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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
LI	Light Industrial
CI	Industrial Campus
HI	Heavy Industrial

ARTICLE 3: DISTRICTS

3.1. Introductory Provisions

3.1.4 Organization of These Zoning District Standards

TABLE 3.1.3: ZONING DISTRICTS ESTABLISHED	
ZONING DISTRICT ABBREVIATION	ZONING DISTRICT NAME
Mixed Use Districts	
OI	Office and Institutional
DTP	Downtown Periphery
DTC	Downtown Core
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.

ARTICLE 3: DISTRICTS

3.1. Introductory Provisions

3.1.5 Generally Applicable Dimensional Standards

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.

ARTICLE 3: DISTRICTS

3.3. General Residential Zoning Districts

3.2.4 Changes to Official Zoning Map

- 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:

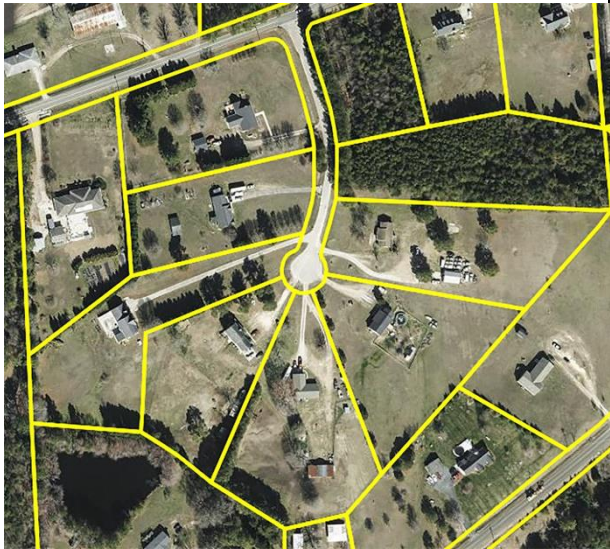
- A. Provide appropriately located lands for residential development that are consistent with the goals, objectives, and policies of the Town's adopted policy guidance;
- B. Ensure adequate light, air, privacy, and open space areas for each dwelling, and protect residents from the negative effects of 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.

ARTICLE 3: DISTRICTS

3.3. General Residential Zoning Districts

3.3.2 Residential Watershed (R1) District

3.3.2. RESIDENTIAL WATERSHED (R1) DISTRICT

A. DISTRICT CHARACTER	B. EXAMPLE LOT PATTERN
<p>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.</p>	

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-Up 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.

ARTICLE 3: DISTRICTS

3.3. General Residential Zoning Districts

3.3.2 Residential Watershed (R1) District

[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 than 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

ARTICLE 3: DISTRICTS

- 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](#).

ARTICLE 3: DISTRICTS

3.3.3. RESIDENTIAL SUBURBAN (R2) DISTRICT

A. DISTRICT CHARACTER	B. EXAMPLE LOT PATTERN
<p>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.</p>	

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		

ARTICLE 3: DISTRICTS

3.3. General Residential Zoning Districts

3.3.3 Residential Suburban (R2) District

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


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ARTICLE 3: DISTRICTS

3.3. General Residential Zoning Districts

3.3.4 Residential Neighborhood (R4) District

3.3.4. RESIDENTIAL NEIGHBORHOOD (R4) DISTRICT

A. DISTRICT CHARACTER	B. EXAMPLE LOT PATTERN
<p>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.</p>	

C. DIMENSIONAL STANDARDS-RESIDENTIAL	Traditional Format	Complies with Residential Design Guidelines	Conservation Subdivision	Bungalow Court/Pocket Neighborhood
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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		

ARTICLE 3: DISTRICTS

3.3. General Residential Zoning Districts

3.3.4 Residential Neighborhood (R4) District

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			

ARTICLE 3: DISTRICTS

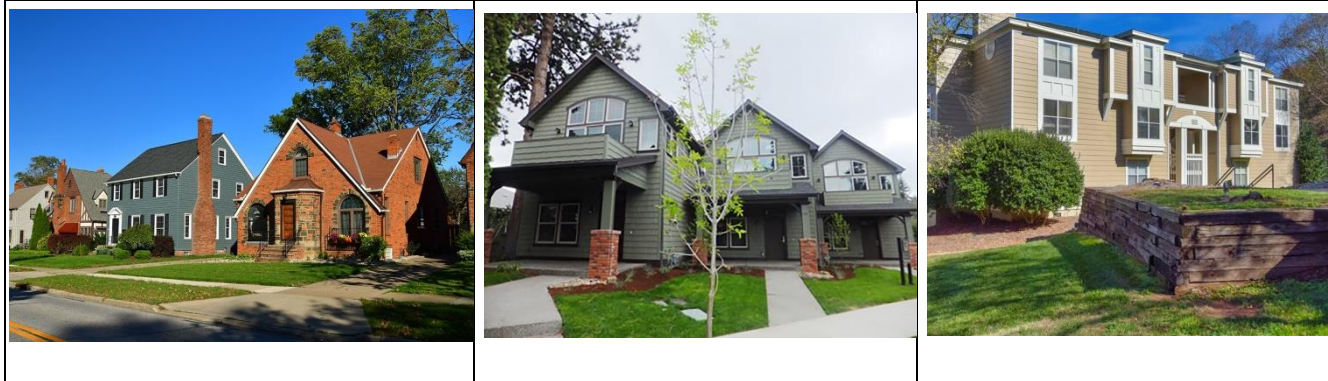
3.3. General Residential Zoning Districts

3.3.4 Residential Neighborhood (R4) District

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


placeholder

ARTICLE 3: DISTRICTS

3.3. General Residential Zoning Districts

3.3.5 Residential Urban (R6) District

3.3.5. RESIDENTIAL URBAN (R6) DISTRICT

A. DISTRICT CHARACTER		B. EXAMPLE LOT PATTERN	
<p>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.</p>			
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	

ARTICLE 3: DISTRICTS

3.3. General Residential Zoning Districts

3.3.5 Residential Urban (R6) District

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		

ARTICLE 3: DISTRICTS

3.3. General Residential Zoning Districts

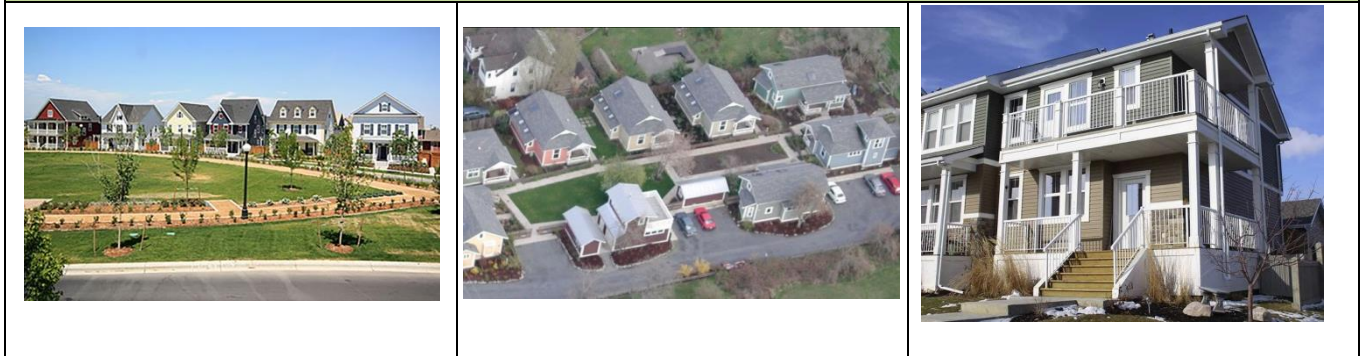
3.3.5 Residential Urban (R6) District

Minimum Spacing Between Principal Buildings on the Same Lot (feet)	25		
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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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ARTICLE 3: DISTRICTS

3.3. General Residential Zoning Districts

3.3.6 Residential Multi-Family (RMF) District

3.3.6. RESIDENTIAL MULTI-FAMILY (RMF) DISTRICT

A. DISTRICT CHARACTER	B. EXAMPLE LOT PATTERN
<p>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.</p>	

C. DIMENSIONAL STANDARDS-RESIDENTIAL	Traditional Format	Complies with Residential Design Guidelines	Bungalow Court/ Pocket Neighborhood
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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	

ARTICLE 3: DISTRICTS

3.3. General Residential Zoning Districts

3.3.6 Residential Multi-Family (RMF) District

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		

ARTICLE 3: DISTRICTS

3.3. General Residential Zoning Districts

3.3.6 Residential Multi-Family (RMF) District

Minimum Spacing Between Principal Buildings on the Same Lot (feet)	25		
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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

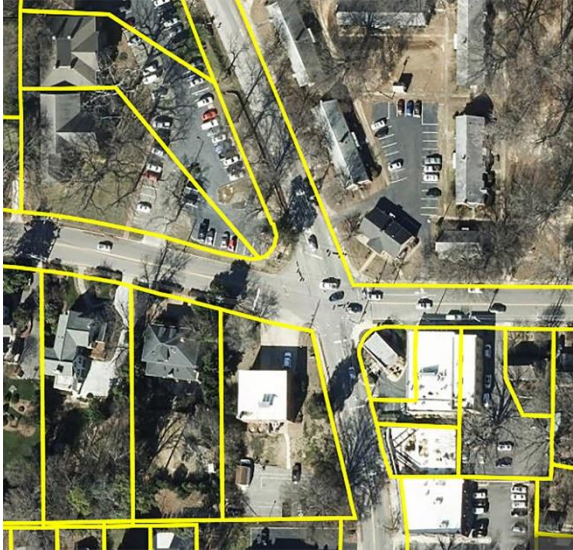
3.4.1. SUMMARY PURPOSE AND INTENT STATEMENTS

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.

ARTICLE 3: DISTRICTS

3.4.2. NEIGHBORHOOD COMMERCIAL (NC) DISTRICT

A. DISTRICT CHARACTER	B. EXAMPLE LOT PATTERN
<p>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.</p>	
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

ARTICLE 3: DISTRICTS

3.4. General Commercial Zoning Districts

3.4.2 Neighborhood Commercial (NC) District

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		

ARTICLE 3: DISTRICTS

3.4. General Commercial Zoning Districts

3.4.2 Neighborhood Commercial (NC) District

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.

ARTICLE 3: DISTRICTS

3.4.3. GENERAL COMMERCIAL (GC) DISTRICT

A. DISTRICT CHARACTER	B. EXAMPLE LOT PATTERN
<p>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.</p>	

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

ARTICLE 3: DISTRICTS

3.4. General Commercial Zoning Districts

3.4.3 General Commercial (GC) District

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

ARTICLE 3: DISTRICTS

3.4. General Commercial Zoning Districts

3.4.4 Heavy Commercial (HC) District

3.4.4. HEAVY COMMERCIAL (HC) DISTRICT

A. DISTRICT CHARACTER		B. EXAMPLE LOT PATTERN	
<p>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.</p>			
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			
			

ARTICLE 3: DISTRICTS

3.4. General Commercial Zoning Districts

3.4.4 Heavy Commercial (HC) District




E. DISTRICT-SPECIFIC STANDARDS
Reserved

ARTICLE 3: DISTRICTS

3.4. General Commercial Zoning Districts

3.4.5 Light Industrial (LI) District

3.4.5. LIGHT INDUSTRIAL (LI) DISTRICT

A. DISTRICT CHARACTER		B. EXAMPLE LOT PATTERN	
<p>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.</p>			
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			
			

ARTICLE 3: DISTRICTS

3.4. General Commercial Zoning Districts

3.4.5 Light Industrial (LI) District


E. DISTRICT-SPECIFIC STANDARDS
Reserved

ARTICLE 3: DISTRICTS

3.4. General Commercial Zoning Districts

3.4.6 Campus Industrial (CI) District

3.4.6. CAMPUS INDUSTRIAL (CI) DISTRICT

A. DISTRICT CHARACTER	B. EXAMPLE LOT PATTERN
<p>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.</p>	

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


ARTICLE 3: DISTRICTS

3.4. General Commercial Zoning Districts

3.4.6 Campus Industrial (CI) District



E. DISTRICT-SPECIFIC STANDARDS
Reserved

ARTICLE 3: DISTRICTS

3.4. General Commercial Zoning Districts

3.4.7 Heavy Industrial (HI) District

3.4.7. HEAVY INDUSTRIAL (HI) DISTRICT

A. DISTRICT CHARACTER	B. EXAMPLE LOT PATTERN
<p>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.</p>	
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.

ARTICLE 3: DISTRICTS

3.5. General Mixed Use Zoning Districts

3.5.2 Office Institutional (OI) District

3.5.2. OFFICE INSTITUTIONAL (OI) DISTRICT

A. DISTRICT CHARACTER	B. EXAMPLE LOT PATTERN
<p>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.</p>	

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 Design Guidelines	Bungalow Court/Pocket Neighborhood
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SINGLE-FAMILY DETACHED DEVELOPMENT			
Maximum Development Size (acres)	N/A	N/A	3 (max. size)
Maximum Residential Density (units/acre)	5.44	6	4

ARTICLE 3: DISTRICTS

3.5. General Mixed Use Zoning Districts

3.5.2 Office Institutional (OI) District

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		

ARTICLE 3: DISTRICTS

3.5. General Mixed Use Zoning Districts

3.5.2 Office Institutional (OI) District

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

ARTICLE 3: DISTRICTS

3.5.3. DOWNTOWN CORE (DTC) DISTRICT

A. DISTRICT CHARACTER	B. EXAMPLE LOT PATTERN
<p>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 than 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.</p>	
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

ARTICLE 3: DISTRICTS

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 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.

ARTICLE 3: DISTRICTS

3.5.4. DOWNTOWN PERIPHERY (DTP) DISTRICT

A. DISTRICT CHARACTER	B. EXAMPLE LOT PATTERN
<p>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.</p>	

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	

ARTICLE 3: DISTRICTS

3.5. General Mixed Use Zoning Districts

3.5.4 Downtown Periphery (DTP) District

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 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

ARTICLE 3: DISTRICTS

3.5. General Mixed Use Zoning Districts

3.5.4 Downtown Periphery (DTP) District

- 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

ARTICLE 3: DISTRICTS

3.5. General Mixed Use Zoning Districts

3.5.4 Downtown Periphery (DTP) District

- 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. 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

ARTICLE 3: DISTRICTS

3.5. General Mixed Use Zoning Districts

3.5.5 Planned Development (PD) District

- 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;

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3.6. Conditional Districts

3.6.6 Development Concept Required

- 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

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3.7. Special Use Districts

3.7.5 Additional Standards for the CA-SUD District

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,

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3.8. Overlay Zoning Districts

3.8.2 Flood Hazard Overlay (FHO) District

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

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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 15A 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

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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 11 .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,

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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

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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.

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3.8. Overlay Zoning Districts

3.8.2 Flood Hazard Overlay (FHO) District

- 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

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3.8. Overlay Zoning Districts

3.8.2 Flood Hazard Overlay (FHO) District

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

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3.8.2 Flood Hazard Overlay (FHO) District

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

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3.8.2 Flood Hazard Overlay (FHO) District

- 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:

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3.8. Overlay Zoning Districts

3.8.2 Flood Hazard Overlay (FHO) District

- 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

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3.8. Overlay Zoning Districts

3.8.2 Flood Hazard Overlay (FHO) District

- 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. **APEAL:**

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

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3.8. Overlay Zoning Districts

3.8.3 Gateway Corridor Overlay (GCO) District

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.

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3.8. Overlay Zoning Districts

3.8.3 Gateway Corridor Overlay (GCO) District

- 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]

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3.8. Overlay Zoning Districts

3.8.4 Local Historic Overlay (LHO) District

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.

