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SECTION 9.1 LOCATION OF REQUIRED YARDS IRREGULAR AND THROUGH LOTS

An area measured between the edge of the public street right-of-way line, and the front of a building, projected to the side lot lines. On corner lots, the property owner shall determine the location of the front yard where no principal structure is located. If a principal structure is located on such a lot, the front yard shall be based on the architectural orientation of the house. On a water front lot, where an accessory structure is to be located on the same lot with a principal structure in which the architectural front faces the water, and the rear yard has been determined to abut the street or road right-of-way, then the required rear yard setback for an accessory structure shall be greater or equal to the required front yard setback for principal structures in the underlying zoning district. In addition, the side yard setbacks for accessory structures shall comply with the required side yard setbacks for principal structures. On lots where it is determined the front yard abuts the street or highway right-of-way, section 9.9 for accessory structures shall apply.

On through lots, the required rear yard setback for accessory structures shall equal or exceed the required front yard setback fro principal structures which would normally be applied in that zoning district. For example, if a through lot were located in a zoning district which normally required a thirty (30) foot front yard setback, then required rear yard setback for the accessory structure shall be thirty (30) feet. The front yard shall be based on the front architectural orientation of the principal building. In addition, side yard setbacks for accessory structures locating in the rear yard on through lots shall be allowed within five (5) feet of any side lot line.

The location of required setbacks on other irregularly shaped lots shall be determined by the Administrator based on the spirit and intent of this Ordinance to achieve an appropriate spacing and location of buildings and structures on individual lots.

SECTION 9.2 ORIENTATION OF MANUFACTURED HOMES IN RESIDENTIAL ZONING DISTRICTS

Any manufactured home shall be situated on the lot so that the external wall which, by design, is intended to be the front, faces a street adjoining the lot. This requirement shall not apply if the dwelling is located on a "flag" or "panhandle" lot; or, the dwelling is set back at least one hundred (100) feet from the street right-of-way on an interior lot.

Relief to this requirement may be granted by the Administrator subject to the following findings:

1. The dwelling cannot practically be located on the subject lot in any other manner; and,

2. The dwelling shall have sufficient architectural treatment (e.g. roof gables, addition of windows, doors, porches, etc.) so that the end wall does not appear to be an end wall.

SECTION 9.3 BOUNDARY STRUCTURES

A. Boundary structures are permitted in any zoning district provided that no portion of the structure, including footings, extends into or over any easement, right-of-way, or property line. The maximum height of a boundary structure shall be twelve (12) feet including all columns, light fixtures or other ornamentations, but excluding berms. A "boundary structure" shall not be considered a "fence or wall" and shall not be subject to the requirements of Section 9.4.

B. All boundary structures shall require the submittal of a site plan in accordance with Section 5.2.

C. Boundary structures shall be subject to sight distance triangle provisions contained in Section 9.7.

SECTION 9.4 FENCES OR WALLS PERMITTED

Except as otherwise noted, fences or walls are permitted in the various districts subject to the following regulations:

9.4.1 RESIDENTIAL DISTRICTS

A. No fence or wall located in any required setback shall be built to a height greater than four (4) feet in the front yard or eight (8) feet in the rear or side yard above grade.

B. Fence materials, color and/or texture not compatible in appearance with the principal residential structure and/or the general appearance of the neighborhood in which the lot is located may not be used for fencing materials.

C. No fence or wall shall be constructed within a general drainage or utility

easement, so as to block or materially impede the flow of stormwater runoff, nor in any road right-of-way.

D. Electric fences, except for livestock protection fences, shall be prohibited. Invisible pet fences shall not be considered as an "electric" fence.

E. Botanical Gardens may establish deer fences up to ten (10) feet in height.

9.4.2 ALL OTHER DISTRICTS

A. Within all required setbacks the maximum height of a fence or wall shall be twelve (12) feet.

B. No electrical fences except livestock protection fences shall be permitted. Invisible pet fences shall not be considered as an "electric" fence.

C. No fence or wall shall be constructed within a general drainage or utility easement, so as to block or materially impede the flow of stormwater runoff, nor in any road right-of-way.

9.4.3 CORRECTIONAL FACILITY; PUBLIC UTILITY STRUCTURES

There shall be no maximum height for any fence located within the required setback of any correctional facility or for any public utility structure.

SECTION 9.5 LOT TO ABUT A DEDICATED STREET; MINIMUM LOT WIDTHS

A. No lot may be created after the effective date of this Ordinance that does not have at least fifty (50) feet of road right-of-way frontage in all zoning districts, except CBD, except as follows:

1. Lots within a planned shopping center or office park or other planned multi-tenant development of a nonresidential nature; or,

2. Lots within a condominium, townhome, patio home, or planned residential development, traditional neighborhood development or traditional infill development.

3. Easement lots as provided for in Section 13.15.3(C) of this Ordinance

B. A single-family dwelling (or manufactured home, where allowed) may be constructed or placed on a lot that was in compliance when platted or recorded on or before the effective date of this Ordinance which does not abut a dedicated street right-of-way provided the lot is given access to a dedicated street by an easement at least twenty (20) feet in width for the use of the dwelling established on such lot and further provided that such easement is maintained in a condition passable for automobiles and service and emergency vehicles.

SECTION 9.6 ONE PRINCIPAL BUILDING OR USE PER LOT

A. No more than one (1) principal building devoted to a residential use shall be located on a lot, except as: (i) part of a multifamily development; (ii) planned residential development; (iii) as private residential quarters per Section 9.10; (iv) as a temporary manufactured home as provided in Section 5.8.4(H); (v) part of a planned unit development, or (vi) on any lot having an area of ten (10) acres or greater, a second residential structure may be developed, with each structure having sufficient land area accompanying the structure so that in the event it is sold, the structure and land could be divided into a lot which would meet the guidelines listed in this ordinance. In no case shall the structure be sold unless the structure is located on an individual lot which meets the guidelines set forth in this Ordinance. In the case where a tax parcel is divided by a state maintained road or a recorded private road, built to state standards, each section may be treated on an individual basis for the purpose of this Ordinance. In addition, if any parcel is separated from the larger tract and being less than ten (10) acres, one (1) principal residential structure may be constructed on said parcel.

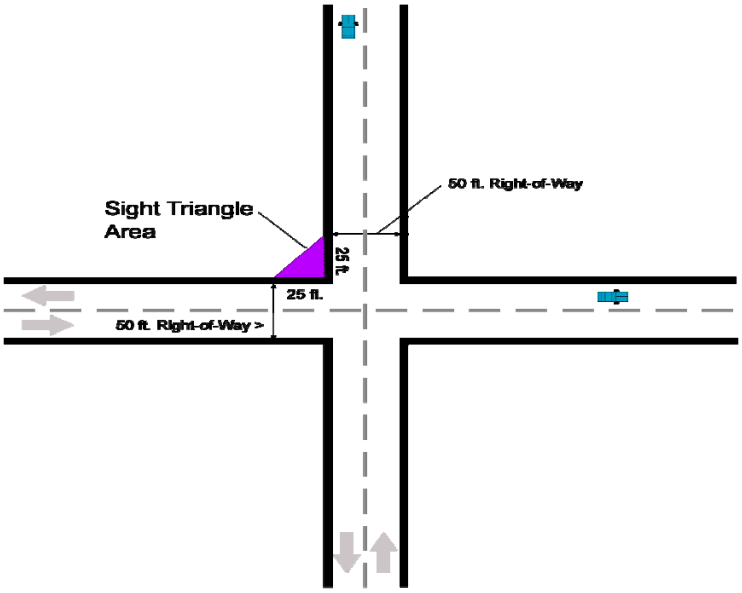
B. More than one (1) principal building devoted to a nonresidential use may be located on a lot provided that an access way at least eighteen (18) feet wide is maintained from a public street to each building for use by service or emergency vehicles. Each building on the lot shall otherwise be separated from any other building by a distance of at least ten (10) feet.

SECTION 9.7 SIGHT DISTANCE TRIANGLES

In any zoning district, there shall be no obstruction to vision above the height of two (2) feet measured above the average elevation of the existing surfaces of the intersecting streets and / or driveways at their centerlines within the area formed by joining points on the property lines measured as follows:

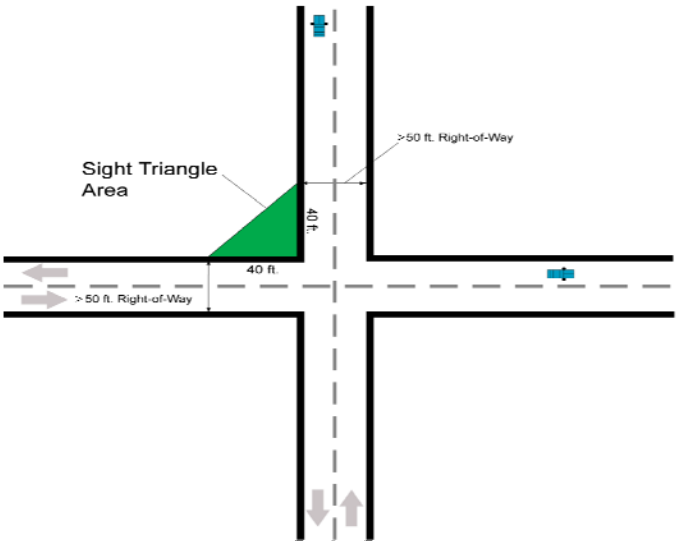
A. On property lines abutting streets with fifty (50) feet or less in right-of-way width or local streets serving local traffic (i.e. streets other than principal or minor arterials), the points on the property lines shall be at least twenty-five (25) feet from the lot corner. Refer to figure 9.7-1.

Figure 9.7-1



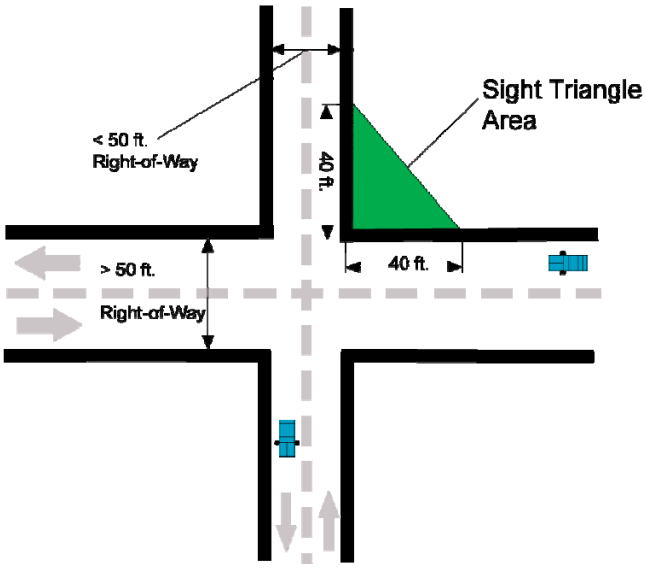
B. On property lines abutting streets with more than fifty (50) feet in right-of-way width, the points on the property lines shall be at least forty (40) feet from the lot corner. Refer to Figure 9.7-2 for an illustration of these requirements.

Figure 9.7-2



C. Where the intersection involves two (2) roads, one with a right-of-way with greater than fifty (50) feet and the other with a right-of-way of less than fifty (50) feet, the more stringent sight triangle shall apply. Refer to Figure 9.7-3 for an illustration of this requirement.

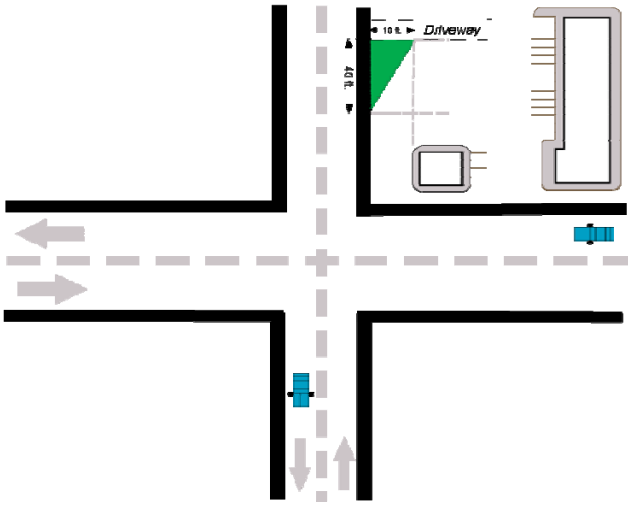
Figure 9.7-3



D. On roads that are maintained by NCDOT, NCDOT requirements shall prevail. Where the requirements between NCDOT and those listed herein differ, the more restrictive shall apply.

E. Where a driveway intersects with a road right-of-way, the sight distance shall be measured from the point of intersection along the driveway for a distance of ten (10) feet and along the right-of-way for a distance of forty (40) feet. Refer to figure 9.7-4.

Figure 9.7-4



SECTION 9.8 HEIGHT EXCEPTIONS

For purposes of this ordinance, the height of a structure shall be the vertical distance measured from the mean elevation of the finished grade at the front of the structure to the highest point of the structure.

The maximum heights as in various districts may be exceeded for the following uses:

A. Roof structures not intended for human occupancy and serving an accessory capacity to the principal structure on the lot, such as skylights, housing for elevators, stairways, water tanks, ventilating fans, air conditioning equipment or similar equipment, steeples, spires, belfries, cupolas or chimneys, radio and television antennae may exceed the maximum allowable heights as provided in any of the zoning districts.

B. Any structure which exceeds the prescribed maximum building height for the zoning district in which it is located (allowed per subsection A above), by more than ten (10) feet, shall be located on the lot so that no portion of the structure is located closer to any lot line than the greater of: (i) the minimum setback regulations in that zoning district; or (ii) the difference between the actual height of the structure and the normally allowed maximum building height in the zoning district.

C. In no instance shall any structure in any zoning district be allowed to have a height in excess of one thousand (1,000) feet.

D. In no instance shall any of the provisions of this section apply to Telecommunication Towers and Facilities as defined in Chapter 2. Refer to sections 8.4.22, 8.4.23, 8.4.24, or 8.4.25 for Telecommunication Towers and Facilities for requirements.

E. A parapet wall or cornice may extend up to five (5) feet above the maximum building height for the zoning district in question without necessitating any greater setback requirement, except as required in section 7.6.3 of the USO.

SECTION 9.9 ACCESSORY STRUCTURES

A. Within any zoning district, accessory structures shall be located as follows:

1. No portion of any accessory structure (except mailboxes, newspaper boxes, walls, fences, birdhouses, flag poles, pump

houses, bus shelters and doghouses) shall be located within any front yard on lots less than one (1) acre in area. Mailboxes, newspaper boxes, walls, fences, birdhouses, flag poles, pump houses, and doghouses may be located in any front, side or rear yard. Bus shelters may be located in any required front yard setback. On lots of one (1) acre in area or greater, accessory structures may be located in the front yard, a minimum of one hundred fifty (150) feet from the edge of the street right-of-way line. Swimming pools, pumps, filters and pool water disinfection equipment installations shall not be located in any front yard, irrespective of lot size.

2. Accessory structures are allowed in any side yard, although none are allowed in any required side yard setback except as provided in Subsection 1 above. Swimming pools, pumps, filters and pool water disinfection equipment installations shall not be located in any required side yard, irrespective of lot size.

3. Accessory structures are allowed in a rear yard provided that no accessory structure (except as provided in Subsection 1 above) shall be allowed within five (5) feet of any principal structure and five (5) feet of any rear or side yard line.

4. On any lot one-half (½) acre or less in area containing a principal residential use, the maximum permitted area of accessory structures (excluding outdoor swimming pools) shall not exceed one-half (½) the heated ground floor area of the principal structure or seven hundred fifty (750) square feet, whichever is less.

5. On a lot containing an area of greater than one-half (½) acre, the maximum permitted area of accessory structures shall be computed by taking three (3) percent of the lot area over one-half (½) acre (21,780 square feet) and adding seven-hundred fifty (750) square feet or one-half (½) the heated ground floor area of the principal residential dwelling, whichever is greater.

6. Any building attached to a principal structure (e.g., via a breezeway) will not be considered an accessory structure. Any additions to the principal structure shall be deemed “attached” to such structure if the addition is in accordance with all applicable State Building Code requirements

7. On any lot one (1) acre or less in area containing a principal residential use, the number of accessory structures (other than a carport or garage) shall be limited to two (2). On any lot greater than one (1) acre in area containing a principal residential use, the

number of accessory structures (other than a carport or garage) shall be limited to three (3).

8. Exceptions to the setback requirements above may be made per Section 5.15.1(B) of this Ordinance.

9. In no case may an accessory structure be placed in a general drainage or utility easement without prior approval by the Administrator.

10. With the exception of accessory structures in association with an agricultural use, the height of an accessory structure shall not exceed the height of the principal structure.

11. All outdoor or in-door swimming pools, including in-ground, above-ground or on-ground pools, hot tubs or spas shall be provided with a barrier (a fence, wall, building wall, or combination thereof which completely surrounds the water structure and obstructs access to the water structure) and shall comply with the most current North Carolina Building Code Appendix G.

B. On any lot containing a principal residential use, no accessory structure shall be permitted that involves or requires any external construction features which are not primarily residential in nature or character except for an accessory structure used in conjunction with a mixed-use dwelling, temporary produce stand, agricultural use, or similar nonresidential use that otherwise would be allowed on the property. Accessory structures on lots containing a principal residential use shall not be made of highly reflective metal materials. Some examples of structures that cannot be used as an accessory structure to a residential use include: school buses, manufactured homes, tractor-trailers (with or without wheels), buses, recreation vehicles, cargo containers, etc.

C. No accessory structure shall be constructed or placed on a lot prior to the issuance of a zoning permit and a building permit for the principal use or structure on the same lot.

D. Minor modifications to the size of accessory structures are provided for in Section 5.15.1.B.

SECTION 9.10 RESERVED

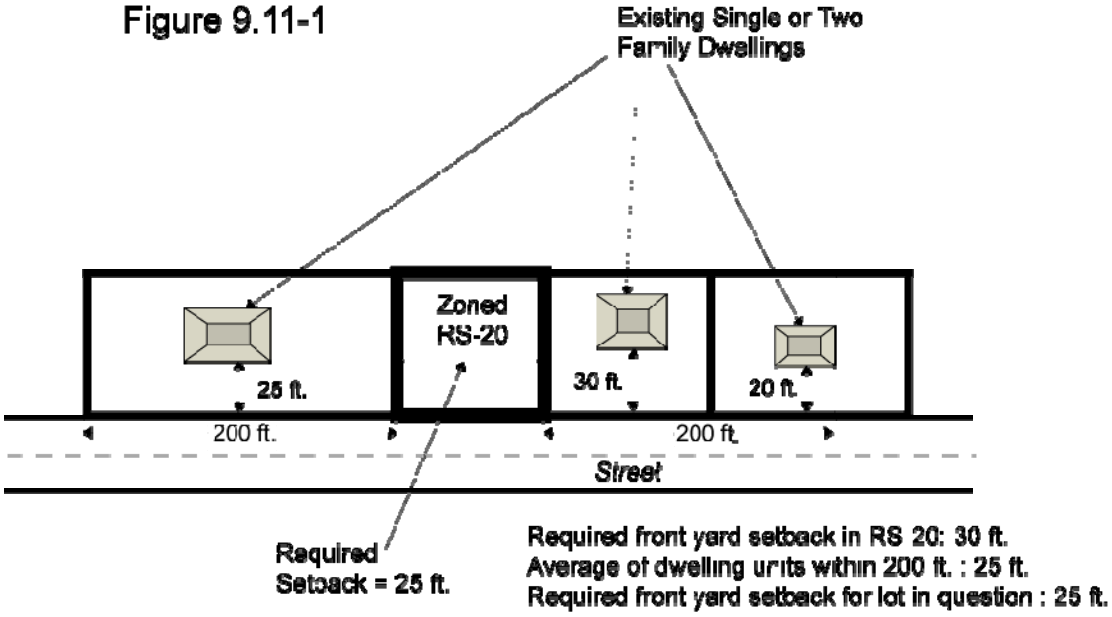
SECTION 9.11 REDUCTION OF REQUIRED SETBACKS ON EXISTING LOTS

A. No yard or lot existing at the time of adoption of this Ordinance or any amendment subsequent thereto shall be reduced in size or area below the minimum requirements set forth herein, except as the result of street widening or other taking for public use or conveyance; or as provided in Section 5.15.1; or as provided herein.

B. In any Residential zoning district, the required front yard for a single- or two-family dwelling may be reduced if the front yards on nearby developed lots are found to be less than that which is otherwise required in the underlying zoning district. Said front yard may be reduced under the following guidelines:

The front yard setbacks for other single- and two-family dwellings shall be determined on all other lots located on the same block, facing the same street, within a Residential zoning district, and which lie within two-hundred (200) linear feet from either side of the lot line from the lot in question. The average of these existing front setbacks shall be computed (measurements from at least two (2) separate structures containing dwelling units shall be required to make this computation). The required front yard setback on the lot in question may be reduced to said average with a maximum reduction of ten (10) feet being allowed. Refer to Figure 9.11-1 below for an example of how this is to be interpreted.

Figure 9.11-1



SECTION 9.12 USE OF MANUFACTURED HOMES

A. Manufactured homes may be used only as a place of residence (i.e., as a dwelling unit). Use of a manufactured home for other uses including, but not limited to, sales offices, school buildings, beauty shops, banks, retail stores, accessory structures, etc. shall be prohibited.

B. A manufactured home, once constructed, shall always be classified as such a use regardless of any external or internal renovations, improvements, additions, or changes made. Notwithstanding, the class of a manufactured home (i.e., class A, B, C, or D) may be changed according to the corresponding modifications being made.

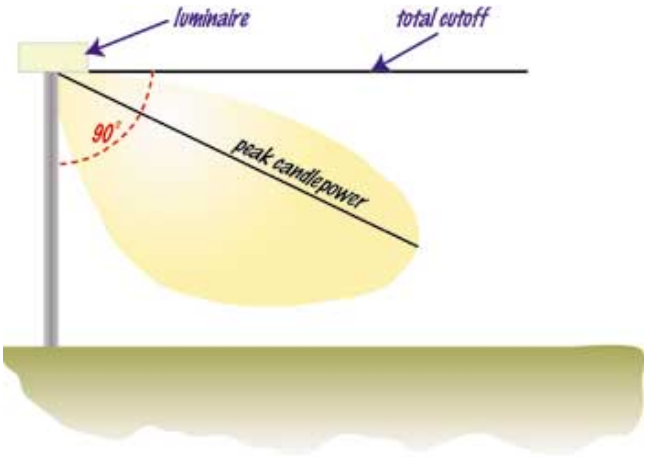
SECTION 9.13 OUTDOOR LIGHTING

This Section provides direction in controlling light spillage and glare so as not to adversely affect motorists, pedestrians, and adjacent pieces of property. This shall not apply to single family dwelling lots, but does apply to single family subdivisions. The following general provisions apply:

A. GENERAL PROVISIONS

1. Light fixtures (not attached to buildings) must be affixed to a decorative pole, which may be of metal, fiberglass, or concrete. Wooden poles are not permitted.

2. All fixtures must be either semi-cutoff or full-cutoff fixtures only. Full-cutoff light fixtures are shielded or constructed so that no light rays are emitted by the installed fixture at angles above the ninety (90) degree horizontal plane. For semi-cutoff fixtures, no more than five (5) percent of its light rays shall be emitted above the ninety (90) degree horizontal plane.



3. The maximum height of the light source (light bulb), detached from a building, shall be twenty (20) feet.

B. OUTDOOR ILLUMINATION OF BUILDINGS, LANDSCAPING AND SIGNS

The following provisions apply to the outdoor illumination of buildings, landscaping and signs:

1. Floodlights, spotlights or any other similar lighting shall not be used to illuminate buildings or other site features unless they are an integral architectural element that is designated on the development plan. When approved, exterior lighting should be integrated with the architectural character of the building.

2. The unshielded outdoor illumination of any building or landscaping is prohibited. To avoid light spillage, only semi-cutoff or full cutoff fixtures can be used.

3. External lighting fixtures used to illuminate a sign must either be by directed ground lighting sign or mounted on the top of the sign.

C. PROHIBITED LIGHTING AND FIXTURES

The following are prohibited:

1. The operation of searchlights for advertising purposes.

2. Illuminated, highly reflective spotlights that hamper the vision of motorists or bicyclists.

3. Flashing or blinking lights located in the right-of-way.

SECTION 9.14 SPECIAL GRADING TREATMENT ABUTTING RESIDENTIAL DISTRICTS

A. Special grading treatment is required where a nonresidential use abuts a residential use or zone and differences in elevations of two (2) feet or greater are proposed within twenty (20) feet of common property lines for the purpose of development. The elevation must be graded to a maximum two to one (2:1) slope and the installation of grass, plantings, landscaping, etc., as necessary to prevent erosion.

B. Review and inspection of retaining walls and graded slopes are required as follows:

1. Retaining walls five (5) feet in height or greater herein required shall be designed and the plans signed and sealed by a professional engineer or a registered architect licensed to practice in North Carolina.

2. Retaining walls and slopes herein required shall be installed in accordance with all approved plans and whose installation must be approved by the design engineer.

C. All retaining walls and graded slopes required by this section shall be shown on a site plan for review as required by Section 5.2. Plan and section details of proposed grading treatment shall be submitted as part of the site plan review application.

SECTION 9.15 GENERAL PROVISIONS FOR ALL COMMUNICATION TOWERS

A. In recognition of the Telecommunications Act of 1996, it is the intent of the County to allow communication providers the opportunity to locate telecommunications towers and related facilities within the County in order to provide an adequate level of service to its customers while protecting the health, safety, and welfare of its citizens. Wireless towers may be considered undesirable with other types of uses, most notably residential uses, therefore special regulations are necessary to ensure that any adverse affects to existing and future development are mitigated.

B. Accordingly, the County finds that regulations related to telecommunications towers are warranted and necessary to:

1. To direct the location of communication towers within the jurisdiction of this Ordinance;

2. To protect residential areas and land uses from potential adverse impacts of telecommunications towers;

3. To minimize visual impacts of telecommunications towers through careful design, siting, landscape screening, and innovative camouflaging techniques;

4. To accommodate the need for telecommunication towers serving residents and businesses of the County;

5. To promote the shared use / co-location of existing and new communication towers as a primary option rather than construction of additional single-use towers;

6. To consider the public health and safety aspect relating to telecommunication towers; and avoid potential damage to adjacent properties from tower failure and other occurrences through structural standards and setbacks, engineering and careful siting of telecommunication towers.

C. Refer to Table 7.1-1 for the zoning districts where Telecommunications Towers and Facilities are allowed, provided that the supplemental regulations contained in Chapter 8 and other applicable provisions set forth elsewhere in Ordinance are met, and a conditional use permit, if necessary, has been issued in accordance with Section 5.11.

D. Freestanding monopole towers, with a maximum height of one-hundred ninety-nine and nine-tenths (199.9) feet are allowed by right in C-3, I-1, I-2, and I-3 zoning districts provided all other applicable provisions set forth herein and elsewhere in this Ordinance are met. Towers with a height of two-hundred (200) feet or greater and all lattice towers in these zoning districts shall be subject to the issuance of a conditional use permit.

E. Telecommunication towers can be denied on the basis of negative influence on property values or on aesthetic concerns provided that there is evidence to prove the impact on adjacent property owners will be significant. In accordance with the Telecommunications Act of 1996, the County must clearly state the reasoning and available evidence of the impact on adjacent property values if the request is denied on this basis.

F. Telecommunication towers may be considered either principal or accessory uses in any zoning district where a tower is allowed to be located. A different existing use or an existing structure on the same lot and/or parcel shall not alone preclude the installation of antennae or tower on said lot or parcel.

G. The replacement of an existing tower of the same tower type, provided the original tower height is not increased, shall be permitted by right in any zoning district. The replacement tower shall be located in the same footprint or within one hundred (100) feet of the original tower (and on the same lot as the original tower). If the replacement tower is not located on the same footprint, then the replacement tower shall meet the underlying zoning district setbacks and applicable screening requirements. The dismantling and/or removal of the original tower and its associated equipment shall be removed and cleared from the site prior to a certificate

of compliance being issued from the County for the replacement tower. Co-location requirements as specified in Section 8.4.22, shall apply to any replacement tower.

SECTION 9.16 OUTDOOR STORAGE AND DISPLAY OF GOODS, MATERIALS, WASTES AND EQUIPMENT

A. There shall be no overnight outdoor storage or display of goods, materials, wastes or equipment in association with nonresidential uses in any residential zoning districts, any Office zoning districts or the C-1 zoning district. This prohibition shall not include outdoor storage or display in connection with an Essential Service, construction activity for which there exists a valid building permit or contract from the appropriate public entity; outdoor in-service vending machines; fresh produce; Christmas trees and other live plants; bagged ice in sales freezers; firewood in sales bins; propane tanks in exchange racks; or shopping carts intended for customer use. Newspaper racks shall be allowed in all zoning districts.

B. The outdoor display, during normal business hours only, of other goods for sale is permitted in any zoning district with the following limitations:

1. Outdoor display area shall be limited to ten (10) percent of the ground floor sales area of the principal building.

2. Outdoor storage area shall not be located more than twenty (20) linear feet from an external wall of the principal building.

3. Outdoor storage area shall not be located in any required landscaping, screening or parking area.

SECTION 9.17 AUTOMOBILE REPAIR IN RESIDENTIAL ZONING DISTRICTS OR ON LOTS USED PRIMARILY FOR RESIDENTIAL PURPOSES

A. Automobile repair conducted outdoors (i.e., outside of a garage) on residentially zoned lots is limited to those vehicles registered to the occupant of the dwelling and shall be limited to “routine maintenance”. “Routine maintenance” includes work such as: oil changes, tune-ups, transmission fluid changes, brake repair, coolant service, changing a battery, and tire rotation; minor body, trim, and mechanical repairs shall also be considered routine maintenance. Typically, routine maintenance

and minor repair is work that can be completed by the resident within a twenty-four (24) hour time period. Under no circumstances shall outdoor automobile repair extend over a continuous period of forty-eight (48) hours. In addition, no auto parts or work equipment such as jacks, ramps, or hoists shall be left outdoors for a period more than forty-eight (48) hours. Other onsite automobile repair or maintenance is strictly prohibited except as provided in Subsection B below. Any onsite automobile maintenance done for a fee is strictly prohibited on such residentially zoned or used lots.

B. Notwithstanding the above, on residentially zoned or used lots that are two (2) acres or greater in area, the occupant may perform outdoor automobile repair in the rear yard, outside of any required setbacks, without adhering to the time limitations contained herein.

C. On any residentially zoned lot, major engine / transmission repair and major bodywork may only be done within an enclosed garage.

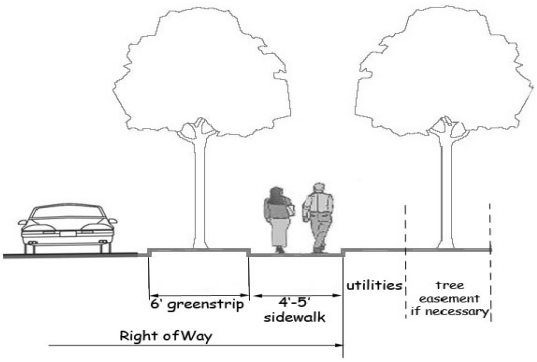
SECTION 9.18 SIDEWALKS / GREENSTRIPS / CURB AND GUTTER

Sidewalks and green strips shall be required only for subdivisions and developments located in the USO Urban Standards Overlay District (unless specifically mandated for a particular type of development, irrespective of whether it lies in the USO district or not.) Curb and Gutter shall not be required in Industrial and Commercial developments which are located within any Water Supply Watershed. Sidewalk, Greenstrip and Curb and Gutter standards shall be as follows:

9.18.1 SIDEWALKS

A. Sidewalk Requirements

Sidewalks shall be a minimum of five (5) feet in width along principal and minor arterials and four (4) feet in width along other streets. Notwithstanding, in no case shall a sidewalk be required along a publicly maintained alley. Sidewalks shall otherwise be placed and constructed in accordance with specifications on file with the Administrator.



B. Specific Development Requirements

1. Residential Subdivisions (except as otherwise required in TNDs, PRDs PUDs, and Infill Residential developments):

a. Sidewalks shall be constructed on one (1) side of existing principal or minor arterial streets and both sides of extensions thereof.

b. Sidewalks shall be constructed on one (1) side of the principal or minor arterial where the street will not function, at the time the subdivision is approved, as an arterial street because of its lack of continuity.

c. Except along cul-de-sacs, sidewalks shall be placed on both sides of all local subdivision streets. As used herein, the term "local subdivision street" shall mean any subdivision street other than a collector street or arterial. Where a subdivision abuts an existing street (other than an arterial), a sidewalk shall be provided where the subdivision abuts said street.

Sidewalks shall not be required along cul-de-sac streets that are less than two-hundred fifty (250) feet in length. For cul-de-sac streets that are greater than two hundred fifty (250) feet in length, sidewalks along the "bulb" of the cul-de-sac may be waived by the plat approval body (without necessitating the issuance of a plat variation) upon determination that such waiver would increase the aesthetics of the subdivision and that there are practical difficulties and unnecessary hardships in placing the sidewalks along the bulb.

d. All sidewalks in subdivisions shall be included within the road guarantee provisions.

e. Crosswalks including the necessary improvements, may be required at or near the center of any block which is more than one thousand (1,000) feet long, or at the end of cul-de-sac streets where deemed necessary for pedestrian circulation or for access to schools and commercial areas.

2. Infill Residential Developments

Sidewalks shall not be mandated along internal streets within the infill residential developments. Sidewalks shall only be required on

internal streets if such street has a pavement width of less than twenty-four (24) feet or a right-of-way width of less than forty (40) feet (refer to Section 8.1.12(A)(13). Along the abutting side of principal or minor arterial streets.

3. Traditional Neighborhood Developments

Sidewalks shall be required on all streets within a TND, whether or not the TND lies within the USO district. Given that TNDs have unique design elements and building relationships, the Administrator or approval body shall have the authority to otherwise modify the sidewalk requirements in order to achieve a better layout and design and to support pedestrian activity and access throughout the TND. Additional development standards for TNDs are found in Section 8.1.13.

4. Planned Residential Development

Sidewalks shall be required in all PRDs, whether or not the PRD lies within the USO district. Sidewalk requirements within a PRD shall be the same as any other subdivision.

5. Multi-family Developments

The following sidewalk requirements shall apply to all multi-family developments, irrespective of whether they lie in the USO district:

a. A sidewalk shall be required to connect the front entryway of any apartment, townhome or condominium building to an adjoining parking lot.

b. If the multi-family development fronts on a public road with sidewalks, then the development shall connect internal sidewalks to the public road.

c. For condominium or townhome developments that contain fifty (50) or greater units, there shall be a sidewalk on at least one (1) side of all internal streets [greater than two hundred-fifty (250) feet in length], irrespective of whether they are public or privately maintained.

6. Planned Unit Developments

Sidewalks shall be required in a PUD irrespective of whether the PUD lies in the USO district. Sidewalks within the various residential and non-residential components of the PUD shall be provided in accordance with the standards contained herein for residential subdivisions, multi-tenant developments and other developments.

7. Planned Multi-tenant Developments

a. Commercial Planned Multi-tenant Developments

Within Planned Multi-tenant Developments that are primarily commercial in nature, including but not limited to: office parks and commercial centers, a five (5) foot wide sidewalk shall be constructed on one (1) side of major stem streets and circumferential and radial connectors as needed to safely move pedestrians throughout the side and to connect pedestrians to adjoining public streets. The provisions for internal sidewalks shall apply to both public and private streets and are in addition to the requirements for sidewalks along adjacent public streets.

b. Industrial Planned Multi-tenant Developments

Within any zoning district (including those located in the USO district) which primarily serve industrial type uses (e.g. warehousing, distribution centers, contractors' operations centers, welding shops, or machine shops, etc.), which generate little or no pedestrian traffic, may be exempt from the internal sidewalk requirements of this section.

C. Other Requirements and Exceptions

1. Sidewalk construction required by this section shall be installed adjacent to uses and developments, under the following circumstances:

   a. When the property is subject to site plan approval per Section 5.2; and,

   b. Where curbing exists or is being installed on the applicable side of said adjacent street, and

   c. Where adequate right-of-way is available to construct a sidewalk in accordance with all applicable standards and specifications.

2. Except as exempted in Subsection 3 below, sidewalks shall be placed in the following locations:

   a. Along the abutting side of principal or minor arterial streets.

   b. Along one (1) side of new and existing collector and local streets. When determining if a sidewalk is required on a particular side of the street, the Administrator shall review such criteria as the pattern of existing sidewalks, the location of existing right-of-way, and expected pedestrian patterns. Sidewalks may be required on both sides of a collector or local street if one (1) or more of the following conditions exists:

      (i) The current or projected average daily traffic volume is greater than eight-thousand (8,000) vehicles per day.

      (ii) The posted speed limit is greater than thirty-five (35) miles per hour.

(iii) The street is a strategic pedestrian route to an existing or planned pedestrian destination, such as a school, park, recreational or cultural facility, greenway trail (or similar amenity), retail commercial site, restaurant, or a multi-family development of ten (10) or more units, located within a one-quarter (1/4) mile, as measured along the street centerline.

(iv) Other pedestrian safety, access, or circulation needs are identified.

c. Sidewalks required by this section shall be constructed along the street for the full extent of each side of a parcel upon which such street abuts.

3. The following locations shall be exempt from the placement of sidewalks:

a. Sidewalks may be required for industrial uses in urban settings.

b. Sidewalks shall not be required along new and existing local and collector streets where, upon determination of the Administrator, the following conditions are found to exist:

(i) The character and size of the proposed development will not result in substantial additional pedestrian facility needs; and

(ii) The proposed development is not within one-quarter (1/4) mile of a transit stop (as measured along the street centerline), and

(iii) The proposed development is not within one-quarter (1/4) mile of an existing or planned pedestrian destination, such as a school, park, recreational or cultural facility, greenway trail (or similar amenity), retail commercial site, restaurant, or a multi-family development of ten (10) or more units (as measured along the street centerline); and

(iv) There are no new pedestrian facilities planned that would provide a pedestrian connection to the proposed development.

c. In no instance shall sidewalks be required along a local or collector street for a use that is likely to generate little or no pedestrian traffic.

d. Further, the Administrator may reduce or waive sidewalk construction required herein provided that specific circumstances unique to the subject property would make meeting the requirements impractical or impossible and that granting such reduction or waiver would not impair the public safety.

9.18.2 GREENSTRIPS

A. A minimum six (6) foot greenstrip shall be required to be placed inward between the edge of the curb and the sidewalk. A greenstrip shall not be required if the abutting street does not contain either a curb or sidewalk. In no case shall a greenstrip be required to be placed along and parallel to a publicly maintained alley. (See Section 9.18.1A for an illustration for this requirement.)

B. Greenstrips shall be provided along streets with curbs and sidewalks in any planned unit development (PUD) or traditional neighborhood development (TND), irrespective of whether the PUD is or is not within the USO district.

C. The Administrator, or plat approval body, shall have the authority to waive or modify the greenstrip requirements herein stated on a case-by-case basis where he determines that the placement of a greenstrip would serve no public purpose and/or the greenstrip would not be in keeping with adjacent developed areas along the same street. Examples where such requirements may be found include:

1. The site is on a street where other adjacent or nearby developed lots that do not contain greenstrips;

2. The street is within an infill residential development or TND and the lack of a greenstrip would achieve a better layout and design and would support pedestrian activity and access;

3. There are unique topographic and physical characteristics associated with the site that would severely restrict placement and / or long-term maintenance of the greenstrip; or,

4. The presence of public utilities (either above or below ground) would affect the long-term maintenance and upkeep of the greenstrip.

9.18.3 CURB / GUTTER

A. Standard curb and gutter shall be required on principal and minor arterials.

B. Standard curb and gutter shall be required within all non-residential developments where sidewalks are required. The following exceptions apply:

1. Industrial uses outside the I-U district.

2. Industrial and commercial developments which are located in any Water Supply Watershed may use ditches in lieu of curb and gutter. See Chapter 2 Definitions: Ditch.

The administrator may reduce or waive the curb and gutter requirement herein provided that specific circumstances unique to the subject property would make meeting the requirements impractical or impossible and that granting such reduction or waiver would not impair the public safety.

C. Residential developments shall at a minimum provide valley curb and gutter along all interior streets.

SECTION 9.19 DENSITY CREDITS

9.19.1 INTRODUCTION

Per G.S. 136-66.10, dedication of right-of-way in conformance with the locally adopted transportation plan shall be required for subdivisions of land which embrace areas where thoroughfare improvements are proposed. Should such a dedication be required in association with a plat approval, density credits may be used, in a manner as provided herein, on the remaining portions of the tract(s) in question. The granting of such density credits shall be made by the Planning Board. The application of density credits shall not affect whether a use, is allowed or not on that lot. Such use shall remain governed by the list of permitted (and, if applicable, conditional) uses for that particular zoning district as listed elsewhere in this Ordinance.

9.19.2 DEFINITIONS

The following terms are to be used in computing and applying density credits:

TERM	DEFINITION
A1	Entire area of land to be dedicated for thoroughfare right-of-way purposes per the thoroughfare plan, if access to such thoroughfare is not permitted (e.g., a limited access highway).
A2	If direct access to the thoroughfare is allowed, the difference between the area of land dedicated for right-of-way purposes (per the thoroughfare plan) and that which normally would be required per the Subdivision Regulations.
B	Area of tract prior to right-of-way dedication.
C	B- (A1 or A2) (i.e., land in tract remaining after dedication is made).
D	Minimum lot size requirement prior to application of density credit bonus.
E	Minimum lot size after application of density credit bonus ("A1 or A2/B" × "D").
F	Maximum multifamily units per acre without density credit bonus.

9.19.3 RIGHT-OF-WAY DEDICATION

Per G.S. 136-66.10, the Planning Board may grant density credits whenever right-of-way dedication, in accordance with the thoroughfare plan, is required for a tract of land located within the planning jurisdiction of the County, and such tract is proposed for subdivision or use of land pursuant to a zoning permit.

Right-of-way dedication may be so required by the Planning Board where a subdivision, as herein defined, occurs or in situations where land subdivision is not involved, when the Planning Board determines that:

1. Said dedication does not result in the deprivation of all reasonable use of the original tract; and,

2. The dedication is reasonably related to the traffic generated by the proposed use of land, or the impact of dedication is mitigated by other measures including the use of density credits, as herein prescribed, on contiguous land owned by the subdivider.

If the full width of the thoroughfare for which land is to be dedicated is completely contained within the tract of land to be used or developed, up to one hundred (100) percent of the right-of-way needed to construct or enlarge the thoroughfare on that tract shall be provided. If a portion of such thoroughfare is located on the property proposed to be subdivided or developed, the corresponding proportion of land on that tract may be required to be developed.

Dedication of land, as provided herein, shall be offered to the public. Proof, in the form of an instrument having been recorded in the Register of Deeds office, of such dedication having been made shall be furnished to the Administrator prior to the issuance of any zoning permit that incorporates the use of density credits.

Any land so dedicated shall substantially be that as needed for the thoroughfare right-of-way in question as shown on the thoroughfare plan.

9.19.4 DENSITY CREDIT FORMULA

The following formula shall be used in applying density credit bonuses:

A. SINGLE-FAMILY (INCLUDING LOTS CONTAINING INDIVIDUAL MANUFACTURED HOMES) AND TWO-FAMILY LOTS

The density credit bonus is derived by dividing the area dedicated for thoroughfare purposes (A1) or (A2) by the area of the entire tract and then multiplied by 100 (i.e., (A1 or A2/B) × 100). The resulting figure may be used on a percentage-by-percentage basis to reduce minimum lot sizes up to a maximum of twenty-five (25) percent.

For example, if the tract in question was fifty (50) acres in area and five (5) acres was to be used for right-of-way dedication purposes, and upon which direct access were not involved (i.e., Garden Parkway), the minimum lot size in the subdivision could be reduced by ten (10) percent [(5/50) x 100 = 10]. Thus, if the tract were located in a zoning district with a minimum lot size of ten thousand (10,000) square feet, lots in the subdivision could be reduced to as low as nine thousand (9,000) square feet.

B. MULTI-FAMILY DEVELOPMENTS AND ALL OTHER DEVELOPMENTS WHERE DENSITY IS MEASURED ON A UNIT-PER-ACRE BASIS

The density credit bonus (A1 or A2/B) shall be multiplied by the maximum density level (F) in the underlying zoning district. The resulting figure is then added to (F) and then multiplied by (C), the remaining developable land in the tract once the right-of-way dedication has been made. In no case may the subsequent density level be raised by more than twenty-five (25) percent over that level which is normally allowed in the underlying zoning district. Irrespective of the use of density credits, all yard, height, parking, and setback requirements as stated in this ordinance are to be observed.

For example, on a tract of land that was fifty (50) acres in area and if five (5) acres of land were to be dedicated for right-of-way purposes, the density bonus would amount to ten (10) percent (5/50). If the normal maximum density level in this district were eight (8) units per acre, the density bonus would allow the maximum density level to increase to eight and eight-tenths (8.8) units per acre [(8 x .10) + 8 = 8.8].

C. OTHER NONRESIDENTIAL DEVELOPMENTS

The area to be computed for the density credit shall be determined (A1 or A2) and shall be divided by three hundred-thirty (330) square feet. The resulting figure shall represent the maximum reduction in the number of required off-street parking spaces to be provided. In no case may this reduction constitute greater than ten (10) percent of the required number of off-street parking spaces.

SECTION 9.20 HOURS OF OPERATION

Hours of operations for all office/commercial services / retail uses located in a residential zoning district shall be from 8:00 a.m. to 8:00 p.m., Eastern Standard Time, unless otherwise specifically listed elsewhere in this Ordinance. If a use seeks to operate outside of these hours of operations, a special exception shall first need to be granted by the Board of Adjustment in accordance with Section 5.12.

SECTION 9.21 USES WITH OUTDOOR SPEAKERS

All uses with outdoor speakers shall locate the speaker and associated drive through window and stacking lane, if applicable, seventy-five (75) feet or more feet from the edge of a lot located in a Residential zoning district.

SECTION 9.22 ODOR

A. Every use of land shall be operated in such a way that regularly recurring odors are not disturbing and do not cause injury, detriment or nuisance to any person of ordinary sensitivities.

B. Every nonresidential use in an Office, Commercial or Industrial District which adjoins a Residential District must be operated in such a way that any odor which may be detected by the human senses at the district boundary line is similar in character to odors which could be expected to be generated in those Residential Districts.

SECTION 9.23 NOISE

Every use of land shall be operated in such a way that regularly recurring noises are not disturbing or unreasonably loud and do not cause injury, detriment, or nuisance to any person of ordinary sensitivities. Every nonresidential use in an Office, Commercial, or Industrial District which adjoins a Residential District must be operated in such a way that any noise which may be detected by the human senses without instruments at the district boundary line is no louder than the noise which could be expected from uses permitted in those Residential Districts.

SECTION 9.24 ACCESS MANAGEMENT

A. Maximum Number of Curb Cuts

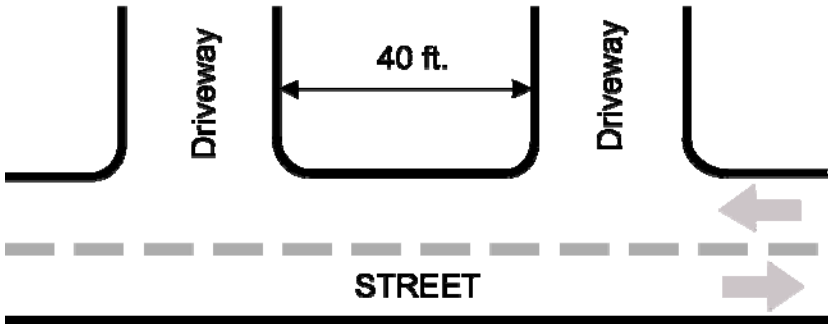
Lots with one hundred-fifty (150) feet of road frontage or less are allowed one (1) curb cut per street front. Lots with greater than one hundred-fifty (150) feet of road frontage are allowed two (2) curb cuts per street front.

The Administrator, or appropriate approval body in the case of a conditional use permit or conditional zoning request, may approve additional curb cuts along a particular road in accordance with Section 9.24 (E) provided the lot in question also has at least three-hundred (300) feet of road frontage.

B. Minimum Distance between Curb Cuts

The minimum separation between curb cuts on the same lot shall be forty (40) feet. The distance between curb cuts shall be measured from a point on each driveway outside of the driveway radius. Refer to Figure 9.24-1 below. For driveway widths requirements refer to Section 10.13.

Figure 9.24-1

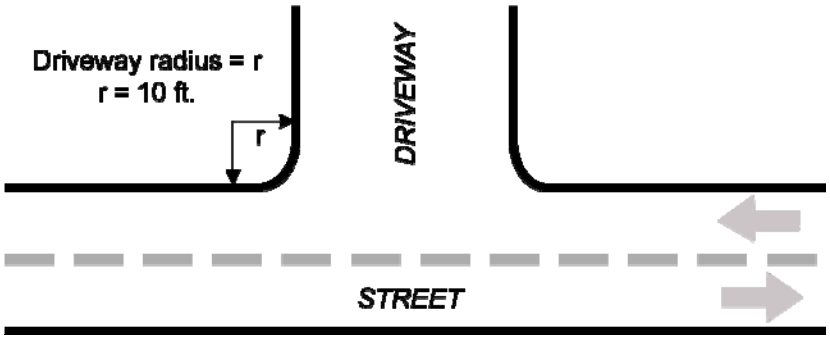


C. The minimum distance between a curb cut and a street intersection for lots created after the effective date of this UDO shall be as shown in Table 9.24-1:

TABLE 9.24-1 Minimum Distance Separation Between Curb Cut and Street Intersection	
Principal Arterial	125 feet
Minor Arterial	100 feet
All Other Roads	75 feet

D. The minimum driveway radius shall be ten (10) feet. Refer to Figure 9.24-2. This requirement shall not apply to single- and two-family residential uses, including manufactured homes on individual lots.

Figure 9.24-2



E. Modification of Requirements

The Administrator, or appropriate approval body in the case of a Conditional Use Permit (CUP), Parallel Conditional Use zoning (PCUP) or Conditional Zoning District (CD) request, may modify any requirement of this Section upon making a determination that such modification will serve to promote the safety of pedestrians, bicyclists, and/or motorists accessing the lot(s) in question and nearby lots. Factors to be used in making this determination shall include, but not be limited to: (i) the nature of the proposed development; (ii) the location of the proposed curb cut on the lot; (iii) road classification; (iv) adjacent land uses; and, (v) crash data on the road that the lot accesses.

SECTION 9.25 SOLID WASTE DUMPSTER REQUIREMENTS

A. All solid waste dumpsters shall be screened by a wall or fence, so as to not be visible from a public street and from the view of adjacent properties. Screening of the dumpster shall consist of a solid opaque device that is at least six (6) feet in height, or at least one (1) foot higher than the height of the dumpster, whichever is greater, and have latching gates to provide access.

B. Dumpsters shall not be located in the front yard and must be placed entirely on a concrete slab.