story is the portion of a building where all rooms share the same floor and ceiling level.

1. A crawlspace or basement with an average ceiling height of less than seven feet is not considered as a story.
2. An attic with an average ceiling height of less than six feet is not considered a story.

FIGURE 9.3.8: BUILDING HEIGHT



9.3.9. LOT COVERAGE

A. Lot coverage is the percentage of a lot or development site that is covered by impervious, or built-upon area.

B. Built-upon area includes buildings, structures, pavement, and site features that are impervious or partially impervious to rain or stormwater runoff.

C. The following features are not considered impervious, and as a result are not included within the built-upon area:

1. A slatted deck or walkway;

2. The water area of a swimming pool;

3. A surface covered by number 57 stone, as designated by the American Society for Testing and Materials, laid at least four inches thick over a geotextile fabric;

4. A trail as defined in Section 113A-85 of the North Carolina General Statutes that is either unpaved or paved as long as the pavement is porous with a hydraulic conductivity greater than 0.001 centimeters per second (1.41 inches per hour); or

5. Landscaping material, including, but not limited to, gravel, mulch, sand, and vegetation, placed on areas that receive pedestrian or bicycle traffic or on portions of driveways and parking areas that will not be compacted by the weight of a vehicle, such as the area between sections of pavement that support the weight of a vehicle.

9.3.10. SLOPE AND ELEVATION

A. SLOPE

The degree of deviation of the ground surface from a flat, horizontal elevation, usually expressed in percent or degrees of deviation from horizontal.

B. BASE FLOOD ELEVATION (BFE)

A determination of the water surface elevations of the base flood as published in the flood insurance study. When the BFE has not been provided for land within the FHO, it may be

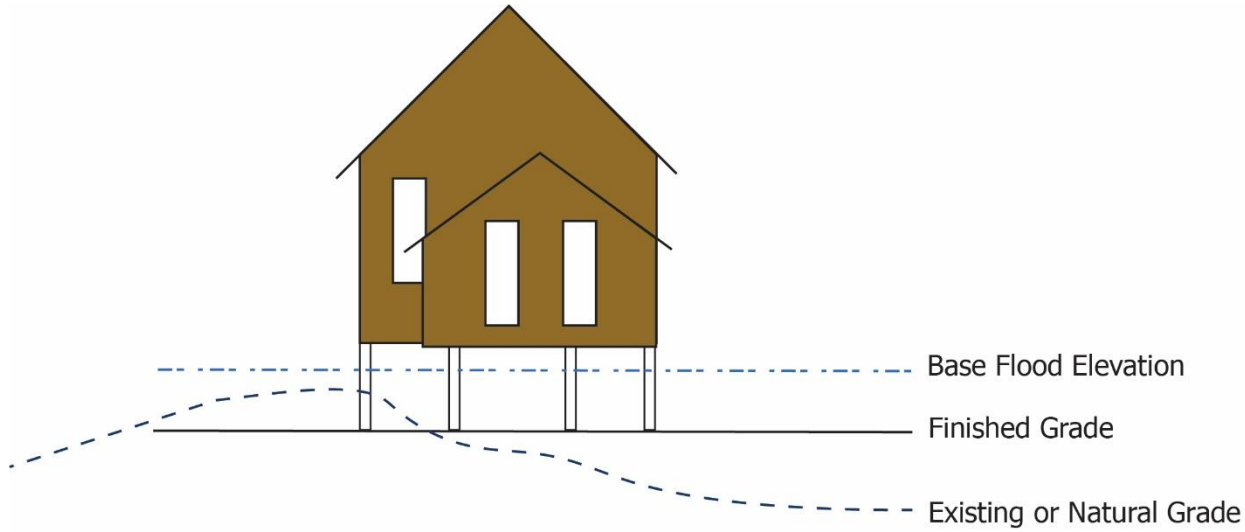
obtained from engineering studies available from a federal, State, or other source using FEMA approved engineering methodologies. This elevation establishes the Regulatory Flood Protection Elevation.

C. FINISHED GRADE
The established grade following grading, excavation, or other land-disturbing activity.

D. NATURAL GRADE
The level of the ground elevation prior to the commencement of development or land disturbing activity (see Figure 9.3.10: Grade Determination).

E. REGULATORY FLOOD PROTECTION ELEVATION
The minimum height allowable for lowest structural member comprising habitable space within a building. This is a height equivalent to two linear feet in elevation above the base flood elevation.

FIGURE 9.3.10: GRADE DETERMINATION



9.3.11. PARKING SPACE COMPUTATION

A. ROUNDING
When computation of the number of required parking spaces results in a fraction, the fraction shall be rounded downwards to the previous whole number.

B. MULTIPLE AND MIXED USES
Unless otherwise approved, development containing more than one principal use shall provide off-street parking in an amount equal to the total requirements of all individual uses, unless the Planning Director determines that a lower standard would be adequate because of differences in peak operating hours.

C. SEAT BASED STANDARDS
Where the minimum number of off-street parking spaces is based on the number of seats, all computations shall be based on the number of seats provided, including outdoor and waiting areas.

D. EMPLOYEE BASED STANDARDS

When the minimum number of off-street parking spaces is based on the number of employees, the computations shall be based on the number of employees on the largest shift.

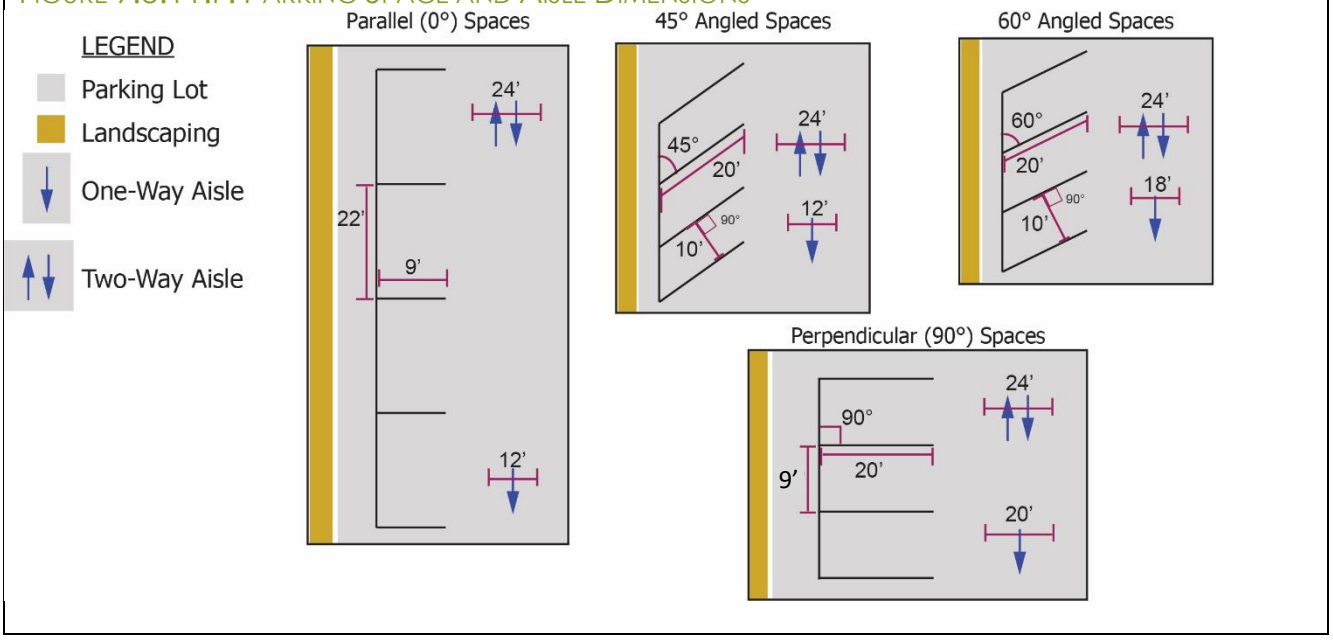
E. FLOOR-AREA BASED STANDARDS

Where the minimum number of off-street parking spaces is based on square feet of floor area, all computations shall be based on gross floor area. The square footage shall include outdoor use area.

F. PARKING SPACE AND ACCESS AISLE DIMENSIONS

Figure 9.3.11.F, Parking Space and Access Aisle Dimensions, sets out the minimum off-street parking space dimensions and minimum widths of access aisles.

FIGURE 9.3.11.F: PARKING SPACE AND AISLE DIMENSIONS



9.3.12. LANDSCAPING

A. DETERMINING TREE SIZE AT TIME OF PLANTING

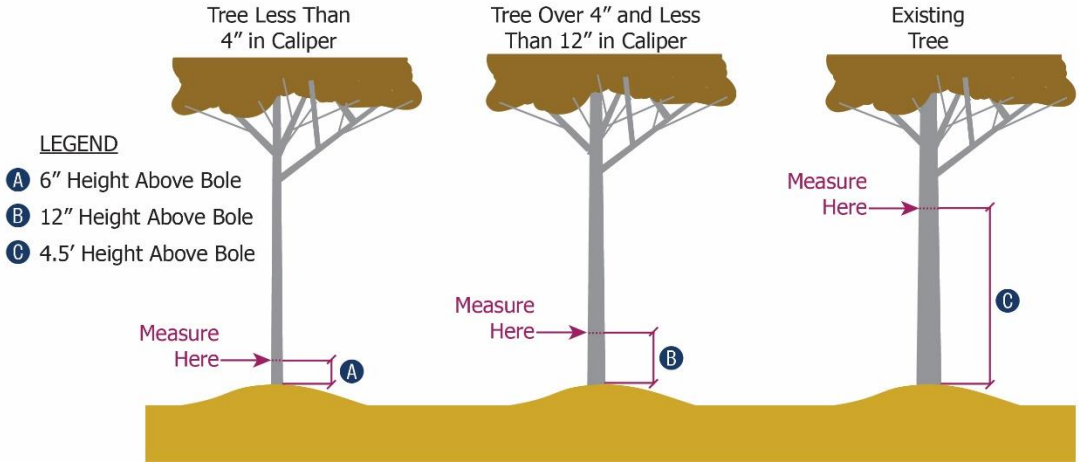
1. TREES UNDER FOUR INCHES IN CALIPER

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

2. TREES OVER FOUR, BUT LESS THAN TWELVE INCHES, IN CALIPER

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

FIGURE 9.3.12: PLANT SIZE DETERMINATION



B. DETERMINING TREE SIZE OF EXISTING TREES

1. Existing tree size shall be determined by taking a measurement of the girth or circumference of the tree trunk, in inches, at a height of four-and-one-half feet above the bole, or the location where tree trunk meets the soil it is planted in.
2. In the case of a multi-stemmed tree, the cumulative DBH shall be the square root of the sum of all the individual stem diameters squared. As an alternative, the tree's basal area is the sum of the diameters of all tree stems.

C. ROUNDING

When computation of the amount of landscaping material to be provided results in a fraction, the minimum number of shrubs or trees to be provided shall be rounded upwards to the next highest whole number.

D. CALCULATION OF REQUIRED LANDSCAPING YARD OR AREA DISTANCES

1. In cases where a driveway, sidewalk, or greenway trail intersects a required landscaping area or yard, the width of these features shall be subtracted from the yard or area distance.
2. In cases where an easement that prohibits the placement of landscaping material intersects a required landscaping yard or area, the width of the easement shall not be subtracted from the required yard or area distance. Required plant material shall be located outside the easement but within the required landscaping area or yard.

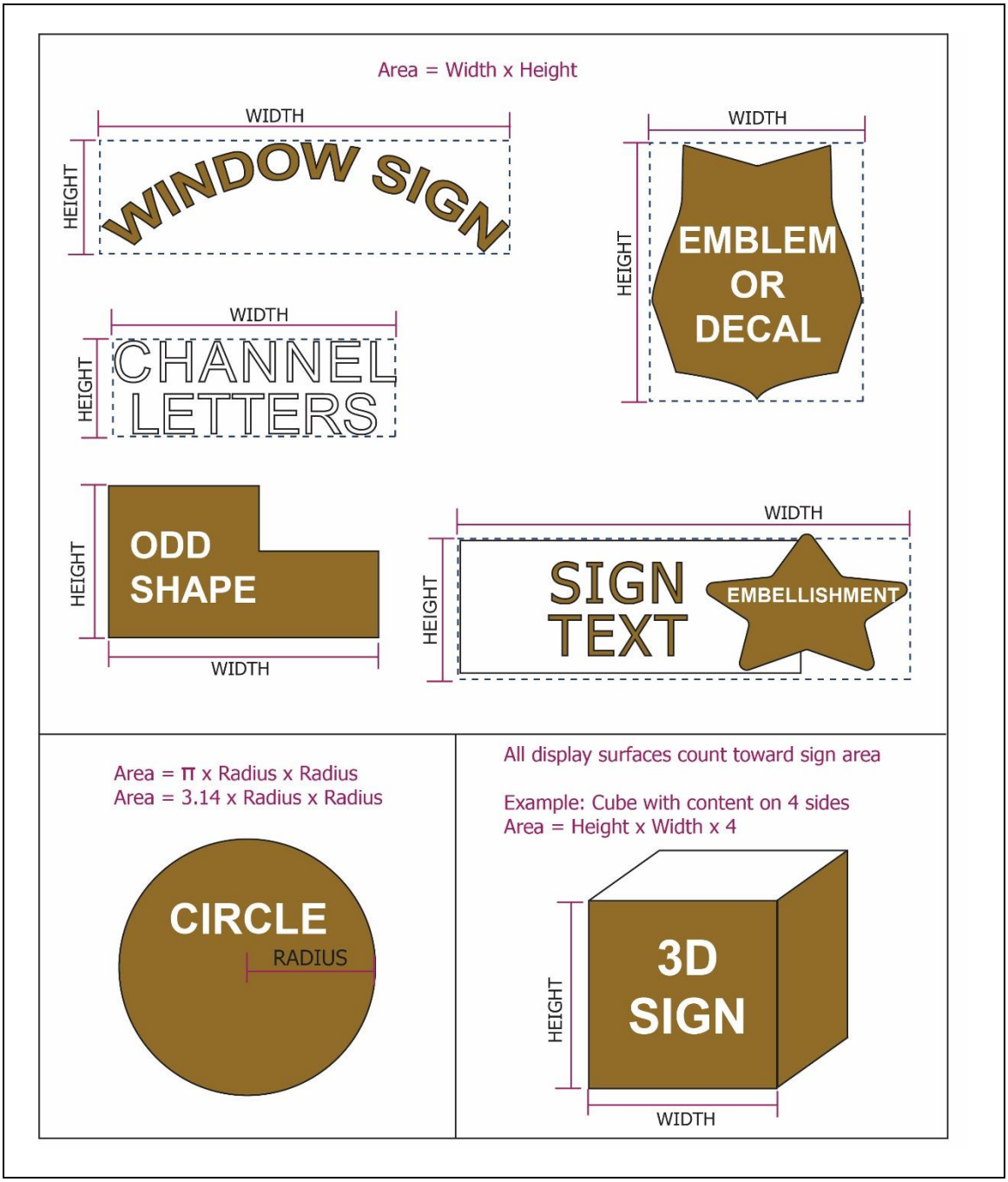
9.3.13. SIGNAGE MEASUREMENT

A. SIGN AREA DETERMINATION

1. The surface area of a sign is computed as including the entire area within a parallelogram, triangle, circle, semi-circle, or other regular geometric figure, including all of the elements of the display, including incidental or changeable copy signage, frames, display of identification or licensing officially required by any governmental body, and structural elements.
2. The supporting structure for a projecting sign shall not be included within the calculation of the surface area of a sign.
3. In the case of signs mounted back-to-back, only one side of the sign is to be included in the calculation of sign face area. Otherwise, the surface area of each sign is to be separately computed.

4. When two identical sign faces are placed back to back so that both faces cannot be viewed from any point at the same time, and when such sign faces are part of the same sign structure and are not more than 42 inches apart, the sign area shall be computed by the measurement of one of the faces.
5. For multi-faced signs, the sign area shall be computed by including all sign faces visible from any one point.
6. In the case of cylindrical signs, signs in the shape of cubes, or other signs, which are substantially three-dimensional with respect to their display surfaces, the entire display surface or surfaces, is included in computations of area.
7. Embellishments such as display portions of signs extending outside the general display area, incidental signage, changeable copy, or supplemental signage affixed to or included on a sign or sign support structure shall be computed as part of the total surface area of the sign.
8. If a sign is attached to an entrance wall or fence, only that portion of that wall or fence on which the sign face or letters are placed shall be calculated in the sign area.

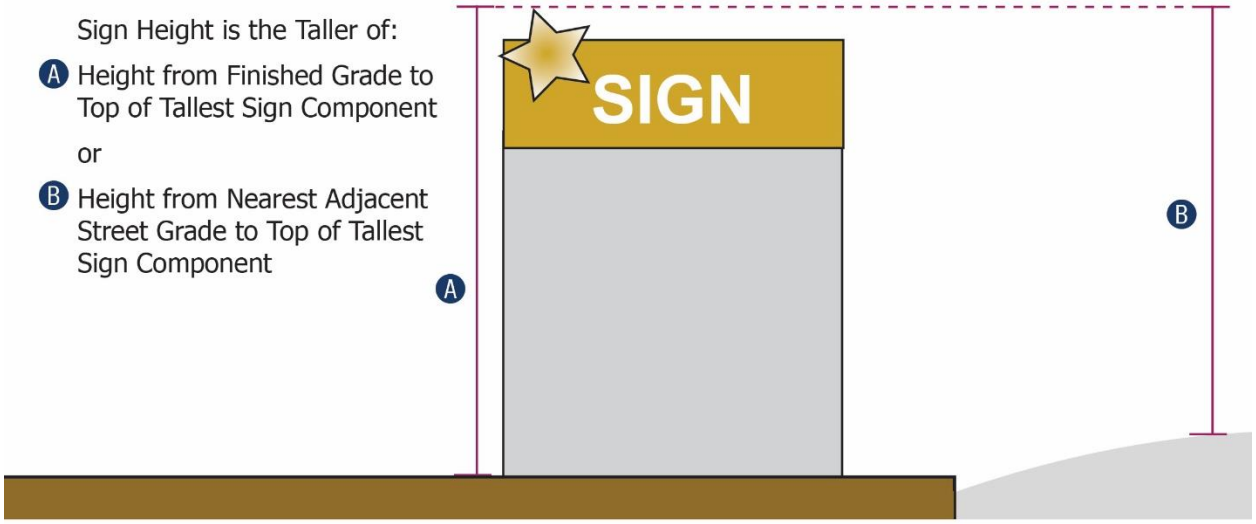
FIGURE 9.3.13.A: SIGN FACE AREA DETERMINATION


Area = Width x Height
WIDTH
HEIGHT
WINDOW SIGN
WIDTH
HEIGHT
EMBLEM OR DECAL
WIDTH
HEIGHT
CHANNEL LETTERS
HEIGHT
ODD SHAPE
WIDTH
WIDTH
HEIGHT
SIGN TEXT
EMBELLISHMENT
Area = π x Radius x Radius
Area = 3.14 x Radius x Radius
CIRCLE
RADIUS
All display surfaces count toward sign area
Example: Cube with content on 4 sides
Area = Height x Width x 4
HEIGHT
3D SIGN
WIDTH

B. SIGN HEIGHT DETERMINATION

1. Sign height shall be computed as the distance from the base of the sign at the finished grade or from the nearest adjacent street grade to which the sign is oriented and on which the lot has frontage, whichever is higher, to the top of the highest component of the sign.
2. Finished grade shall be the grade after construction, exclusive of any filling, berming, mounding, or excavating solely for the purpose of locating the sign.

FIGURE 0: SIGN HEIGHT DETERMINATION



C. WALL AREA (FOR THE PURPOSES OF SIGN AREA MEASUREMENT)

For the purposes of determining allowable sign area, a wall is the vertical exterior surface of a building, the area of which shall be determined as follows:

1. The area of all parallel vertical surfaces along a single building elevation regardless of offsets shall be counted as one wall.
2. The front of each unit of a multiple tenant commercial building shall be counted as a separate wall.
3. The area of an angled wall surface shall be counted as part of whichever adjoining wall surface it is most parallel with.
4. A 45-degree angled wall may be counted as part of the area of either adjoining wall, but not as a part of both.

FIGURE 9.3.13.C: WALL SIGN DETERMINATION



LEGEND

One Wall

A Area of Parallel Vertical Surfaces Along a Single Building Elevation, Regardless is One Wall

B Front of Each Unit of a Multi Tenant Commercial Building is One Wall

C Area of An Angled Wall Surface is Part of the Adjoining Wall Surface it is Most Parallel With

D 45 Degree Angled Wall May Count as Part of Either Adjoinging Wall, But Not Both

9.3.14. EXTERIOR LIGHTING

A. MEASURED AT THE LOT LINE

Light level measurements shall be made at the lot line of the land upon which light to be measured is being generated. If measurement on private property is not possible or practical, light level measurements may be made at the boundary of the public street right-of-way that adjoins the land.

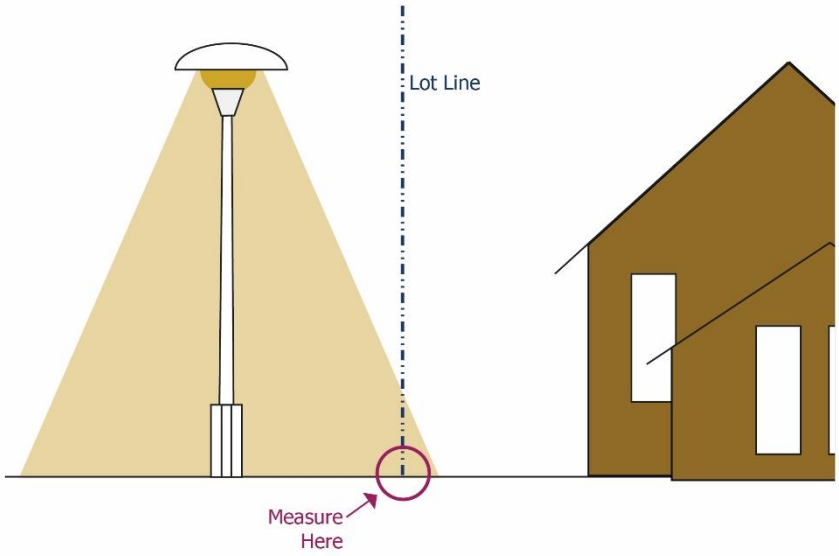
B. MEASURED AT FINISHED GRADE

Measurements shall be made at finished grade (ground level), with the light-registering portion of the meter held parallel to the ground pointing up. The meter shall have cosine and color correction and have an accuracy tolerance of no greater than plus or minus five percent.

C. MEASUREMENT DEVICE

Measurements shall be taken with a light meter that has been calibrated within two years.

FIGURE 9.3.14: LIGHTING MEASUREMENT



9.3.15. FENCE AND WALL HEIGHT

A. MEASUREMENT LOCATION

1. In cases where a fence or wall is located within a required setback or required yard, fence height shall be determined along the grade of the adjacent lot or street.
2. In cases where a fence or wall is located outside a required setback or yard, the height shall be determined based on the finished grade.
3. In cases where a fence or wall is placed on a berm, the maximum fence or wall height shall include the height of the berm, as measured from the toe of the slope.
4. Fence height shall be measured at the highest point above grade (not including columns or fence posts) on the portion of the fence nearest an abutting or adjacent lot or street right-of-way.

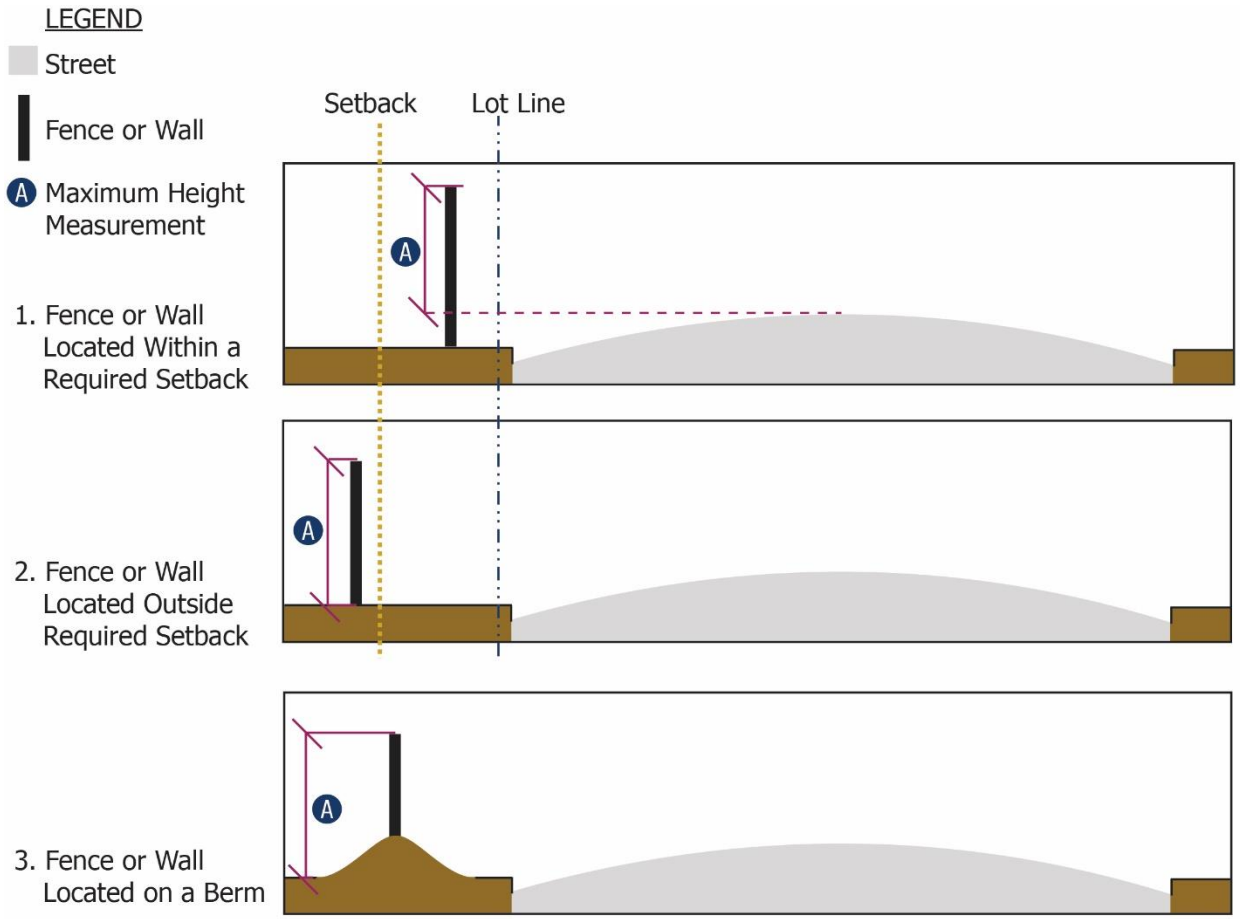
B. COLUMN AND POST HEIGHT

Columns or posts shall not exceed a height 18 inches above the built height of the fence.

C. RAILINGS NOT INCLUDED

Safety railings required by the North Carolina Building Code shall not be included in wall height measurements.

FIGURE 9.3.15: FENCE AND WALL HEIGHT DETERMINATION



9.4. DEFINITIONS

This section includes definitions of terms used throughout this Ordinance.

DEFINITIONS	
A	
ABANDONMENT	The relinquishment of property or a cessation of the principal and any accessory uses of the property for a continuous period.
ABUTTING	The condition of two parcels of land having a common property line or boundary, including cases where two or more parcels of land adjoin at a corner, but not including cases where parcels of land are separated by a street, water body, or right-of-way.
ACCENT	The use of an alternate material or color to a detail that is emphasized by contrasting with its surroundings.
ACCESS EASEMENT	An easement which grants the right to cross land.
ACCESSIBLE PARKING SPACE	An off-street parking space provided for the exclusive use of vehicles serving disabled persons.
ACCESSORY BUILDING	See "Accessory Structure."
ACCESSORY DWELLING UNIT	A secondary dwelling unit established in conjunction with and clearly subordinate to a principal dwelling unit, whether part of the same structure as the principal dwelling unit, or as a detached structure on the same lot.
ACCESSORY STRUCTURE	A detached subordinate or incidental structure, the use of which is incidental to the principal structure and which is located on the same lot as the principal structure.
ACCESSORY USE	A use that is incidental and subordinate to the principal use of land or buildings and located on the same lot.
ACCESSWAY	A paved or unpaved travelway intended to serve vehicles for the purposes of obtaining ingress, egress, or circulation around a lot or site.
ACQUISITION	Act or process of acquiring fee title of real property (including the acquisition of development rights or remainder interest).
ACTIVE OPEN SPACE SET-ASIDE	Land set aside for the residents or a development and under common ownership that is configured for active forms of recreation. Active open space typically includes playgrounds, athletic fields and courts, and similar features devoted to movement, activity, or sports pursuits.
ACTIVE RECREATION USES	Uses or structures intended for specific active recreational uses such as play grounds, ball fields, tennis courts and other similar uses typically located in open space set-aside areas or parks.
ADDITION (TO AN EXISTING BUILDING)	An extension or increase in the floor area or height of a building or structure. For the purposes of Section 3.8.2, Flood Hazard Overlay (FHO) District: Any walled and roofed expansion to the perimeter of a building in which the addition is connected by a common load-bearing wall other than a fire wall. Any walled and roofed addition which is connected by a fire wall or is separated by independent perimeter load-bearing walls is new construction.

DEFINITIONS

ADJACENT	A parcel of land or development that shares all or part of a common lot line or boundary with another parcel of land, or a parcel of land that would abut another parcel of land, but for the fact a street, waterbody, or right-of-way divides the parcels.
ADMINISTRATIVE ADJUSTMENT	A request by an applicant to deviate from a specified numerical standard of this UDO by a specified percentage, subject to consistency with applicable review criteria.
ADOPTED POLICY GUIDANCE	The combined future land-use policy guidance provided by the adopted comprehensive plan, area or corridor plans prepared for specific parts of the Town, system plans related to the town's infrastructure systems, and other plans.
ADULT BUSINESS	Also known as Sexually Oriented Business. Any place defined as an Adult Establishment as defined by G.S. § 14-202.10 as the statute may be amended time to time, including adult cabarets and except the definitions of Massage Business shall not include any establishment or business where massage is practiced that is a health club, exercise studio, hospital, physical therapy business or other similar health related business. Sexually Oriented Business specifically includes, however, any massage business where massages are rendered by any person exhibiting specific anatomical areas and/or where massages are performed on any client's specific anatomical areas. Specific Anatomical Areas are those defined by G.S. § 14-202.10 as the statute may be amended from time to time.
ADULT DAY CARE CENTER	A program operated in a structure other than a single-family dwelling that provides group care and supervision on a less than 24-hour basis, and in a place other than their usual place of residence, to adults 18 years or older who may be physically or mentally disabled, and which is certified or approved to operate by the State of North Carolina.
AFFECTED PARTY	Owners of land adjoining the land subject to an application and any other person who could suffer an adverse effect to a property interest from a proposed development.
AGRICULTURAL SUPPORT SERVICES	Commercial establishments engaged in the sales, repair, rental, and storage of tools, equipment, supplies, and machinery in support of farms, farming, agriculture, or horticulture. Uses also include sales of products grown on a farm, provision of farm-related experiences (e.g., immersion farming or pick-your-own establishments), wineries, and agritourism.
AGRICULTURE AND HORTICULTURE	The cultivation and production of orchard, garden, or nursery crops on a small or large scale, the production of field grown crops, specialty crops, flowers, fruit, market gardening, nuts, ornamental plants, sod, vegetables, and similar horticultural uses. Uses also include agronomy, aquaculture, fisheries, apiculture, silviculture, plant nurseries, and similar uses.
AIRCRAFT PARTS, SALES AND MAINTENANCE	The use of land for the display and sale of, or general repair, rebuilding, or reconditioning of any contrivance used for navigation of or flight in the air.
AIRPORT AND RELATED FACILITIES	Any area of land or water designed and set aside for the landing and take-off of aircraft, including all necessary facilities for the housing, fueling, and maintenance of aircraft.
ALLEY	See "Street, Alley."

DEFINITIONS	
ALTERATION	Any change because of construction, repair, maintenance or otherwise to buildings located within a historic district or designated as a historic property.
ALTERATION OF WATERCOURSE	A dam, impoundment, channel relocation, change in channel alignment, channelization, or change in cross-sectional area of the channel or the channel capacity, or any other form of modification which may alter, impede, retard or change the direction and/or velocity of the riverine flow of water during conditions of the base flood.
ALTERNATIVE LANDSCAPE PLAN	A document prepared by an applicant that proposes an alternative means of compliance with the standards in Section 5.6, Landscaping.
ALTERNATIVE PARKING PLAN	A document prepared by an applicant that proposes an alternative means of compliance with the standards in Section 5.8, Parking and Loading.
AMATEUR HAM RADIO	Equipment, including antennas, transmitters, and antenna support structures used by a non-professional person in the transmittal of messages and information within the radio frequency portion of the electro-magnetic spectrum.
ANIMAL DAY CARE/GROOMING	A commercial establishment providing socialization, training, or housing, in the absence of the owner, for less than 24 hours for pets owned by the general public; or where animals are bathed, clipped, or combed for the purpose of enhancing their aesthetic value and/or health, and for which a fee is charged.
ANIMAL HUSBANDRY	The commercial and non-commercial propagation, rearing, exercising, feeding, milking, housing, controlling, handling, or general care of living animals and livestock. Examples include, but are not limited to the raising and production of cattle (beef and dairy), pigs, mules, ducks, horses, goats, poultry, sheep, fish, and similar livestock or domesticated animals, and equestrian facilities. Concentrated animal feeding operations (CAFOs) are industrial uses. Breeding and rearing of animals typically thought of as household pets (e.g., dogs, cats, small rodents, etc.) is not animal husbandry.
ANIMAL SHELTER	A facility used to house and care for stray, homeless, abandoned, or neglected animals and that is owned, operated, or maintained by a public body, an established humane society, or other private or nonprofit organization.
ANTENNA	Communications equipment that transmits and/or receives electromagnetic radio signals used in the provision of all types of wireless telecommunications services.
ANTENNA COLLOCATION, MAJOR	The placement, installation, modification, or replacement of antenna and related wireless telecommunications equipment on a building's roof, on a building's wall, on a vertical projection not constructed for the provision of wireless telecommunications services, or on a telecommunications tower where the collocation requires "substantial modifications" to the telecommunications tower, as defined in this Ordinance and Section 160D-931 of the North Carolina General Statutes.

DEFINITIONS	
ANTENNA COLLOCATION, MINOR	The placement, installation, modification, or replacement of antenna and related wireless telecommunications equipment on a telecommunications tower that does not require "substantial modifications" and that meets the definition of an "eligible facility request" as defined in this Ordinance and Section 160D-931 of the North Carolina General Statutes.
ANTENNA SUPPORT STRUCTURE	The frame, bracket, or other mechanical device, including mounting hardware such as bolts, screws, or other fasteners used to affix an antenna to a telecommunications tower, building, utility pole, or other vertical projection.
APPEAL	A request for a review of an interpretation, decision, or the application of any provision of this Ordinance. For the purposes of Section 3.8.2, Flood Hazard Overlay (FHO) District: A request for a review of the local administrator's interpretation of any provision of this part.
APPLICABLE CODES	For the purposes of the standards in Section 4.3.4.S, Wireless Telecommunication Facilities, Applicable Codes means the North Carolina State Building Code(s), this Ordinance, the Town Code of Ordinances, and any other uniform building, fire, electrical, plumbing, or mechanical codes adopted by a recognized national code organization together with state or Town amendments to those codes.
APPLICANT	A person who has submitted a development application for review under applicable provisions of this Ordinance.
APPLICATION	The completed form or forms and all accompanying documents, exhibits, and fees required of an applicant by the appropriate town department or board as part of the development review processes.
ARBOR	A structure with an open roof system providing partial shading and which may also have non-opaque fencing on the outside perimeter.
ARBORETUM OR FORMAL GARDEN	A place where trees, shrubs, or other woody plants are grown, exhibited or labeled for scientific, educational, or passive recreational purposes, not including the harvest of plants or their produce.
ARCADE	A series of arches supported by piers or columns. It is typical for an arcade to have habitable floor space directly above it.
ARCH OR ARCHWAY	A curved, semicircular opening in a wall.
AREA OF SHALLOW FLOODING	A designated AO or AH Zone on a community's flood insurance rate map (FIRM) with base flood depths from one to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable and indeterminate, and where velocity flow may be evident.
AREA OF SPECIAL FLOOD HAZARD	See "Special Flood Hazard Area (SFHA)".
ART INSTALLATION	Three-dimensional art (such as sculpture, painting, or other physical form of expression) that is created, constructed, and installed on the site where it is displayed for the purposes of expressing an idea, feeling, or desire to evoke a reaction from the viewer.

DEFINITIONS	
ART GALLERY	A space or series of spaces dedicated towards the display, exhibition, and sale of works of art.
ARTERIAL STREET	See "Street, Arterial."
ARTICULATION	The presence or projections, recesses, or other architectural features along a building façade.
ARTISAN STUDIO	A space dedicated towards the production and sale of works of art. This may include mixed or various media including but not limited to paint, wood, wax, metal, paper, plastic, film, or similar materials.
AS-BUILT PLANS	A set of engineering or site drawings that delineate the specific permitted development as actually constructed.
ASPHALT OR CONCRETE PLANT	An industrial establishment engaged in the production of asphalt, macadam, blacktop, concrete, or mortar for use in the construction and repair of buildings, roadways, and vehicular use areas. The use involves the stockpiling of sand, binder and filler, as well as a heater to mix the ingredients, and trucks to deliver products to the site of installation.
ASSISTED LIVING FACILITY	A residential facility with support and supervisory personnel for the elderly or infirm that provide rooms, meals, personal care, and supervision of self-administered medication. They may provide other services such as recreational and social activities, financial services, transportation, laundry, and other services appropriate for the residents and designed to provide a relatively independent lifestyle.
AUCTION HOUSE	A commercial establishment engaged in the re-sale of objects, artifacts, or products. Such uses may also include facilities for storage and shipping.
AUDITORIUM	A building or structure designed or intended for use for spectator sports, entertainment events, expositions, conferences, seminars, product displays, recreation activities, and other public gatherings, all occurring inside a structure typically limited to a capacity of 500 or fewer seats, along with accessory functions including temporary outdoor displays, and food and beverage preparation and service for on–premise consumption.
AUTHORIZED AGENT	A person with express written legal consent to act upon another's behalf.
AUTOMATED TELLER MACHINE	An automated mechanized consumer banking device operated by a financial institution for the convenience of its customers, whether inside or outside of a financial institution, or located in a structure unrelated to the financial institution operating it. Such uses may not serve as the principal use of a parcel of land or site.
AUTOMOBILE PAINTING/BODY SHOP	Repair of automobiles, vehicles, or trailers, including bodywork, framework, welding, and major painting service.
AUTOMOBILE PARTS AND ACCESSORIES SALES	The on-site sale and subsequent installation of various automobile parts and accessories, including but not limited to bed liners, toolboxes, truck tops, or audio systems. Such uses do not include the sale of gasoline or other fuels.
AUTOMOBILE REPAIR AND SERVICING (WITHOUT PAINTING/ BODYWORK)	General repair, rebuilding, or reconditioning of engines, motor vehicles, or trailers, not including bodywork, framework, welding, and major painting service.

DEFINITIONS	
AUTOMOBILE SALES AND RENTALS	Premises on which new or used passenger automobiles, trailers, recreational vehicles, or light trucks in operating condition are displayed for sale, lease, or rental.
AUTOMOTIVE WRECKER YARD	An establishment operated for the purpose of temporary storage on-site of no more than nine wrecked or inoperable vehicles for a period no longer than 90 days. If an establishment has ten or more inoperable vehicles located on-site, stores inoperable vehicles for more than 90 days, stacks vehicles, or portions of the vehicles are dismantled or removed for sale, it shall be considered a salvage and junkyard.
AWNING	A plastic, canvas, or metal porch or shade supported by a frame and often foldable that is placed over a storefront, doorway, or window.
B	
BALANCE OF WATERSHED	The entire land area within a water supply watershed contributing surface drainage to a specific point, the public water supply intake, minus the watershed critical area.
BALCONY	A platform on the outside of a building that is accessible from an upper-story door or window and bounded by a building wall on at least one side, with its open sides surrounded by a railing.
BANNER	A sign of lightweight fabric or similar material which is rigidly mounted to a pole or a building by a rigid frame at two or more opposite sides. Flags are mounted along one side and shall not be considered banners.
BAR, COCKTAIL LOUNGE, OR PRIVATE CLUB	An establishment having as its principal or predominant use the serving of beer, wine, or liquor for consumption on the premises, and which sets a minimum age requirement for entrance, consistent with state law. The primary source of revenue for such use is derived from alcohol sales, and the secondary source from the serving of food. Such uses may also provide on-site entertainment in the form of live performances, dancing, billiards, or other entertainment activities.
BASE FLOOD	The flood having a one percent (1%) chance of being equaled or exceeded in any given year.
BASE FLOOD ELEVATION	A determination of the water surface elevations of the base flood as published in the flood insurance study.
BASEMENT	That lowest level or story which has its floor subgrade on all sides.
BAY WINDOW	A window, typically with two or more sides that is built to project outward from an outside wall.
BED AND BREAKFAST	A private residence, generally a single-family residence, engaged in renting one or more dwelling rooms on a daily basis to tourists, vacationers, and business people, where provision of meals is limited to breakfast for guests only.
BERM	An elongated earthen mound typically designed or constructed on a site to separate, screen, or buffer adjacent uses or site features.
BEST MANAGEMENT PRACTICE (BMP)	A structural or nonstructural management-based practice used singularly or in combination to reduce non-point source inputs to receiving waters in order to achieve water quality protection goals.
BICYCLE LANE	A portion of a street designated solely for use by bicyclists.

DEFINITIONS	
BICYCLE PARKING SPACE	Land and facilities used for the parking of bicycles, including a mechanism for securing a parked bicycle.
BIO-RETENTION CELL OR DEVICE	A stormwater infiltration device consisting of an excavated basin that is refilled with engineered soil and mulch that allows stormwater run-off to collect and percolate through the engineered soil where it is treated prior to infiltrating into the surrounding undisturbed soil. Also known as a rain garden or bio-cell.
BLOCK	The land lying within an area bounded on all sides by streets.
BLOCK FACE	The lands abutting on one side of a street and lying between the two nearest intersecting or intercepting streets, railroad right-of-way, watercourse, or un-subdivided land.
BLOOD/TISSUE COLLECTION	A facility where blood or related materials are either withdrawn or collected from patients or assembled after being withdrawn or collected elsewhere from patients for subsequent delivery to a clinical laboratory for examination. A collection facility is maintained at a separate physical location not on the grounds or premises of the main licensed laboratory or institution which performs the testing.
BOARD OF ADJUSTMENT	A quasi-judicial decision-making body responsible for hearing appeals and variance requests in Zebulon, North Carolina.
BOARD OF COMMISSIONERS	The Board of Commissioners of Zebulon, North Carolina.
BOARDING/ROOMING HOUSE	A residential dwelling that offers sleeping rooms for rent by lodgers staying one or more nights. The dwelling contains a single common kitchen and may include other common areas for dining, laundry, and congregating. Boarding houses are not intended as group homes or halfway houses.
BOAT AND MARINE RENTAL, SALES, AND SERVICE	Premises on which new or used boats and other marine vessels are displayed for sale, lease, or rental. On-site repair and service to boats is also provided.
BONA FIDE FARM	Any tract or tracts of land used for farm purposes, including the production and activities relating or incidental to the production of crops, fruits, vegetables, ornamental and flowering plants, dairy, livestock, poultry, and all other forms of agriculture as defined in Section 106-581.1 of the North Carolina General Statutes. In addition, the production of a nonfarm product that the Department of Agriculture and Consumer Services recognizes as a "Goodness Grows in North Carolina" product that is produced on a farm subject to a conservation agreement under Section 106-743.2 of the North Carolina General Statutes is a bona fide farm purpose. Any of the following shall constitute sufficient evidence that the property is being used for bona fide farm purposes: 1. A farm sales tax exemption certificate issued by the Department of Revenue. 2. A copy of the property tax listing showing that the property is eligible for participation in the present use value program pursuant to Section 105-277.3 of the North Carolina General Statutes. 3. A copy of the farm owner's or operator's Schedule F from the owner's or operator's most recent federal income tax return. 4. A forest management plan.

DEFINITIONS	
BOTTLE SHOP (WITH ON PREMISE CONSUMPTION)	A commercial establishment engaged in the retail sale of beer, wine, or liquor in sealed containers offered for sale to an individual solely as a sealed container such as a bottle or can. Beverages may be sold for off-site or on-site consumption only in accordance with all applicable State laws and permits. Incidental sale of food or associated merchandise may also take place.
BOW	An exterior building wall that is curved.
BOW SIGN	See "Sign, Bow."
BREAKAWAY WALL	A wall that is not part of the structural support of the building and is intended through its design and construction to collapse under specific lateral loading forces without causing damage to the elevated portion of the building or the supporting foundation system. A breakaway wall shall have a design safe loading resistance of not less than ten and no more than 20 pounds per square foot. A wall with loading resistance of more than 20 pounds per square foot requires a professional engineer or architect's certificate.
BROADCASTING STUDIO	Uses including buildings, studios, and transmission facilities for the production and distribution of radio and television signals.
BUFFER	An area of natural or planted vegetation adjoining or surrounding a use and unoccupied in its entirety by any building, structure, paving or portion of such use, for the purposes of screening and softening the effects of the use. A buffer is also an area of natural or planted vegetation through which stormwater runoff flows in a diffuse manner so that the runoff does not become channelized and which provides for infiltration of the runoff and filtering of pollutants. This kind of buffer is measured landward from the normal pool elevation of impounded structures and from the bank of each side of streams or rivers. For the purposes of the WPO, an area of natural or planted vegetation through which stormwater runoff flows in a diffuse manner so that the runoff does not become channelized and which provides for infiltration of the runoff and filtering of pollutants. The buffer is measured landward from the normal pool elevation of impounded structures and from the bank of each side of streams or rivers.
BUFFER STREETSCAPE	See "Streetscape Buffer."
BUFFER, PERIMETER	Vegetative material and structures (i.e., walls, fences) that are used to separate uses from each other as required by this Ordinance, including the Type A Separation, Type B Intermittent, Type C Semi-Opaque, and Type D, Opaque.
BUILDING	A structure having a roof supported by columns or walls for the shelter, support or enclosure of persons, animals, or chattels. For the purposes of Section 3.8.2, Flood Hazard Overlay (FHO) District: Any structure built for support, shelter, or enclosure for any occupancy or storage.
BUILDING AXIS	An imaginary line between two points on a building that describes or explains how the building is organized. For example the ridgeline of a roof gable depicts a building's axis.

DEFINITIONS	
BUILDING CORNERSTONE	A stone that forms the base of a building's most prominent corner.
BUILDING FACADE	The entire exterior wall of a building facing a lot line measured from the grade to the eave or highest point of a flat or mansard roof. Facades may be on the front, side, or rear elevation of the building.
BUILDING FOOTPRINT	The area occupied by the perimeter of a principal building. Accessory structures and non-building facilities are not included in the building footprint.
BUILDING PERMIT	Authorization granted by the town for an applicant to begin construction of a building or structure. For the purposes of the standards in Section 4.3.4.S, Wireless Telecommunication Facilities, Building Permit means an official administrative authorization issued by the Town prior to beginning construction consistent with the provisions of Section 160D-1110 of the North Carolina General Statutes and this Ordinance.
BUILDING WALL	See "Wall, Building."
BUILDING WALL PROJECTION	An extension of a building wall or building façade projecting outwards from the primary building façade plane typically used to conceal or screen a service element of site feature like a refuse collection container.
BUILDING WING	A portion of a building that is subordinate to the main or central part of the structure. Building wings may share a wall with the main or central part of the building or be joined to it by another ancillary structure like a hallway or a colonnade.
BUILD-OUT YEAR	As used in Section 6.13, Transportation Impact Analysis, the proposed year of completion of the land development project, when its capacity for attracting and producing traffic is maximized.
BUILT-UPON AREA	A surface area composed of any material that impedes or prevents natural infiltration of water into the soil. Built-upon areas shall include that portion of a development that is covered by impervious or partially impervious cover including buildings, pavement, gravel areas (e.g., roads, parking lots, paths), decks, swimming pools, tennis courts, and similar surfaces. As used in Section 7.4, Stormwater, that portion of a development project that is covered by impervious or partially impervious surface including, but not limited to, buildings; pavement and gravel areas such as roads, parking lots, and paths; and recreation facilities such as tennis courts. "Built-upon area" does not include a wooden slatted deck, the water area of a swimming pool, or pervious or partially pervious paving material to the extent that the paving material absorbs water or allows water to infiltrate through the paving material.
BULB OUT	A curb extension used to extend the sidewalk, reducing the street crossing distance for pedestrians while also allowing approaching vehicle drivers to see pedestrians when vehicles parked in a parking lane would otherwise block visibility.
BULKY ITEMS SALES	A retail establishment engaged in the retail sale of large or bulky items that are not commonly constructed or maintained indoors, such as truck camper tops, bed liners, prefabricated outdoor buildings, manufactured homes, modular homes, play equipment,

DEFINITIONS	
	portable storage containers, or hot tubs. Such uses may include on-site assembly or fabrication of such items for sale.
BUNGALOW COURT	A series of between two and 12 single-family detached homes configured as a cohesive development that incorporates smaller lot sizes, reduced setbacks, shared accessways, and where each home complies with the residential design guidelines in this Ordinance.
BUSINESS DAY	Any day in which normal business is conducted. A business day does not include a holiday or a weekend day.
BUSINESS INCUBATOR	A commercial establishment that provides support and encouragement to new business startups and ventures in the form of affordable floor area to rent, shared office space, shared marketing resources, and may also provide management training services and access to financing. Business incubators contain a wide array of use types, including retail, office, personal service, and light manufacturing uses.
C	
CALENDAR DAY	Any day of the week.
CALIPER	Measurement for determining the size of trees at time of planting. Caliper is the quantity in inches of the diameter of trees measured at six inches above the ground.
CAMPER	A portable dwelling (as a special equipped trailer or automobile vehicle) for use during casual travel and camping.
CAMPGROUND	A commercial establishment containing two or more campsites or cabins available for overnight camping use whether by rental fee or short term lease. Campgrounds may include recreational facilities, a store for sale of food or camping supplies while on the premises, and facilities for the assembly of campers and guests. Campground does not include a summer camp, migrant labor camp, manufactured/mobile home park, or recreational vehicle/travel trailer park.
CANOPY	A permanent structure other than an awning made of cloth, metal, or other material attached or unattached to a building for the purpose of providing shelter to patrons or automobiles, or as a decorative feature. A canopy is not a completely enclosed structure.
CANOPY TREE	A species of tree which normally grows to a mature height of 40 feet or more with a minimum mature crown width of 30 feet.
CAR WASH OR AUTOMOBILE DETAILING	An establishment providing the exterior washing of vehicles where vehicles are manually driven or pulled by a conveyor through a system of rollers and/or brushes. Interior cleaning and/or drying may be conducted manually by vehicle operator or on-site attendants. Incidental sales of automobile-related accessories may take place.
CASUALTY DAMAGE	The damage to or loss of a nonconforming structure or use that is sudden, unexpected, and unusual. Typically associated with fire, severe weather, or Act of God.

DEFINITIONS	
CATERING ESTABLISHMENT	A commercial establishment that prepares, delivers, and may or may not serve food and/or beverages to clients in a pre-arranged on-site or off-site location at a pre-arranged time. Catering operations associated with a restaurant are considered eating establishments, and catering associated with a hotel, motel, or conference venue is considered an accessory use.
CELLULAR REINFORCED PAVING SYSTEM	Plastic, metal, or polymers that are installed into a matrix of earth or crushed stone and used to reinforce or stabilize parking or vehicular use areas.
CEMETERY, COLUMBARIUM, OR MAUSOLEUM	Uses intended for the burial of the dead and dedicated for cemetery purposes. This use type may include a funeral home or mortuary or a mausoleum or columbarium (a structure or vault lined with recesses for cinerary urns), but does not include a crematory.
CENTRAL LEADER	The dominant upright branch (or trunk) of a tree.
CERTIFICATE OF OCCUPANCY	Authorization granted by the town for the occupancy of a building reviewed and approved under this Ordinance.
CERTIORARI	A situation where an appellant may file an appeal of a decision directly to a higher court of law.
CHANGE OF USE	The change in the use of a building, structure, or land. "Change of use" includes a change from one use type to another use type or the addition of a separate use type.
CHANGEABLE COPY	Text or other depictions on the face of a sign that are capable of being revised on a regular or infrequent basis.
CHECK CASHING/PAYDAY LENDING ESTABLISHMENT	An establishment engaged in loaning money upon deposit of personal property or signature on a promise to repay. Such uses also store personal property on site and may sell goods at retail sale.
CHICANE	A serpentine curve added to a street as a traffic calming measure.
CHILD CARE, INCIDENTAL	A program or arrangement, licensed by the State and located in the provider's residence where, at any one time, three or more children under the age of 13, receive child care on a regular basis of at least once per week for at least four (but less than 24) hours per day from persons other than their guardians, full-time custodians, or persons related to them by blood, marriage, or adoption. This definition does not include child day care centers, cooperative arrangements among parents, or other activities not defined as child care by Section 110-86 of the North Carolina General Statutes. Provision of day care services for more than six children in a residential dwelling is subject to the standards for a child day care center.

DEFINITIONS	
CHILD DAY CARE CENTER	A commercial or non-profit use licensed by the State where, at any one time, three or more unrelated children under the age of 13 receive child care from an unrelated person in a building other than a private residence on a regular basis of at least one occurrence per week for more than four hours per occurrence. Such uses may also involve the provision of educational services in preparation for elementary school. This definition does not include incidental child care, cooperative arrangements among parents, or drop-in or short-term child care provided while parents work part-time or participate in other activities on the premises (e.g., churches, shopping malls, hotels, health spas).
CHILD DAY CARE, DROP-IN	A commercial or non-profit use regulated by the State where, at any one time, three or more unrelated children under the age of 13 receive child care from an unrelated person in a building other than a private residence on an irregular basis where guardians participate in activities that are not employment related such as running errands or leisure activities and are otherwise easily accessible (within 15 minutes).
CLIMATE CONTROL EQUIPMENT	Heating, ventilation, air conditioning, and similar heating or cooling equipment typically located outdoors.
CLUSTER MAILBOX UNIT	A centralized grouping of individually locked and keyed mailboxes meeting the specifications of the United States Postal Service.
COFFEE SHOP	A commercial establishment engaged in the retail sale of coffee, tea, and related beverages for on-site and off-site consumption. Coffee shops may also offer a limited range of food available for on-site or off-site consumption as well as merchandise associated with home consumption of coffee or tea. A coffee shop may also include, as an accessory use, equipment and facilities to prepare coffee beans for consumption. Uses engaged solely in coffee bean processing for off-site consumption are manufacturing uses. Uses that derive the majority of their income from sales of food are restaurant uses.
COLISEUM OR ARENA	A building or structure designed or intended for use for spectator sports, entertainment events, expositions, and other public gatherings. Such uses may or may not include lighting facilities for illuminating the field or stage area, concessions, parking facilities, and maintenance areas.
COLLECTOR STREET	See "Street, Collector."
COLLEGE OR UNIVERSITY	A public or private, non-profit institution for post-secondary education offering courses in general or technical education which operates within buildings or premises on land owned or leased by the institution for administrative and faculty offices, classrooms, laboratories, chapels, auditoriums, lecture halls, libraries, student and faculty centers, athletic facilities, dormitories, fraternities and sororities, and other facilities which further the educational mission of the institution. In no event shall this definition prohibit a college or university from engaging in an activity historically conducted by such institutions.
COLLOCATION	The placement, installation, modification, or replacement of antenna and related wireless telecommunications equipment on, under, or within an existing or replacement telecommunications tower, utility pole, building, or other vertical projection.

DEFINITIONS	
COLLOCATION, MAJOR	The placement, installation, modification, or replacement of antenna and related wireless telecommunications equipment on a building's roof, on a building's wall, on a vertical projection not constructed for the provision of wireless telecommunications services, or on a telecommunications tower where the collocation requires "substantial modifications" to the telecommunications tower, as defined in this Ordinance and Section 160D-931 of the North Carolina General Statutes.
COLLOCATION, MINOR	The placement, installation, modification, or replacement of antenna and related wireless telecommunications equipment on a telecommunications tower that does not require "substantial modifications" and that meets the definition of an "eligible facility request" as defined in this Ordinance and Section 160D-931 of the North Carolina General Statutes.
COLUMN	An upright pillar, typically cylindrical and made of stone or concrete, supporting an entablature, arch, or other structure or standing alone as a monument.
COMMON LAW VESTED RIGHT	Legal doctrine that recognizes where property owners have reasonably made a substantial expenditure of money, time, labor or energy in a good faith reliance on a permit from the government, that they acquire "vested rights" or a protected right to complete the development of their land as originally begun despite any changes in the zoning on the property.
COMMON PROCEDURE	Actions undertaken by town staff or requirements of applicants that are uniformly applied to all types of development applications reviewed and decided under this UDO.
COMMUNITY CENTER	A public building to be used as a place of meeting, recreation, or social activity and not operated for profit.
COMMUNITY CHARACTER	The sum or combined effect of the attributes and assets that make the Town unique and that establish the Town "sense of place." Attributes include the resident population, local institutions, visual characteristics, natural features, and shared history.
COMMUNITY GARDEN	A private or public facility for cultivation of fruits, flowers, vegetables, or ornamental plants by more than one person.
COMMUNITY/YOUTH/SENIOR CENTER	A public building to be used as a place of meeting, recreation, or social activity and not operated for profit.
COMPLETE APPLICATION	A complete application is one that: 1. Contains all information and materials established by the Planning Director as required for submittal of the particular type of application; 2. Is in the form established by the Planning Director as required for submittal of the particular type of application; 3. Includes information in sufficient detail to evaluate the application to determine whether it complies with the appropriate review standards of this Ordinance; and 4. Is accompanied by the fee established for the particular type of application. An application is not considered as submitted until it is determined to be a complete application.

DEFINITIONS	
COMPLETION OF CONSTRUCTION OR DEVELOPMENT	Means that no further land-disturbing activity is required on a phase of a project except that which is necessary for establishing a permanent ground cover.
COMPREHENSIVE PLAN	A document, adopted by the Board of Commissioners, which dictates the town's policy in terms of transportation, utilities, land use, recreation, and housing and has been officially adopted by the governing board pursuant to G.S. 160D-501.
COMPREHENSIVE PLAN AMENDMENT	An amendment to the adopted comprehensive plan, including the future land use map.
COMPUTER-RELATED SERVICES	A commercial establishment engaged in diagnosis and repair of personal computers and associated peripherals, including printers, network equipment, monitors, and related equipment. Such uses may also procure replacement parts and construct computer components or systems for clients. Limited sale of new or reconstructed computers and computer equipment is an accessory use. Manufacture or assembly of computer systems on an industrial scale or for resale to members of the general public is a light manufacturing use.
CONDITION OF APPROVAL	A limitation or stipulation on the range of allowable uses, density, intensity, configuration, or operational parameters of new development or redevelopment. A condition may be proposed by an applicant, a staff member, or a review authority that must be accepted by an applicant and the town to become binding.
CONDITIONAL ZONING DISTRICT	A type of zoning district subject to one or more conditions included as part of the legislative approval by the Board of Commissioners that establishes the conditional zoning district.
CONDOMINIUM	A development containing individually owned dwelling units and jointly owned and shared areas and facilities that is subject to the North Carolina Unit Ownership Act (North Carolina General Statutes Section Ch. 47A) and/or the North Carolina Condominium Act (North Carolina General Statutes Section Ch. 47C).
CONE OF ILLUMINATION	The detectable spread of illumination from a source of exterior lighting.
CONFERENCE OR CONVENTION CENTER	A building or group of buildings designed for meetings, lectures, or conferences often consisting of a large hall as well as a number of smaller lecture rooms and related facilities including catering, parking, and storage.
CONICAL SURFACES	As used in the Airport Height Overlay (AHO) District standards, a surface extending outward and upward from the periphery of the horizontal surface at a slope of 20 to 1 for a horizontal distance of 4,000 feet.
CONSERVATION AND DEVELOPMENT AREA	The two portions of a conservation subdivision. The conservation area is the portion of the land protected from development and the development area is the portion of the subdivision utilized for development purposes. Agricultural activities may take place in either or both portions.
CONSERVATION SUBDIVISION	The division of a tract of land into two or more lots, building sites, or other divisions along with additional land area set aside as open space for conservation and/or recreation purposes in accordance with Section 6.2, Conservation Subdivision.

DEFINITIONS	
CONSTRUCTION	The erection of any building, structure, on-site improvement, or any preparations (including land disturbing activities) for the same, regardless whether the site is presently improved, unimproved or hereafter becomes unimproved by "demolition," destruction of the improvements located thereon by fire, windstorm or other casualty.
CONSTRUCTION DRAWINGS	Technical diagrams, drawn to scale, depicting the placement and configuration of buildings, structures, site features, and infrastructure.
CONSTRUCTION-RELATED USE	A building or structure in place on a temporary basis to aid in the completion of a construction project. Such uses can include mobile offices, storage containers, fencing, or equipment storage.
CONTAINERIZED STOCK	Trees or other vegetation delivered for planting or establishment in individual or group containers.
CONTIGUOUS	See "Abutting."
CONTINUANCE	The adjournment or postponement of review or a decision on an application for development approval to a specified future date.
CONTINUING CARE RETIREMENT CENTER	A retirement community configured as a single unified campus that includes independent living dwellings, assisted living facilities, and skilled nursing facilities that are owned and operated by a private company that provides a continuum of care to residents of the community. It may include on-site dining, medical care, and recreation and social facilities in addition to guest lodging and employee housing.
CONTRACT PURCHASER	A person who has entered into a contract with another party to purchase real property, but who has not yet settled on the purchase.
CONTRACTOR SERVICES/YARD	Offices for building, heating, plumbing, or electrical contractors, and related storage facilities.
CONVENIENCE STORE (NO GASOLINE SALES)	A retail establishment which offers for sale, primarily, the following types of articles: bread, milk, cheese, canned and bottled foods and drinks, tobacco products, beer, wine, candy, papers and magazines, and general hardware articles. Fast food may also be offered for sale but only as a secondary activity of a convenience store and subject to the standards of this Ordinance. If vehicular maintenance and service are provided, the establishment is not classified as a convenience store.
CONVENIENCE STORE (WITH GASOLINE SALES)	A retail establishment which offers for sale, primarily, the following types of articles: bread, milk, cheese, canned and bottled foods and drinks, tobacco products, beer, wine, candy, papers and magazines, and general hardware articles. Gasoline and/or fast food may also be offered for sale but only as a secondary activity of a convenience store and subject to the standards of this Ordinance. If vehicular maintenance and service are provided, the establishment is not classified as a convenience store.
COPING	A finishing or protective course of masonry or cap of metal located at the top of a brick, stone, or masonry wall.
CORNICE	Any horizontal member, structural or nonstructural, of any building, projecting outward from the exterior walls at the roof line, including eaves and other roof overhang.
CORPORATE LIMITS	The legal name that refers to the boundaries of a municipal corporation.

DEFINITIONS	
CORRECTIONAL FACILITY	Publicly or privately operated facilities housing persons awaiting trial or persons serving a sentence after being found guilty of a criminal offense. Such uses may include cafeterias, housing for facility staff, outdoor storage and maintenance areas, recreational areas, agricultural facilities, and facilities for the production of goods or materials produced for sale.
COUNTY	Wake County, North Carolina.
COURT-ORDERED SUBDIVISION	The division of land between two or more parties as ordered as part of a settlement imposed by the judicial system.
COURTYARD	An open, unoccupied space, other than a required yard, on the same lot as a building and bounded on two or more sides by a building on the same lot.
COVENANT	A binding written agreement between two or more private parties regarding the use, occupancy, or configuration of development that runs with the land.
CO-WORKING SPACE	A land use that serves as a shared workspace for employees of different organizations. Co-working spaces consist of private, self-contained offices as well as shared or common office workspaces available for rent by more than one individual. Co-working spaces may include shared administrative staff, document production, presentation equipment, storage, kitchens, or private meeting rooms.
CREMATORIUM	
CRITICAL AREA	See "Watershed Critical Area."
CUL-DE-SAC STREET	See "Street, Cul-de-Sac."
CULTURAL FACILITY, LIBRARY, OR MUSEUM	Establishments such as zoological gardens, conservatories, planetariums, or other similar uses of an historic, educational, or cultural interest, which are not operated for profit.
CUPOLA	A domelike structure on top of a roof or dome, often used as a lookout or to admit light and air.
CURB	A constructed element used to stabilize paving, gutter, planting areas, or sidewalks.
CURVILINEAR WALL FEATURE	A portion of a building's exterior wall that is curved or arced relative to the primary wall plane.
D	
DAM	A barrier, whether constructed or natural that holds back water.
DEAD-END STREET	See "Street, Dead-End."
DECK	A structure, without a roof, directly adjacent to a principal building which has an average elevation above finished grade.
DECORATIVE GLASS	Glass located on an exterior wall of a building that may be transparent, semi-transparent, or opaque.
DEDICATION	The act of giving, donating, or dedicating land or infrastructure improvements to a unit of government for their operation and maintenance.
DEED RESTRICTION	A written private agreement that restricts the use, occupancy, or configuration placed upon the title of real estate often by the developer.
DEMOLITION	Complete or constructive removal of a building or portion of a building on any site.

DEFINITIONS	
DESIGN FLOOD	See "Regulatory Flood Protection Elevation."
DESIGNEE	A person selected or designated to carry out a duty or role.
DEVELOPER	A person, including a governmental agency or redevelopment authority, who undertakes any development and who is the landowner of the property to be developed or who has been authorized by the landowner to undertake development on that property.
DEVELOPMENT	Any man-made change to improved or unimproved real estate, including any of the following: a. The construction, erection, alteration, enlargement, renovation, substantial repair, movement to another site, or demolition of any structure. b. The excavation, grading, filling, clearing, or alteration of land. c. The subdivision of land as defined in G.S. 160D-802. d. The initiation or substantial change in the use of land or the intensity of use of land. For the purposes of Section 3.8.2, Flood Hazard Overlay (FHO) District: (a) Any manmade change to improved or unimproved real estate, including, but not limited to, the construction, erection, structural alteration, enlargement, or rehabilitation of any buildings or other structures, including farm buildings, mining, dredging, filling, grading, paving, excavation or drilling operations, or storage of equipment or materials, clearing of vegetation; and any use or change in use of any structures or land. (b) Development shall also include any land disturbing activity on improved or unimproved real estate that changes the amount of impervious or partially impervious surfaces on a parcel, or that otherwise decreases the natural infiltration of precipitation into the soil.
DEVELOPMENT ACTIVITY	For the purposes of Section 3.8.2, Flood Overlay (FHO) District, any activity defined as Development which will necessitate a Floodplain Development Permit. This includes buildings, structures, and non-structural items, including (but not limited to) fill, bulkheads, piers, pools, docks, landings, ramps, and erosion control/stabilization measures.
DEVELOPMENT AGREEMENT	A written agreement between the town and a developer or applicant that sets down the rights and responsibilities of each party as pertaining to a single development.

DEFINITIONS	
DEVELOPMENT APPROVAL	An administrative or quasi-judicial approval made pursuant to G.S. 160D and UDO Article 2 that is written and that is required prior to commencing development or undertaking a specific activity, project, or development proposal. Development approvals include, but are not limited to, zoning permits, site plan approvals, special use permits, variances, and certificates of appropriateness. The term also includes all other regulatory approvals required by regulations adopted pursuant to this G.S. 160D and any Town Ordinanceincluding plat approvals, permits issued, development agreements entered into, and building permits issued.
DEVELOPMENT ENTRY POINT	A vehicular access point providing ingress or egress to an individual neighborhood or development.
DIAMETER AT BREAST HEIGHT (DBH)	Measurement for determining the size of existing trees to be credited towards landscaping requirements or for violations of this Ordinance. DBH is the measurement of the diameter of an existing tree trunk taken at a height of 4 ½ feet above the ground. Trees with multiple trunks should be treated as multiple trees and the DBH for each trunk added to aggregate diameter measurement.
DIFFUSE FLOW	Water flowing in a thin layer over the ground surface without, and at relatively uniform velocities so as not to create an identifiable channel through erosion.
DIGITAL FLOOD INSURANCE RATE MAP (DFIRM)	The digital official map of a community, issued by the Federal Emergency Management Agency (FEMA), on which both the Special Flood Hazard Areas and the risk premium zones applicable to the community are delineated.
DISPOSAL	For the purposes of the FHO, , as defined in NCGS 130A-290(a)(6), the discharge, deposit, injection, dumping, spilling, leaking, or placing of any solid waste into or on any land or water so that the solid waste or any constituent part of the solid waste may enter the environment or be emitted into the air or discharged into any waters, including groundwaters.
DISTRIBUTED ANTENNA SYSTEM (DAS) NODE	Wireless telecommunications equipment that includes one or more antennas mounted on a support structure (such as a utility pole, building, or other vertical projection) which is connected via cable or wirelessly to an equipment cabinet on site that is joined via cable to the internet and/or other communication network. Applications for the establishment of a DAS node are reviewed and decided in accordance with the procedures for establishment of a small wireless facility.
DITCH (OR CANAL)	As used in the riparian buffer standards, a man-made channel other than a modified natural stream constructed for drainage purposes that is typically dug through inter-stream divide areas. A ditch or canal may have flows that are perennial, intermittent, or ephemeral and may exhibit hydrological and biological characteristics similar to perennial or intermittent streams.
DORMER WINDOW	A window that projects vertically from a sloping roof.
DOUBLE FRONTAGE LOT	See "Lot, Double Frontage."

DEFINITIONS	
DRIVE AISLE	A vehicular accessway within a surface parking lot or a parking structure.
DRIVE THROUGH	A facility designed to enable a person to transact business while remaining in a motor vehicle.
DRIVEWAY	The portion of the vehicle accommodation area that consists of a travel lane bounded on either side by an area that is not a part of the vehicle accommodation.
DRIVEWAY MEDIAN	A constructed device, whether raised or lowered from grade level, located within a driveway or drive aisle that is used to control traffic direction or limit turning movements.
DROUGHT TOLERANT TREE	See "Tree, Drought Tolerant."
DRUG/ALCOHOL TREATMENT FACILITY	Inpatient facility which provides care for persons with drug and/or alcohol dependency problems and which may include outpatient follow-up care to the facility's patients.
DUPLEX DWELLING	A single detached dwelling on one lot that contains two dwelling units. The units may be located side by side in a horizontal configuration or stacked one above the other in a vertical configuration, sharing common vertical walls or horizontal floors and ceilings.
DWELLING	Any building, structure, manufactured home, or mobilehome, or part thereof, used and occupied for human habitation or intended to be so used, and includes any outhouses and appurtenances belonging thereto or usually enjoyed therewith. Dwelling shall not include any manufactured home, mobile home, or recreational vehicle, ifused solely for a seasonal vacation purpose.
DWELLING UNIT	One or more rooms arranged for the use of one or more individuals living together as a single housekeeping unit with cooking, living, sanitary, and sleeping facilities.
E	
EASEMENT	The right to use or occupy the real property of another owner for a specifically identified purpose. An easement is a recognized interest in real property, but legal title to the underlying land is retained by the owner granting the easement.
EAVE	The projecting lower edges of a roof that overhangs the wall of a building.
EGRESS	An exit from a building or site.
ELECTRIC VEHICLE CHARGING STATION	An off-street parking space that is served by an electrical component assembly or cluster of component assemblies (battery charging station) designed and intended to transfer electric energy, by conductive or inductive means, from the electric grid or other off-board electrical source to a battery or other energy storage device within an electric vehicle.
ELECTRICAL OR PLUMBING FABRICATION	A industrial establishment operated by a contractor, supplier, or distributor engaged in the fabrication and assembly of plumbing fixtures, electrical fixtures, HVAC ducting and equipment, fireplaces, or similar household or commercial features for off-site installation.
ELECTRONIC MESSAGE BOARD	See Table 5.11.9, Sign Standards by Sign Type.

DEFINITIONS	
ELEVATED BUILDING	A building without a basement that has its lowest elevated floor raised above ground level by foundation walls, shear walls, posts, piers, pilings, or columns.
ELEVATION/ FLOODPROOFING CERTIFICATE	A document identifying the base flood elevation in feet above mean sea level of the lowest habitable floor of a building located within a special flood hazard area.
ELIGIBLE FACILITY REQUEST	An application for the installation of new or replacement antennas and related wireless telecommunications equipment on an existing telecommunications tower. An eligible facilities request may include increasing the height and/or replacement of an existing telecommunications tower but shall not include any activities that constitute a "substantial modification" as defined in this Ordinance and Section 160D-931 of the North Carolina General Statutes. Eligible facility requests are reviewed and decided in accordance with the procedures for a minor collocation.
EMS STATION	A facility housing emergency medical service personnel and equipment intended for provision of out-of-hospital acute medical care, transport to definitive care, and other medical transport to patients with illnesses and injuries which prevent the patient from transporting themselves. Such uses may also including living quarters for EMS personnel, emergency operations centers, storage, and vehicle maintenance facilities.
ENCROACHMENT	The location of a building, structure, or portion of a building or structure in an open space, setback, yard, or other area typically required to remain free of buildings or structures. In flood prone areas, an encroachment is the advance or infringement of uses, fill excavation, buildings, permanent structures or development into a floodplain, which may impede or alter the flow capacity of a floodplain.
ENTABLATURE	A horizontal, continuous lintel on a classical building supported by columns or a wall, comprising the architrave, frieze, and cornice.
ENTRANCE, PRIMARY	See "Primary Entrance."
EQUIPMENT AND TOOL RENTAL	A commercial establishment that offers, for rent, a variety of hand tools, electric tools, outdoor equipment, articles for parties such as tables, chairs, and tents. Incidental sales of related equipment may be permitted as an accessory use. Such uses include on-site repair and maintenance facilities for rental equipment owned by the establishment. Repair of items owned by others is a repair service use.
EQUIPMENT CABINET	For the purposes of the standards in Section 4.3.4.S, Wireless Telecommunication Facilities, a non-habitable structure, such as a box, enclosure, vault, shelter, or pedestal, typically located above ground, that contains radios, computers, or other equipment necessary for the transmission or reception of wireless telecommunication signals.

DEFINITIONS	
EQUIPMENT COMPOUND	For the purposes of the standards in Section 4.3.4.S, Wireless Telecommunication Facilities, an area containing wireless telecommunications equipment serving antennas on a nearby telecommunications tower, utility pole, building, or other vertical projection. An equipment compound is commonly fenced or surrounding by walls that limit access to members of the general public. Nothing shall limit an equipment compound from being located within a building, on the roof of a building, or underground.
EROSION	The wearing away of land surface by the action of wind, water, gravity, or any combination thereof.
EROSION CONTROL MEASURE	A device which controls the soil material within the land area under responsible control of the person conducting a land-disturbing activity.
EROSION CONTROL PERMIT	A permit associated with land-disturbing activity that approves certain actions designed to inhibit erosion or limit accumulation of sediment in streams or on other lands outside the area of disturbance.
ESTABLISHED GRADE	See "Grade, Established."
EVENT VENUE	A commercial establishment and associated grounds engaged in the hosting and production of pre-planned events like weddings, corporate parties, or reunions. Typical accessory uses include kitchens or meal preparation space, limited overnight accommodations, photography studios, facilities to accommodate live or recorded music, on- and off-site parking, and outdoor recreation facilities.
EVERGREEN TREE	See "Tree, Evergreen."
EXEMPTION	A use, site feature, or development condition that is exempted authorized to deviate from otherwise applicable requirements
EXISTING BUILDING AND EXISTING STRUCTURE	Means any building and/or structure for which the "start of construction" commenced before January 1, 2020, the initial effective date of the floodplain management regulations adopted by the community.

DEFINITIONS

	Means development, other than that associated with agricultural or forest management activities that meets one of the following criteria: 1. It either is built or has established a vested right based on statutory or common law, for projects that do not require a state permit, as of the effective date of either local new development stormwater programs implemented under Rule 15A NCAC 2B .0265 (Jordan Water Supply Nutrient Strategy: Stormwater Management for New Development) or, for projects requiring a state permit, as of the applicable compliance date established in Rule 15A NCAC 2B .0271 (Jordan Water Supply Nutrient Strategy: Stormwater Management for New Development), Items (5) and (6); or 2. It occurs after the compliance date set out in Sub-Item (4) (d) of Rule .0265 (Jordan Water Supply Nutrient Strategy: Stormwater Management for New Development) but does not result in a net increase in built-upon area.
EXISTING DEVELOPMENT	For the purposes of Section 3.8.2, Flood Hazard Overlay (FHO) District: Those projects that are built or the projects that at a minimum have established a vested right under North Carolina zoning law as of the effective date of the Flood Protection Overlay District or such earlier time that an affected local government's management plans and ordinance shall specify, based on at least one of the following criteria: (a) Substantial expenditures of resources (time, labor, money) based on a good faith reliance upon having received a valid approval from the Town of Zebulon to proceed with the project; or upon having an approved preliminary plat or planned development; or (b) Having an outstanding valid building permit as authorized by G.S. §§ 153A-344.1 and 153A-344.1(f)(3); or (c) Having an outstanding zoning compliance permit as authorized by G.S. §§ 153A-344.1 and 153A-344.1(f)(3) and/or meeting the requirements for establishing a zoning vested right.
EXISTING MANUFACTURED HOME PARK OR MANUFACTURED HOME SUBDIVISION	For the purposes of Section 3.8.2, Flood Hazard Overlay (FHO) District: A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of this part.
EXISTING TREE(S)	Trees or other woody vegetation that exist and are retained on a development site.
EXPANSION	An increase in the floor area of an existing structure or building, or the increase of area of a use.
EXPANSION TO AN EXISTING MANUFACTURED HOME PARK OR SUBDIVISION	For the purposes of Section 3.8.2, Flood Hazard Overlay (FHO) District: The preparation of the additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete slabs).

DEFINITIONS	
EX-PARTE COMMUNICATION	Any communication between a member of a decision-making body involved in a development application and another person involved in a development application that is made without the presence or knowledge of the other members of the same decision-making body.
EXPEDITED SUBDIVISION	A subdivision of three or fewer lots comprised of more than five acres in accordance with Section 160D-802 of the North Carolina General Statutes.
EXTERIOR ARCHITECTURAL FEATURES	Includes the architectural style, general design, and general arrangement of the exterior of a building or other structure, including the color, the kind, and texture of the building material; the size and scale of the building; and the type and style of all windows, doors, light fixtures, signs, and other appurtenant fixtures. In the case of outdoor advertising signs, "exterior architectural features" shall be construed to mean the style, material, size, and location of all such signs. Such "exterior features" shall include historic signs, color, and significant landscape, archaeological and natural features of the area.
EXTERIOR LIGHTING	Illumination of a building, parking lot, or site feature.
EXTRA TERRITORIAL JURISDICTION	The land area located outside the corporate limits of a municipality, but still subject to the planning and zoning laws associated with Zebulon, North Carolina.
EXTRACTIVE INDUSTRY	A use involving on-site extraction of surface or subsurface mineral products or natural resources. Typical uses are quarries, borrow pits, sand and gravel operations, mining, hydraulic fracturing, and similar activities. Specifically excluded from this use is grading and removal of dirt associated with an approved site plan or subdivision or excavations associated with, and for the improvement of, a bona fide agricultural use.
EYEBROW WINDOW	A low dormer window with no sides located on the slope of a roof where the roofing material is carried over the top of the window without interruption.
F	
FACADE	See "Building Façade."
FAÇADE, FRONT	The exterior façade of a building where the primary or front entrance is located. Typically the front façade faces the street from which the building derives its street address.
FAÇADE, REAR	The exterior façade of a building that is opposite the front façade.
FAÇADE, SIDE	The exterior façade of a building perpendicular to the front façade.
FAIRGROUNDS	A public or private use comprised of open areas and permanent and/or temporary buildings where fairs, carnivals, circuses, or other exhibitions are held. Such uses may include other occasional or incidental activities such as expositions, farmer's markets, informal flea markets, and demonstrations.
FALSE (OR OPAQUE) WINDOWS	An exterior building material provided to replace or approximate a window.

DEFINITIONS	
FAMILY	One or more persons related by blood, adoption or marriage living and cooking together as a single housekeeping unit exclusive of household servants. The number of persons, but not exceeding two living and cooking together as a single housekeeping unit though not related by blood, adoption or marriage, shall be deemed to constitute a family.
FAMILY CARE HOME	A home with support and supervisory personnel that provides room and board, personal care, and habilitation services in a family environment for not more than six resident handicapped persons. Handicapped person means 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 Section 122-58.2(1)b North Carolina General Statutes.
FAMILY HEALTH CARE STRUCTURE	A transportable residential structure that is primarily assembled at a location other than its site of installation and provides an environment facilitating a caregiver's provision of care for a mentally or physically impaired person.
FARMER'S MARKET	A principal use which includes the sale of horticulture or agriculture products, including nursery stock, perennial, annuals, bulbs, mulch, compost, dried flowers, Christmas trees and greens, fresh produce, honey, cider, and similar agriculture products.
FASCIA	A fascia is a board or other exterior material provided at the edge of a building where the roof meets the exterior wall. When gutters are provided, they are typically mounted to the fascia.
FEE	An amount charged in accordance with the regularly adopted fee schedule of the town.
FEE IN-LIEU	Monetary compensation offered by a landowner or applicant as an alternative to provision of some other required site or development feature.
FENCE OR WALL	A physical barrier or enclosure consisting of wood, stone, brick, block, wire, metal, or similar material used as a boundary or means of protection, retention, or confinement, but not including a hedge or vegetation.
FENESTRATION	The arrangement of windows and doors on a building's façade.
FINAL PLAT	A plan or drawing recorded in the office of the register of deeds that identifies the metes and bounds as well as all applicable conditions applied to a lot or group of lots that have been subdivided.
FINANCIAL GUARANTEE	See "performance Guarantee."
FINANCIAL SERVICES ESTABLISHMENT	An establishment that provides retail banking services, mortgage lending, or similar financial services to individuals and businesses. Financial institutions include those establishments engaged in the on-site circulation of cash money and check-cashing facilities, but shall not include bail bond brokers. Financial services may also provide automated teller machines (ATM) services, located within a fully enclosed space or building, or along an exterior building wall intended to serve walk-up customers only. Financial services may include drive-through facilities.

DEFINITIONS	
FINE	A sum of money imposed on a violator as punishment for violation of law.
FINISHED SIDE OF FENCE	The side of a fence configured for the best possible appearance that does not include structural supports or exterior materials with imperfections.
FINS	A decorative or structural device consisting of a series of narrow vertical projections or ribs along a building's façade that provide screening to windows or that conceal structural supports that provide rigidity to the walls or support the roof.
FIRE HYDRANT	A connection point to a public water supply system used by firefighters to access water as a part of fire suppression.
FIRE LANE	A lane or designated area in a parking lot or on a street that is reserved for firefighting equipment or staging of people during a fire and is not intended for the parking of vehicles or storage.
FIRE PROTECTION SYSTEM	A fire hydrant, water storage tank, or connection to a building's sprinkler system, typically referred to as a standpipe, all used for the purposes of providing water for fire suppression.
FIRE/EMS/POLICE STATION	A facility that serves as the base of operations for a fire company, police precinct, sheriff's office, or emergency medical technician operation. Such facilities may also include living quarters for personnel, equipment storage, and vehicular maintenance areas.
FLAG	See Table 5.11.9, Sign Standards by Sign Type.
FLAG LOT	See "Lot, Flag."
FLAGPOLE	A freestanding structure or structure attached to the wall or roof of a building that is used to display flags.
FLEA MARKET	A market held in an open area or structure where individual sellers offer goods for sale to the public. Such sellers may set up temporary stalls or tables for the sale of their products. Such sales may involve new and/or used items and may include the sale of fruits, vegetables, and other edible items. A farmer's market, where food items predominate, is different than a flea market. This also differs from a garage sale or yard sale that is conducted on a residentially developed lot by members of a household, or civic groups selling primarily donated items.
FLEX SPACE	Buildings designed to accommodate a combination of offices (e.g. service establishments and contractor's offices), wholesale establishments, warehousing/distribution, industrial services, and light manufacturing, with the exact proportions of each use being subject to user needs over time. Such uses are treated as principal uses and subject to the standards and limitations applicable to such uses—e.g., parking, and are included in the total gross floor area if located on the same lot.
FLOOD BARRIERS	Any manmade feature, structure, or system that has the effect of interfering with or redirecting the natural down-gradient flow of storm or flood water. Flood Barriers include dams and levees, artificial channels and concrete banks or enclosures, culverts, and curb and gutter drainage systems.
FLOOD HAZARD BOUNDARY MAP (FHBM)	An official map of a community, issued by the Federal Emergency Management Agency, where the boundaries of the areas of special flood hazard have been defined as Zone A.

DEFINITIONS	
FLOOD INSURANCE	The insurance coverage provided under the National Flood Insurance Program.
FLOOD INSURANCE RATE MAP (FIRM)	An official map of a community, on which the Federal Emergency Management Agency has delineated both the areas of special flood hazard and the risk premium zones applicable to the community.
FLOOD INSURANCE STUDY (FIS)	The official report provided by the Federal Emergency Management Agency. The report contains flood profiles, as well as the flood boundary floodway map and the water surface elevation of the base flood.
FLOOD OR FLOODING	A general and temporary condition of partial or complete inundation of normally dry land areas from the overflow of inland waters or the unusual and rapid accumulation of runoff of surface waters from any source. For the purposes of Section 3.8.2, Flood Hazard Overlay (FHO) District: A general and temporary condition of partial or complete inundation of normally dry land areas from: (a) The overflow of inland or tidal water; and (b) The unusual and rapid accumulation of runoff of surface waters from any source.

DEFINITIONS

FLOOD PROTECTION AREAS	(a) Flood Protection Areas are divided into two categories: 1. Flood Protection Zone 1; and 2. Flood Protection Zone 2, as described below. (b) 1. Flood Protection Zone 1 Zone 1 is the full extent of the FEMA 100-year floodplain as determined by the U.S. Army Corps of Engineers, North Carolina Division of Water Quality, or USGS 7.5-minute topography maps and shall remain undisturbed. Flood Protection Zone 1 is the most dynamic and hazardous zone, carrying debris and other projectiles during times of flooding. No new development is permitted within Flood Protection Zone 1 except for stream bank or shoreline restoration or stabilization, water dependent structures, and public or private projects such as road crossings and installations, utility crossings and installations, and greenways, where no practical alternatives exist. Flood Protection Zone 1 shall remain undisturbed in its entirety except for exempted activities described herein. 2. Flood Protection Zone 2 Zone 2 shall be a minimum of 50 feet landward of all sides of perennial and intermittent surface waters, streams, lakes, and ponds as determined by the U.S. Army Corps of Engineers, North Carolina Division of Water Quality, or USGS 7.5-minute topography maps and shall remain undisturbed. A surface water shall be determined present if the feature is approximately shown on either the most recent version of the soil survey map prepared by the Natural Resources Conservation Service of the United States Department of Agriculture (USDA) or the most recent version of the 1:24,000 scale (7.5 minute) quadrangle topographic maps prepared by the United States Geologic Survey (USGS). An exception to this requirement may be allowed when surface waters are not present in accordance with the provisions of I5A NCAC 2B .0233(3)(a) or similar site-specific determination made using division-approved methodology. Disturbance of existing vegetation shall be minimized to the greatest extent possible except for the installation of artificial stream bank or shoreline stabilization, water dependent structures and public or private projects such as utility service lines, road crossings or greenways where no practical alternatives exists. No new impervious surface or regular maintenance (e.g., mowing) of vegetation can occur in Zone 2.
FLOOD ZONE	A geographical area on the Flood Hazard Boundary Map or Flood Insurance Rate Map that reflects the severity or type of flooding in the area.

DEFINITIONS	
FLOOD-RESISTANT MATERIAL	Any building product [material, component or system] capable of withstanding direct and prolonged contact (minimum 72 hours) with floodwaters without sustaining damage that requires more than low-cost cosmetic repair. Any material that is water-soluble or is not resistant to alkali or acid in water, including normal adhesives for above-grade use, is not flood-resistant. Pressure-treated lumber or naturally decay-resistant lumbers are acceptable flooring materials. Sheet-type flooring coverings that restrict evaporation from below and materials that are impervious, but dimensionally unstable are not acceptable. Materials that absorb or retain water excessively after submergence are not flood-resistant. Please refer to Technical Bulletin 2, *Flood Damage-Resistant Materials Requirements*, and available from the FEMA. Class 4 and 5 materials, referenced therein, are acceptable flood-resistant materials.
FLOODPLAIN	Any land area susceptible to being inundated by water from any source in response to precipitation events.
FLOODPLAIN ADMINISTRATOR	The individual appointed to administer and enforce the floodplain management regulations.
FLOODPLAIN DEVELOPMENT PERMIT	A permit that is required, in conformance with the provisions of this Ordinance, prior to the commencement of any development activity in a floodplain.
FLOODPROOFING	Any combination of structural and nonstructural additions, changes, or adjustments to structures, which reduce or eliminate flood damage to real estate or improved real property, water and sanitation facilities, structures, and their contents.
FLOODWAY	The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot
FLOODWAY ENCROACHMENT ANALYSIS	An engineering analysis of the impact that a proposed encroachment into a floodway or non-encroachment area is expected to have on the floodway boundaries and flood levels during the occurrence of the base flood discharge. The evaluation shall be prepared by a qualified North Carolina licensed engineer using standard engineering methods and models.
FLOOR	For the purposes of Section 3.8.2, Flood Hazard Overlay (FHO) District: The top surface of an enclosed area in a building (including basement), i.e., top of slab in concrete slab construction or top of wood flooring in wood frame construction. The term does not include the floor of a garage used solely for parking vehicles.
FOOTCANDLE	A unit of measure of the intensity of light falling on a surface. It is often defined as the amount of illumination the inside surface of a one-foot-radius sphere would be receiving if there were a uniform point source of one candela in the exact center of the sphere. One footcandle is equal to one lumen per square foot.
FOOTPRINT	See "Building Footprint."
FORESTRY ACTIVITY	An activity related to plating, maintaining, or removing trees as part of a forestry management plan or bona fide farming activity.

DEFINITIONS	
FRATERNAL CLUB OR LODGE	A building and related facilities owned and operated by a corporation, association, or group of individuals established for fraternal, social, educational, recreational, or cultural enrichment of its members and primarily not for profit, and whose members meet certain prescribed qualifications for membership and pay dues.
FREEBOARD	The additional amount of height added to the Base Flood Elevation (BFE) to account for uncertainties in the determination of flood elevations. The freeboard requirement plus the Base Flood Elevation equals the Regulatory Flood Protection Elevation.
FRONT FAÇADE	See "Façade, Front."
FRONTAGE STREET	See "Street, Frontage."
FUEL OIL/BOTTLED GAS DISTRIBUTOR	An establishment that stores and distributes fuel oil or bottled gases such as propane, oxygen, or liquid petroleum in bulk quantities for wholesale sale or distribution to retail outlets or end consumers at the point of use. A use engaged in sale of automobile fuel is a retail use.
FUNCTIONALLY DEPENDENT FACILITY	A facility which cannot be used for its intended purpose unless it is located or carried out in close proximity to water, such as a docking or port facility necessary for the loading and unloading of cargo or passengers, shipbuilding, ship repair or seafood processing facilities. The term does not include long-term storage, manufacture, sales or service facilities.
FUNERAL-RELATED SERVICES	A commercial establishment engaged in the provision of services related to funeral services for humans or pets. Such uses may provide embalming, cremation, and memorial services. Chapels and storage areas are accessory uses. Uses for the interment of human or animal remains are park and open space uses.
G	
GABLE	A triangular area of an exterior wall formed by two sloping roofs
GALLERY	A balcony or platform on an upper floor that projects from the primary wall plane of the building that is open underneath.
GAMES OF SKILL	A commercial establishment providing patrons with the opportunity to compete against others for cash or other prizes in games where the outcome is based on skill, not chance.
GARAGE OR YARD SALE	A sale conducted by an occupant of a residence alone or in cooperation with neighbors conducted for the purpose of selling surplus household items for profit or for charitable purposes. Such sales are usually conducted from a garage associated with the residence or from the yard of the residence. Garage or yard sales may be distinguished from flea markets by the number of days of sale.
GAS ENERGY CONVERSION	An industrial use engaged in the conversion of the heat or gaseous emissions from the decomposition of organic matter into fuel, chemicals, and/or electricity for off-site use.
GATEWAY CORRIDOR	A portion of a street corridor and the lots that front it as designated in the Town's adopted policy guidance where additional design or development standards are applied. Typically gateway corridor areas are designated as overlay zoning districts.

DEFINITIONS	
GATHERING AREA (OR PLACE)	A formal or informal area intended for or used by the general public to gather or congregate together for interaction or recreation.
GENERAL ASSEMBLY	The General Assembly for the State of North Carolina. Also referred to as the Legislature.
GENERAL INDUSTRIAL SERVICES	Establishments engaged in the repair or servicing of agriculture, industrial, business, or consumer machinery, equipment, products, or by-products, including machine shops; tool repair; electric motor repair; repair of scientific or professional instruments; laundry, dry-cleaning, and carpet cleaning plants; film processing; and general industrial service uses. Firms that provide these services do so by mainly providing centralized services for separate retail outlets. Few customers, especially the general public, come to the site.
GENERAL STATUTES	A general statute is a written law passed the General Assembly that sets forth general propositions of law that courts apply to specific situations.
GENERAL ZONING DISTRICT	A designation or classification applied to certain lots or tracts as shown on the Official Zoning Map. General zoning districts specify the broad range of allowable land use types permitted on lots or tracts within the particular district. The general zoning district standards also specify the applicable dimensional requirements for lots and buildings as well as any unique provisions that apply to solely lands in the particular district.
GLARE	The effect produced within the visual field by a high intensity or insufficiently shielded light source that is significantly brighter than the level to which the eyes are adapted, causing annoyance, discomfort, or loss of visual performance or visibility of objects.
GLAZING	The portion of an exterior building surface occupied by glass or windows.
GOLF COURSE	A tract of land laid out with at least nine holes for playing the game of golf and improved with tees, greens, fairways, and hazards. A golf course, may include a clubhouse (with or without eating facilities), shelters, a driving range, putting green, maintenance facilities, an irrigation system, and outdoor storage of materials and equipment.
GOLF DRIVING RANGE	A commercial establishment used by persons practicing their golf swing or putting capability. A driving range is an area on which golf players do not walk, but onto which they drive golf balls from a common driving tee. A driving range may also include a putting green.
GOOD CAUSE	Legally adequate or substantial grounds or reason to take a certain action based upon the circumstances of each individual case.
GOVERNMENT MAINTENANCE, STORAGE, DISTRIBUTION	A facility housing government shops, maintenance and repair centers, equipment, and outdoor storage yards.
GOVERNMENT OFFICE	An office of a governmental agency that provides administrative and/or direct services to the public, such as, but not limited to, employment offices, public assistance offices, or motor vehicle licensing and registration services.
GRADE, ESTABLISHED	The ground elevation at a specific point on a site after completion of development activity or prior to development activity on a vacant site.

DEFINITIONS	
GRADING	Excavating, filling (including hydraulic fill) or stockpiling of earth material, or any combination thereof, including the land in its excavated or filled condition.
GRADING	Excavating, filling (including hydraulic fill) or stockpiling of earth material, or any combination thereof, including the land in its excavated or filled condition.
GRATE	Metal, wood, or plastic configured to cover or obscure an opening in a wall, roof, or the ground.
GREEN ROOF	The roof of a building that is partially or completely covered with vegetation and a growing medium, planted over a waterproofing membrane. It may also include additional layers such as a root barrier and drainage and irrigation systems.
GREEN WALL	See "Wall, Green."
GREENWAY	Public open space under the control and maintenance of the Town which has been designated on an officially adopted greenway or open space plan and developed in accordance with the adopted greenway or open space plan.
GREENWAY/ HIKING TRAILS	A strip or corridor of undeveloped land set aside for recreational use or environmental protection that includes an improved trail or walking/bicycle facility. For the purposes of the riparian buffer standards, pedestrian trails constructed of pervious or impervious surfaces and related structures including but not limited to boardwalks, steps, rails, and signage, and that generally run parallel to the shoreline.
GROCERY STORE	An establishment engaged in retail and/or wholesale sale of food, foodstuffs, sundries, or other common household items to members of the public.
GROSS FLOOR AREA	See Section 9.3.7, Gross Floor Area (GFA).
GROUND COVER	Low growing plants such as grasses, ivy, creeping bushes and similar decorative plantings as well as mulch, pinestraw, or other similar materials used to cover the ground within required landscaping areas.
GROUND-BASED MECHANICAL EQUIPMENT	Utility or other equipment of a mechanical nature that is mounted on or below grade on the site it serves.
GROUP HOME	A residential facility (such as an orphanage, shelter, crisis center) with support and supervisory personnel that provides temporary room and board, housekeeping, personal care, or rehabilitation services for those needing emergency or post-incarceration services (but not including those with mental illness who are dangerous to themselves or others).
GYMNASIUM/FITNESS CENTER	A facility where members or nonmembers use equipment or space for the purpose of physical exercise. Such uses may include indoor swimming pools, athletic courts, tracks, or other similar features. Retail sales of hand-held fitness equipment, clothing, or health foods may occur as an accessory use.
H	
HABITABLE SPACE	A space in a building for living, sleeping, eating or cooking, or used as a home occupation.

DEFINITIONS	
HAIR, NAILS, AND SKIN-RELATED SERVICES	A commercial establishment engaged in the provision of services pertaining to hair care, hair styling, hair removal, nail care, makeup, facial treatments, tanning, massage therapy, and similar cosmetic treatments. Such uses may or may not include other spa or salon facilities such as showers, baths, and the incidental sales of food for on-site consumption and personal skin or hair care products.
HALF STREET	See "Street, Half."
HALFWAY HOUSE	A licensed home for juveniles or adult persons on release from more restrictive custodial confinement or initially placed in lieu of such more restrictive custodial confinement, wherein supervision, rehabilitation, and counseling is provided to assist residents back into society, enabling them to live independently.
HARDSHIP	Special or specified circumstances that place an unreasonable or disproportionate burden on one applicant or landowner over another.
HAZARDOUS WASTE FACILITY	For the purposes of the FHO, a facility for the collection, storage, processing, treatment, recycling, recovery, or disposal of hazardous waste.
HEAVY EQUIPMENT, SALES, RENTAL, AND REPAIR	Premises on which new or used heavy equipment (tractors, loaders, excavators, backhoes, cranes, lifts, rollers and similar devices) are displayed for sale, lease, or rental. On-site repair and service to heavy equipment is also provided.
HELICOPTER LANDING PAD	An area, either on ground level or elevated on a structure, licensed or approved for the landing and takeoff of helicopters and which may include auxiliary facilities such as parking, waiting room, fueling, and maintenance equipment.
HELISTOP	An area of land, water, or structural surface designed for discharge or pick-up of passengers or cargo from or by helicopters, but excluding field service or maintenance.
HIGH INTENSITY LED	One or more light emitting diodes that are optimized for providing an extra-bright, highly visible light.
HIGH PRESSURE SODIUM LAMP	A lamp of lightbulb that uses sodium under pressure to produce a broad spectrum of visible light for the purposes of providing exterior illumination.
HIGHEST ADJACENT GRADE	For the purposes of Section 3.8.2, Flood Hazard Overlay (FHO) District: The highest natural elevation of the ground surface, prior to construction, next to the proposed walls of the structure.

DEFINITIONS	
HISTORIC STRUCTURE	For the purposes of Section 3.8.2, Flood Hazard Overlay (FHO) District: Any structure that is: (a) Listed individually in the National Register of Historic Places (a listing maintained by the U.S. Department of Interior) or preliminarily determined by the Secretary of Interior as meeting the requirements for individual listing on the National Register; (b) Certified or preliminarily determined by the Secretary of Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district; (c) Individually listed on a state inventory of historic places; (d) Individually listed on a local inventory of historic places in communities with historic preservation programs; that have been certified by an approved state program as determined by the Secretary of Interior, or directly by the Secretary of Interior in states without approved programs.
HOME OCCUPATION	Any activity carried out for gain by a resident and conducted in the resident's dwelling unit or accessory structures.
HOME OFFICE	The use of a portion of a principal residence for conducting office or commercial-related activity.
HOME OWNERS' ASSOCIATION	An organization of homeowners or property owners of lots or land in a particular subdivision, condominium, or planned development. The owners' association is responsible for maintaining and enhancing the shared private infrastructure (e.g., stormwater, streets, and sidewalks) and common elements such as recreation areas.
HORIZON YEAR	As used in Section 6.13, Transportation Impact Analysis: Unless otherwise specified or approved by the Planning Director, the HORIZON YEAR shall be the build out year plus one year into the future from the year during which a traffic impact study is being prepared.
HORIZONTAL FAÇADE MODULATION	Projections, recesses, ribs, fins, or building wings distributed evenly across the façade of a building.
HOSPITAL	An institution specializing in giving clinical, temporary, and emergency services of a medical or surgical nature to human patients and injured persons, that is licensed by state law to provide facilities and services in surgery, obstetrics, or general medical practice. Such institutions may include in-patient medical or surgical care for the sick or injured and related facilities such as laboratories, out-patient departments, training facilities, central services facilities, and staff offices that are an integral part of the facilities.
HOTEL OR MOTEL	A building or group of buildings in which sleeping accommodations are offered to the public and intended primarily for rental for temporary occupancy by persons on an overnight basis. Hotels or motels may including an associated eating establishment, conference facilities, and on-site recreational amenities. Hotels or motels regularly offering extended duration stay facilities to patrons are extended stay facilities. Hotel, motel, resorts, lodges, and similar overnight lodging uses are to be considered synonymous uses

DEFINITIONS	
HUMAN-SCALED DEVELOPMENT	Features of a building or built environment that are sized and configured in accordance with the typical human frame. Human-scale details and features are most often configured for observation and recognition by people who are walking.
I	
ICE HOUSE	A manned or unmanned facility selling packaged ice manufactured off-site to members of the public at retail or wholesale.
IMPERVIOUS COVERAGE	For the purposes of Section 3.8.2, Flood Hazard Overlay (FHO) District: Any land that is covered by impervious or partially impervious cover including buildings, pavement, gravel roads, recreation facilities (e.g., tennis courts and the like). (Note: Wooden slatted decks and the water area of a swimming pool are considered pervious.) Measurements of Impervious Coverage shall be based upon net project area excluding land within existing street rights-of-way.
IMPERVIOUS SURFACE	Any material that reduces and prevents absorption of stormwater runoff into previously undeveloped land.
IMPOUNDED VEHICLE	A private vehicle that is being stored in a controlled location pending action by the vehicle's owner.
IMPROVEMENT	The construction of buildings and the establishment of basic services and amenities associated with development, including, but not limited to streets and sidewalks, parking areas, water and sewer systems, drainage system, property markers and monuments, recreation facilities (i.e., lakes, swimming pools, tennis courts, golf courses, riding stables, club houses, cabanas, marinas, docks and the like) and other similar construction or establishment.
INDOOR ATRIUM	An interior court enclosed by building walls with or without a roof.
INDOOR COMMERCIAL RECREATION	A commercial establishment located entirely indoors that provides recreational, amusement, and entertainment opportunities for patrons, including activities such as billiards, bingo, bowling, video games, escape rooms, fortune tellers, skating rinks, laser tag, trampolines, and climbing walls.
INFILL	The process of developing vacant or under-used parcels within existing developed areas that are already largely developed.
INGRESS	Access or entry to a building or site.
IN-LIEU FEE	Monetary compensation offered by a landowner or applicant as an alternative to provision of some other required site or development feature.
INTERNALLY ILLUMINATED	An awning, sign, or canopy with an internal source of illumination.
INTERNATIONAL BUILDING CODE	The model building code developed by the International Building Code Council.
INTERPRETATION	A determination, made in writing, by the Planning Director regarding the proper application of provisions in the UDO, the boundaries on the Official Zoning Map, a prior-approved condition of approval, or any other planning document.
INTERSTATE	See "Street, Interstate."
ITINERANT MERCHANT SALES	An individual or business offering goods or services for sale at retail to members of the general public either in their homes, their place

DEFINITIONS	
	of business, or from a vehicle on a lot with an established use or a vacant lot.
J	
JUNKYARD	See "Salvage or Junkyard."
JURISDICTION	The official power to make legal decisions and judgements. The term can also be used to describe the geographic boundaries of a municipal corporation or the extent over which a particular agency has control.
JURISDICTIONAL STREAM	A stream or other waterbody that meets the definition of "waters of the United states" or "waters of the state," and is thus subject to the jurisdiction of the US Army Corps of Engineers or the NC Department of Environmental Quality.
JURISDICTIONAL WETLAND	Land having the vegetative, soil, and hydrologic characteristics to be regulated under Sections 401 and 404 of the Clean Water Act as defined by the U.S. Army Corps of Engineers and the North Carolina Division of Water Quality.
JUST CAUSE	Legitimate cause; legal or lawful ground for action.
K	
KENNEL, INDOOR/OUTDOOR	A facility where dogs, cats, or other domestic animals over six months of age are kept, raised, sold, boarded, bred, shown, treated, or groomed. The facility may be indoors, outdoors, or both.
L	
LABORATORY	An institutional use type engaged in the analysis, testing, identification, or research of chemicals, compounds, tissue, animals, or equipment.
LAND TRUST	A legal agreement in which a property owner transfers the title to a property to a trustee. The property owner is typically the beneficiary and directs the trustee in all matters relating to the management of the property, as outlined in the trust agreement or deed.
LAND-DISTURBING ACTIVITY	Any use of the land by any person in residential, industrial, education, institutional, or commercial development, highway and road construction and maintenance that results in a change in the natural cover or topography and that may cause or contribute to sedimentation.
LANDFILL	A facility for the disposal of solid waste other than compost on land in a sanitary manner in accordance with Chapter 130A, Article 9, of the North Carolina General Statutes.
LANDOWNER	As applied to the standards related to vested rights, an owner of a legal or equitable interest in real property, including the heirs, devisees, successors, assigns, and personal representative of the owner.
LANDSCAPE FABRIC	A geotextile material used to control weeds by inhibiting their exposure to sunlight.
LANDSCAPE ISLAND	The portion of a parking lot intended for landscaping material and pervious surfaces.

DEFINITIONS	
LANDSCAPE STRIP	Linear landscape islands located between two parallel rows of off-street parking spaces.
LANDSCAPING	The improvement of a lot, parcel or tract of land with grass, shrubs, and trees. Landscaping may include pedestrian walks, flower beds, ornamental objects such as fountains, statuary, and objects designed and arranged to produce an aesthetically pleasing effect.
LARGE FORMAT RETAIL	A retail establishment consisting of a single or multiple tenants in one or more buildings totaling 70,000 square feet or more in area with 70 percent or more of the total floor area occupied by retail sales activities.
LAUNDRY OR CLEANING SERVICE	A commercial establishment engaged in the cleaning fabrics, textiles, wearing apparel, or articles of any sort by immersion and agitation, or by immersions only, in water or volatile solvents. Such uses may provide cleaning and laundering services on-site or in off-site locations.
LEVEE	A manmade structure, usually an earthen embankment, designed and constructed in accordance with sound engineering practices to contain, control, or divert the flow of water so as to provide protection from temporary flooding.
LEVEL OF SERVICE (LOS)	As used in Section 6.13, Transportation Impact Analysis, a quantitative and qualitative measure of how well traffic flows on a given street or highway. LEVEL OF SERVICE relates to such factors as highway width, number of lanes, percentage of trucks, total traffic volume, turning movements, lateral clearances, grades, sight distance, capacity in relation to volume, travel speed and other factors which affect the quality of flow. LEVEL OF SERVICE is typically summarized by letter grades described as follows: (a) Level "A" is a condition with low traffic volumes, high speeds and free-flow conditions. (b) Level "B" is a condition with light traffic volumes, minor speed restrictions and stable flow. (c) Level "C" is a condition with moderate traffic volumes, where speed and maneuvering are restricted to a limited degree by the amount of traffic. (d) Level "D" is a condition with heavy traffic operating at tolerable speeds, although temporary slowdowns in flow may occur. (e) Level "E" is a condition of very heavy flow and relatively low speeds. Under Level "E," the traffic is unstable and short stoppage may occur. (f) Level "F" is a condition of extremely heavy flow, with frequent stoppage and very slow speeds. It is an unstable traffic condition under which traffic often comes to a complete halt.
LIBRARY	A public facility for the use, but not sale, of literary, historical, scientific, musical, artistic, or other reference materials.
LIGHT TRESPASS	Unwanted light that shines from one lot to another.
LIGHTING PLAN	A graphic deposition of proposed exterior lighting fixture locations, height, anticipated luminance, and cones of illumination.

DEFINITIONS	
LIVE/WORK DWELLING	A structure or portion of a structure combining a dwelling unit with an integrated nonresidential work space typically used by one or more of the residents. The nonresidential work space is found on the building's ground floor.
LOADING SPACE (FACILITY)	Space logically and conveniently located for bulk pickups and deliveries, scaled to delivery vehicles, and not considered as part of the minimum required off-street surface parking.
LOCAL STREET	See "Street, Local."
LETTER OF MAP CHANGE (LOMC)	An official determination issued by FEMA that amends or revises an effective Flood Insurance Rate Map or Flood Insurance Study. Letters of Map Change include: Letter of Map Amendment (LOMA): An official amendment, by letter, to an effective National Flood Insurance Program map. A LOMA is based on technical data showing that a property had been inadvertently mapped as being in the floodplain, but is actually on natural high ground above the base flood elevation. A LOMA amends the current effective Flood Insurance Rate Map and establishes that a specific property, portion of a property, or structure is not located in a special flood hazard area. Letter of Map Revision (LOMR): A revision based on technical data that may show changes to flood zones, flood elevations, special flood hazard area boundaries and floodway delineations, and other planimetric features. Letter of Map Revision Based on Fill (LOMR-F): A determination that a structure or parcel of land has been elevated by fill above the BFE and is, therefore, no longer located within the special flood hazard area. In order to qualify for this determination, the fill must have been permitted and placed in accordance with the community's floodplain management regulations. Conditional Letter of Map Revision (CLOMR): A formal review and comment as to whether a proposed project complies with the minimum NFIP requirements for such projects with respect to delineation of special flood hazard areas. A CLOMR does not revise the effective Flood Insurance Rate Map or Flood Insurance Study; upon submission and approval of certified as-built documentation, a Letter of Map Revision may be issued by FEMA to revise the effective FIRM.
LIGHT DUTY TRUCK	For the purposes of Section 3.8.2, Flood Hazard Overlay (FHO) District: any motor vehicle rated at 8,500 pounds Gross Vehicular Weight Rating or less which has a vehicular curb weight of 6,000 pounds or less and which has a basic vehicle frontal area of 45 square feet or less as defined in 40 CFR 86.082-2 and is: (a) Designed primarily for purposes of transportation of property or is a derivation of such a vehicle, or (b) Designed primarily for transportation of persons and has a capacity of more than 12 persons; or (c) Available with special features enabling off-street or off-highway operation and use.

DEFINITIONS	
LOT	A parcel of land not divided by streets that is or will be occupied by a building and its accessory building(s) or an open air use of land, together with all required yard and other required open spaces, with all forms of required access and necessary utilities.
LOT DEPTH	See Section 9.3.3.A.2, Lot Depth.
LOT FRONTAGE	For the purposes of the subdivision regulations, the distance for which the front boundary line of a lot and the street line are coincident. In the case of corner lots, this shall be the street boundary line having the shortest distance coincident with a street line.
LOT OF RECORD (EXISTING LOT)	A lot that has been recorded in the office of the Wake County Register of Deeds and which was in conformance with the development regulations in effect at the time of recording.
LOT WIDTH	See Section 9.3.3.A.3, Lot Width.
LOT, CORNER	See Section 9.3.3.C.1, Corner Lot.
LOT, DOUBLE FRONTAGE	A lot with frontage on streets located at the front and rear of the lot.
LOT, FLAG	An irregularly shaped lot where the buildable portion of the lot is connected to its street frontage by an arm. Further, in cases where a minimum lot width is prescribed, the arm is less than the presumptive minimum required lot width.
LOT, THROUGH	A lot having frontage on two parallel or approximately parallel streets.
LOTS	For the purposes of the subdivision regulations, a parcel, piece, portion or tract of land separated from other parcels, pieces, portions and tracts of land by description on a subdivision plat or any plat recorded or to be recorded in the office of the Register of Deeds or any description by metes and bounds or other means.
LOUVERS	A set of angled slats or flat strips fixed or hung at regular intervals in a door, shutter, or screen to allow air or light to pass through.
LOWEST ADJACENT GRADE	The elevation of the ground, sidewalk, or patio slab immediately next to the building, or deck support, after completion of the building.
LOWEST FLOOR	For the purposes of Section 3.8.2, Flood Hazard Overlay (FHO) District: The lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access, or limited storage in an area other than a basement area is not considered a building's lowest floor, provided that such enclosure constructed of flood resistant materials is designed to automatically allow for entry or exit of flood water in A zones. The definition of Lowest Floor includes: (a) The basement (if one exists); (b) The top of the lowest floor in A Zones; (c) The bottom of or lowest structural member in V Zones; (d) The elevated floor of a building (not the ground floor, provided the ground floor is only used for parking, limited storage, or building access and meets other ordinance criteria).
LUMEN	A quantitative unit measuring the amount of light emitted by a light source.

DEFINITIONS	
LUMINOUS TUBE LIGHTING	Tubing, whether flexible or rigid, mounted to a building wall or other building feature for the purposes of providing illumination, security, attracting attention, or displaying a message.
M	
MAJOR CHANGE	A significant deviation in an application, proposed development, or portion of a development that impacts the operation, appearance, function, value, or compatibility of proposed development with its surroundings.
MAJOR VARIANCE (WATERSHED)	A variance from the minimum statewide watershed protection rules that results in the relaxation by a factor of greater than 10 percent of any of the management requirements. Major variances shall be approved by the North Carolina Environmental Management Commission after initial review and recommendation from the Town of Zebulon. The Stormwater Administrator shall notify in writing each local government having jurisdiction in the watershed and the entity using the water supply for consumption.
MAKERSPACE	A collaborative workspace that includes shared tools, workspaces, technology, and knowledge in order to assist participants working alone or with collaborators to create and produce ideas, products, and services. Makerspaces can be formed for the purpose of instruction, creation of material for sale, or a combination of the two.
MANUFACTURED DWELLING OR MANUFACTURED HOME	A factory-built structure, transportable in one or more sections, that 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 therein. This includes any structure with respect to which the manufacturer voluntarily files a certification required by the Secretary of the United States Department of Housing and Urban Development and complies with the standards established under the National Manufactured Housing Construction and Safety Standards Act of 1974 (42 U.S.C. § 5401 et seq.), as amended. This does not include travel trailers or recreation vehicles. For the purposes of Section 3.8.2, Flood Hazard Overlay (FHO) District: A structure, transportable in one or more sections, which is built on a permanent chassis and designed to be used with or without a permanent foundation when connected to the required utilities. The term Manufactured Home does not include a recreational vehicle.
MANUFACTURED DWELLING PARK OR MANUFACTURED HOME PARK OR SUBDIVISION	A commercial use where land is divided into individual leaseholds but not individual lots owned in fee simple that are intended for occupation by individual manufactured homes. Manufactured home parks may include shared or individual accessways, recreation facilities, and other shared accessory uses like laundries, storage, or refuse collection areas. For the purposes of Section 3.8.2, Flood Hazard Overlay (FHO) District: Parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

DEFINITIONS	
MANUFACTURING, HEAVY	Uses that tend to require large amounts of bulk or unrefined materials which are typically processed and stored outdoors on the site. These uses require a significant amount of energy for the processing of raw materials, and are likely to generate significant noise, vibration, dust, glare, heat, odor, smoke, truck traffic, in the immediate vicinity of the use. Heavy manufacturing uses include, but are not limited to: manufacture or assembly of machinery, equipment, instruments, vehicles, appliances, communications equipment, computer or electronic equipment, precision items and other electrical items; the processing of food and related products; lumber mills, pulp and paper mills, and the manufacture of other wood products; and electric power generation plants.
MANUFACTURING, HEAVY	Uses that tend to require large amounts of bulk or unrefined materials which are typically processed and stored outdoors on the site. These uses require a significant amount of energy for the processing of raw materials, and are likely to generate significant noise, vibration, dust, glare, heat, odor, smoke, truck traffic, in the immediate vicinity of the use. Heavy manufacturing uses include, but are not limited to: manufacture or assembly of machinery, equipment, instruments, vehicles, appliances, communications equipment, computer or electronic equipment, precision items and other electrical items; the processing of food and related products; lumber mills, pulp and paper mills, and the manufacture of other wood products; and electric power generation plants.
MANUFACTURING, LIGHT	Uses that involve indoor processing or assembly of finished or partially finished goods and do not require large stockpiles of raw material. Processing and storage activities take place solely within enclosed buildings, which helps limit (but does not completely prevent) the creation of noise, vibration, dust, glare, heat, odor, and smoke. Examples include, but are not limited to: production or repair of small machines or electronic parts and equipment; woodworking and cabinet building; publishing and lithography; computer design and development; research, development, testing facilities and laboratories; apparel production; sign making; assembly of pre-fabricated parts, manufacture of electric, electronic, or optical instruments or devices; manufacture and assembly of artificial limbs, dentures, hearing aids, and surgical instruments; manufacture, processing, and packing of food products, cosmetics, and manufacturing of components, jewelry, clothing, trimming decorations, and any similar item.
MAP AMENDMENT	See "Zoning Map Amendment."
MAP REPOSITORY	For the purposes of the FHO, the location of the official flood hazard data to be applied for floodplain management. It is a central location in which flood data is stored and managed; in North Carolina, FEMA has recognized that the application of digital flood hazard data products have the same authority as hard copy products. Therefore, the NCEM's Floodplain Mapping Program websites house current and historical flood hazard data. For effective flood hazard data the NC FRIS website (http://FRIS.NC.GOV/FRIS) is the map repository, and for historical flood hazard data the FloodNC website (http://FLOODNC.GOV/NCFLOOD) is the map repository.

DEFINITIONS	
MARKET VALUE	For the purposes of the FHO, the building value, not including the land value and that of any accessory structures or other improvements on the lot. Market value may be established by independent certified appraisal, replacement cost depreciated for age of building and quality of construction (Actual Cash Value), or adjusted tax assessed values.
MASTER PLAN	A conceptual plan associated with an application to establish a planned development district that sets out the general location, type, and configuration of proposed development within the district.
MATERIAL CHANGE	A change in the meaning or language of a legal document, such as a contract, agreement, or approval that is made by one party to the document without the consent of the other after it has been signed or completed.
MATERIAL RETURN	The continuation of one or more exterior building materials on one building façade beyond an inside or outside building corner to a logical termination point on a different wall plane.
MATURE TREE	A tree that has reached more than one-third of its expected maximum size.
MAXIMUM EXTENT PRACTICABLE	No feasible or practical alternative exists, as determined by the town, and all possible efforts to comply with the standards or regulation to minimize potential harmful or adverse impacts have been undertaken by an applicant. Economic considerations may be taken into account but shall not be the overriding factor determining "maximum extent practicable."
MECHANICAL EQUIPMENT	Equipment and fixtures used for HVAC, fabrication, assembly, or production purposes.
METAL FABRICATION	An industrial establishment engaged in the production, assembly, and configuration of metal products through the use of mechanical presses, forms, welding, grinding, and other mechanical processes that form, join, or alter the shape of metal but that do not include the creation or production of metal.
MICROBREWERY, MICROWINERY, OR MICRODISTILLERY	An establishment engaged in the production and packaging of malt beverages, wine or spirits for distribution, retail, or wholesale both on and off-premise. A microbrewery is a facility that produces less than 15,000 barrels of beer per year and sells the majority of the beer it produces for off-site resale and consumption. A microwinery produces less than 100,000 gallons of wine per year. A microdistillery produces less than 15,000 gallons of alcoholic spirits per year. Accessory uses may include a taproom, seating areas, ancillary sales of related merchandise, event space, and warehouse space for stored product.
MICRO-WIRELESS FACILITY	A wireless telecommunications facility that is no larger in dimension than 24 inches in length, 15 inches in width, and 12 inches in height and that may have up to one exterior antenna, no longer than 11 inches.
MINOR CHANGE	An insignificant deviation in an application, proposed development, or portion of a development that does not impact the operation, appearance, function, value, or compatibility of proposed development.

DEFINITIONS	
MINOR VARIANCE (WATERSHED)	A variance from the minimum statewide watershed protection rules that results in a relaxation by a factor of up to 10 percent of any management requirements.
MIXED USE DEVELOPMENT	A format that integrates some combination of residential, commercial, industrial, or institutional development in one single building or within one single development. Mixed use development may be vertically integrated, where two or more differing types of land use are located on the different floors of a single building, or horizontally integrated where a single development contains two or more buildings, each one devoted to different type of land use. For example, a typical vertically-integrated mixed use development is a single building with retail on the ground floor and residential development (apartments) on the upper floor(s). A typical horizontally-integrated mixed-use development may be a shopping mall that includes an apartment complex on the same lot or development site.
MOBILE HOME	A detached residential dwelling unit constructed prior to July 15, 1976 that does not bear a certification of compliance with National Manufactured Housing Construction and Safety Standards Act of 1974. A mobile home is designed for transportation after fabrication on streets or highways on its own wheels or a flatbed or other trailer, and arriving at the site where it is to be occupied as a dwelling complete and ready for occupancy except for minor and incidental unpacking and assembly operations, location on jacks or other temporary or permanent foundations, connections to utilities, and similar features.
MOBILE HOME PARK	A commercial use where land is divided into individual leaseholds but not individual lots owned in fee simple that are intended for occupation by individual mobile, manufactured, or modular homes. Mobile home parks may include shared or individual accessways, recreation facilities, and other shared accessory uses like laundries, storage, or refuse collection areas.
MOBILE HOME PARK	A commercial use where land is divided into individual leaseholds but not individual lots owned in fee simple that are intended for occupation by individual mobile, manufactured, or modular homes. Mobile home parks may include shared or individual accessways, recreation facilities, and other shared accessory uses like laundries, storage, or refuse collection areas.
MOLDING	An ornamentally shaped outline as an architectural feature, especially in a cornice.
MONUMENT	A permanent marker, typically inserted into the ground, showing the location of a lot line, lot corner, or other demarcation associated with a lot or right-of-way.
MOTEL	See "Hotel or Motel."
MOTOR VEHICLE	Every self-propelled vehicle designed to run upon the highways and every vehicle designed to run upon the highways that is pulled by a self-propelled vehicle.
MULTI-FAMILY DEVELOPMENT	A development that includes five or more dwelling units configured in on or more buildings on the same lot or development site. The development includes shared parking areas, shared open spaces around the development, active recreation features, and centralized waste/refuse collection facilities.

DEFINITIONS	
MULTI-FAMILY DWELLING	A structure containing five or more dwelling units that are not located on individual lots. Units may be located side by side in a horizontal configuration or stacked one above the other in a vertical configuration, sharing common vertical walls or horizontal floors and ceilings. Multi-family dwellings include what are commonly called apartments, or condominium units, but not single-family attached dwellings.
MULTIPLE LOT DEVELOPMENT	Developments that include two or more buildings on two or more lots that is planned, organized, and managed as a single development for the purposes of the development standards.
MULTI-USE PATH	a form of infrastructure that supports multiple recreation and transportation opportunities, such as walking, bicycling, inline skating and people in wheelchairs. Paths re typically surfaced with asphalt, concrete, or firmly packed crushed aggregate.
MURAL	A painting or other work of art executed directly on a wall.
MUSEUM	A building serving as a repository for a collection of natural, scientific, historical, or literary curiosities or works of art, and arranged, intended, and designed to be used by members of the public for viewing, with or without an admission charge, and which may include as an accessory use the limited retail sale of goods, services, or products such as prepared food to the public.
N	
NATIONAL FLOOD INSURANCE PROGRAM	A program operated by the Federal Emergency Management Agency that provides flood insurance for development within areas that are susceptible to flooding and establishes a set of standards for development as a condition of participation in the program.
NATIONAL GEODETIC VERTICAL DATUM (NGVD)	As corrected in 1929 is a vertical control used as a reference for establishing varying elevations within the floodplain.
NATIVE TREE	See "Tree, Native."
NATURAL HERITAGE AREA	A site designated by federal government to encourage historic preservation of the area and an appreciation of the history and heritage of the site.
NEIGHBORHOOD MEETING	A meeting conducted by the applicant of a proposed development with those in the area around the proposed development.
NEON LIGHTING	See "Luminous Tube Lighting."
NEW CONSTRUCTION	For the purposes of Section 3.8.2, Flood Hazard Overlay (FHO) District: Structures for which the start of construction commenced on or after the effective date of this part and includes any subsequent improvements to such structures.
NEW MANUFACTURED HOME PARK OR SUBDIVISION	For the purposes of Section 3.8.2, Flood Hazard Overlay (FHO) District: A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete slabs) is completed on or after the effective date of this part.

DEFINITIONS	
NIGHTCLUB OR DANCE HALL	Any establishment, whether public or a private club, serving a predominantly adult clientele, and whose primary business is the sale of alcoholic beverages, including beer and wine, for consumption on the premises in conjunction with dancing or live performances, and which sets a minimum age requirement for entrance. An establishment is not a nightclub if the establishment: (1) has a Class A restaurant license from the State of North Carolina; (2) maintains a full service restaurant on its premises at all times when it is open to the public for business; or (3) provides facilities for seating not less than 40 persons simultaneously at tables for the service of meals. The establishment is also not a nightclub if the establishment allows entrance at all times to any person regardless of age.
NONCONFORMING BUILDING OR USE	For the purposes of Section 3.8.2, Flood Hazard Overlay (FHO) District: Any legally existing building or use which fails to comply with the provisions of the ordinance.
NONCONFORMING LOT	A lot of record that that was lawful at the date on which it was established, but does not conform to the current dimensional requirements of the zoning district in which it is located.
NONCONFORMING SIGN	Any sign that was lawfully established, but does not meet the standards of this Ordinance.
NONCONFORMING SITE	A site that was legally established, but that is not presently in full compliance with elements of this Ordinance pertaining to landscaping, lighting, access and on-site circulation, parking areas, and screening.
NONCONFORMING STRUCTURE	A structure that was lawful on the date on which it was established, but does not conform to current dimensional, elevation, location, or other requirements of this Ordinance.
NONCONFORMING USE	A use type which was lawful on the date on which it was established, but is now no longer a permitted use of that lot, building, or structure under this ordinance. A use that when established did not require a special use permit, but now requires a special use permit shall be considered a nonconforming use until special use permit approval is obtained.
NONCONFORMITY	Any land use, development, structure, or site, including any lot of record, that was legally established, but that is not presently in full compliance with the provisions of this Ordinance.
NON-CONVERSION AGREEMENT	A document stating that the owner will not convert or alter what has been constructed and approved. Violation of the agreement is considered a violation of the ordinance and, therefore, subject to the same enforcement procedures and penalties. The agreement must be filed with the recorded deed for the property. The agreement must show the clerk's or recorder's stamps and/or notations that the filing has been completed.
NON-ENCROACHMENT AREA	The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot as designated in the Flood Insurance Study report.
NON-STRUCTURAL BMP	As used in Section 7.4, Stormwater, non-structural BMPs are preventive actions that involve management and source controls such as:

DEFINITIONS

	(1) Policies and ordinances that provide requirements and standards to direct growth to identified areas, protect sensitive areas such as wetlands and riparian areas, maintain and/or increase open space, provide buffers along sensitive water bodies, minimize impervious surfaces, and/or minimize disturbance of soils and vegetation; (2) Policies or ordinances that encourage infill development in higher density urban areas, and areas with existing storm sewer infrastructure; (3) Education programs for developers and the public about minimizing water quality impacts; (4) Other measures such as minimizing the percentage of impervious area after development, use of measures to minimize directly connected impervious areas, and source control measures often thought of as good housekeeping, preventive maintenance and spill prevention.
NORTH CAROLINA BUILDING CODE	The most-recently adopted construction code for buildings adopted by the North Carolina Department of Insurance.
NOTICE OF PUBLIC HEARING	The formal legal notification of a public hearing on a proposed development application. A "published notice" is one required to be printed in a newspaper of general circulation. A "mailed notice" is one delivered to specified individuals by US Mail. A "posted notice" is a sign posted on or near the property subject to the application.
NOTICE OF VIOLATION	A notice indicating a violation of this Ordinance.
NURSING HOME	An institution that is licensed or approved to provide health care under skilled medical supervision for 24 hours a day.
O	
OATH	The term "oath" shall be construed to include an affirmation in all cases in which, by law, an affirmation may be substituted for an oath, and in like cases the terms "swear" and "sworn" shall be equivalent to the terms "affirm" and "affirmed."
OCCUPANCY	The act, state, or condition of holding, possessing, residing, or otherwise using a premises, lot, site, building, or dwelling.
OFFICE, MEDICAL	A room or group of rooms used for the purpose of providing medical care or treatment, including therapeutic services and counselling. Examples of medical offices include physicians, dentists, ophthalmologists, chiropractors, psychologists, and similar medical specialists. Medical offices may or may not include laboratories, medication sales, and physical therapy facilities as an accessory use. Use types where medical professionals from differing firms or practices provide services or where patients receive treatment or services beyond the scope of a typical office visit are health care uses.
OFFICE, PROFESSIONAL	A room or group of rooms used for conducting the affairs of a business, profession. Examples of professional offices include offices for lawyers, accountants, engineers, architects, and similar professions. Professional offices may include a shared kitchen, lobby area, meeting rooms, and document production areas.

DEFINITIONS	
OFFICE, SALES OR SERVICE	A room, or group of rooms used for conducting the affairs of a general business establishment, including financial services or sales of real estate or other personal property, but not professional services. Examples of sales and service office uses include offices for retail and wholesale establishments, banking services, investment banking, stock brokerage, investment services, credit card services, real estate sales, artwork, artifacts, or other specialized items.
OFFICIAL ZONING MAP	The Official Zoning Map upon which the boundaries of various zoning districts are drawn and which is an integral part of this Ordinance.
OFF-SITE VIEWS	Views of or into a development site from off-site locations such as other lots, rights-of-way, or locations within the public realm.
ON-CENTER SPACING	Placement of landscape material in a regularly-spaced pattern of equal distance between plants.
ON-SITE SEWAGE DISPOSAL SYSTEM	A wastewater treatment system serving an individual lot or site.
OPACITY	A measurement indicating the degree of obscuration of light or visibility.
OPAQUE	A building, structure, building material, vegetation, or other site feature that forms a solid visual barrier.
OPEN AIR USE OF LAND	A use type that does not include an habitable buildings or structures.
OPEN SPACE SET-ASIDE	Land or water areas within the site designated for a particular development, not individually owned or dedicated for public use, which is designed and intended for the common use or enjoyment of the residents of the development, but not including any lands occupied by streets, street rights-of-way or off-street parking.
ORDINANCE	A legislative enactment of the Town of Zebulon, North Carolina.
ORDINARY REPAIRS AND MAINTENANCE	Work done on a sign or structure to prevent deterioration or to replace any part thereof in order to correct any deterioration, decay, or damage to any part thereof in order to restore same as nearly as practical to its condition prior to such deterioration, decay or damage.
OTHER RETAIL USE	Commercial enterprises that provide goods at retail directly to the consumer, where such goods are available for immediate purchase and removal from the premises by the purchaser. Examples include stores selling, leasing, or renting consumer, home, and business goods such as art, art supplies, bicycles, cameras, clothing, dry goods, electronic equipment, fabric, furniture, garden supplies, gifts, groceries and food sales, hardware, home improvements, household products, jewelry, pets, pet food, plants, printed material, stationary, and videos. Retail establishments meeting the threshold requirements for large format retail are treated as large format retail uses.

DEFINITIONS	
OUTDOOR COMMERCIAL RECREATION	A commercial establishment located entirely primarily outdoors that provides recreational, amusement, and entertainment opportunities for patrons, including activities such as: water parks, miniature golf, go cart racing, obstacle or ropes courses, zip lines, paintball, mechanical rides, and similar attractions. Outdoor commercial recreation uses may include buildings or structures that also provide indoor recreational activities.
OUTDOOR DINING	The provision of on-site outdoor seating areas by a commercial or institutional use type where food or beverages are served for consumption. The accessory use also may include outdoor seating areas on public sidewalks in front of or to the side of the establishment.
OUTDOOR DISPLAY	The keeping of any goods, merchandise, or vehicles, in an unroofed area for marketing or sales purposes.
OUTDOOR SEASONAL SALES	The temporary sale of goods or products associated with the season or a cultural event, such as the sale of Christmas trees, pumpkins, or seasonal produce. Such sales typically take place outdoors and in locations not devoted to such sales for the remainder of the year.
OUTDOOR STORAGE	The keeping, in an unroofed area, of any goods or materials, particularly goods and materials that have a large size, mass, or volume and are either not easily moved or carried or require a mechanical lifting device (e.g., non-bagged mulch and lumber). This use does not include a junkyard or recycling facility, vehicle fleet storage, or the display and storage of vehicles as part of an automobile sales or rental use.
OUTPARCEL	A lot located within a multi-tenant development (e.g., a shopping center) which may or may not have access from a public road abutting the development. The lot is treated as part of the larger development with respect to applicable yard and dimensional requirements.
OUTPATIENT TREATMENT FACILITY	A small-scale facility where patients are admitted for examination and treatment by one or more physicians, dentists, or psychologists on a short-term basis. Patients may or may not receive care or lodging overnight, but the facility is not intended for long-term overnight care. Such facilities may include sleeping rooms for care workers and members of patient's families.
OVERHANG	The edge of a roof or upper building story projecting outwards.
OVERLAY ZONING DISTRICT	A zoning district designation that is applied over one or more previously established general or conditional zoning district designations. Overlay districts modify the existing zoning district provisions by either adding additional regulations or providing greater flexibility in deviations from the existing applicable standards. Typically, when overlay district standards conflict with the underlying general or conditional zoning district standards, the overlay zoning district standards control.
OWNER	The legal or beneficial owner of land, including a mortgagee or vendee in possession, receiver, executor, trustee, or long-term or commercial lessee, or any other person or entity holding proprietary rights in the property or having legal power of management and control of the property.

DEFINITIONS	
OWNER ASSOCIATION	An organization of homeowners or property owners of lots or land in a particular subdivision, condominium, or planned development. The owners' association is responsible for maintaining and enhancing the shared private infrastructure (e.g., stormwater, streets, and sidewalks) and common elements such as recreation areas.
P	
PACKAGE AND PRINTING SERVICE	A commercial establishment providing printing, faxing, copying, document binding, photographic processing, packing, mailbox, mailing, and related services. Printing, document production, and processing services may be provided either on- or off-site. Such uses may also provide computer terminals, copiers, and similar equipment for self-service use by customers.
PAD SITE	See "Outparcel."
PARAPET WALL	See "Wall, Parapet."
PARENT PARCEL	A tract of land further subdivided into one or more additional lots.
PARK (PUBLIC OR PRIVATE)	Land used for recreation, exercise, sports, education, rehabilitation, or similar activities, or a land area intended to enhance the enjoyment of natural features or natural beauty, specifically excluding commercially operated amusement parks.
PARK AND RIDE FACILITY	Parking facilities close to or connected with public transport facilities that allow commuters and other transit users to leave their private vehicles and transfer to a bus, rail, ferry, or carpool for the remainder of the journey.
PARK LAND	Land intended for development as a public park or recreation area.
PARKING AREA	See "Parking Lot."
PARKING LOT	The portion of a site or development dedicated to vehicular ingress and egress, off-street parking, parking aisles, internal travel ways, fire lanes, and other areas dedicated to vehicular use, but not necessarily including vehicular storage areas.
PARKING LOT CONNECTION	Vehicular access provided between the vehicular use areas of two or more development sites or parcels of land intended to allow travel between the sites without the use of a street.
PARKING LOT STEM	A point of ingress into a parking lot from a street. A parking lot stem does not accommodate parking areas or access to drive aisles within its minimum length.
PARKING OF HEAVY TRUCKS, TRAILERS, OR MAJOR RECREATIONAL EQUIPMENT	The temporary storage of motor vehicles over 10,000 pounds of gross vehicle weight and associated trailers or equipment, including recreational vehicles, campers, or travel trailers.
PARKING PLAN	A plan or diagram prepared by an applicant for development that depicts the required and provided number of parking spaces (if different from the required number of parking spaces. The plan also shows points of vehicular ingress and egress, drive aisles, the locations of parking lot landscaping islands, pedestrian circulation features, and off-street loading facilities.
PARKING SPACE	A location where an automobile or passenger truck is temporarily stored.

DEFINITIONS	
PARKING SPACE, REVERSE ANGLE	On-street parking spaces configured at an angle to the direction of travel for the street where located. Vehicles back into reverse angle parking spaces.
PARKING STRUCTURE	A structure designed to accommodate vehicular parking spaces that are fully or partially enclosed or located on the deck surface of a building. This definition includes parking garages and deck parking.
PARKING STRUCTURE	A structure designed to accommodate vehicular parking spaces that are fully or partially enclosed or located on the deck surface of a building. This definition includes parking garages and deck parking.
PARKING STUDY	An analysis of the minimum number of off-street parking spaces necessary to serve a proposed use type.
PASSENGER TERMINAL	A facility that receives and discharges passengers and at which facilities and equipment required for their operation are provided. Examples include terminals for bus, trolley, taxi, railroad, shuttle van, or other similar vehicular services.
PASSIVE OPEN SPACE SET-ASIDE	Open space areas designated for passive recreation uses including walking trails, pathways, gazebos, picnic areas, fountains, and similar areas. Such areas may also include undisturbed natural vegetation.
PAWN SHOP	An establishment that engages, in whole or in part, in the business of loaning money on the security of pledges of personal property, or deposits or conditional sales of personal property, or the purchase or sale oof personal property. This shell not include specific item businesses such as book stores, music stores, or similar retail establishments.
PEAK HOUR TRIPS	As used in Section 6.13, Transportation Impact Analysis, the number of traffic units generated by and attracted to the proposed development during its heaviest hour of use.
PEDESTRIAN LIGHTING	Exterior lighting scaled to pedestrians.
PEDESTRIAN WALKWAY	An on-site pedestrian access way connecting building entrances, parking areas, and the larger sidewalk network around the site.
PEDIMENT	The triangular upper part of the front of a building in classical style, typically surmounting a portico of columns.
PENALTY	Punishment for violation of a law or rule.
PENNANT	A lightweight plastic, fabric, or other material, whether or not containing a message of any kind, suspended from a rope, wire, or string, usually in series, designed to move in the wind.
PERFORMANCE GUARANTEE	Cash or other guarantee provided by an applicant in-lieu of completion of public infrastructure or required public site feature prior to issuance of a building permit or other development approval.
PERIMETER BUFFER	See "Buffer, Perimeter."
PERIMETER PARKING LOT LANDSCAPING	Required landscaping located around the perimeter of a parking lot.
PERSON	Any individual, partnership, firm, association, joint venture, public or private corporation, trust, estate, commission, board, public or private institution, utility, cooperative, interstate body, or other legal entity.

DEFINITIONS	
PERSON CONDUCTING LAND-DISTURBING ACTIVITY	Any person who may be held responsible for violation of any regulations governing land-disturbing activity, unless expressly provided otherwise.
PERSONAL PROPERTY	All forms of property, except real property.
PERVIOUS	A substance that allows water to pass through it.
PHARMACY	A commercial establishment engaged in the storage, preparation, and sale of drugs and other medications to customers at retail. Pharmacy uses may also offer a wide variety of food, household goods, or other personal products for sale. A pharmacy may also incorporate a medical technician who provides on-site medical assistance and counselling to patrons. Pharmacies that exceed the floor area thresholds for large format retail uses shall be considered as a large format retail use.
PHASE	The discrete portion of a proposed development.
PILASTER	A rectangular column with a capital and base that is attached or affixed to a wall as an ornamental design feature.
PLANNED DEVELOPMENT	An area of land under unified ownership or control to be developed and improved as a single entity under a planned development master plan in accordance with this Ordinance.
PLANNING BOARD	An advisory body responsible for making recommendations on certain applications for development approval to the Board of Commissioners. The Planning Board also makes special studies of land use and assists in the preparation and revision of the comprehensive plan.
PLANTING SEASON	The dormant time of the year for trees beginning with leaf drop and ending with bud break; generally late fall to early spring.
PLANTING STRIP	Required landscaping material configured in a linear strip.
PLAT	A surveyed map or plan for a parcel of land.
PLAY EQUIPMENT	Recreational equipment, whether temporary or permanent, placed for the exercise and enjoyment of persons on the site of a different principal use.
PLAY STRUCTURE	A non-habitable structure intended for recreational purposes.
PLAZA	An open space at the intersection of important streets or adjacent to important structures, set aside for civic purposes and commercial activity, which may include parking, consisting of durable pavement, and formal landscaping or tree plantings.
PLOT PLAN	A simple drawing or sketch depicting compliance with one or more requirements of this Ordinance.
POCKET NEIGHBORHOOD	A cohesive development of at least four but no more than 12 single-family detached dwellings, each on their own lot, located around a common open space and served by either on-street, on-site, or shared off-street parking. Each home fronts the common open space, and is configured with a front porch and windows on the front facade.
POLICE /FIRE TRAINING FACILITY	A facility that includes equipment and structures used to train police, fire, and other emergency services personnel in the execution of their duties. Such facilities may include meeting rooms, gun ranges, burn rooms, training structures, and mobile training facilities.

DEFINITIONS	
POOL HALL	A commercial establishment providing one or more tables for use by patrons to play billiards. Such uses may include darts or other games and may include the accessory sale of food or beverages. A pool hall earns at least 50 percent of its revenue from billiards or other games and not the accessory sale of food or beverages.
PORCH	A covered projection (can be glazed or screened) from the main wall of a building, with a separate roof, that is not used for livable space.
PORTABLE STORAGE CONTAINER	A moveable container intended for storage of personal property, waste, or debris, that is brought to a site on a temporary basis.
PORTICO	A large porch usually with a pediment usually associated with an entrance, supported by columns.
POST OFFICE	An office or station of a government postal system at which mail is received and sorted, from which it is dispatched and distributed, and at which stamps are sold or other services rendered.
POST-FIRM	Construction or other development for which the "start of construction" occurred on or after the effective date of the initial Flood Insurance Rate Map for the area.
PRE-APPLICATION CONFERENCE	A meeting or conference conducted by a potential applicant for a permit or development approval and town staff for the purposes of discussing a potential application or town rules regarding development.
PRE-CONSTRUCTION GRADE	For the purposes of the standards in Section 4.3.4.S, Wireless Telecommunication Facilities, Pre-construction Grade means the finished ground level elevation prior to construction. In cases where there is significant change in elevation over the course of a lot or site, the median elevation of the lot or site may be used.
PRE-FIRM	Construction or other development for which the "start of construction" occurred before the effective date of the initial Flood Insurance Rate Map for the area.
PRELIMINARY PLAT	A drawing or plan showing the proposed organization of lot boundaries, streets, public infrastructure, open space, and other site configuration features associated with a proposed development.
PRIMARY BUILDING WALL	See "Wall, Primary."
PRIMARY CONSERVATION AREA	The portion of a conservation subdivision required to be included within the conservation or set-aside area where development will not take place.
PRIMARY ENTRANCE	The place of ingress and egress to a building, parcel, or development used most frequently by the public.
PRIMARY ROOF RIDGELINE	The longest ridgeline on a building with a pitched roof.
PRIMARY WALL PLANE	See "Wall Plane, Primary."
PRIME AGRICULTURAL LAND	Resource land best suited for agricultural activity.
PRINCIPAL BUILDING	See "Principal Structure."
PRINCIPAL STRUCTURE	A structure in which is conducted the principal use(s) of the lot on which it is located.
PRINCIPAL USE	A primary or predominate use of a lot or parcel.
PRINCIPALLY ABOVE GROUND	For the purposes of the FHO, a condition where at least 51 percent of the actual cash value of the structure is above ground.
PRIVATE STREET	See "Street, Private."

DEFINITIONS	
PRODUCE STAND	A building or structure used for the retail sales of fresh fruits, vegetables, flowers, herbs or plants grown on the same parcel of land where the stand is located. Such use may also involve the accessory sales of other unprocessed foodstuffs, home processed food products such as jams, jellies, pickles, sauces or baked goods, and homemade handicrafts. No commercially packaged handicrafts or commercially processed or packaged foodstuffs shall be sold. Such uses also include "pick your own" establishments where customers gather their own produce from the fields for purchase and off-site consumption.
PROFESSIONAL ENGINEER	A civil, structural, or traffic engineer licensed by the State of North Carolina.
PROJECTED TRAFFIC	As used in Section 6.13, Transportation Impact Analysis, the number of traffic units that is projected to exist at a given point in time on an existing or proposed street.
PROJECTION	Habitable space projecting outwards from the main wall of a building.
PROPERTY	All real property subject to land-use regulation by a local government. The term includes any improvements or structures customarily regarded as a part of real property.
PROTECTED TREE	See "Tree, Protected."
PROTOTYPICAL ARCHITECTURE	Exterior building materials and architecture that is standardized for a particular use type or franchise operation.
PSYCHIATRIC TREATMENT FACILITY	Inpatient facility which provides care for persons with psychiatric problems and which may include outpatient follow-up care to the facility's patients.
PUBLIC ART	Art, in any media, that has been planned and executed with the intention of being staged in the physical public domain, usually outside and accessible to all.
PUBLIC CONVENIENCE CENTER/TRANSFER STATION	A publicly-owned and operated facility for the purposes of collection of trash and waste for relocation to a sorting facility or permanent long term storage location.
PUBLIC GATHERING AREA	See "Gathering Area."
PUBLIC HEARING, LEGISLATIVE	A public hearing held for the purpose of soliciting public comments on a proposed development application. Reasonable time limits on speakers may be imposed and responsible decorum maintained. However, unlike quasi-judicial hearings, there is no requirement for oaths, no limits on expression of personal opinions, and no limit on discussing the matter outside the context of the hearing.
PUBLIC HEARING, QUASI-JUDICIAL	A public hearing involving the legal rights of specific parties conducted by the Board of Commissioners, the Board of Adjustment, or the Planning Board based on evidence and sworn testimony presented during the public hearing. Decisions made during such hearings are based upon and supported by the record developed at the hearing, and involve findings of fact and conclusions of law made by the review authority.
PUBLIC INFRASTRUCTURE	Infrastructure or facilities (such as water lines, streets, storm drainage, sidewalks, trails, etc.) owned by the public and intended for use by the public.

DEFINITIONS	
PUBLIC MEETING	A gathering of town officials and interested members of the public to discuss an action of the town or consider a development application. Unlike a public hearing, no prior public notification is required for a public meeting, and the acceptance of testimony from meeting attendees is at the discretion of the review authority conducting the public meeting.
PUBLIC REALM	Land, buildings, and structures owned by the government or a governmental entity that is made available for use by all persons.
PUBLIC RIGHT-OF-WAY	A right-of-way owned, leased, or operated by the Town, but not including any street or alley that is a part of the State highway system.
PUBLIC SAFETY OR NUISANCE	Anything which is injurious to the safety or health of an entire community or neighborhood, or any considerable number of persons, or unlawfully obstructs the free passage or use, in the customary manner, of any navigable lake, or river, bay, stream, canal, or basin.
PUBLIC STREET	See "Street, Public."
Q	
QUADPLEX	A single detached dwelling on one lot that contains four dwelling units. The units may be located side by side in a horizontal configuration or stacked one above the other in a vertical configuration, sharing common vertical walls or horizontal floors and ceilings.
QUASI-JUDICIAL	See "Public Hearing, Quasi-Judicial."
QUORUM	The minimum number of council, board, or commission members that must be present in order to conduct official business or take official action.
R	
RACETRACK	A track, whether paved or unpaved, for the competitive racing of automobiles, motorcycles, trucks, tractors, dogs, or horses. Such uses may also include seating for spectators, equipment and staging areas, and concessions areas.
RADII	Curves or bends in a street, sidewalk, greenway, or other travel route.
RAIN GARDEN	See "Bio-retention Cell."
RAW OR SEMI-FINISHED MATERIALS	Products, materials, or components in an original or unrefined state that are altered through the manufacturing process.
REAL PROPERTY	All land, all buildings, all structures, and other fixtures firmly attached thereto.
REAR FACADE	See "Façade, Rear."
REASONABLE ACCOMMODATION	Any change or adjustment to a provision of this Ordinance or condition of approval that would allow an individual with a disability to enjoy equal access to a dwelling, structure or site that is available to other individuals.
RECESS	Habitable space that is recessed inwards from the main wall of a building.
RECORD DRAWING	See "As-Built Plans."

DEFINITIONS	
RECREATIONAL VEHICLE	For the purposes of Section 3.8.2, Flood Hazard Overlay (FHO) District: A vehicle, which is: (a) Built on a single chassis; (b) Four hundred square feet or less when measured at the largest horizontal projection; (c) Designed to be self-propelled or permanently towable by a light duty truck; and (d) Designed primarily not for use as a permanent dwelling, but as temporary living quarters for recreational, camping, travel or seasonal use.
RECREATIONAL VEHICLE PARK	A commercial establishment offering individual spaces or "sites" for short term rental to owners or operators of recreational vehicles or travel trailers. Such uses typically have shared or common restroom, showering, and laundry facilities, and may also include recreational features and incidental sale of food, travel supplies, and recreational vehicle equipment. Rental of an individual site for a period of more than three continuous months, or uses that allow vehicles to be modified in ways that result in permanent, non-mobile structures are considered mobile home parks.
RECYCLING CENTER	A facility engaged solely in the storage, processing, resale, or reuse of recyclable and recovered materials.
REDEVELOPMENT	Any development on previously developed land, other than a rebuilding activity that results in no net increase in built-upon area and provides equal or greater stormwater control than the previous development.
REFERENCE LEVEL	The top of the lowest floor for structures within special flood hazard areas designated as Zone A1-A30, AE, A, A99, or AO.
REFORESTATION	The re-establishment of trees or tree canopy cover to land area that was cleared prior to or as part of the development process.
REFORESTATION AREA	The portion of a lot or site designated for the retention of or planting of trees in accordance with the reforestation requirements.
REFUSE COLLECTION CONTAINER	A metal or plastic container used for the collection and temporary storage of refuse or waste for pickup by the Town or a solid waste management contractor.
REGISTER OF DEEDS	A public officer designated by Wake County to register documents, mainly related to real estate. The register of deeds verifies mortgage ownership and property ownership in official record books.
REHABILITATION	The act or process of returning a property to a state of utility through repair or alteration that makes possible an efficient contemporary use while preserving those portions or features of the property that are significant to its historical, architectural and cultural values.
RELIGIOUS INSTITUTION	A structure or place in which worship, ceremonies, rituals, and education are held, together with its accessory buildings and uses (including buildings used for educational and recreational activities), operated, maintained, and controlled under the direction of a religious group.
REMEDY	The manner in which a right or law is enforced or satisfied when a violation of the UDO or related law has occurred.

DEFINITIONS	
REMEDY A VIOLATION	For the purposes of Section 3.8.2, Flood Hazard Overlay (FHO) District: To bring the structure or other development into compliance with state or local floodplain management regulations, or, if this is not possible, to reduce the impacts of its noncompliance. Ways that impacts may be reduced include protecting the structure or other affected development from flood damages, implementing the enforcement provisions of the ordinance or otherwise deterring future similar violations, or reducing federal financial exposure with regard to the structure or other development.
REPAIR SHOP	An establishment primarily engaged in the provision of repair services for electronics, bicycles, clocks, watches, shoes, guns, canvas products, appliances, and office equipment; including tailor; locksmith; and upholsterer. Repair establishments do not include outdoor storage of goods, materials, or equipment. Repair of cars, trucks, or similar heavy equipment is a vehicle-related establishment.
REQUIRED LANDSCAPE AREA	An area required to be planted with trees, shrubs, or ground cover as required by Section 5.6, Landscaping.
RESEARCH AND DEVELOPMENT	A business that engages in research, or research and development, of innovative ideas in technology-intensive fields. Examples include research and development of prototypical devices as well as the creation and testing of drugs and compounds, vehicles, equipment, and industrial processes.
RESERVATION	An obligation, shown on a subdivision or site plan, to keep land free from development and available for public acquisition for a stated period of time.
RESERVE FUND	A bank account containing reserve funds for the purpose of maintaining commonly-held land, infrastructure, or facilities.
RESERVE STRIPS	Strips of land that are not developed as a means of limiting or preventing vehicular access.
RESIDENTIAL DEVELOPMENT	Buildings for residence such as attached and detached single-family dwellings, apartment complexes, condominiums, townhouses and cottages and their associated outbuildings such as garages, storage buildings and gazebos and customary home occupations.
RESOLUTION	The official written expression of the opinion or the will of the Board of Commissioners, Board of Adjustment, or Planning Board.
RESTAURANT INDOOR/OUTDOOR SEATING	An establishment where meals or prepared food, including beverages and confections, are served to customers for consumption on or off the premises. Seating for patrons consuming products on site are located either indoors or outdoors, and the use does not provide drive-through service. Such uses may include a bar or cocktail lounge as an accessory use.
RESTAURANT WITH DRIVE-THROUGH/DRIVE-UP SERVICE	An establishment where meals or prepared food, including beverages and confections, are prepared and made available to customers for on-site or off-site consumption. Seating for on-site consumption of products may be located either indoors or outdoors. The use also includes a window intended to serve patrons who do not leave their vehicles to order, receive, and consume order products. Such uses typically do not include a bar or cocktail lounge.

DEFINITIONS	
RESTAURANT, WALK-UP ONLY	An establishment where meals or prepared food, including beverages and confections, are prepared and made available to customers for on-site or off-site consumption. However, ordering and receipt of ordered products take place through a window or other opening that separates restaurant employees from customers. While restroom facilities may be included in a principal or accessory structure, on-site consumption of products takes place solely outdoors or in a structure that is accessory to and detached from the principal building where products are prepared.
RESTORATION	The act or process of accurately recovering the form and details of a property and its setting as it appeared at a particular period of time by means of the removal of later work or by the replacement of missing earlier work.
RETAIL USE, OTHER	Commercial establishments engaged in the retail sale of goods, including, but not limited to: florists, grocery stores, department stores, discount stores, thrift stores, and pawnshops.
RETAIL, BULKY ITEM	A retail establishment engaged in the retail sale of large or bulky items that are not commonly constructed or maintained indoors, such as truck camper tops, bed liners, prefabricated outdoor buildings, manufactured homes, modular homes, play equipment, portable storage containers, or hot tubs. Such uses may include on-site assembly or fabrication of such items for sale.
RETAIL, LARGE FORMAT	A retail establishment consisting of a single or multiple tenants in one or more buildings totaling 70,000 square feet or more in area with 70 percent or more of the total floor area occupied by retail sales activities.
RETAINING WALL	A structure, either masonry, metal, or treated wood, designed to prevent the lateral displacement of soil, rock, fill, or other similar material.
RETENTION POND	A stormwater control measure consisting of a depression in the land that retains stormwater flow for gradual release into the surrounding soil.
REVEGETATION PLAN	A plan depicting the re-establishment or replanting of required vegetation or landscaping material on a lot or site where clearing has taken place in violation of this Ordinance or a condition of approval.
REVERSE ANGLE PARKING SPACE	See "Parking Space, Reverse Angle."
REVERSE FRONTAGE	A lot with two or more street frontages that includes a building or structure that is oriented in a manner that differs from other existing structures or from the development patterns indicated by adopted policy guidance or good planning practice.
REZONING	See "Zoning Map Amendment."
RIBS	See "Fins."
RIGHT-OF-WAY	Shall mean that property located within and adjoining the streets, roads and highways within the town, which rights-of-way are owned by the town or the state or are otherwise maintained by the town or the state.

DEFINITIONS	
RIPARIAN BUFFER	A vegetated area proximate to and parallel with a stream that helps shade and partially protect the stream and water quality from the impact of adjacent land uses.
RIVERINE	Terms relating to, formed by, or resembling a river (including tributaries), stream, brook, etc.
ROADWAY	The paved portion of right-of-way over which vehicular traffic travels.
ROOF GARDEN	Landscaping material, whether in a formal or informal arrangement located on the roof of a building or structure.
ROOF PITCH	The amount of rise or the vertical increase in elevation over the run or the horizontal distance of a roof.
ROOF PLANES	Portions of a roof constructed at different angles to one another.
ROOF RAKE	The portion of a gabled roof that extends past the exterior wall of the building.
ROOM	Any floor space exceeding 40 square feet enclosed by partitions or walls having cased openings or doors but excluding areas devoted exclusively to kitchen and bath facilities.
ROOMING HOUSE	See "Boarding House."
ROPE LIGHTING	See "Luminous Tube Lighting."
ROUTINE MAINTENANCE	For the purposes of the standards in Section 4.3.4.S, Wireless Telecommunication Facilities, Routine Maintenance means simple, small-scale activities (usually requiring only minimal skills or training) associated with regular (daily, weekly, monthly, etc.), recurring, and preventative upkeep of a building, equipment, or machine against normal wear and tear. For the purposes of this section, routine maintenance includes cleaning, repair, and replacement of existing antennas, antenna support structures, wireless telecommunications equipment, equipment cabinets, equipment compounds, telecommunications towers, utility poles, or other vertical projections used to deliver wireless telecommunications services. Activities that result in larger, taller, more visible, more impactful, or additional wireless telecommunications equipment are not considered routine maintenance.
RURAL CHARACTER	Patterns of land use and development in which open space, the natural landscape, and vegetation predominate over the built environment.
S	

DEFINITIONS	
SALVAGE OR JUNKYARD	An establishment where junk, waste, discarded, salvaged, or similar materials such as old metals, wood, slush, lumber, glass, paper, rags, cloth, bagging, cordage, barrels, containers, and the like, are brought, sold, exchanged, baled, packed, disassembled, stored, or handled, including used lumber and building material yards, housewrecking yards, heavy equipment wrecking yards, and yards or places where salvaged house wrecking or structural steel materials are stored, handled, and sold. This definition includes automobile wrecking or automobile wrecking yards and establishments for the sale, purchase, or storage of second-hand cars, clothing, salvaged machinery, furniture, radios, stoves, refrigerators, or similar household goods and appliances, all of which shall be usable, nor shall it apply to the processing of used, discarded, or salvaged materials incident to manufacturing activity on the same site where such processing occurs.
SCENIC CORRIDOR	The portion of a street subject to additional standards intended to protect or preserve the appearance of the land along the designated corridor from development that blocks or is inconsistent with the established character.
SCHOOL, ELEMENTARY	A public or private school offering general, technical, or alternative instruction at the elementary school level that operates in buildings or structures or on premises on land leased or owned by the educational institution for administrative purposes. Such uses include classrooms, vocational training (including that of an industrial nature for instructional purposes only), laboratories, auditoriums, libraries, cafeterias, after school care, athletic facilities, dormitories, and other facilities that further the educational mission of the institution.
SCHOOL, HIGH/MIDDLE	A public or private school offering general, technical, or alternative instruction at the middle, and/or high school levels that operates in buildings or structures or on premises on land leased or owned by the educational institution for administrative purposes. Such uses include classrooms, vocational training (including that of an industrial nature for instructional purposes only), laboratories, auditoriums, libraries, cafeterias, after school care, athletic facilities, dormitories, and other facilities that further the educational mission of the institution.
SCHOOL, VOCATIONAL	An educational institution providing secondary or post-secondary education designed to provide vocational education, or technical skills required to perform the tasks of a particular and specific job or trade.
SCREENING WALL	A wall, whether part of habitable space or not, that interrupts off-site views into a site.
SECONDARY BUILDING WALL	See "Wall, Secondary."
SECONDARY CONSERVATION AREA	The portion of a conservation subdivision containing resources to be retained as conservation land or open space after development that is not as imperative to retain as the primary conservation land,
SECONDARY ENTRANCE	An entrance into a building located on a side or rear building façade.
SECURITY LIGHTING	Exterior illumination of a building, parking area, or other site feature for the purposes of security.

DEFINITIONS	
SEDIMENT	Solid particulate matter, both mineral and organic, that is transported by water, air, gravity, or ice from its site of origin.
SEDIMENTATION	The process by which sediment resulting from accelerated erosion is transported off-site by land-disturbing activity. For the purposes of Section 3.8.2, Flood Hazard Overlay (FHO) District: The process by which sediment resulting from accelerated erosion has been or is being transported off the site of the land-disturbing activity or into a wetland, stream, or floodplain.
SELF SERVICE STORAGE, EXTERNAL ACCESS ONLY	A storage building or buildings that are divided into sections or compartments for the storage of business or personal items on a temporary or long-term basis only where all units have individual exterior access. Such uses may also include facilities for outdoor storage.
SELF SERVICE STORAGE, INTERNAL ACCESS ONLY	A storage building or buildings that are divided into sections or compartments for the storage of business or personal items on a temporary or long-term basis only where all units are accessed by one or more shared entrances. Such uses do not typically include outdoor storage.
SEMI-PERVIOUS	A material that allows some, but not all, stormwater to flow through it.
SENIOR CENTER	A facility typically for use by citizens of 60 years of age, or older, dedicated to the provision of services, activities, or facilitation of interaction between older citizens and the community at large. Such centers may be publicly owned or operated for a profit.
SEPTIC TANK	An on-site sewage treatment or storage device.
SETBACK	A required distance from a lot line or development boundary for a principal or accessory building and some required site features, as determined in accordance with Section 9.3.4, Setbacks.
SEVERE PRUNING	The pruning, cutting, or otherwise damaging of the natural form of a tree or shrub, whether existing or planted, such that a significant or noticeable portion of the crown system is removed (e.g., 25 percent of the crown removed from a tree, or the continued cutting/trimming of trees previously pruned illegally, or pruning of trees that must grow naturally to meet the landscaping requirements), and/or if more than 1/3 of the overall circumference of a tree is exposed by pruning cuts.
SHADE TREE	See "Tree, Shade."
SHIELDING (OR SHIELDED)	A light fixture constructed and installed in such a manner that all light emitted by it, either directly from the lamp (bulb) or a diffusing element, or indirectly by reflection or refraction from any part of the fixture, is projected below the horizontal plane of the fixture.
SHOOTING RANGE, INDOOR	A commercial operation that provides an indoor location where gun owners or others may practice discharging firearms as well as maintain firearms and learn about firearm safety.
SHRUB	A woody plant, smaller than a tree, consisting of several small stems emerging from the ground, or small branches near the ground. Shrubs may be deciduous or evergreen.
SIDE FAÇADE	See "Façade, Side."

DEFINITIONS	
SIDEWALK	A paved area running parallel to the street for the purposes of pedestrian travel and to facilitate pedestrian access to adjacent streets and land.
SIGHT DISTANCE TRIANGLE	The triangular area formed by a diagonal line connecting two points located at designated locations on intersecting right-of-way lines or a right-of-way line and the curb or a driveway.
SIGN	Any words, lettering, numerals, parts of letters or numerals, figures, phrases, sentences, emblems, devices, designs, trade names or trademarks by which any message is made known, including any surface, fabric or other material or structure designed to carry such devices that are used to designate or attract attention to an individual, firm, event, association, corporation, profession, business, or commodity or product that are exposed to public view. The definition of a sign does not include flags, badges, or insignias of any governmental unit.
SIGN CABINET	A metal enclosure housing sign face displays and methods of internal illumination, when provided.
SIGN FACE AREA	The portion of sign that contains the message being conveyed, as determined in accordance with Section 9.3.13, Signage Measurement.
SIGN HEIGHT	The height to the tallest point of a sign structure, as determined in Section 9.3.13, Signage Measurement.
SIGN PERMIT	A development approval associated with the erection, alteration, continuation, or removal of signage or ancillary features associated with a sign.
SIGN PERMIT	A development approval associated with the erection, alteration, continuation, or removal of signage or ancillary features associated with a sign.
SIGN SUPPORT STRUCTURE	The framework and structural support for a sign.
SIGN, AWNING	See Table 5.11.9, Sign Standards by Sign Type.
SIGN, BANNER	See Table 5.11.9, Sign Standards by Sign Type.
SIGN, BILLBOARD	See "Sign, Outdoor Advertising."
SIGN, BOW	A feather flag sign with an elongated mounting post that curves at the top to form a circular shape within which the sign material is mounted.
SIGN, CHANGEABLE COPY	A sign with a portion of the face area that accommodates the regular or occasional manual modification to the message or copy.
SIGN, DILAPIDATED	A sign that is old or that has been poorly maintained that poses a public safety hazard or is difficult to read.
SIGN, ELECTION	See "Sign, Political."
SIGN, FEATHER FLAG	A sign made of fabric or similar material in a curvilinear shape that is mounted to a pole along the long edge of the sign.
SIGN, FENCE WRAP	A temporary sign affixed to fencing surrounding an active construction site.
SIGN, FLASHING	A sign with a message that is intermittently on and off or supplemented with lights that turn on and off in rapid succession.
SIGN, FREESTANDING	See "Sign, Pole."
SIGN, GOVERNMENT	Any temporary or permanent sign erected and maintained for any government purposes.

DEFINITIONS	
SIGN, GROUND	See Table 5.11.9, Sign Standards by Sign Type.
SIGN, INCIDENTAL	See Table 5.11.9, Sign Standards by Sign Type.
SIGN, INFLATABLE	A hollow sign that is intended to expand as air is pumped inside of it. Inflatable signs are tethered to the ground or some other structure.
SIGN, MONUMENT	See "Sign, Ground."
SIGN, MOVING	A sign that moves or has moving parts, including but not limited to the sign face area, the sign support structure, or some other element of the sign. Flags and banners are not considered moving signs.
SIGN, OBSOLETE	A sign advertising a use or establishment that is no longer present.
SIGN, OUTDOOR ADVERTISING	See Table 5.11.9, Sign Standards by Sign Type.
SIGN, POLE	A sign which is placed on or anchored in the ground with one or more supports that are not part of a building or other structure and with open space between the bottom of the sign face area and the grade beneath it.
SIGN, POLITICAL	See Table 5.11.9, Sign Standards by Sign Type.
SIGN, PROJECTING	See Table 5.11.9, Sign Standards by Sign Type.
SIGN, SHINGLE POST	A sign affixed to a horizontal cross arm that is mounted to a vertical or upright pole or post.
SIGN, SIDEWALK	See Table 5.11.9, Sign Standards by Sign Type.
SIGN, SUBDIVISION	See Table 5.11.9, Sign Standards by Sign Type.
SIGN, SUPPLEMENTAL	See Table 5.11.9, Sign Standards by Sign Type.
SIGN, SUSPENDED	See Table 5.11.9, Sign Standards by Sign Type.
SIGN, TEMPORARY	See "Sign, Supplemental."
SIGN, TRAFFIC WARNING	Signage devoted to warning motorists, pedestrians, or bicyclists of a potential traffic hazard or other danger.
SIGN, WALL	See Table 5.11.9, Sign Standards by Sign Type.
SIGN, WINDOW	See Table 5.11.9, Sign Standards by Sign Type.
SINGLE-FAMILY ATTACHED DWELLING	A dwelling unit that is physically attached to one or more other dwelling units, each on its own lot. Individual lots may or may not be surrounded by a larger tract that incorporates shared parking, recreation features, or access. The larger tract may or may not be owned in common by the landowners of individual lots.
SINGLE-FAMILY DETACHED DWELLING	A dwelling containing one principal dwelling unit meeting the minimum size requirements in the State Building Code(s) that is occupied by one family and that is not physically attached to any other principal structure on an individual lot. For regulatory purposes, this term does not include manufactured dwellings, mobile homes, recreational vehicles, or travel trailers. An accessory dwelling unit may be within, attached to, or on the same lot as a single-family detached home.
SITE AMENITY	A utility or functional aspect of a site that is designed or configured in some way to be beneficial to pedestrians or aesthetically pleasing.

DEFINITIONS	
SITE FEATURES	Structures or elements (not including principal or accessory structures) required or authorized to accompany a development, such as off-street parking, landscaping, exterior lighting, or signage.
SITE PLAN	A graphical depiction of proposed development that may or may not be accompanied by a textual description, material samples, models, photographs, or other materials intended to demonstrate the appearance or function of the development.
SLATS, FENCE	Thin strips of wood, plastic, or other material woven between the components of a chain link-style fence or gate.
SMALL WIRELESS FACILITY	A wireless telecommunications facility consisting of an antenna and associated wireless telecommunications equipment installed on a utility pole, public utility pole, building, or other vertical projection not specifically intended for the accommodation of wireless telecommunications facilities (e.g., a traffic signal mast arm, a light standard, sign pole, etc.) that does not exceed the maximum size requirements for such facilities as listed in Section 160D-931 of the North Carolina General Statutes.
SMOOTH-FACED CONCRETE BLOCK	Concrete blocks that do not include adornment or any surface relief.
SOFFIT	The exterior material mounted to the underside of the roof rafters that project past the edge of an exterior building wall.
SOLAR ENERGY SYSTEM	A system consisting of solar panels, modules, and related equipment (e.g., heat exchanger, pipes, inverter, wiring, storage) that collects solar radiation and transfers it as heat to a carrier fluid for use in hot water heating or space heating and cooling, and/or that collects solar energy and converts it into electricity. As an accessory use, a solar energy system is designed to primarily meet on-site demands (but may include transfer of excess electricity to an electric utility grid) and components are typically mounted on the roof(s) of principal or accessory structures, but may be mounted on other parts of structures, or on the ground.
SOLAR FARM	A group or series of photovoltaic (or solar) panels placed to convert solar radiation into usable direct current electricity and provide that electricity to a use on-site or to the larger electrical network. Such uses may include batteries for energy storage.
SOLDIER COURSE	One or more courses of bricks or blocks that are installed within a masonry wall in a vertical instead of horizontal alignment. Soldier courses are often used to denote differing floors of a multi-story building.
SOLID WASTE MANAGEMENT FACILITY	Land, personnel and equipment used in the management of solid waste as defined in Title 15A of the North Carolina Administrative Code.
SPECIAL EVENT	Temporary activities or events conducted by civic, philanthropic, educational, or religious organizations, or activities of a business or organization that is not part of its daily activities and are open to the public. Such activities include, but are not limited to, closeout sales, grand openings, fundraising or membership drives, carnivals, fairs, circuses, and tent revivals.
SPECIAL FLOOD HAZARD AREA	The land area anticipated to be covered by the floodwaters associated with a base flood event.

DEFINITIONS	
SPECIAL USE PERMIT	An authorization to establish a particular use in a particular area subject to extra scrutiny by a review authority to ensure the proposed use can maintain compatibility with its surroundings while also minimizing all potential negative impacts of the development on its surroundings.
SPECIALTY EATING ESTABLISHMENT	Establishments selling specialty food items that normally do not constitute a full meal, including but not limited to: ice cream parlors, dessert cafes, snack shops, juice bars, and bakeries.
SPEED BUMP S(OR HUMPS)	A ridge set into the paving of a road surface, typically at intervals, to control the speed of vehicles
SPEED TABLES	Traffic calming devices similar to speed bumps except that the tables raise the wheelbase of the entire vehicle at once instead of when each axel passes over it.
SPIRE	A tapering, conical, or pyramidal structure on the top of a building, typically a church tower.
SPLASH PAD	An outdoor play area with sprinklers, fountains, nozzles, and other devices or structures that spray water into the air.
STABLE (FOR HORSES)	A building or structure devoted to the care and keeping of horses or other livestock.
STACKING SPACE	A portion of the vehicular use area on a site that is dedicated to the temporary storage or "standing" of vehicles engaged in drive-through use of the site or development.
START OF CONSTRUCTION	For the purposes of Section 3.8.2, Flood Hazard Overlay (FHO) District: (For other than new construction or substantial improvements under the Coastal Barrier Resources Act (P.L. 97-348)), includes substantial improvement, and means the date the building permit was issued, rehabilitation, addition, or improvement was within 180 days of the permit date. The actual START means either the first placement of permanent construction of a structure (including a manufactured home) on a site, such as the pouring of slab or footings, installation of piles, construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading, and filling; nor does it include excavation for a basement, footings, piers or installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual Start of Construction means the first alteration of any wall, ceiling, floor, or other structural part of the building, whether or not that alteration affects the external dimensions of the building.
STATE BUILDING CODE(S)	The North Carolina State Building Code(s).
STATEMENT OF CONSENT	A statement signed by the landowner of a single-family detached, attached, or duplex dwelling development that records the landowner's willingness to voluntarily comply with the single-family design guidelines in this Ordinance.
STOP WORK ORDER	An order issued by the town to a landowner or developer to cease and desist all land-disturbing or development activity on a site pending resolution of a problem or conflict.
STOP WORK ORDER	An order issued by the City to a landowner or developer to cease and desist all land-disturbing or development activity on a site pending resolution of a problem or conflict.

DEFINITIONS	
STOPPING SITE DISTANCE	The minimum amount of physical space necessary for a driver operating a vehicle at the street's design speed to bring the vehicle to a complete stop before colliding with a pedestrian, stopped vehicle, animal, or debris in the roadway.
STORM SEWER	A stormwater conveyance system that is integral to a street or sidewalk.
STORMWATER CONTROL MEASURE	A physical device, site feature, or construction technique intended to eliminate or reduce contact or exposure of pollutants to stormwater or remove pollutants from stormwater prior to discharge from the measure.
STORMWATER RETENTION POND	See "Retention Pond."
STORMWATER RUNOFF	The surface flow of water resulting from precipitation in any form and occurring immediately after rainfall or melting.
STREAM	As used in the riparian buffer standards, a body of concentrated flowing water in a natural low area or natural channel on the land surface.
STREAM, INTERMITTENT	For the purposes of Section 3.8.2, Flood Hazard Overlay (FHO) District: Streams that have regular flow only at certain times of the year as determined by the U.S. Army Corps of Engineers and North Carolina Division of Water Quality. Wake County soil survey maps can be used for planning purposes to identify the impact of Intermittent Streams, but these features must be qualified on the ground following the guidelines set above prior to approval of new developments.
STREAM, PERENNIAL	For the purposes of Section 3.8.2, Flood Hazard Overlay (FHO) District: Streams that have regular flow only at certain times of the year as determined by the U.S. Army Corps of Engineers and North Carolina Division of Water Quality. USGS 7.5-minute topographic maps can be used for planning purposes to identify the impact of Perennial Streams, but these features must be qualified on the ground following the guidelines set above prior to approval of new developments.
STREAMER	A long, narrow strip of material used as a decoration or symbol.
STREET	A publicly dedicated and maintained thoroughfare more than 20 feet in width.
STREET BULB OUT	A street intersection where one or more corners is rounded into a circle similar to a cul-de-sac turnaround.
STREET CENTER LINE	A line lying halfway between the two edges of a street right-of-way, or in some other location as determined by the Planning Director.
STREET CONNECTION	A location where one or more planned or existing streets join together.
STREET CONNECTIVITY	A measure of the overall connectedness of the streets in a street network that is largely control by individual block length.
STREET DESIGN SPEED	A selected speed used by an engineer to determine the various geometric features of a street. The design speed should be a logical one with respect to the topography, anticipated operating speed, the adjacent land use, and the functional classification of the roadway.
STREET FRONTAGE	A strip or extent of land abutting and extending along a street.

DEFINITIONS	
STREET GRADE	The magnitude of a street's incline or decline over a specified lateral distance.
STREET INTERSECTION APPROACH	The portion of a street proximate to an intersection.
STREET KNUCKLE	See "Street Bulb Out."
STREET LIGHT	Exterior illumination located within or adjacent to a street right-of-way and intended to illuminate the street and sidewalk.
STREET STUB	A nonpermanent dead end street intended to be extended in conjunction with development on adjacent lots or sites.
STREET TREE	See "Tree, Street."
STREET WIDTH	The horizontal distance between parallel right-of-way lines of a street measured at right angles to such lines.
STREET, ALLEY	A local access street used for service access to the back or side of properties otherwise abutting on a street.
STREET, ARTERIAL (PRINCIPAL OR MINOR)	A street whose principal function is to carry large volumes of traffic at higher speeds through the county or from one part of the Town to another.
STREET, COLLECTOR (MAJOR OR MINOR)	A street whose principle function is to carry traffic between local streets and arterial streets but that may also provide direct access to abutting properties.
STREET, COMMERCIAL	Commercial streets provide access to abutting commercial property, circulate traffic in commercial areas and provide direct access to off-street parking facilities. Commercial streets have at least two traffic lanes with provisions for curb parking if desirable and feasible.
STREET, CUL-DE-SAC	A local access street having access from one end only and having a circular or other expanded surface for turning around at the closed end.
STREET, DEAD-END	A street that terminates with a street stub or vehicular turn around.
STREET, FRONTAGE	A local access street that parallels and is adjacent to expressways or arterial streets for the purposes of providing access to abutting properties and separation of traffic seeking such access from through-traffic.
STREET, HALF	A street right-of-way dedicated for a new street by a developer along the developer's perimeter property line in an amount equal to only one-half of the total right-of-way width required by this Ordinance. Dedication of a half street presumes future dedication of a corresponding amount of right-of-way from adjoining land on the other side of the right-of-way in order to provide the total right-of-way required for a proposed street.
STREET, INTERSTATE	Those streets used or to be used primarily to carry traffic and having few points of access and no intersections at grade and designated or to be designated as interstates or expressways on the Transportation Plan.
STREET, LOCAL	Streets which are used primarily for access to abutting properties.
STREET, PRIVATE	A vehicular travelway not dedicated or offered for dedication to the Town or the NCDOT as a public street.
STREET, RESIDENTIAL	Residential streets provide access to abutting residential property and discourage through-traffic movements by design as short

DEFINITIONS	
	loops, curvilinear streets or cul-de-sacs. These streets have two traffic lanes and may have on-street parking.
STREET, STATE-MAINTAINED	A street, its right-of-way, and all street-related infrastructure that is owned, operated, and maintained by the North Carolina Department of Transportation.
STREETSCAPE BUFFER	Landscaping provided on individual lots abutting arterial and collector streets, but located outside the street right-of-way.
STRUCTURAL SOIL	A planting medium that can be compacted to pavement design and installation requirements while permitting root growth.
STRUCTURE	An object, including a mobile object, constructed or installed by man, including but without limitation to buildings, towers, cranes, smokestacks, earth formations and overhead transmission lines. For the purposes of Section 3.8.2, Flood Hazard Overlay (FHO) District: For floodplain management purposes, a walled and roofed building, a manufactured home, including a gas or liquid storage tank, or other manmade facilities or infrastructures that are principally above ground.
STUMP DIAMETER	As used in the riparian buffer standards, the diameter of a tree measured at six inches above the ground surface level.
SUBDIVIDER	A person, firm, or corporation having a proprietary interest in land and acting to subdivide that land under the applicable provisions of this Ordinance.

DEFINITIONS

SUBDIVISION	As used in this ordinance means all divisions of a tract or parcel of land into two or more lots, building sites or other divisions 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 provided, however, that any subdivision document or plat to be recorded pursuant to such exclusions shall have the notation of "No Approval Required" and the signature of the Planning Director or their designated agent before filing in the office of the Wake County Register of Deeds. A "Subdivision" shall not include the following: 1. The combination or recombination of portions of previously platted lots where the total number of lots is not increased and the resultant lots are equal to or exceed the standards of the town as shown in this Ordinance. 2. The division of land into parcels greater than ten 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. 4. The division of a tract in single ownership whose entire area is no greater than two acres into not more than three lots, where no street right-of-way or easement dedication is involved and where the resultant lots equal or exceed the standards set forth in this Ordinance. 5. The trading or exchanging of portions of previously platted and recorded properties that are contiguous and that necessitate the creation of parcels not conforming to the requirements of this Ordinance provided that a statement is placed on the plat to be recorded to the effect that such parcels are not created as individual building lots and are not approved as such and that no building permit shall be issued for construction on such parcels.
SUBSIDIARY	As used in Section 7.5, Soil Erosion and Sedimentation, an affiliate that is directly, or indirectly through one or more intermediaries, controlled by another person.
SUBSTANTIAL DAMAGE	For the purposes of Section 3.8.2, Flood Hazard Overlay (FHO) District: Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50% of the market value of the structure before the damage occurred. See definition of Substantial Improvement.
SUBSTANTIAL DAMAGE	For the purposes of the FHO, damage of any origin sustained by a structure during any one-year period whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred. Substantial damage also means flood-related damage sustained by a structure on two separate occasions during a 10-year period for which the cost of repairs at the time of each such flood event, on the average, equals or exceeds 25

DEFINITIONS	
	percent of the market value of the structure before the damage occurred.
SUBSTANTIAL IMPROVEMENT	For the purposes of Section 3.8.2, Flood Hazard Overlay (FHO) District: Any repair, reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50% of the market value of the structure before the start of construction of the improvement. This term includes structures which have incurred substantial damage, regardless of the actual repair work performed. The term does not, however, include either: (a) Any project of improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions; or (b) Any alteration of a historic structure, provided that the alteration will not preclude the structure's continued designation as a historic structure.
SUBSTANTIAL MODIFICATION	For the purposes of the standards in Section 4.3.4.S, Wireless Telecommunication Facilities, Substantial Modification means the collocation of antenna and related wireless telecommunications equipment on an existing telecommunications tower that necessitates replacement of the existing tower, structural additions to the existing tower that increase its height or the length of protrusions from the tower, or increases in the size of the equipment compound by an amount specified in Section 160D-931 of the North Carolina General Statutes. Collocations requiring structural modifications are reviewed and decided in accordance with the procedures for a major collocation. Collocations involving changes to an existing telecommunications tower or equipment compound beyond those identified as "substantial modifications" in Section 160D-931 in the North Carolina General Statutes are reviewed and decided in accordance with the procedures for a major telecommunications tower.
SUBSTANTIALLY IMPROVED EXISTING MANUFACTURED HOME PARK OR SUBDIVISION	For the purposes of Section 3.8.2, Flood Hazard Overlay (FHO) District: Where the repair, reconstruction, rehabilitation, or improvement of the streets, utilities and pads equals or exceeds 50% of the value of the streets, utilities and pads before the repair, reconstruction or improvement commenced.
SUPERIOR COURT	The Superior Court for Wake County, North Carolina.
SUSTAINABLE DEVELOPMENT INCENTIVE	An incentive or reward, often in the form of additional allowable residential density or building height that is offered to an applicant proposing to include sustainable development practices.
SUSTAINABLE DEVELOPMENT PRACTICE	One or more development features voluntarily provided by an applicant or developer as a means of promoting sustainable development and/or taking advantage of available sustainable development practice incentives.
SWALE	A depression in the land that collects stormwater runoff and conveys it to another location.
SWIMMING POOL/HOT TUB	An above- or below-ground structure that is filled with water and used for swimming or relaxing.
SYNTHETIC STUCCO	A multi-layered application of polystyrene, fiberglass mesh, and atop coat of cement.

DEFINITIONS

T

TANGENT	A straight line or plane that touches a curve or curved surface at a point, but if extended does not cross it at that point.
TATTOO AND PIERCING ESTABLISHMENT	An establishment whose principle business activity, either in terms of operation or as held out to the public, is the practice of one or more of the following: 1. Placing of designs, letters, figures, symbols, or other marks upon or under the skin of any person, using ink or other substances that result in the permanent coloration of the skin by means of the use of needles or other instruments designed to contact or puncture the skin; or 2. Performance of body modification including puncturing or cutting a part of the human body so as to create an opening in which jewelry may be worn.
TECHNICAL BULLETIN & TECHNICAL FACT SHEET	A FEMA publication that provides guidance concerning the building performance standards of the NFIP, which are contained in Title 44 of the U.S. Code of Federal Regulations at Section 60.3. The bulletins and fact sheets are intended for use primarily by State and local officials responsible for interpreting and enforcing NFIP regulations and by members of the development community, such as design professionals and builders. New bulletins, as well as updates of existing bulletins, are issued periodically as needed. The bulletins do not create regulations; rather they provide specific guidance for complying with the minimum requirements of existing NFIP regulations. It should be noted that Technical Bulletins and Technical Fact Sheets provide guidance on the minimum requirements of the NFIP regulations. State or community requirements that exceed those of the NFIP take precedence. Design professionals should contact the community officials to determine whether more restrictive State or local regulations apply to the building or site in question. All applicable standards of the State or local building code must also be met for any building in a flood hazard area.
TECHNICAL REVIEW COMMITTEE	A group of town staff members and others associated with development review in the town.
TELECOMMUNICATIONS TOWER	A vertical projection, typically comprised of steel, designed to support antenna and associated wireless telecommunications equipment for the purpose of sending and receiving wireless telecommunications signals. Utility poles or other vertical projections intended for a purpose other than provision of wireless telecommunications services are not considered to be telecommunications towers.
TELECOMMUNICATIONS TOWER, CONCEALED	A telecommunications tower and associated wireless telecommunications equipment that is integrated as an architectural feature into an existing structure (such as a steeple, bell tower, clock tower, silo, etc.), or that is designed to conceal the presence of the tower, antennas, and related wireless telecommunications equipment in a manner so that the purpose of the tower is obscured.

DEFINITIONS	
TELECOMMUNICATIONS TOWER, MAJOR	The construction or installation of a new telecommunications tower with a height of 30 feet or more above the adjacent pre-construction grade and associated equipment, including the equipment compound, access, electrical service, and other related facilities.
TELECOMMUNICATIONS TOWER, MINOR	The construction or installation of a new telecommunications tower with a height of less than 30 feet above the adjacent pre-construction grade or that meets the definition of a concealed telecommunications tower.
TEMPERATURE CONTROLLED	Having the temperature regulated by a heating and/or cooling system, built-in or appliance.
TEMPORARY DWELLING	An emergency shelter or other structure established to serve as a temporary domicile while an existing principal residence is constructed, repaired, or located.
TEMPORARY REAL ESTATE OFFICE	A temporary commercial establishment, typically associated with a residential subdivision or building that serves as a base of operations for persons selling real estate or for potential buyers to inspect model dwelling units.
TEMPORARY ROAD	As used in the riparian buffer standards, a road constructed temporarily for equipment access to build or replace hydraulic conveyance structures such as bridges, culverts, pipes or water dependent structures, or to maintain public traffic during construction.
TEMPORARY USE PERMIT	A permit authorizing the operation of a temporary use, structure, or special event.
TEMPORARY WIRELESS FACILITY	A portable, self-contained wireless facility that provides wireless telecommunications services on a temporary or emergency basis. A temporary wireless facility may include a generator to provide power to the facility.
TERRACE	A level, surfaced area or platform next to a building used as a gathering area.
TERTIARY BUILDING WALL	See "Wall, Tertiary."
TEXT AMENDMENT	See "UDO Text Amendment."
THEATRE	A building, or part thereof, which contains an assembly hall with or without stage which may be equipped with curtains and permanent stage scenery or mechanical equipment adaptable to the showing of plays, operas, motion pictures, performances, spectacles, and similar forms of entertainment. Theatres that also serve meals at tables prior to or during a performance are specialty eating establishments.
THROUGH LOT	"See Lot, Through."
TILT-UP CONCRETE PANEL	A reinforced concrete panel used to form the exterior walls of a building.
TOOL/STORAGE SHED	An accessory structure with or without electricity used for the keeping of tools and equipment or general storage purposes.
TOP OF BANK	For the purposes of Section 3.8.2, Flood Hazard Overlay (FHO) District: The landward edge of the stream channel during high water, bankfull conditions at the point where water begins to overflow onto the floodplain.
TOWN	The Town of Zebulon, North Carolina and its extraterritorial planning jurisdiction.

DEFINITIONS	
TRAFFIC IMPACT ANALYSIS	As used in Section 6.13, Transportation Impact Analysis, an analysis and assessment, conducted by a qualified professional that assesses the effects that a discretionary development proposal's traffic will have on the transportation network in a community or portion thereof. TRAFFIC IMPACT STUDIES vary in their range of detail and complexity depending on the type, size and location of the proposed development.
TRANSPORTATION IMPACT ANALYSIS	A study conducted to evaluate the capacity and safety impacts on the transportation system from a proposed development and identify necessary improvements or management strategies to mitigate negative impacts. Such studies shall be performed by a licensed professional engineer in accordance with the Procedures Manual and this Ordinance.
TRANSPORTATION IMPACT ANALYSIS	A study conducted to evaluate the capacity and safety impacts on the transportation system from a proposed development and identify necessary improvements or management strategies to mitigate negative impacts. Such studies shall be performed by a licensed professional engineer in accordance with the Procedures Manual and this Ordinance.
TRAVEL TRAILER	A portable structure built on a chassis and towed by an automobile that is designed to be used as a temporary dwelling for travel, recreational and vacation uses. When equipped for the road, it shall have a body width not exceeding eight feet and a body length not exceeding 32 feet. A travel trailer does not have its own source of locomotion.
TREE	As used in the riparian buffer standards, a woody plant with a DBH equal to or exceeding five inches or a stump diameter exceeding six inches.
TREE CANOPY	The layer of vegetation formed by the crowns of mature trees.
TREE CANOPY COVER	See "Tree Canopy."
TREE PIT	A depression in or adjacent to a sidewalk intended for the placement of a street tree and associated ground cover.
TREE PROTECTION AREA	The portion of a lot or site with existing trees located inside tree protection fencing.
TREE PROTECTION FENCING	Fencing or other barrier provided to protect trees to be retained from damage or encroachment during the development process.
TREE RETENTION AREA	The portion of a lot or site with existing trees to be retained during and after development.
TREE TOPPING	The removal of the central leader and primary upper branches of a tree.
TREE, CANOPY	A species of tree which normally grows to a mature height of 40 feet or more with a minimum mature crown width of 30 feet.
TREE, DROUGHT TOLERANT	A species of tree that is capable of surviving in an environment with no artificial irrigation and with only limited amounts of rain.
TREE, EVERGREEN	A woody plant with one or more stems that does not lose the majority of its leaves during winter or dormancy.
TREE, HARDWOOD	A deciduous tree with broad leaves that produces fruit or a nut and goes dormant during winter months.
TREE, NATIVE	Trees that have originated from or occur naturally without being introduced in a particular area.

DEFINITIONS	
TREE, PROTECTED	A tree that is present prior to the commencement of development or land disturbance that is required or intended to remain after completion of development or land disturbing activities.
TREE, SHADE	A tree with a crown that provides shade to the surface area within a parking lot and associated parking spaces.
TREE, STREET	A canopy or understory tree planted or existing within or along either side of a street right-of-way. Understory trees are typically used in locations where there are overhead utilities, sidewalks, or underground utilities proximate to the tree planting area.
TREE, UNDERSTORY	A species of tree which normally grows to a mature height of 15 to 35 feet.
TRELLIS	A framework of light wooden or metal bars, chiefly used as a support for fruit trees or climbing plants.
TRIP	As used in Section 6.13, Transportation Impact Analysis, a single or one-directional travel movement with either the origin or destination of the trip inside the study site.
TRIP GENERATION	As used in Section 6.13, Transportation Impact Analysis, an estimate of the number of vehicle trips that will be generated due to the new development, which is calculated based on the type and amount of land uses in the proposed development and professionally accepted trip generation rates for each such land use. TRIP GENERATION may be expressed on an average daily basis or average peak hour (a.m., p.m. or both).
TRIPLEX	A single detached dwelling on one lot that contains three dwelling units. The units may be located side by side in a horizontal configuration or stacked one above the other in a vertical configuration, sharing common vertical walls or horizontal floors and ceilings.
TRUCK OR FREIGHT TERMINAL	A use where trucks, trailers, and cargo are stored, where loading and unloading is carried on regularly, and where minor maintenance of these types of vehicles is performed.
TRUCK STOP	An establishment typically engaged in fuel sales that serve commercial truck drivers. The use may provide food, maintenance services, overnight parking, showering rooms, laundry facilities, basic convenience retail items and other services related to the use.
TURRET	A cylindrical architectural feature typically located at the corner or near the primary entrance of a building.
U	
UDO TEXT AMENDMENT	A change to the language of this Ordinance.
UNDERGROUND STORAGE TANK	A container used for the storage of gas, liquid, powder, or other substance that is all or partially below grade. Pipes, pumping equipment, and ventilation features are considered part of an underground storage tank.
UNDERSTORY TREE	See "Tree, Understory."
UNLICENSED VEHICLE	See "Inoperable/Unlicensed Vehicle."
UPPER-STORY RESIDENTIAL	Multi-family residential dwelling units located on the second or higher floors of a building with some form of nonresidential use on the first or ground floor. Dwelling units may be configured as apartments or condominiums.

DEFINITIONS	
URBAN FOREST	A densely wooded area located in a city or town.
URBAN HEAT ISLAND	A portion of an urban or metropolitan area that is significantly warmer than its surroundings due to additional paving, building mass, and lack of shade. The temperature difference usually is larger at night than during the day, and is most apparent when winds are weak.
URBAN OPEN SPACE SET-ASIDE	A private common open space area located within an urban or higher density area that is intended to facilitate gathering of people, such as an outdoor dining area, plaza, or atrium.
URGENT CARE FACILITY	A walk-in clinic or medical facility focused on the delivery of ambulatory care for injuries or illnesses requiring immediate care, but not serious enough to require an hospital emergency department.
USABLE OPEN SPACE	A parcel or parcels of land or an area of water as a combination of both land and water and designed for the recreational use and enjoyment of residents of the proposed development, not including streets or off-street parking areas. Not more than one half of the required usable open space may be areas covered by water. Usable open space shall be substantially free of structures but may contain such improvements as are appropriate for the benefit of residents. A maximum of five percent of the area designated as usable open space may be covered by structures clearly ancillary to the recreational use of the space. Except for such structures, all usable open space shall be unobstructed except for plants, lawn furniture, swimming pools, terraces, walkways, play equipment, etc., so arranged to provide for the free movement of the people within the space. No portion of any such usable open space shall be located in any required yard area adjacent to a public street. Parking areas, vehicle drives and storage areas shall not be included in the calculation of usable open space.
USE	The purpose for which land or structures thereon is designed, arranged or intended to be occupied or used, or for which it is occupied, maintained, rented, or leased.
UTILITY POLE	A structure that is designed for and used to carry cables, wires, lighting facilities, or small wireless facilities for telephone, cable television, electricity, lighting, or wireless telecommunication services that is located outside the public right-of-way.
UTILITY POLE, PUBLIC	A utility pole owned, leased, or operated by the Town that is located in the public right-of-way.
UTILITY, MAJOR	Infrastructure services providing regional or community-wide service that normally entail the construction of new buildings or structures such as water towers, waste treatment plants, potable water treatment plants, natural gas city gates, and solid waste facilities.
UTILITY, MINOR	Infrastructure services that need to be located in or near the neighborhood or use type where the service is provided. Examples of minor utilities include water and sewage pump stations, storm water retention and detention facilities, telephone exchanges, electrical substations, and surface transportation stops such as bus stops and park-and-ride facilities.

DEFINITIONS

V

VAPE, TOBACCO, AND CBD SHOP	A retail establishment primarily dedicated towards the sale of tobacco, tobacco related products, vaping related products, cannabis products or cannabis related products or similar inhaled products and devices.
VARIANCE	A grant of relief from the requirements of this Ordinance. A variance may grant relief from special flood hazard area standards or other zoning or subdivision standards in this Ordinance. For the purposes of Section 3.8.2, Flood Hazard Overlay (FHO) District: A grant of relief to a person from the requirements of this part which permits construction in a manner otherwise prohibited by this part where specific enforcement would result in unnecessary hardship.
VEGETATIVE COVER	For the purposes of Section 3.8.2, Flood Hazard Overlay (FHO) District: Any native or non-invasive vegetative growth or other material that renders the soil surface stable against accelerated erosion.
VEHICULAR USE AREA	An off-street parking space or parking lot along with associated drive aisles and means on ingress or egress.
VERTICAL FAÇADE MODULATION	The organization of a an individual building façade into a base, middle, and cap configuration where there are discernable differences in exterior materials, building wall planes, or architectural detailing along the façade from the grade to the top of the building.
VERTICALLY-INTEGRATED MIXED-USE BUILDING	A two or more story development that includes residential and non-residential development. It is typical for vertically-oriented mixed-use development to include residential development on the upper floors and nonresidential development on the ground or street level.
VESTED RIGHT	A right pursuant to North Carolina General Statutes Section 160D-108 to undertake and complete the development and use of property under the terms and conditions of an approved site-specific development plan.
VESTED RIGHT CERTIFICATE	An authorization granted by Board of Commissioners to an approved site-specific development plan that protects the development from the need to comply with some (but not all) regulatory changes that are adopted by the town during the period which the development is vested.
VETERINARY CLINIC	A facility for the care and treatment of animals, including household pets and larger domesticated animals. Such facilities may be entirely indoors or may have both indoor and outdoor components.

DEFINITIONS	
VIOLATION	A breach, infringement, or transgression of a law or requirement in this Ordinance or a permit or other development approval. For the purposes of Section 3.8.2, Flood Hazard Overlay (FHO) District: The failure of a structure or other development to be fully compliant with the community's floodplain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in Articles IV and V is presumed to be in violation until a time as that documentation is provided.
VISUALLY TRANSPARENT	Glass or glazing that does not obstruct the view into a structure.
W	
WALL OFFSET	A projection or recess located in or along a building wall.
WALL PACK	An exterior lighting device that is flush-mounted on a vertical wall surface.
WALL PLANE	The exterior surface of a building wall relative to the lot line it abuts.
WALL PLANE, PRIMARY	The largest portion of a building wall in terms of area on a single building façade that maintains a uniform distance from the abutting lot line.
WALL, BUILDING	The entire surface area, including windows and doors, of an exterior wall of a building.
WALL, GREEN	A building wall that is partially or completely covered with greenery that includes a growing medium, such as soil, water or a substrate and an integrated water delivery system.
WALL, PARAPET	A building façade that rises above the roof level, typically obscuring a gable or flat roof as well as any roof-mounted equipment.
WALL, PRIMARY	The architectural front façade of the building that faces the street from which the building is addressed.
WALL, SECONDARY	Exterior building walls that correspond to the side or rear of a building that that are visible from public recreation lands or streets other than the street that the building is addressed from.
WALL, TERTIARY	Building walls that are not primary or secondary building walls.
WAREHOUSE, DISTRIBUTION	An industrial use engaged in distribution of manufactured products, supplies, and equipment.
WAREHOUSE, STORAGE	A use engaged in storage of manufactured products, supplies, and equipment excluding bulk storage of materials that are flammable or explosive or that present hazards or conditions commonly recognized as offensive.
WASTE COMPOSTING	Uses where solid wastes are composted using composting technology. Accessory uses may include offices and repackaging and transshipment of by-products.
WASTE-RELATED SERVICES	The waste-related services use category includes use types that receive solid or liquid wastes from others for disposal on the site or for transfer to another location, uses that collect sanitary wastes, or uses that manufacture or produce goods or energy from the composting of organic material or processing of scrap or waste material. This use category also includes use types that receive wastes from others.

DEFINITIONS	
WATER DEPENDENT STRUCTURE	Any structure or facility which cannot be used for its intended purpose unless it is in close proximity to water, such as a boat dock. The term does not include ancillary parking or boat storage facilities, manufacture, sales, or service facilities.
WATER SUPPLY WATERSHED	The entire land area contributing surface drainage to a designated water supply reservoir.
WATER SURFACE ELEVATION	The height, in relation to mean sea level, of floods of various magnitudes and frequencies in the floodplains of riverine areas.
WATERSHED	The entire land area contributing stormwater drainage to a specific point (i.e., receiving streams and floodplains).
WATERSHED CRITICAL AREA	The area adjacent to a water supply intake or reservoir where risk associated with pollution is greater than from the remaining portions of the watershed. The critical area is defined as extending one mile from the normal pool elevation of a water supply reservoir or to the ridge line of the watershed (whichever comes first); or one mile upstream from the intake located directly in the stream or river (run of the river), or the ridge line of the watershed (whichever comes first).
WATERSHED MANAGEMENT PLAN	A plan that documents industries that are located within watershed boundaries that use, store or manufacture chemicals that could potentially pose a threat to water quality and the response procedures for handling spills and/or discharges.
WATERSHED PROTECTION PERMIT	An approval to execute proposed development or land-disturbing activity in proximity to a water supply watershed, subject to protection measures intended to preserve surface water quality.
WEEKEND DAY	Saturday or Sunday.
WETLANDS (INCLUDING 404 WETLANDS)	Wetlands either with or without a surface or subsurface connection to a larger body of water under the permitting jurisdiction of the U.S. Army Corps of Engineers.
WHOLESALE SALES	Establishments or places of business primarily engaged in selling merchandise to retailers; to industrial, commercial, institutional, or professional business users; or to other wholesalers. Wholesale establishment does not include contractor's materials or office or retail sales uses.
WIND ENERGY CONVERSION	A power generating use that converts kinetic energy from the wind into mechanical energy through the use of a wind turbine. The mechanical energy can then be used to power on-site equipment or an electrical generator to create electricity for on-site or off-site use. Such uses may include batteries for the storage of electrical energy.
WIRELESS TELECOMMUNICATIONS EQUIPMENT	Elements necessary for the function of a wireless telecommunications facility, including, but not limited to: equipment cabinets or racks, computers, wireless signal processors, telephone interfaces, GPS equipment, power supplies, batteries, climate control devices, cabling, cable mounting devices, ice shields or bridges, grounding systems, and similar features. Wireless telecommunications equipment does not include antennas or antenna support structures.

DEFINITIONS	
WIRELESS TELECOMMUNICATIONS FACILITY	A facility dedicated to the broadcast and/or receiving of wireless telecommunications signals for the purpose of communication, public safety, or data transfer. Wireless telecommunications facilities consist of one or more antenna, cabling or other means to send to telecommunications signals to associated equipment, a support structure, and a dedicated power source. Wireless telecommunications facilities include the following: telecommunications towers (concealed, major, minor), collocations (major and minor), small wireless facilities, and temporary wireless facilities.
WIRELESS TELECOMMUNICATIONS SERVICES	Any services, using licensed or unlicensed wireless spectrum, including the use of telephone, data transmission, Wi-Fi, whether at a fixed location or mobile, provided to the public.
WORKING DAYS	As used in Section 7.5, Soil Erosion and Sedimentation, days exclusive of Saturday and Sunday during which weather conditions or soil conditions permit land-disturbing activity to be undertaken.
WRIT OF CERTIORARI	A writ of superior court to call up the records of an inferior court or a body acting in a quasi-judicial capacity.
X	
XERISCAPE	The use of plant materials and planting techniques that conserve water.
Y	
YARD	An open space on the same lot with a building or group of buildings which open space lies between the building or group of buildings and the nearest lot line and is occupied and unobstructed from the ground upward by buildings or structures except by permitted accessory buildings or uses.
YARD OR GARAGE SALE	A temporary sale of used goods conducted by the resident of a dwelling. Yard or garage sales may include used goods from more than one family.
YOUTH CENTER	An institutional or not-for-profit establishment that provides recreational and various leisure activities to persons under 18 years of age.
Z	
ZONING COMPLIANCE PERMIT	A permit used to ensure proposed development is consistent with all requirements of this Ordinance as well as any conditions of approval.
ZONING MAP	See "Official Zoning Map."
ZONING MAP AMENDMENT	An application for an amendment to the Official Zoning Map. It includes applications for establishing an initial zoning designation following annexation.

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Grow Zebulon

10: REVIEWING AGENCIES 10-1

10.1. Overview 10-1

10.1.1. Board of Adjustment (BOA); 10-1
10.1.2. Board of Commissioners (BOC); 10-1
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10: REVIEWING AGENCIES

10.1. OVERVIEW

As identified in Article 2: Procedures, the following review authorities have powers and responsibilities for administering this Ordinance, especially with regard to procedures related to development applications.

10.1.1. Board of Adjustment (BOA);
10.1.2. Board of Commissioners (BOC);
10.1.3. Planning Board;
10.1.4. Technical Review Committee (TRC); and
10.1.5. Town staff, comprised of the Building Inspector, Planning Director, and Town Manager.

10.2. BOARD OF ADJUSTMENT (BOA)

The Board of Adjustment is hereby established in accordance with Section 160D-302 of the North Carolina General Statutes. The BOA shall have the following powers and duties, composition, and rules of procedure under this Ordinance:

10.2.1. POWERS AND DUTIES

A. APPLICATION REVIEW AND DECISION

To review and decide applications for:

1. Appeals of decisions by town staff members deciding applications under this Ordinance; and
2. Variances.

B. OTHER POWERS AND DUTIES

To exercise other powers and authority provided to it by the Board of Commissioners, this Ordinance, or state law.

C. WATERSHED REVIEW BOARD

The Board of Adjustment shall serve as the Watershed Review Board and review and decide variance requests from the watershed protection standards in accordance with Section 2.2.21, Variance.

10.2.2. COMPOSITION

A. MEMBERSHIP

The BOA shall consist of five regular members.

B. RESIDENCE LOCATION AND APPOINTMENT

1. Four members shall be citizens and residents of the town and shall be appointed by the Town of Zebulon Board of Commissioners;
2. One member shall be a citizen of Wake County and reside outside the town but within the extraterritorial jurisdiction boundaries of the town and shall be appointed by the Board of Commissioners of Wake County.
   a. If despite good faith efforts, enough residents of the extra territorial planning area cannot be found to fill the seats reserved for residents of the area, then the Wake County Board of Commissioners may appoint other residents of the county (including residents of the town) to fill these seats.
   b. If the county Board of Commissioners fails to make these appointments within 90 days after receiving a resolution from the town Board of Commissioners requesting that they be made, the town Board of Commissioners may make them.

3. If a regular or alternate in-town member moves outside the town, or if an extra-territorial area regular or alternate moves outside the planning jurisdiction, that shall constitute a resignation from the BOA, effective upon the date a replacement is appointed.

C. ALTERNATE MEMBERS

1. In addition to regular members, the BOA shall have two alternate members.
2. One alternate member shall be shall be a citizen and resident of the town and shall be appointed by the town Board of Commissioners.
3. One member shall be a citizen of Wake County and reside outside the town but within the extraterritorial jurisdiction boundaries of the town and shall be appointed by the Board of Commissioners of Wake County.
4. Alternate members shall be appointed for the same term, at the same time, and in the same manner as regular members.
5. Each alternate member, while attending any regular or special meeting of the BOA and serving in the absence of any regular member, shall exercise all the powers and duties of a regular member.
6. Town alternate members shall only replace regular town members and extraterritorial alternate members shall only replace regular extraterritorial members.

D. MEMBER TERMS

1. Board of Adjustment members shall be appointed for three-year staggered terms expiring on June 30.
2. Members may continue to serve until their successors have been appointed.
3. There shall be no term limits for those serving on the BOA.

E. VACANCIES

Vacancies occurring for reasons other than expired terms shall be filled as they occur for the unexpired remainder of the term either by the town Board of Commissioners or the County Commissioners of Wake County, depending upon the area represented.

F. OFFICERS

1. The BOA shall elect a Chair and Vice-Chair and create and fill such other offices as it may determine. The term of the Chair and other officers shall be one year, with eligibility for re-election.
2. Election of officers shall take place at the first meeting of the Board following the beginning of the fiscal year.

10.2.3. RULES OF PROCEDURE

A. GENERALLY

The BOA shall adopt rules for the transaction of its business and shall keep a record of its members' attendance and its resolutions, discussions, findings and recommendations, which record shall be a public record.

B. COMPENSATION

Members of the BOA shall receive no compensation for their services.

C. SCHEDULE

1. The BOA shall establish a regular meeting time and place.
2. Unless there is no business to be conducted, the BOA shall hold at least one meeting monthly.
3. The BOA may elect to change and/or delete meeting dates, times and/or locations of its regular meetings.

D. OPEN MEETINGS

All meetings and hearings shall be open to the public.

E. OFFICIAL RECORD

1. The BOA shall keep minutes of its proceedings showing the vote of each member upon each question and the absence or failure of any member to vote.
2. Unless otherwise provided by law, all records and minutes shall be public record.

F. QUORUM

1. No official business of the BOA may be conducted without a quorum present.
2. A quorum shall be defined as the number of members equal to four-fifths of the regular board membership, excluding vacant seats.

G. VOTING

1. The concurring vote of four-fifths of the BOA members shall be necessary to grant a variance.
2. A simple majority of the BOA members shall be required to decide any other matter.
3. Members who are recused from voting due to a conflict of interest shall not be counted towards a simple or super majority.
4. The members appointed to the BOA by the Board of Wake County Commissioners as representatives of the extraterritorial area outside the town shall have equal rights, privileges and duties with the other members of the BOA regardless of whether the matters at issue arise within the town or within the extraterritorial area.

H. ATTENDANCE

Faithful attendance at meetings of the BOA is considered a prerequisite to continued membership, and the appointing authority may remove and replace any member continually delinquent in his duty to attend.

1. Regular members of the Board of Adjustment may be removed by the Board of Commissioners at any time for failure to attend three consecutive meetings or for failure to attend 70 percent or more of the meetings within any 12-month period or for any other good cause related to performance of duties.
2. Alternate members may be removed for repeated failure to attend or participate in meetings when requested to do so in accordance with regularly established procedures.

I. CONFLICT OF INTEREST

1. A member of the BOA shall not vote, nor participate in any manner that would violate an affected person's constitutional rights to an impartial decision maker; including, but are not limited to:
   a. A member having a fixed opinion prior to hearing the matter that is not susceptible to change;
   b. Undisclosed ex-parte communication;
   c. A close family, business, or other associational relationship with an affected person; or
   d. Financial interest in the outcome of the matter.
2. If an objection is raised to a member's participation and that member does not recuse their self, the remaining members shall by majority vote rule on the objection.

10.3. BOARD OF COMMISSIONERS

In order to exercise the authority granted to the Board of Commissioners by state law, the Board of Commissioners shall have the following powers and duties under this Ordinance:

10.3.1. POWERS AND DUTIES

A. APPLICATION REVIEW AND DECISION

To initiate, review, and decide applications for:

1. Comprehensive Plan Amendments;
2. Development Agreements;
3. Planned Developments;
4. Special Use Permits;
5. UDO Text Amendments;
6. Vested Rights Determinations; and
7. Zoning Map Amendments.

B. OTHER POWERS AND DUTIES

1. To approve, by resolution, a schedule of fees governing:
   a. Applications for permits and other development approval reviews under this ordinance; and
   b. Civil penalties for violations of this Ordinance.
2. To take any other action not delegated to the Planning Board, BOA, or town staff, as the Board of Commissioners may deem desirable and necessary to implement the provisions of this Ordinance.

10.3.2. CONFLICT OF INTEREST

In accordance with NCGS 160D-109(a) A governing board member shall not vote on any legislative decision regarding a development regulation adopted pursuant to this Chapter where the outcome of the matter being considered is reasonably likely to have a direct, substantial, andreadily identifiable financial impact on the member. A governing board member shall not vote onany zoning amendment if the landowner of the property subject to a rezoning petition or the applicant for a text amendment is a person with whom the member has a close familial, business, or other associational relationship.

10.4. PLANNING BOARD

The Planning Board is hereby established in accordance with Section 160D-301 of the North Carolina General Statutes. The Planning Board shall have the following powers and duties, composition, and rules of procedure under this Ordinance:

10.4.1. POWERS AND DUTIES

A. RECOMMENDATION AUTHORITY

To make recommendations to the Board of Commissioners on the following applications:

1. Comprehensive Plan Amendments;
2. Development Agreements;
3. Planned Developments;
4. Special Use Permit concept plans;
5. UDO Text Amendments; and
6. Zoning Map Amendments.

B. OTHER POWERS AND DUTIES

The Planning Board shall have the following other powers and duties:

1. To make studies of the town's planning jurisdiction and surrounding areas;
2. To determine objectives to be sought in the development of the town;
3. To prepare and adopt plans for achieving these objectives;
4. To develop and recommend policies, ordinances, administrative procedures, and other means for carrying out plans that the Board of Commissioners may direct;
5. To advise the Board of Commissioners concerning the use and amendment of means for carrying out plans;
6. To exercise any functions in the administration and enforcement of various means for carrying out plans that the Board of Commissioners may direct;
7. To perform any other related duties that the Board of Commissioners may direct;
8. To conduct such public meetings as may be required to gather information necessary for the drafting, establishment, and maintenance of adopted or proposed plans and before recommending any such plans to the Board of Commissioners; and
9. To promote public interest in and an understanding of its recommendations, and to that end, publish and distribute copies of its recommendations and may employ such other means of publicity and education as it may determine.

10.4.2. COMPOSITION

A. MEMBERSHIP

The Planning Board shall consist of seven members.

B. RESIDENCE LOCATION AND APPOINTMENT

1. Five members shall be citizens and residents of the town and shall be appointed by the town of Zebulon Board of Commissioners;
2. Two members shall be citizens of Wake County and reside outside the town but within the extraterritorial jurisdiction boundaries of the town and shall be appointed by the Board of Commissioners of Wake County.
   a. If despite good faith efforts, enough residents of the extra territorial planning area cannot be found to fill the seats reserved for residents of the area, then the Wake County Board of Commissioners may appoint other residents of the county (including residents of the town) to fill these seats.
   b. If the County Board of Commissioners fails to make these appointments within 90 days after receiving a resolution from the Board of Commissioners of the town requesting that they be made, the Board of Commissioners of the town may make them.

3. Members of the Planning Board shall hold no other official municipal government position except on a zoning board, zoning board of adjustment or housing authority board.
4. A member may be removed by the Board which appointed the member for neglect of duty or malfeasance in office.
5. Upon request of the member proposed for removal, the Board of Commissioners may hold a hearing on the removal before it becomes effective.

C. MEMBER TERMS

1. Members of the Planning Board shall be appointed for terms of three years with terms expiring on June 30.
2. Members may continue to serve until their successors have been appointed.
3. There shall be no term limits for those serving on the Planning Board.

D. VACANCIES

Vacancies occurring for reasons other than expired terms shall be filled as they occur for the unexpired remainder of the term either by the Board of Commissioners of the town or the County Commissioners of Wake County, depending upon the area represented.

E. OFFICERS

1. The Planning Board shall elect a Chairperson and may create and fill other offices as it may deem necessary.
2. The term of officers shall be one year or until successors shall have been elected and installed, with eligibility for re-election.

10.4.3. RULES OF PROCEDURE

A. GENERALLY

The Planning Board shall adopt rules for the transaction of its business and shall keep a record of its members' attendance and its resolutions, discussions, findings and recommendations, which record shall be a public record.

B. COMPENSATION

Members of the Planning Board shall receive no compensation for their services.

C. SCHEDULE

1. The Planning Board shall establish a regular meeting time and place.
2. Unless there is no business to be conducted, the Planning Board shall hold at least one meeting monthly.
3. The Planning Board may elect to change and/or delete meeting dates, times and/or locations of its regular meetings.

D. OPEN MEETINGS

All meetings and hearings shall be open to the public.

E. OFFICIAL RECORD

1. The Planning Board shall keep minutes of its proceedings showing the vote of each member upon each question and the absence or failure of any member to vote.
2. Unless otherwise provided by law, all records and minutes shall be public record.

F. QUORUM

1. No official business of the Planning Board may be conducted without a quorum present.
2. A quorum shall consist of a majority of actual membership excluding vacant seats.

G. VOTING

1. An affirmative vote of the majority of Planning Board members constituting a quorum is required for all decisions.
2. The Chairperson shall vote as any other member.

3. The members appointed to the BOA by the Board of Wake County Commissioners as representatives of the extraterritorial area outside the town shall have equal rights, privileges and duties with the other members of the Planning Board regardless of whether the matters at issue arise within the town or within the extraterritorial area.

H. ATTENDANCE

Faithful attendance at meetings of the Planning Board is considered a prerequisite to continued membership, and the appointing authority may remove and replace any member continually delinquent in his duty to attend. Specifically, members of the Planning Board may be removed by the Board of Commissioners at any time for:

1. Failure to attend three consecutive meetings; or
2. Failure to attend 70% or more of the meetings within any 12-month period;
3. For any other good cause related to performance of duties.

I. CONFLICT OF INTEREST

1. A member of the Planning Board shall not vote, nor participate in any manner that would violate an affected person's constitutional rights to an impartial decision maker; including, but are not limited to:
   a. A member having a fixed opinion prior to hearing the matter that is not susceptible to change;
   b. A close family, business, or other associational relationship with an affected person; or
   c. Financial interest in the outcome of the matter.
2. If an objection is raised to a member's participation and that member does not recuse himself or herself, the remaining members shall by majority vote rule on the objection.

10.5. TECHNICAL REVIEW COMMITTEE (TRC)

The Technical Review Committee (TRC) is hereby established in accordance with Section 160D-306 and Section 160D-803 of the North Carolina General Statutes. The TRC shall have the following powers, duties, composition, and rules of procedure under this Ordinance:

10.5.1. POWERS AND DUTIES

A. APPLICATION REVIEW AND DECISION

To review and decide the following applications:

1. Preliminary Plats; and
2. Site Plans.

B. OTHER POWERS AND DUTIES

To conduct a review of any other issue deemed appropriate by the Board of Commissioners or Town Manager.

10.5.2. COMPOSITION

A. MEMBERSHIP

1. The TRC shall consist of the following persons or their appointed representatives:
   a. Town Manager;
   b. Planning Director;
   c. Police Chief;
   d. Fire Chief;
   e. Public Works Director;
   f. Finance Director;
   g. Parks and Recreation Director;
   h. Appropriate representatives from any other public utility; and
   i. Other persons whose attendance would be beneficial to the review process as determined by the Chair.
2. Representatives from other town departments, representatives from other municipalities, NC DOT, railroad representatives, private utility companies, and public or private school systems may also attend.

B. OFFICERS

The Planning Director, or their designee shall serve as Chair of the TRC, and shall schedule committee meetings, coordinate the committee's activities, preside over committee meetings, prepare committee reports, and serve as liaison to the departments and agencies involved for clarification of issues and resolution of conflicts.

10.5.3. RULES OF PROCEDURE

A. MEETINGS

1. The TRC shall establish a regular meeting schedule, and shall meet frequently enough to discuss any plats, plans or related issues submitted to it for review.
2. The Planning Director may invite applicants to attend TRC meetings.

B. CONFLICT OF INTEREST

1. No staff member shall make a final decision on an administrative decision required by this Chapter if the outcome of that decision would have a direct, substantial, and readily identifiable financial impact on the staff member or if the applicant or other person subjectto that decision is a person with whom the staff member has a close familial, business, or other associational relationship. If a staff member has a conflict of interest under this section, the decision shall be assigned to the supervisor of the staff person or

such other staff person as may be designated by the development regulation or other ordinance.

2. No staff member shall be financially interested or employed by a business that is financially interested in a development subject to regulation under this Chapter unless the staff member is the owner of the land or building involved. No staff member or other individual or an employee of a company contracting with a local government to provide staff supportshall engage in any work that is inconsistent with his or her duties or with the interest of the local government, as determined by the local government.

10.6. BUILDING INSPECTOR

With respect to the administration of this Ordinance, the Building Inspector shall have the following powers and duties:

10.6.1. POWERS AND DUTIES

A. APPLICATION REVIEW AND DECISION

To review and decide applications for:

1. Building Permits; and
2. Certificates of Occupancy.

B. OTHER POWERS AND DUTIES

The Building Inspector shall have the following other powers and duties:

1. Assist with enforcement of this Ordinance in accordance with Article 8: Enforcement;
2. Process applications as designated in the Procedures Manual;
3. Provide expertise and technical assistance to the town's review authorities and administration, upon request;
4. Maintain all records pertaining to the provisions of this Ordinance and make records available for public inspection; and
5. Perform other duties as may be assigned by the Town Manager or the Planning Director.

10.7. PLANNING DIRECTOR

The Planning Director shall have the following powers and duties:

10.7.1. POWERS AND DUTIES

A. APPLICATION REVIEW AND DECISION

To review and decide applications for:

1. Administrative Adjustments;
2. Exempt Subdivisions;
3. Final Plats;
4. Floodplain Development Permits;
5. Interpretations;
6. Sign Permits;
7. Temporary Use Permits; and
8. Zoning Compliance Permit.

B. OTHER POWERS AND DUTIES

The Planning Director shall have the following other powers and duties:

1. Assist with enforcement of this Ordinance in accordance with Article 8: Enforcement;
2. Serve as the Floodplain Administrator;
3. Maintain the Procedures Manual;
4. Provide expertise and technical assistance to the town's review authorities and administration, upon request;
5. Maintain all records pertaining to the provisions of this Ordinance and make records available for public inspection; and
6. Perform other duties as may be assigned by the Town Manager or the Board of Commissioners.

C. WATERSHED ADMINISTRATOR

1. The Planning Director is hereby appointed as the Watershed Administrator and review all applications for development in the R1 district for compliance with the applicable water supply watershed regulations.
2. The Planning Director may enter any building, structure, or premises, as provided by law, to perform any duty of the Watershed Administrator.

D. FLOODPLAIN ADMINISTRATOR

The Planning Director is hereby appointed to administer and implement the provisions of Section 3.8.2, Flood Hazard Overlay (FHO) District. Duties of the Planning Director shall include, but not be limited to:

1. Review all development permits to assure that the requirements of this part have been satisfied.
2. Advise permittee that additional federal or state permits may be required, and if specific federal or state permits are known, require that copies of such permits be provided and maintained on file with the development permit.
3. Notify adjacent communities and the North Carolina Department of Crime Control and Public Safety, Division of Emergency Management, State Coordinator for the National Flood Insurance Program prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Emergency Management Agency.
4. Assure that maintenance is provided within the altered or relocated portion of the watercourse so that the flood-carrying capacity is not diminished.
5. Prevent encroachments within floodways unless the certification and flood hazard reduction provisions of Section 3.8.2, Flood Hazard Overlay (FHO) District, are met.

6. Obtain actual elevation (in relation to mean sea level) of the lowest floor (including basement) of all new or substantially improved structures, in accordance with division (B)(5).
7. Obtain the actual elevation (in relation to mean sea level) to which the new or substantially improved structures have been floodproofed, in accordance with division (B)(5).
8. When floodproofing is utilized for a particular structure, obtain certifications from a registered professional engineer or architect in accordance with Section 3.8.2.D.2.b, Non-Residential Construction.
9. Where interpretation is needed as to the exact location of boundaries of the areas of special flood hazard (for example, where there appears to be a conflict between a mapped boundary and actual field conditions), make the necessary interpretation. The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in this section.
10. When base flood elevation data or floodway data has not been provided in accordance with Section 3.8.2.B.2, Basis for Establishing the Areas of Special Flood Hazard, obtain, review, and reasonably utilize any base flood elevation data and floodway data available from a federal, state, or other source, including data developed pursuant to Section 3.8.2.D.3.b, in order to administer the provisions of this part.
11. Make on-site inspections of projects in accordance with Section 3.8.2.B.8, Violations.
12. Serve notices of violations, issue stop-work orders, revoke permits and take corrective actions in accordance with Section 3.8.2.B.8, Violations.
13. Maintain all records pertaining to the administration of this part and make these records available for public inspection.
14. Provide the North Carolina Department of Crime Control and Public Safety, Division of Emergency Management, State Coordinator for the National Flood Insurance Program with two copies of the maps delineating new corporate limits within six months from date of annexation or change in corporate boundaries.
15. The Planning Director or their appointed designee shall report all variances granted each calendar year to the Environmental Management Commission and Wildlife Resources Commission on or before January 1 of the following year.
16. The Planning Director or their appointed designee may waive the requirements of this section to allow an encroachment into the required flood protection areas for the construction of required public improvements including, water, sewer, and roadways when a finding of no practical alternative is made. Any waiver of these requirements does not in any way relieve the applicant of the requirements of other federal, state, or local regulations applicable to the development area. In making the determination for waivers the Land Use Administrator, or their appointed designee, shall consider:
    a. Safety;
    b. Terrain;
    c. Impact on adjacent properties;
    d. Accessibility;
    e. System function;
    f. Cost; and
    g. Timing.

10.8. TOWN MANAGER

The Town Manager shall have the following powers and duties:

10.8.1. POWERS AND DUTIES

A. POWERS AND DUTIES

The Town Manager shall have the following other powers and duties:

1. Enforce this Ordinance in accordance with Article 8: Enforcement, and State law;
2. Advise applicants on the merits of proposed applications;
3. Facilitate coordinated implementation, enforcement, and periodic review of this Ordinance by keeping the Board of Commissioners informed of matters involving this Ordinance;
4. Hear appeals of development-related aspects not addressed in this Ordinance; and
5. Perform other duties as may be assigned by the Board of Commissioners in accordance with State law.

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