

CHAPTER 5: DEVELOPMENT STANDARDS

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CHAPTER 5: DEVELOPMENT STANDARDS

5.1. PUBLIC INFRASTRUCTURE

5.1.1. WITHIN CORPORATE LIMITS

When development occurs within the corporate limits of the City, it shall be served by the City's public water and sewer systems, unless the Public Services Director determines that it is not required in accordance with the City Code.

5.1.2. WITHIN THE ETJ

When development occurs within the City's ETJ, the applicable County Health Department is authorized to approve private well and on-site wastewater treatment systems. Connections to the City's public water and sewer system is authorized only in accordance with established City Council policy.

5.2. ZONE LOT AND ACCESS

Editor's note—Ord. No. 7266/17-08, § 15, adopted Jan. 17, 2017, changed the title of § 5.2 from "Zone Lot and Access Standards" to "Zone Lot and Access."

5.2.1. PRINCIPAL BUILDINGS ON A ZONE LOT

Every building must be located on a zone lot. No more than 1 principal building is permitted on a zone lot, except as follows:

A. Nonresidential Group Development

Two or more principal nonresidential buildings are permitted on a zone lot pursuant to a group development plan approved in accordance with Section 2.5.9, Group Development, and provided that vehicular access is maintained to each building for service and emergency vehicles.

B. Residential Group Development

Two or more principal buildings are permitted on a zone lot in a multi-family, single-family attached, pocket neighborhood or tiny home neighborhood development pursuant to a group development plan approved in accordance with Section 2.5.9, Group Development, and provided that access is maintained to each building for service and emergency vehicles.

C. Multiple Lot Development

Two or more principal buildings are permitted on a zone lot pursuant to Section 5.14.5, Multiple Lot Development, and provided that vehicular access is maintained to each building for service and emergency vehicles.

(Ord. No. 7266/17-08, § 16, 1-17-2017; Ord. No. 7399/18-28, § 2, 3-19-2018)

5.2.2. STREET ACCESS

A. General Standards

Except where an alternative configuration is allowed in accordance with Section 5.2.2 B, Alternative Configuration, all development shall comply with the following standards:

- 1.** Every zone lot shall abut and have direct access to a publicly-maintained street.
- 2.** No building or structure shall be constructed or placed on a zone lot that does not have direct access to a publicly-maintained street.
- 3.** Direct access for a use to a publically maintained street through another zoning district is not allowed unless the other zoning district:
 - (a)** Is classified as a business or special district; or
 - (b)** Allows the use; or
 - (c)** Provides the sole means of access for the use.

B. Alternative Configuration

As an alternative to compliance with the general standards in section (A) above, development may incorporate one of the following alternative street access standards:

1. Dead-End Streets

The terminus of a dead-end street does not provide the required access to a publically maintained street unless it is configured as a circular turnaround or other turnaround approved and constructed in conformance with Chapter 7: Subdivisions Standards.

2. Private Streets

Private streets may be used to meet the access requirements for single-family lots in a planned development district, single-family attached developments, and multiple lot developments, provided the district or development as a whole abuts and has direct access to a publicly-maintained street.

3. Single-Family Attached Development

- (a)** Individual lots shall have rights of access through a common area containing private streets or private drives that are at least of 24 feet in width and lead to a publicly-maintained street.
- (b)** Direct access to a publicly-maintained street from an individual lot containing a single-family attached dwelling shall require approval from the TRC.

4. Multiple Lot Development

Individual lots in a multiple lot development must have shared rights of access along private streets or private drives that are at least 24 feet in width and lead to a publicly-maintained street.

5. Access Through Easement

Lots of record established as of July 1, 1992 that do not abut a publicly-maintained street may establish access through a recorded access easement provided the lot is used for only 1 single-family detached dwelling and meets the following criteria:

- (a)** The minimum easement width shall be 25 feet.
- (b)** The minimum separation between the easement and any other platted access or right-of-way shall be 150 feet.
- (c)** The location of the easement must be recorded on a plat.

- (d) The easement shall permit ingress, egress, and regress and necessary utilities to serve the lot.

6. Access Through Unimproved Right-of-Way

A single zone lot that has frontage on an existing unimproved public right-of-way, may obtain access through such right-of-way, provided that the following minimum criteria are met:

- (a) A site plan, signed and sealed by a professional surveyor, shall be submitted that shows the lot has no other frontage on an improved public street;
- (b) The unimproved public right-of-way is at least 20 feet in width;
- (c) The access shall serve only 1 single-family detached dwelling and its uninhabited accessory structures;
- (d) The access shall serve only 1 zone lot. If the unimproved public right-of-way is the sole means of access to more than 1 zone lot in the same block, access pursuant to this subsection shall not be approved;
- (e) If the zone lot contains multiple parcels, they shall be combined into 1 parcel as a condition of approval;
- (f) The access shall be maintained by the lot owner; and
- (g) Utilities shall be located within the unimproved right-of-way and extended to the lot in accordance with City standards. The lot owner shall maintain water and sewer utility lines from the edge of the existing street right-of-way to the dwelling. Any proposed dwelling must be within 500 feet of an approved fire hydrant.

7. Special Purpose Lot

Special purpose lots may establish access through an easement a minimum of 10 feet in width, in accordance with Section 7.1.6 B.6, Special Purpose Lots.

(Ord. No. 7266/17-08, § 17, 1-17-2017)

5.2.3. CROSS-ACCESS

A. Purpose and Intent

The intent of this section is to provide for cross-access between comparable commercial and industrial land uses that front thoroughfare streets so that vehicles leaving one lot may access the adjoining lot without having to re-enter the public street system. It is not the intent of this section to reduce the number of driveways beyond what is allowed in the City's Driveway Ordinance.

B. Applicability

The provisions of this section shall apply to commercial and industrial uses, as defined in Section 4.2, Use Classifications, Use Categories, and Use types, on zone lots that front thoroughfare streets with the following, unless exempted in accordance with Section 5.2.3 C, Exemptions:

1. New Buildings or Uses

New principal buildings or new open uses of land.

2. Expansions

Individual or collective expansions of existing principal buildings, open uses of land, or off-street parking that exceed 50 percent.

C. Exemptions

Cross-access is not required when any of the following conditions are present:

- 1.** Adjacent lots do not have common frontage along a thoroughfare;
- 2.** Significant topographical differences in existing or proposed conditions are present;
- 3.** Significant natural features exist in the only viable location for cross-access connections;
- 4.** Vehicular safety factors including, but not limited to, unsafe turning movements or pedestrian conflicts;
- 5.** Sufficient cross-access already exists;
- 6.** Residential, institutional, or other incompatible land uses, as defined in Section 4.2, Use Classifications, Use Categories, and Use Types, are present on adjacent lots;
- 7.** Bed and breakfast establishments;
- 8.** Existing infrastructure obstructions; or
- 9.** Other safety or security factors.

D. Easement Recordation

A cross-access easement must be recorded on the final plat for property involving a subdivision, or recorded by separate instrument when no plat is proposed.

E. No Obstruction of Access

All cross-accessways shall be built to the lot line, to the maximum extent practicable. An accessway shall not be obstructed unless approved by the Transportation Director.

F. Off-street Parking

Where a required cross-accessway eliminates required off-street parking spaces, replacement spaces shall not be required.

G. Perimeter Landscaping

Where a required cross-accessway eliminates a required landscape planting area, the landscaping requirements shall be reduced to accommodate the cross-accessway and replacement landscaping shall not be required.

H. Connection Required

Development on vacant land subject to these standards shall install cross-accessways to the shared property line. However, if the abutting landowner that does not already have a cross-accessway stub is unwilling to allow the cross-accessway to be built to the shared property line due to the impact of the grading equipment or other construction activity on their property, then the Transportation Director shall notify the unwilling property owner that they will be responsible for completing the cross-accessway when their property is developed.

(Ord. No. 7266/17-08, § 18, 1-17-2017)

5.3. RESERVED

5.4. OFF-STREET PARKING AND LOADING

5.4.1. PURPOSE AND INTENT

The purpose and intent of this section is to ensure the provision of safe off-street parking and loading facilities for development allowed by this Ordinance. The standards in this section are intended to avoid requiring an over-supply of parking that pose economic and environmental impacts while ensuring off-street parking is provided to mitigate impacts to streets and neighborhoods.

5.4.2. APPLICABILITY

The provisions of this section shall apply to zone lots with the following, unless exempted in accordance with Section 5.4.3, Exemptions:

A. New Buildings or Uses

New principal buildings or new open uses of land.

B. Changes in Use

Changes in the principal use, except that if the use change results in an increase of less than 5 percent in the required number of parking spaces, or less than 5 additional parking spaces, no additional parking spaces area required.

C. Expansions

Expansions of existing principal buildings or open uses of land.

(Ord. No. 7266/17-08, § 18, 1-17-2017)

5.4.3. EXEMPTIONS

A. CB and MX Districts

Development on land within the CB and MX districts shall comply with the requirements of this section, except that it is exempt from the minimum off-street parking requirements of Table 5.4.4.B, Minimum Off-Street Parking Standards.

B. Historic Properties

No off-street parking is required for:

- 1.** Rehabilitation or reuse of a National Register site or locally designated landmark;
- 2.** Rehabilitation or reuse of a contributing building within a National Register district or the LHO; and
- 3.** Rehabilitation or reuse of a structure that is on the North Carolina National Register Advisory Committee's Study List.

(Ord. No. 7363/17-106, § 7, 11-20-2017; Ord. No. 7415/18-44, § 6, 5-21-2018)

CHAPTER 5: DEVELOPMENT STANDARDS

Section 5.4. Off-Street Parking and Loading

Subsection 5.4.4. Off-Street Parking Requirements

5.4.4. OFF-STREET PARKING REQUIREMENTS

A. Parking Plan Required

Every application for a site plan, group development plan, building permit, or zoning compliance permit, shall ensure that adequate off-street parking is provided for the uses or buildings contained in the application. Off-street parking must be provided to meet the parking demand without use of public streets, except as specifically allowed by this section.

B. Minimum Off-Street Parking Standards

The minimum number of off-street parking spaces required for development shall be in accordance with Table 5.4.4.B, Minimum Off-street Parking Standards.

TABLE 5.4.4.B: MINIMUM OFF-STREET PARKING STANDARDS

USE CLASSIFICATION	USE CATEGORY	USE TYPE	REQUIREMENT
Agricultural	Agriculture	All	No minimum spaces required
Residential	Common Elements Recreation	Common elements recreation	No minimum spaces required
	Household Living	SF detached; Family care home; Manufactured dwelling; Duplex dwelling; Live/work	2 spaces per dwelling unit; except in pocket neighborhoods (See Section 5.14.6, Pocket Neighborhood)
		Multi-family; SF attached, Triplex, Quadplex	1.5 spaces per dwelling unit; except 0.5 spaces per dwelling unit for elderly housing developments
	Group Living	Dormitory, private; Fraternity or sorority house; Rooming house; SRO; Social service facility	1 space per bedroom
	Life Care	Assisted living	0.3 spaces per room; minimum of 5 spaces provided
		CCRC	As required by this table for specific uses (e.g. household living, assisted living, long-term/skilled nursing facilities, etc.)
Long-term care/skilled nursing		0.3 spaces per room	

TABLE 5.4.4.B: MINIMUM OFF-STREET PARKING STANDARDS

USE CLASSIFICATION	USE CATEGORY	USE TYPE	REQUIREMENT
Institutional	Civic	Assembly & Cultural Facilities, major	1 space per 6 seats in auditoriums, theaters and similar places of assembly, and 1.5 spaces per 1000 sf GFA all other areas
		Assembly & Cultural Facilities, minor	1 space per 500 sf GFA; minimum of 5 spaces provided
		Cemetery	No minimum spaces required
		Correctional facility	1 space per 2 employees at peak shift
		Governmental facility; Public safety facility	As required for the most similar non-governmental use
		Public Recreation facility	No minimum spaces required
	Day Care	Day Care Center	1 space per 400 sf GFA
	Education	College or university	1 space per 4 students
		School, minor	1 space per classroom
		School, major	1.5 space per classroom
		Other post-secondary educational facility	1 space per 400 sf GFA
		Truck driving school	1 space per 400 sf GFA
	Health Care	Hospital; specialty hospital	1.5 space per bed
		Medical care facility, major	1 space per 500 sf GFA
		Medical care facility, minor	1 space per 800 sf GFA; minimum of 5 spaces provided
	Religious Institutions	All	1 space per 6 seats in main assembly room or for institutions without seating, 1 space per 50 sf of seating area in the main assembly room
	Transportation	Airport	No minimum spaces required
		Park and ride facility	No minimum spaces required
		Passenger terminal	No minimum spaces required
		Taxi or limousine service	1 space per 400 sf GFA of office area
	Utilities	Communication or broadcasting facilities	1 space per 2 employees at peak shift
		Solar array; Wireless telecommunication facility; Utility minor	No minimum spaces required
		Utility major	1 space per 2 employees at peak shift

CHAPTER 5: DEVELOPMENT STANDARDS

Section 5.4. Off-Street Parking and Loading

Subsection 5.4.4. Off-Street Parking Requirements

TABLE 5.4.4.B: MINIMUM OFF-STREET PARKING STANDARDS

USE CLASSIFICATION	USE CATEGORY	USE TYPE	REQUIREMENT	
Commercial	Adult Entertainment	Adult entertainment	1 space per 200 sf GFA	
	Animal Care	Animal care	1 space per 400 sf GFA of office area	
	Eating establishments	Bars or nightclub		1 space per 100 sf GFA
		Restaurant major & minor		1 space per 200 sf GFA
	Offices	Major and minor		1 space per 800 sf GFA; minimum of 4 spaces provided
	Commercial Parking	Commercial Parking		No minimum spaces required
	Personal Services	All		1 space per 500 sf GFA
	Recreation and Leisure	Amusement & entertainment		1 space per 6 seats in theaters and similar places of assembly, and 1 space per 400 sf GFA all other areas
			Amusement parks	1 space per 600 sf of outdoor area and 1 per space 400 sf GFA of indoor area
		Sports & fitness centers		1.5 spaces per 1000 sf GFA; minimum of 5 spaces provided
	Retail Sales	All		1 space per 400 sf GFA up to 400,000 sf and 1 space per 800 sf GFA for area over 400,000 sf; minimum of 5 spaces provided
	Vehicle Establishments	All		1 space per 400 sf GFA of sales and office area; minimum of 5 spaces provided
	Visitor Accommodations	Bed and Breakfast		1 space per guest room, plus 1 space for owner/operator
Hotel or motel			1 space per guest room	
Industrial	Extractive Industry	Extractive industry	space per 2 employees at peak shift	
	Industrial Service	All	1 space per 400 sf GFA of sales and office area	
	Manufacturing and Production	All except those listed below		1 space per 2 employees at peak shift
		Motion picture production		1 space per 2000 sf GFA
	Warehouse and Freight Movement	Freight movement; Warehouse and distribution		1 space per 2 employees at peak shift
		Self-storage, external and internal access		1 space per 400 sf GFA of office area
	Waste-Related Service	All		1 space per 2 employees at peak shift
	Wholesale trade	All except those listed below		1 space per 400 sf GFA of sales and office area; minimum of 5 spaces provided
Market Showroom			1 space per 2000 sf GFA	

C. Uses Not Listed

For uses that do not correspond to the use types listed in Table 5.4.4.B, Minimum Off-Street Parking Standards, the Planning and Development Director shall determine the minimum parking space requirement. In such instances, the application shall provide adequate information for review, which includes, but is not limited to the type of use(s), number of employees, the occupancy of the building, square feet of sales, service and office area, parking spaces proposed and hours of operation.

D. Other Vehicles Located Off-street

The following vehicles are not included in Table 5.4.4.B, Minimum Off-Street Parking Standards, and shall be parked or located outside required parking spaces and any public street right-of-way in accordance with this Ordinance:

1. Vehicles for sale or lease;
2. Vehicles being stored, serviced or repaired; or
3. Vehicles belonging to the use, such as company vehicles.

E. Multiple-Use Development

Development containing more than 1 principal use shall provide parking spaces in an amount equal to the total of all individual principal uses, except as allowed in Section 5.4.8, Parking Alternatives.

F. Driveways Used to Meet Requirements

Except for multi-family dwellings, driveways may be used to meet the minimum off-street parking space requirements for all use types in the Household Living use category, provided that sufficient space is available to meet the standards of this section.

G. On-Street Parking Credited

The use of on-street parking to meet the minimum off-street parking space requirements is permitted for nonresidential development in the Core City, subject to the following standards:

1. On-street parking exists within 500 linear feet of the primary entrance of the development;
2. The on-street parking spaces directly abut (not across the street) the lot containing the development and is served by a sidewalk;
3. There is not a negative impact to existing or planned traffic circulation patterns; and
4. The on-street spaces shall not be reserved for sole use by the development.

H. Administrative Adjustment

The Planning and Development Director is authorized to grant a type I administrative adjustment to the minimum required parking spaces in accordance with Section 2.5.2, Administrative Adjustment.

(Ord. No. 7287/17-29, § 2, 4-3-2017)

5.4.5. BICYCLE PARKING REQUIREMENTS

Bicycle parking, in accordance with this section, is required in the MX, MS, and RM-26 districts for residential developments with 30 or more dwelling units and nonresidential development with 10,000 or more square feet of gross floor area.

A. General Standards

1. Bicycle parking shall be provided at the rate of 1 bicycle space for every 30 residential dwelling units or every 5,000 square feet of nonresidential gross floor area. A minimum of at least 2 bicycle parking spaces shall be provided.
2. A bicycle rack or other device shall be provided to enable bicycles to be secured.

Subsection 5.4.7. Standards for Off-Street Parking Spaces and Loading Areas

3. Bicycle parking shall be located where it does not interfere with pedestrian traffic and is protected from conflicts with vehicular traffic.
4. Bicycle parking should be accessible to the primary entrances of the development and in a visible, well-lit area.

B. Shared Bicycle Parking

Adjoining developments may share required bicycle parking spaces provided:

1. Each use provides or is served by an improved walkway from the bicycle parking spaces to the primary entrance.
2. The shared bicycle parking spaces and the improved walkway are depicted on a site plan or group development plan, whichever is appropriate.

5.4.6. OFF-STREET LOADING REQUIREMENTS

A. Loading Space Required

Every application for a site plan, group development plan, building permit, or zoning compliance permit for a nonresidential use shall ensure that adequate loading space is provided so that loading vehicles do not occupy required off-street parking spaces, block vehicular access, or prevent appropriate on-site maneuvering.

B. Minimum Off-Street Loading Space Requirements

A minimum number of loading spaces is not established; however, off-street loading space shall be provided and maintained in sufficient numbers to adequately handle the needs of a nonresidential use.

5.4.7. STANDARDS FOR OFF-STREET PARKING SPACES AND LOADING AREAS

Off-street parking, stacking, and loading spaces along with drive aisles and private drives are referred to a "vehicular use area". Vehicular use areas shall meet the standards of this section.

A. General

1. All required off-street parking, stacking, and loading spaces shall be located on the same zone lot as the principal use it serves, except as allowed in Section 5.4.8, Parking Alternatives.
2. All required off-street parking, stacking, and loading spaces shall not be used for any other purpose, including, but not limited to the storage or display of goods or the sale, lease, storage, or repair of vehicles.
3. Required off-street parking shall be maintained for the duration of the principal use and shall not be reduced unless the principal use ceases or changes.
4. Off-street loading spaces shall not be located in any required parking space or protrude into any public street.

B. Easements

A vehicular use area shall not be located within an easement without approval of the easement holder.

Subsection 5.4.7. Standards for Off-Street Parking Spaces and Loading Areas

C. Parking Space Access

All off-street parking spaces shall be accessed directly from drive aisles or private driveways and not directly from public streets.

D. Vehicle Backing

1. Vehicular use areas shall be designed so that a vehicle is not required to back onto a public street to enter or exit the vehicular use area, a parking space, or a stacking space.
2. Except in the CB district, off-street loading shall be designed so that no backing into or from a public street is necessary.

E. Dimensional Standards for Parking Spaces and Aisles

Standards parking spaces and parking aisles shall comply with the minimum dimensional standards established in Table 5.4.7.E, Dimensional Standards for Parking Spaces and Aisles.

TABLE 5.4.7.E: DIMENSIONAL STANDARDS FOR PARKING SPACES AND AISLES			
PARKING ANGLE (DEGREES)	SPACE WIDTH (FEET)	SPACE DEPTH (FEET)	MINIMUM AISLE WIDTH (FEET)
Parallel (0°)	9	20	12
Angled (30°)	9	17.3	11
Angled (45°)	9	19.8	13
Angled (60°)	9	21	18
Perpendicular (90°)	9	18	24

F. Handicapped Accessibility

Development providing off-street parking spaces must ensure a portion of the off-street parking spaces are designated, located, and reserved for use by persons with physical disabilities in accordance with the standards of the State Building Code.

G. Dimensional Standards for Loading Spaces

Except for loading spaces used by semi-tractor trailers, off-street loading spaces shall be at least 12 feet wide and at least 25 feet long. Off-street loading spaces used by semi-tractor trailers shall be at least 60 feet long. Overhead clearance shall be at least 14 feet.

H. Pedestrian Connections

Pedestrian connections between the principal buildings on a development site and a public street(s) must be provided through improved walkways with a minimum unobstructed width of 4 feet. Parking spaces shall be designed to ensure vehicles do not encroach into the walkways.

I. Stacking Spaces

1. General

Uses with drive-through facilities and other auto-oriented uses where vehicles queue up to access a service shall provide adequate stacking spaces on-site for the uses or buildings in accordance with this section. Such uses include but are not limited to: restaurants with drive-through, convenience store with fuel sales, and other uses with service bays or drive-throughs.

2. Design

Stacking spaces are subject to the following design and layout standards:

Subsection 5.4.7. Standards for Off-Street Parking Spaces and Loading Areas

(a) Size

Stacking spaces shall be a minimum of 9 feet wide and 16 feet long.

(b) Traffic Movements

Stacking spaces shall not impede vehicular traffic movements or movements into or out of parking spaces, whether on-site or off-site.

(c) Bicycle and Pedestrian Movement

Stacking spaces shall not impede onsite or offsite bicycle or pedestrian traffic movements, whether on-site or off-site.

(d) Separation

Stacking spaces shall be clearly delineated through such means as striping, landscaping, pavement design, or curbing.

J. Private Drives

1. A vehicular use area shall be connected to a public street in a manner that affords safe and convenient ingress and egress.
2. A one-way drive shall be at least 12 feet wide and a 2-way drive shall be at least 20 feet wide.
3. Off-street parking spaces shall not be directly accessible off a private drive, except as allowed for use types in the Household Living use category in Section 5.4.4 F, Driveways Used to Meet Requirements.
4. A private drive for vehicular use areas containing 200 or more parking spaces shall be unobstructed for at least 30 feet in length from the right-of-way line to a drive aisle or parking space to accommodate the ingress and egress of at least 2 vehicles without conflict with vehicles accessing parking spaces or drive aisles and creating an obstruction in the public street.
5. The design and location of private drives accessing public streets shall be subject to the City's Driveway Ordinance.

K. Surface Material

1. All required parking spaces, drives, and loading spaces in a vehicular use area shall be paved and maintained with concrete, asphalt, or similar material of sufficient thickness and consistency to support anticipated traffic volumes and weights, except as provided in this section.
2. The use of pervious or semi-pervious materials may be approved as an alternate means of paving provided it is demonstrated that the materials will function in a similar fashion as required materials.
3. Private drives accessing public streets shall be paved and maintained from the curb line or edge of pavement to a point at least 10 feet from the public street right-of-way for all vehicular use areas and at least 30 feet for all vehicular use areas with 200 or more parking spaces, whether the vehicular use area is paved or unpaved.
4. Except for required parking facilities for the disabled, required parking may be constructed with gravel or other approved comparable all-weather surface for:
 - (a)** Parking used on an irregular basis for religious institutions, private minor assembly uses, and other similar nonprofits organizations;

- (b) Parking for residential uses or a bed and breakfast establishment where 6 or fewer spaces are required;
 - (c) Parking for an office use converted from a single-family detached dwelling where 4 or fewer spaces are required;
 - (d) Parking for all uses in the AGR district; and
 - (e) Parking for industrial uses in the HI district, or manufacturing and production uses in the LI district.
5. Required parking facilities and associated access for the disabled shall be paved in accordance with the State Building Code.
- L. Grading and Drainage**
The vehicular use area shall be graded, properly drained, stabilized, and maintained to minimize dust and erosion.
- M. Curb and Gutter**
Where vehicular use areas are paved, curb and gutter or an equivalent drainage system shall be provided along the periphery of the area.
- N. Markings**
All spaces and lanes in vehicular use areas shall be clearly delineated with paint lines, curbs, or other treatment, whether the vehicular use area is paved or unpaved.
- O. Curbs and Wheel Stops**
All parking spaces provided shall have curbs or wheel stops located so that no part of the parked vehicle will extend onto a sidewalk, walkway, adjacent property or landscape area, whether the vehicular use area is paved or unpaved.
- P. Exterior Lighting**
Exterior lighting in vehicular use areas shall be designed to prevent glare or illumination exceeding maximum allowable levels on adjacent land and shall comply with the standards of Section 5.10, Exterior Lighting, as appropriate.
- Q. Landscaping**
Landscaping shall be provided in accordance with Section 5.5.10, Parking Lot Landscaping.

(Ord. No. 7266/17-08, § 19, 1-17-2017)

5.4.8. PARKING ALTERNATIVES

The Planning and Development Director is authorized to approve an alternative parking plan for development that proposes alternatives to providing the number of off-street parking spaces required by Table 5.4.4.B, Minimum Off-Street Parking Standards, in accordance with the standards of this sub-section. Nothing in this section shall limit the utilization of one or more of the following off-street parking alternatives by a single use.

A. Shared Parking

- 1. The required off-street parking for a use may be met off-site with the required off-street parking spaces of another use in accordance with the following standards:
 - (a) The shared parking is located within 1,000 feet as measured from the entrance of the use to the nearest shared parking space.

2. Compact car spaces shall be clearly marked or posted for compact cars only.

5.5. LANDSCAPING

Editor's note—Ord. No. 7266/17-08, § 15, adopted Jan. 17, 2017, changed the title of § 5.5 from "Landscaping Standards" to "Landscaping."

5.5.1. PURPOSE AND INTENT

The purpose of this section is to establish minimum requirements for landscaping. These standards are intended to:

- A. Advance the general purposes of this Ordinance;
- B. Ensure and encourage the planting, maintenance, restoration, and survival of trees, shrubs, and other plants;
- C. Promote the conservation of existing healthy trees and vegetation, and provide for the restoration of land denuded as a result of grading and construction;
- D. Ensure visual screening of unsightly areas;
- E. Establish appropriate landscape yards and screening features to reduce the negative impacts of glare, noise, trash, odors, lack of privacy, and visual appearance that can occur when higher intensity land uses locate near lower intensity land uses;
- F. Safeguard and enhance property values and aesthetic qualities, and protect public and private investment;
- G. Encourage the use of low impact development techniques and sustainable development practices;
- H. Protect and improve environmental functions and conditions by providing eco-system features such as shade, air purification and oxygen regeneration, filtering of stormwater runoff, and mitigation of noise, glare, and heat; and
- I. Assure that the appearance of High Point positively contributes to its growth and economic prosperity.

5.5.2. APPLICABILITY

The provisions of this section shall apply to zone lots with the following, unless exempted in accordance with Section 5.5.3, Exemptions:

- A. **New Buildings or Uses**
New principal buildings or new open uses of land.
- B. **Changes in Use**
Changes in use of one or more in land use intensity (see Table 5.5.11 C, Land Use Intensity).
- C. **Expansions**
In the case of an expansion of an existing building, outdoor use area, or off-street parking lot, the following standards shall apply:
 1. For individual or collective expansions of 50 percent or less, the standards in this section shall apply only to the expanded portion; or

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2. For individual or collective expansions that exceed 50 percent, the standards in this section shall be applied to the entire zone lot.

(Ord. No. 7266/17-08, § 18, 1-17-2017)

5.5.3. EXEMPTIONS

The following development is exempted from the standards in this section:

- A. Single-family detached dwellings;
- B. Duplex dwellings;
- C. Development in the CB and MX districts, except for parking areas;
- D. Repaving or restriping of an existing parking area;
- E. Where lot lines abut the following forms of development, no landscape yard is required:
 1. Railroad rights-of-way or easements;
 2. Utility easements of 60 feet or more in width; and
 3. Street right-of-way that has remained unopened for a period of at least 15 years.
- F. Where outdoor seating is provided between a building and a street, no plant material is required in the corresponding portion of the streetyard.
- G. No perimeter landscape yard shall be required when single-family detached and single-family attached dwelling units abut one another within the same development.
- H. No parking lot landscaping shall be required for parking lots on the same zone lot as the principal use they serve if they have less than 5 parking spaces outside the Core City, or 20 or fewer spaces inside the Core City.

(Ord. No. 7266/17-08, § 18, 1-17-2017; Ord. No. 7363/17-106, § 8, 11-20-2017)

5.5.4. DISTRICT STANDARDS

Some zoning districts and overlay districts, such as the MS, MX, and the GCO districts, include additional district-specific landscaping standards (See Chapter 3: Zoning Districts).

5.5.5. GENERAL REQUIREMENTS

A. Conceptual Landscape Plan

1. A conceptual, or generalized landscape plan is required as part of a submittal for a land disturbance permit. The purpose of the conceptual plan is to ensure that landscape yard requirements can be met, required undisturbed areas and buffers can be maintained, and slopes in required landscape yards will meet the standards of Section 5.5.12, Landscape Yards on Slopes.
2. Nothing shall prohibit an applicant from filing a revised landscape plan that differs from a conceptual landscape plan.

B. Landscape Plan Required

1. A landscape plan depicting how required landscaping will be planted on a development site shall be included with an application for site plan, group development, or building permit, as appropriate, to ensure compliance with this section.

2. The landscape plan shall be approved prior to, or concurrent with, the approval of a site plan, group development plan, or the issuance of a building permit.
3. A landscape plan shall contain, as a minimum, the following:
 - (a) Location of required planting material;
 - (b) Identification of trees and plants, including their scientific names;
 - (c) Minimum and maximum dimensions of all landscape yard areas (see Section 10.2, Rules of Measurement);
 - (d) Calculations determining the number of canopy trees, understory trees, and shrubs required (see Section 10.2, Rules of Measurement);
 - (e) Locations, species, and sizes of existing vegetation to be retained and counted towards minimum landscaping requirements; and
 - (f) Existing topography, or proposed topography where site grading is proposed to occur.

C. Stormwater Detention Pond Landscaping

If landscaping is proposed around or on the embankment of a stormwater detention pond, a landscape plan must be submitted for review to determine that the safety and functionality of the device will not be compromised by the addition of trees and/or shrubs.

D. Landscaping in Bio-retention Cells

Trees and shrubs used in bio-retention cells or rain gardens located in parking lots or within landscape yards may be counted toward tree or shrub requirements provided they meet the minimum specifications in Section 5.5.6, Plant Material Specifications.

E. Phased Development

Development that is planned in phases may submit a landscape plan for the entire development, or separate landscape plans for each phase, which shall be approved prior to approval of the final plat.

5.5.6. PLANT MATERIAL SPECIFICATIONS

A. Canopy Tree Size

1. Canopy trees shall have a minimum height at maturity of 40 feet or a minimum crown width of 30 feet.
2. All canopy trees shall have a minimum caliper size of 2 inches at planting.
3. Evergreen trees shall be a minimum of 6 feet in height at planting.

B. Understory Tree Size

1. Understory trees shall have a minimum height at maturity of 25 to 40 feet, except that trees to be placed below overhead utility lines may not exceed a mature height of 20 feet.
2. Drought tolerant understory trees must have a minimum caliper size of 1 inch at planting.
3. All other understory trees must have a minimum caliper size of 2 inches at planting.

C. Shrub Size and Type

1. Required shrubs in a Type A landscape yard or shrubs located parallel to the edge of parking lots, access drives, loading and unloading areas, and outdoor storage shall be evergreen.
2. Required shrubs in a Type B landscape yard shall be 50 percent or more evergreen.
3. Required shrubs in a Type C landscape yard shall be 25 percent or more evergreen.
4. Required shrubs in a streetyard or in a Type D landscape yard may be evergreen or deciduous.
5. All shrubs must be at least a 3-gallon size and have a minimum height or spread of 15 inches at the time of planting. Shrubs shall reach a minimum height of 36 inches and a spread of 30 inches within 3 years of planting.

D. Species

Plant species used in required landscape yards must be native species or species of a locally adapted nature. Other species may be approved by the Planning and Development Department Director. Refer to the *Development Guide* for listings of acceptable plant material, which includes drought tolerant species and species suitable for planting within 20 feet of overhead utilities.

E. Species Diversity

To curtail the spread of disease or insect infestation in a plant species, new plantings shall comply with the following standards:

1. When fewer than 20 trees are required on a site, at least 2 different species shall be utilized, in roughly equal proportions.
2. When more than 20 but fewer than 40 trees are required to be planted on site, at least 3 different species shall be utilized, in roughly equal proportions.
3. When 40 or more trees are required on a site, at least four different species shall be utilized, in roughly equal proportions.
4. A larger number of different species than specified may be utilized.
5. In no instance shall invasive species be utilized as landscaping materials to meet the requirements of this section.

F. Stabilization

Landscape yards shall be stabilized and maintained with ground cover, mulch, or other approved materials to prevent soil erosion and allow rainwater infiltration. Landscape yards with slopes of 15 percent or more shall be stabilized with vegetative cover to minimize erosion and mulch washout. Use of landscape fabric on slopes of 15 percent or more is discouraged.

G. Grouping of Plant Material

1. Except within a Type A landscape yard, plant material may generally be grouped or clustered within the required landscape yards, however, the overall intent of the particular landscape yard must be adequately addressed. Groupings or clusters shall be depicted on the landscape plan and be approved by the Planning and Development Director.
2. Perimeter landscaping materials adjacent to parking lots, access drives, loading and unloading areas, and outdoor storage may not be grouped.

Subsection 5.5.7. Limitations on Landscaping Placement

3. Required plant material in a Type A landscape yard may not be grouped, and shall be planted according to the required on-center spacing in Table 5.5.11.B, Perimeter Landscape Yard Types.

H. Berms

1. Berms may be used independently, or in conjunction with a wall or fencing, to meet the screening intent of the Type A landscape yard.
2. Berms must be stabilized, have a slope not exceeding 3:1 (horizontal to vertical), have a crown width at least ½ the berm height, and may be no taller than 8 feet above the toe of the berm slope.
3. A berm may not damage the roots of existing healthy vegetation designated to be preserved.
4. A berm may not be designed or placed as to interfere with required sight distances.

I. Fences

1. Opaque fences, a minimum of 5 feet in height, constructed within required landscape yards, may reduce the minimum and average landscape yard width requirement in accordance with Table 5.5.11.B, Perimeter Landscape Yard Types.
2. If utilized, fences shall be located within the landscape yard and all required shrubs shall be planted between the fence and the lot line. Required trees may be planted behind the fence.

J. Planters

1. Planters shall be constructed of masonry, stone, or pressure treated lumber stamped for ground contact. Other materials may be approved, based upon their durability, by the Planning and Development Director,
2. Planters shall have a minimum height of 30 inches and have an effective planting area of 7 feet (measured in any direction) if trees are to be planted and an effective planting area of 4 feet (measured in any direction) if no trees are to be included.
3. The minimum height of shrubs in the planter, except for ground cover, shall be 6 inches at the time of planting.
4. ADA-approved grates must be used atop all tree wells.

(Ord. No. 7287/17-29, § 7, 4-3-2017)

5.5.7. LIMITATIONS ON LANDSCAPING PLACEMENT

A. Easements

1. Required trees and shrubs planted within a utility or a water quality conservation easement must be approved by the easement holder (whether such easement pertains to above or below ground rights).
2. When trees or shrubs are planted in a utility easement or a water quality conservation easement, the landowner is responsible for replacement of any required vegetation if maintenance or other utility requirements result in its removal.
3. When trees or shrubs are planted in a water quality conservation easement, they shall not impact the easement design or impede the flow of water through the easement.

Subsection 5.5.7. Limitations on Landscaping Placement

4. When required landscaping is permitted to be placed in an easement, the easement width may be counted toward the minimum landscape yard width. Additional area outside the easement shall be provided to meet minimum and average required landscape yard widths.
5. Where an easement and a required landscape yard coincide, and there is a prohibition on planting within a portion of the easement, and the remaining width is not sufficient to properly contain required plant material, then the landscape yard width shall be expanded in an amount necessary to include all required plant material.

B. Fire Protection System

Minimum clear separation distances required by the current adopted version of the North Carolina Fire Code shall be maintained for landscaping near a fire protection system.

C. Obstructions at Intersections

No trees or shrubs shall be planted or maintained in such a manner as to obstruct visibility for motorists at any street intersection in accordance with the standards of Chapter 6 of the City Code, Visibility at Intersections.

D. Plantings in the Right-of-Way

Required planting materials shall not be located within a public right-of-way unless approved in accordance with Section 5.5.13, Alternate Landscape Plan, and shall be subject to an encroachment agreement between the landowner and the City.

E. Permitted Encroachments

The following are permitted in required landscape yards as indicated, provided the landscaping requirements are met and there is no interference with visibility at intersections.

1. The following features may be located entirely within landscape yards required by this section:
 - (a) Landscaping features such as, ornamental pools, planting boxes, sculpture, arbors, trellises, and birdbaths;
 - (b) Pet shelters;
 - (c) At-grade patios or decks;
 - (d) Play equipment;
 - (e) Outdoor furniture and fireplaces;
 - (f) Ornamental entry columns, gates, fences, walls, and retaining walls;
 - (g) Flagpoles of 30 feet in height or less;
 - (h) Lamp and address posts;
 - (i) HVAC equipment, well houses, and utility cabinets of 4 feet in height or less;
 - (j) Mailboxes and incidental signage;
2. The following features may encroach up to 2½ feet into a required landscape yard, but no closer than 3 feet from any lot line:
 - (a) Cornices;
 - (b) Steps;
 - (c) Canopies;
 - (d) Overhanging eaves and gutters;

- (e) Window sills, bay windows or similar architectural features;
 - (f) Chimneys; and
 - (g) Fire escapes, fire balconies, and fire towers.
3. Up to 15 percent of a required landscape yard may be occupied by walkways and steps that are not connected to any above-grade structure.
 4. A stormwater facility with an approved alternate landscape plan.
 5. Handicap ramps, but not porches or landings.

F. Multiple-Lot Development

1. A multiple-lot development, such as a shopping center, that is configured and developed as a single entity shall be treated as a single zone lot for the purposes of applying the parking lot, landscape yard, and streetyard standards.
2. Individual lots within a multiple-lot development shall be subject to the screening requirements in Section 5.6, Screening.

5.5.8. CREDIT FOR EXISTING VEGETATION

A. General Standards

Existing healthy, well-formed canopy and understory trees that are in or within 10 linear feet of a required landscape yard and that meet or exceed the standards of this section may be credited toward the applicable tree planting requirements of this section, in accordance with the following:

1. The landowner or developer has provided a plan showing the location and size of canopy and understory trees to be credited, and trees depicted on the plan have been marked or identified on the site.
2. The canopy and understory trees to be credited are protected before and during development by tree protection fencing in accordance with the *Development Guide*.
3. The location of the existing canopy and understory trees to be credited contribute to the screening or buffering functions of the landscaping.
4. Any canopy or understory trees for which credit has been received that die shall be replaced in a manner that ensures the landscaping meets the requirements of this section.

B. Amount

1. Existing trees meeting the standards in (A) above that are retained during and after development shall be credited towards the minimum landscape requirements at a rate of 1.25 times the tree's actual DBH.
2. Trees to be credited shall be verified prior to credit being provided.

C. Credit Determination

1. The amount of credit towards the number of required new trees is determined by dividing the total DBH of trees to be retained by the minimum caliper inch size of required plantings (see Section 5.5.6, Plant Material Specifications). Example: A development site that retains 3 8-inch DBH canopy trees will be credited for a total of 30 inches DBH of existing trees $((8 \times 3) \times 1.25 = 30 \text{ DBH})$, or 10 newly-planted canopy trees $(30/3=10)$.
2. The Planning and Development Director shall verify and approve trees to be credited in accordance with this section.

D. Streetyard Requirements

Regardless of the number or size of preserved trees in required streetyards, there shall be at least 1 canopy tree for every 50 linear feet of required streetyard.

5.5.9. TIME FOR INSTALLATION OF REQUIRED LANDSCAPING

A. Timing

Required landscaping (including mulching and seeding) shall be installed in accordance with this section prior to the issuance of a certificate of occupancy unless a financial guarantee is established to ensure installation at a later date.

B. Financial Guarantee

A financial guarantee prepared in accordance with Section 7.2, Financial Guarantees, shall be in place whenever occupancy is desired and required landscaping has not been completed. The maximum length of time for a landscaping financial guarantee shall be 6 months, which may be extended one time for up to 90 days by the Planning and Development Director.

C. Multi-Phase Development

Multi-family, nonresidential, and mixed-use development that is planned and developed in phases shall be required to install landscaping that is associated with the active phase or phases only, unless an alternative arrangement is otherwise agreed to by the Planning and Development Director and the developer. An active phase of a development is the one that is subject to permitted and on-going development activity.

5.5.10. PARKING LOT LANDSCAPING

A. General Standards

- 1.** Two or more parking lots on the same zone lot that are physically separated by buildings and are not physically connected by internal drives shall be considered independently.
- 2.** Parking lot landscaping shall include at least 1 canopy tree for every 12 parking spaces.
- 3.** Placement of Canopy Trees
 - (a)** Required interior and perimeter parking lot canopy trees shall be placed such that no parking space is more than 80 feet from the trunk of a canopy tree for new or redeveloped nonresidential parking areas, and 50 feet for new or redeveloped residential parking areas.
 - (b)** In cases where an approved alternate landscape plan permits understory trees to be substituted for canopy trees, they shall be placed such that no parking space is more than 50 feet from the trunk of an understory tree for nonresidential parking areas, and 30 feet for residential parking areas.
 - (c)** Additional trees above the minimum number required may be used to meet this standard.

B. Interior Landscaping Standards

1. General Standards

- (a)** For the purposes of parking lot landscaping, the interior of a parking lot shall be all of the area within the outer boundary of the parking lot

including interior and corner landscape islands intended to fulfill the interior parking lot landscaping requirements, but not including perimeter landscape yards (see Figure 5.5.10.B, Parking Lot Landscaping Area).

- (b) These standards shall not apply to parking structures, or vehicle display areas.
- (c) Required interior canopy trees shall be distributed throughout parking areas and may be located in landscape islands, landscape divider medians between rows of parking, or in driveway medians. Trees used to satisfy the general rate requirement in Section 5.5.10 A.2., General Rate, may not be counted toward any landscape yard requirement.

FIGURE 5.5.10.B, PARKING LOT LANDSCAPING AREA



2. Landscaping Islands and Strips

A parking aisle with more than 12 spaces in a single row shall provide and maintain landscaping islands or strips in accordance with the following standards.

Subsection 5.5.10. Parking Lot Landscaping

- (a) Islands for planting canopy trees shall have a minimum dimension of 9 feet and a minimum area of 162 square feet, including the curb.
- (b) Landscape islands that do not contain canopy trees may contain understory trees and shall contain 3 or more shrubs. Landscape islands that do not contain canopy trees shall have minimum dimension of 5 feet, including the curb.
- (c) Landscape strips between adjoining rows of parking spaces or serving as driveway medians shall have a minimum dimension of 7 feet, including the curb, if canopy trees are included and 5 feet in all other cases, including the curb. Landscape strips that do not have canopy trees shall include shrubs planted no more than 10 feet on center.

3. Separation of Light Poles and Trees

In order to prevent the need to excessively trim trees within landscape areas and to maintain the effectiveness of parking area lighting, light poles shall be spaced at least 10 linear feet from a canopy tree trunk, to the maximum extent practicable.

4. Protection of Landscape Islands

Landscape islands shall be protected from vehicle damage by the installation of curbing, wheel stops or other comparable methods. The placement of plant material within landscape islands shall allow for a 2-foot vehicle overhang from the face of the curb or wheel stop.

5. Stormwater Management

A landscape island may be designed to function as a stormwater management device.

C. Parking Lot Perimeter Landscaping Required

Where a parking lot abuts a street or other development (other than another parking lot), landscaping shall be provided and maintained in accordance with the following:

1. Intent

Parking lot perimeter landscaping shall be designed to soften the view of the parking lot from an abutting street or development and to filter spillover light from vehicle headlights. Required plant material shall be planted in such a way as to best achieve this intent.

2. Location

- (a) Required plant material shall be placed adjacent to the perimeter of the parking area.
- (b) Depending upon the geometric relationship of the parking lot to the property lines or to topographic conditions, plant material may be placed away from the edge of the parking area, if necessary, to best achieve the intent of this subsection.

3. Planting Rate

- (a) Parking lot perimeter landscaping shall be provided in an amount equivalent to a Type D landscape yard except that plant material shall be uniformly distributed along the parking lot perimeter.
- (b) Parking lot perimeter landscaping shall be credited toward the perimeter landscape yard planting requirement along the portion of the lot line parallel to the to the parking lot perimeter landscaping.

4. Size of Plant Material

Evergreen shrubs used for parking lot perimeter landscaping shall be in accordance with Section 5.5.6 C, Shrub Size and Type.

5. Alternative Configuration

An opaque or semi-opaque (50 percent opaque or more) decorative fence may be provided in-lieu of the shrub requirement if the fence is 48 inches above grade level, located adjacent to the perimeter of the parking lot, and is made of brick, stone, wrought iron, decorative aluminum or steel, painted or stained wood, or composite material. Upon review, the Planning and Development Director may require up to 50 percent of the required number of shrubs where a semi-opaque fence is proposed to ensure the parking lot is sufficiently screened. Chain link fencing, with or without slats, shall not be credited towards landscaping requirements, but may be incorporated between a perimeter landscape strip and the parking area.

6. Exemptions

Where parking lots are adjacent to one another, but on different lots, a perimeter landscape yard is not required along the common boundary of the parking lots. However, the requirements of Section 5.5.10, Parking Lot Landscaping, shall be met.

(Ord. No. 7266/17-08, § 18, 1-17-2017)

5.5.11. PERIMETER LANDSCAPE YARDS**A. General Standards**

- 1.** Landscape yards are required along the perimeter, extending inward from the lot line, of a zone lot or development site in accordance with Table 5.5.11.B, Perimeter Landscape Yard Types, and Table 5.5.11.C1, Land Use Intensity. They are intended to mitigate potential adverse impacts that may result when higher intensity land uses are located adjacent to lower intensity land uses.
- 2.** The width of permitted driveways and permitted cross-access easements, measured at the lot line, shall be excluded from the calculation of required plant material.
- 3.** A perimeter landscape yard may be located along shared access easements between parcels in nonresidential development.
- 4.** A perimeter landscape yard in a multiple lot development that is configured and developed as a single entity, is only required around the outer perimeter of the development.
- 5.** Stormwater management devices that incorporate vegetation (e.g., bio-retention cell, rain garden, constructed wetlands, etc.) may be placed within a perimeter landscape yard provided the screening function of the landscape yard is maintained. Any plant material meeting the minimum requirements for the landscape yard may be counted toward the requirements.

B. Types of Landscape Yards

Table 5.5.11.B, Perimeter Landscape Yard Types, establishes standards for the following different landscape yards:

- 1.** Streetyard;
- 2.** Type A Opaque Landscape Yard;
- 3.** Type B Semi-Opaque Landscape Yard;

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- 4. Type C Intermittent Landscape Yard; and
- 5. Type D Basic Landscape Yard.

The standards are based on whether the development is within or outside the Core City.

TABLE 5.5.11.B: PERIMETER LANDSCAPE YARD TYPES





LANDSCAPE YARD TYPE	DESCRIPTION/MINIMUM REQUIREMENTS	
	INSIDE CORE CITY	OUTSIDE CORE CITY
STREETYARD		
<p>Intent: This landscape yard functions to distinguish the edge of the street right-of-way and adjacent private land and to provide continuity of vegetation along public streets.</p>		
Average width (feet) [1]	8	10
Minimum width (feet) [2]	5	8
Maximum width (feet)	15	15
Canopy trees per 100 linear feet	2	2
Shrubs per 100 linear feet	17	17
TYPE A: OPAQUE LANDSCAPE YARD		
<p>Intent: This landscape yard functions as an opaque screen from the ground to a height of 8 feet. This type of buffer prevents visual and auditory contact between uses and creates a strong impression of total separation. Yard shown at maturity</p>		
Average width (feet)	25	45
Minimum width (feet) [2]	20	35
Maximum width (feet)	30	70
Canopy trees per every 100 linear feet/on-center spacing (feet)	2/50	4/25
Understory trees per every 100 linear feet/on-center spacing (feet)	5/20	10/10
Evergreen shrubs per every 100 linear feet/on-center spacing (feet)	10/10	33/3
5-foot opaque fence	Reduces average and minimum widths by 5 feet	Reduces average and minimum widths by 10 feet

TABLE 5.5.11.B: PERIMETER LANDSCAPE YARD TYPES


LANDSCAPE YARD TYPE	DESCRIPTION/MINIMUM REQUIREMENTS	
	INSIDE CORE CITY	OUTSIDE CORE CITY
TYPE B: SEMI OPAQUE LANDSCAPE YARD		
<p>Intent: This landscape yard functions as a partially opaque screen from the ground to a height of 6 feet. This type of buffer prevents visual contact between uses and creates a sense of spatial separation. Yard shown at maturity</p>		
Average width (feet)	15	25
Minimum width (feet) [2]	12	20
Maximum width (feet)	25	45
Canopy trees per every 100 linear feet	2	4
Understory trees per every 100 linear feet	4	6
Shrubs per every 100 linear feet [3]	8	25
5-foot opaque fence	Reduces average width by 3 feet and minimum width by 2 feet	Reduces average and minimum widths by 5 feet
TYPE C: INTERMITTENT LANDSCAPE YARD		
<p>Intent: This landscape yard functions as an intermittent visual screen from the ground to a height of 5 feet. It is intended to partially block visibility between different uses but not totally obstruct visual contact from one use to another. Yard shown at maturity</p>		
Average width (feet)	10	15
Minimum width (feet) [2]	8	10
Maximum width (feet)	20	35
Canopy trees per every 100 linear feet	2	3
Understory trees per every 100 linear feet	3	4
Shrubs per every 100 linear feet [3]	6	20
5-foot opaque fence	Reduces average width by 2 feet	Reduces average and minimum widths by 5 feet

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Subsection 5.5.11. Perimeter Landscape Yards

TABLE 5.5.11.B: PERIMETER LANDSCAPE YARD TYPES

LANDSCAPE YARD TYPE	DESCRIPTION/MINIMUM REQUIREMENTS	
	INSIDE CORE CITY	OUTSIDE CORE CITY
TYPE D: BASIC LANDSCAPE YARD		
<p>Intent: This landscape yard functions as a means to demarcate boundaries between different uses and provide only a slight visual obstruction between different uses. Yard shown at maturity</p>		
Average width (feet)	5	8
Minimum width (feet) [2]	5	5
Maximum width (feet)	10	15
Canopy trees per every 100 linear feet	None	
Understory trees per every 100 linear feet	2	2
Shrubs per every 100 linear feet [3]	12	15
5-foot opaque fence	No additional reductions	
<p>NOTES:</p> <p>[1] Within the Core City, where a required streetyard cannot be accommodated due to the location of existing development or other site related issue, an adjustment may be approved in accordance with Section 2.5.2, Administrative Adjustment</p> <p>[2] If the required principal building setback is less than the required landscape yard width, the principal building setback controls and the landscape yard width shall be reduced only along the length of the building wall that encroaches into the landscape yard. Regardless of reduction in streetyard width, the required planting material must be installed, though its location may be modified in accordance with Section 5.5.13, Alternate Landscape Plan.</p> <p>[3] A percentage of the required shrubs must be evergreen. See Section 5.5.6 C, Shrub Size and Type.</p>		

C. Landscape Yard Type Application

1. To determine the type of landscape yard required, first identify the land use intensity of the proposed (new, changed, or expanded) use, then identify the land use intensity of each existing use on adjacent sites (see Table 5.5.11.C1, Land Use Intensity). Then, using Table 5.5.11.C2, Type of Landscape Yard Required, the intersection of the row associated with the proposed use and the column associated with the adjacent use shows the type of landscape yard required.
2. The land use intensity is a number that corresponds to the intensity of development.
3. A land use is considered to “exist” on an adjacent property when a building permit is issued.
4. If a zone lot contains uses with different land use intensities, the higher numbered land use intensity applies unless an Administrative Adjustment is approved in accordance with Section 5.5.13, Alternate Landscape Plan.

- 5. No landscape yard shall be required where a proposed use is adjacent to an existing agricultural use.

TABLE 5.5.11.C1: LAND USE INTENSITY

USE CLASSIFICATION	USE CATEGORY	USE TYPE	LAND USE INTENSITY SCORE
Agricultural	Agriculture	All	Crops: 1 Livestock: 3
Residential	Common Elements Recreation	Common elements recreation	1
	Household Living	SF detached; Family care home; Manufactured dwelling; Duplex dwelling; Live/work	1
		Multi-family; SF attached, Triplex; Quadplex	2
	Group Living	All, except SRO	2
		SRO	3
Life Care	All	2	
Institutional	Civic	Assembly & Cultural Facilities, major & minor	3
		Cemetery	1
		Correctional facility	4
		Governmental facility; Public safety facility	3
		Public Recreation facility	3
	Day Care	Day Care Center	3
	Education	All, except truck driving school	3
		Truck driving school	4
	Health Care	All	3
	Religious Institutions	All	3
	Transportation	Airport	5
		Park and ride facility	3
		Passenger terminal	4
		Taxi or limousine service	4
	Utilities	Communication or broadcasting facilities	3
Solar array; Wireless telecommunication facility; Utility minor		3	
Utility major		4	

CHAPTER 5: DEVELOPMENT STANDARDS

Section 5.5. Landscaping

Subsection 5.5.11. Perimeter Landscape Yards

TABLE 5.5.11.C1: LAND USE INTENSITY

USE CLASSIFICATION	USE CATEGORY	USE TYPE	LAND USE INTENSITY SCORE
Commercial	Adult Entertainment	Adult entertainment	4
	Animal Care	Major	4
		Minor	3
	Eating establishments	All	3
	Offices	All	3
	Commercial Parking	Commercial Parking	3
	Personal Services	All	3
	Recreation and Leisure	Amusement & entertainment	3
		Amusement parks	5
		Sports & fitness centers	3
	Retail Sales	All	3
	Vehicle Establishments	All	3
Visitor Accommodations	Bed and Breakfast	1	
	Hotel or motel	3	
Industrial	Extractive Industry	Extractive industry	5
	Industrial Service	All	4
	Manufacturing and Production	All, except microbrewery, microdistillery, microwinery, or motion picture production	5
		Microbrewery, microdistillery, or microwinery	4
		Motion picture production	3
	Warehouse and Freight Movement	All	4
	Waste-Related Service	All	4
	Wholesale trade	All, except market showroom	4
Market Showroom		3	

TABLE 5.5.11.C2: TYPE OF LANDSCAPE YARD REQUIRED

A = Type A buffer B = Type B buffer C = Type C buffer D = Type D buffer n/a = no buffer required

LAND USE INTENSITY OF PROPOSED USE	LAND USE INTENSITY OF EXISTING ADJACENT USE					
	1	2	3	4	5	VACANT
1	n/a	n/a	n/a	n/a	n/a	n/a
2	C	n/a	C	B	B	D
3	B	B	n/a	C	B	D
4	A	A	C	n/a	C	D
5	A	A	B	C	n/a	n/a

D. Streetyard Standards

1. Streetyard landscaping shall be installed in accordance with Table 5.5.11.B, Perimeter Landscape Yard Types. Trees associated with streetyard landscaping shall not be located within 4 feet of the right-of-way line.
2. Off-street parking, storage, or display shall be prohibited within a streetyard.
3. No streetyard landscaping shall be required along an alley.

(Ord. No. 7266/17-08, § 18, 1-17-2017; Ord. No. 7365/17-108, § 1, 11-20-2017; Ord. No. 7415/18-44, § 7, 5-21-2018)

5.5.12. LANDSCAPE YARDS ON SLOPES

Slopes over 50 percent shall not be used to meet a landscape yard requirement. Slope areas of between 33 percent and 50 percent may be used to meet a landscape yard requirement in accordance with the following:

A. Existing Slope with Adequate Tree Cover

If the required number of trees for the applicable landscape yard exists on the slope, then the slope area is deemed to meet the landscape yard requirements, provided that no healthy trees or other vegetation are removed and no grading or clearing of the slope occurs.

B. Existing Slope without Adequate Tree Cover

If the slope area lacks the required number of trees for the applicable landscape yard, then additional trees and vegetation shall be provided to meet the landscape yard requirement. No existing healthy trees or vegetation may be removed and no grading or clearing of the slope may occur.

C. Newly-graded Slope

If the slope area is newly graded, the slope area shall be replanted to provide tree cover over the entire area. Plans for replanting shall include a minimum of one canopy tree per 400 square feet of surface area and may be made up of a mixture of deciduous hardwood and evergreen trees meeting the minimum standards of Section 5.5.6, Plant Material Specifications. Replanting plans are subject to the approval of the Planning and Development Director, and upon installation will be deemed to meet the tree requirement for the applicable landscape yard.

5.5.13. ALTERNATE LANDSCAPE PLAN

An alternate landscape plan may be approved by the Planning and Development Director, that allows modifications to the requirements of this section. Natural physical conditions (such as streams, wetland areas, and topography), lot configuration, utility easements, desire to retain existing vegetation, and impractical situations that would result from application of Section 5.5 Landscaping Standards, may justify approval of an alternate landscape plan.

A. Intent

Any alternate landscape plan approved shall meet the intent of the applicable landscape yard(s) and the purpose and intent of the landscaping standards of this section.

B. Allowable Modifications

1. The following landscape standards may be modified by an alternate landscape plan.
 - (a) The location of required plant materials;

Subsection 5.5.15. Landscape Yard Maintenance

- (b) The configuration of required plant materials; and
 - (c) The number of required plant materials.
 - 2. The alternative landscape plan shall include justification for the modifications requested, based upon but not limited to the following:
 - (a) The presence or planned location of public utilities, infrastructure, or easements;
 - (b) The location of existing healthy vegetation or other beneficial site features to be retained after development;
 - (c) The size, shape, or topographic elevation of the site relative to the street(s) it abuts; and
 - (d) The need to protect solar access or avoid permanently shaded areas on the site.

5.5.14. ADDITIONAL LANDSCAPE YARD FLEXIBILITY

A. Substitution

- 1. Canopy trees may be substituted for shrubs at the rate of 1 canopy tree for 8 shrubs, and understory trees may be substituted for shrubs at the rate of 1 understory tree for 5 shrubs if approved by the Planning and Development Director.
- 2. Understory trees may be substituted for canopy trees at the rate of 2 understory trees for each canopy tree when a conflict exists due to overhead utility lines.

B. Existing Lots of Record

- 1. On lots of record that existed prior to March 1, 1992 that are less than 55,000 square feet in area, no development is required to landscape more than 15 percent of the lot. Priority shall be placed on meeting streetyard requirements first, then on other perimeter landscape yards.
- 2. Where a required landscape yard is reduced in width by 10 feet or more than the minimum requirement, and the differential in land use intensity is 2 or more categories, a 5-foot opaque fence may be required by the Planning and Development Director.

C. Plantings in Shaded Areas

Where a building is located less than 10 feet from a lot line, and the landscape yard would be heavily shaded by buildings on either side of the lot line, required trees and shrubs may be planted outside the shaded area to improve their chances of survival.

5.5.15. LANDSCAPE YARD MAINTENANCE

A. General

The landowner is responsible for maintaining all required plant materials and landscape yards in good health and appearance. Any dead, unhealthy, severely damaged, or missing plants (whether preserved or installed) must be replaced with new plant material equal in quantity and quality. Replacement plant material shall be installed within 180 days of the date of owner notification. The obligation for continuous maintenance is binding on any subsequent owners of the land, or any other parties having a controlling interest in the property.

B. Protection of Plant Material

The landowner or developer shall take actions to protect trees and landscaping from unnecessary damage during all facility and site maintenance operations. When landscape yards are adjacent to parking lots or drives, plants shall be protected from damage by vehicles, lubricants, or fuels.

C. Maintain Shape and Function

All required trees (whether canopy or understory) shall be maintained in their characteristic natural shape, be allowed to reach their mature size, and shall not be severely pruned, sheared, topped, or shaped as shrubs. Trees (including, but not limited to crepe myrtles) that have been so altered, such that they no longer serve their intended function as trees within the landscaping yard, shall be considered as damaged vegetation and shall be replaced in accordance with this section.

D. Trimming and Pruning

Trimming and pruning of trees shall be conducted in compliance with ANSI standards and the *Development Guide*. Shrubs shall be maintained in a way that does not obstruct sight distances at public street intersections, obstruct traffic signs or devices, or interfere with the use of sidewalks or pedestrian trails.

5.5.16. REMOVAL OR RELOCATION OF TREES AND SHRUBS

A. Authorized Removal

1. Once installed and inspected, required landscape material shall not be removed or relocated without approval of a revised landscape plan.
2. If approved, all plant material removed shall be replaced at a ratio of one-to-one.

B. Hazardous Trees

If any required tree is determined to be in a hazardous condition such that it is an immediate danger to the public safety, or it is an immediate threat to or has caused disruption of public services, the Planning and Development Director may authorize the removal of the tree without prior alternate landscape plan approval. Following removal, the Planning and Development Director shall determine if tree replacement is necessary in accordance with section (A)(2) above.

C. Unauthorized Removal

1. Except in accordance with Section 5.5.16 B, Hazardous Trees, if any required plant material is removed without approval of an alternate landscape plan, it shall be considered a violation of this Ordinance in accordance with Chapter 9: Enforcement.
2. In addition to the applicable remedies in Chapter 9: Enforcement, unauthorized removal of trees and shrubs shall result in the requirement for landscape material replacement in accordance Table 5.5.16.C, Replacement of Landscape Material Following Unauthorized Removal. All replacement landscaping shall be placed in the same yard area from which it was removed, unless it is approved in accordance with Section 5.5.13, Alternate Landscape Plan.

CHAPTER 5: DEVELOPMENT STANDARDS

Section 5.6. Screening

Subsection 5.6.2. Applicability

**TABLE 5.5.16.C, REPLACEMENT OF LANDSCAPE MATERIAL
FOLLOWING UNAUTHORIZED REMOVAL**

TYPE OF REQUIRED LANDSCAPING MATERIAL REMOVED [1]	REPLACEMENT RATIO [AMOUNT REPLACED: AMOUNT REMOVED]
Canopy trees less than or equal to 8 inches DBH	2:1
Canopy trees between 8 inches and 23.9 inches DBH	3:1
Canopy trees of 24 inches or more DBH	4:1
Understory trees less than or equal to 8 inches DBH	2:1
Understory trees between 8 inches and 14.9 inches DBH	3:1
Understory trees of 15 inches DBH or more	4:1
Shrubs	2:1

NOTES:
[1] If the size of removed trees cannot be accurately determined, all removed trees shall be replaced in a 3:1 ratio.

D. Replacement of Dead or Diseased Material

The replacement of dead or diseased trees and shrubs in a 1:1 ratio in the same location is considered normal landscape yard maintenance and shall not require approval of an alternate landscape plan.

(Ord. No. 7365/17-108, § 1, 11-20-2017)

5.6. SCREENING

5.6.1. PURPOSE AND INTENT

These screening standards are intended to reduce the impact of necessary site structures and equipment upon adjacent property and enhance the aesthetics of the public streetscape.

5.6.2. APPLICABILITY

The provisions of this section shall apply to solid waste collection facilities, loading docks and loading bays, and ground-based mechanical equipment on zone lots with the following, unless exempted in accordance with Section 5.6.3, Exemptions:

A. New Buildings or Uses

New principal buildings or new open uses of land.

B. Changes in Use

Changes in use of one or more in land use intensity (see Table 5.5.11 C, Land Use Intensity).

C. Expansions

Expansions of principal buildings that exceed 1,000 square feet of gross floor area (GFA) or the total expansions of principal buildings, open uses of land or off-street parking that individually or collectively exceed 3,000 square feet.

(Ord. No. 7266/17-08, § 18, 1-17-2017)

5.6.3. EXEMPTIONS

The following shall be exempt from the standards in this section:

A. Heavy Industrial (HI) District

Solid waste collection, loading facilities, and ground-based mechanical equipment in the HI district are exempt from the requirements of this section, unless the structure or equipment is within 100 feet of a lot with an existing residential use.

B. Loading Docks

1. Loading docks and loading bays in the CB and MX districts are exempt from the requirements of this section.
2. Loading docks and loading bays in the LI district that face an industrial street are exempt from the requirements of this section.

C. Areas Hidden from Off-Site View

Screening is not required where site or topographic features effectively prevent off-site views of equipment and structures to be screened, as determined by the Planning and Development Director.

D. Single-family Attached and Multi-family

Single-family-attached and multi-family developments are exempt from the screening requirements for ground-based mechanical equipment.

(Ord. No. 7363/17-106, § 9, 11-20-2017)

5.6.4. GENERAL STANDARDS

A. Screening from Streets and Residential Uses

Applicable structures and equipment shall be screened from view from any street, and from any adjacent residential use, as seen from any point on the lot line at a height of 6 feet.

B. Area and Height May Vary

The area and height of required screening depend upon the location of the structure or equipment relative to any adjacent residential lot and the view from the street, as determined by the Planning and Development Director.

5.6.5. SPECIFIC STANDARDS FOR SOLID WASTE FACILITIES

In addition to the general standards, solid waste collection facilities:

A. Behind Rear Line of Principal Building

Should be located behind the rear building line of the principal building; and

B. Enclosed

Shall be enclosed when located within 50 feet of a lot containing a residential use.

5.6.6. SCREENING METHODS

Solid waste collection, loading facilities, and ground-based mechanical equipment may be screened by any of the following methods, in single use or in combination:

A. Vegetation

Evergreen vegetation meeting the requirements of Section 5.5.6, Plant Material Specifications, so as to achieve the minimum screening height within 3 years of planting;

CHAPTER 5: DEVELOPMENT STANDARDS

Section 5.7. Signage

Subsection 5.7.3. Variances

B. Berms

Berms meeting the requirements of Section 5.5.6, Plant Material Specifications;

C. Fencing

Opaque fence constructed of treated wood, rot-resistant wood (such as cypress or redwood), plastic, or vinyl;

D. Walls

1. Masonry wall constructed of brick, textured concrete masonry units, or stuccoed block; or
2. Walls of a principal or accessory structure.

5.6.7. PROHIBITED SCREENING MATERIALS

Chain-link fencing with woven slats of opaque materials is not an allowable method for screening compliance.

5.7. SIGNAGE

5.7.1. PURPOSE AND INTENT

The purpose of this section is to support and complement the various commercial and nonresidential uses through regulations concerning the placement, number, location, size, appearance, illumination, and animation of signs. The erection of signs is controlled and regulated in order to promote the health, safety, welfare, convenience, and enjoyment of travel on streets. The provisions of this section are more specifically intended to:

- A.** Promote the reasonable, orderly, and effective display of signs, displays, and devices;
- B.** Protect the public welfare as well as land values by preserving the aesthetic qualities of the city's environment;
- C.** Preserve the city's environment from excessive and obtrusive signs;
- D.** Promote the safety of persons and land by providing that signs do not create traffic hazards or hazards due to collapse, fire, collision, decay, or abandonment;
- E.** Promote the efficient transfer of general public and commercial identification or information, and maintain a viable business community throughout the year by improving the legibility and effectiveness of signs; and
- F.** Enhance the image, appearance, and economic vitality of the city.

5.7.2. APPLICABILITY

The provisions of this section shall apply to signs erected, affixed, placed, painted or otherwise established, unless exempted in accordance with Section 5.7.7, Exempt Signs.

(Ord. No. 7266/17-08, § 18, 1-17-2017)

5.7.3. VARIANCES

The sign height and location standards in this section may only be varied in accordance with standards and requirements of Section 2.4.15, Variance. The standards in this section pertaining to sign number, size, illumination, or minimum spacing may not be varied.

5.7.4. GENERAL STANDARDS

A. Area

Sign face area and height shall be measured in accordance with the standards in Section 10.2.10, Signage.

B. Removal of Signs

A sign for which a sign permit has lapsed or has been revoked, or for which the time allowed for the continuance of a nonconforming sign has expired, shall be removed.

C. Multiple-Lot Development

Signage within a multi-lot development shall be subject to the following standards:

1. A multiple-lot development shall be considered as a single lot for the purposes of sign review and permitting;
2. Signage in a multiple-lot development shall be configured in accordance with Section 5.7.13, Common Signage Plan;
3. Signage associated with a multiple-lot development shall be permitted in accordance with the regulations governing outparcels and lease lots in the RC district; and
4. A development entrance or development identification sign shall be permitted in accordance with the zoning district where it is located.

D. Signs in Right-of-Way

A sign installed or placed on public land or rights-of-way, except in compliance with this section or under an encroachment agreement with NCDOT or the City, shall be forfeited to the public and be subject to confiscation.

E. Obstructions at Street Intersections

No sign shall be erected or maintained in a manner that obstructs visibility for motorists at any street intersection in accordance with the standards in Chapter 6: Visibility at Intersections, of the City Code of Ordinances.

F. Obsolete Sign

A sign which advertises a business no longer conducted on the premises shall be removed within 90 days of cessation of such business.

G. Unsafe Sign

A sign which is unsafe or insecure, or is a menace to the public shall be removed after due notice is given by the Planning and Development Director.

H. Deteriorated or Abandoned Sign

A sign which is abandoned or which is not properly maintained, including cleaning and painting of painted surfaces and replacement of damaged parts, shall be removed after due notice is given by the Planning and Development Director.

I. Sign Installed Without a Permit

A sign which is installed in violation of the State Building Code or in violation of this Ordinance shall be removed after due notice is given by the Planning and Development Director.

J. Nonconforming Signs

Nonconforming signage shall be subject to the requirements in Section 8.5, Nonconforming Signs.

K. Nonconforming Uses

New signage for a nonconforming use shall be permitted provided the signage complies with the standards in this section.

5.7.5. DESIGN, CONSTRUCTION, AND MAINTENANCE

A sign shall be designed, constructed, and maintained in accordance with the following standards:

A. Other Codes

A sign shall comply with applicable provisions of the State Building Code and the electrical code.

B. Permanence

Except for banners, flags, temporary signs, and window signs conforming with the requirements of this section, all signs shall be constructed of permanent materials and shall be permanently attached to the ground, a building, or another structure by direct attachment to a rigid wall, frame, or structure.

C. Maintenance

A sign shall be maintained in good structural condition, in compliance with the building and electrical codes, and in conformance with this section.

D. Obstruction

A sign shall not be erected so as to obstruct a fire escape, required exit, window, door opening, or wall opening intended as a means of ingress or egress.

E. Ventilation Interference

A sign shall not be erected so as to interfere with an opening required for ventilation.

F. Above Ground Clearance

A sign shall be located in such a way that it maintains horizontal and vertical clearance from all electrical power lines and communication lines in accordance with the applicable provisions of the National Electrical Safety Code (NESC).

G. Ground Clearance

A sign and its supporting structure shall maintain clearance from surface and underground utilities, conduits or easements for water, sewage, gas, electricity or communication equipment. In addition, the placement of a sign and its supporting structure shall not interfere with natural or artificial drainageways.

H. Interference to Warning or Instructional Sign

A sign shall not be erected so as to interfere with any existing warning or instructional sign.

I. Minimum Wind Loads

A sign, except a sign attached flat against the wall of a building, shall be constructed to withstand minimum wind loads as specified by the State Building Code.

5.7.6. PROHIBITED SIGNS

Unless otherwise allowed under this section or this Ordinance, the following signs are prohibited:

- A.** A windblown device such as a pennant, banner, streamer, spinner, balloon, gas filled figure, and other similar device, except as temporary identification for market showrooms and as advertising for a temporary event or special promotion.
- B.** An animated sign, except video wall signs that use changing light to depict action or create special effects.
- C.** A video wall sign, except in the CB district.
- D.** An electronic changeable copy sign, except in the CB, GB, MS, LB, and RC districts.
- E.** A portable sign legible from the public right-of-way, except as allowed in Section 4.5, Temporary Uses, and in Section 5.7.8, Signs Not Requiring A Sign Permit, for temporary signs and A-frame signs.
- F.** A sign which projects over a public right-of-way, except that a wall sign may project not more than 18 inches over a public right-of-way in zoning districts which permit structures to be built at the lot line adjoining the street.
- G.** A sign on a vehicle that is parked in a location which is visible to the public, for a period of time which indicates that the principal use of the vehicle is for advertising rather than transport.
- H.** A sign which is affixed to a tree, rock, or other natural feature.
- I.** A sign of any type which imitates a traffic control device.
- J.** A sign which extends vertically above the highest portion of the roof of any structure.
- K.** A sign on a roadside appurtenance, including but not limited to a roadside bench, bus stop shelter, planter, utility pole, or refuse container.
- L.** A series of 2 or more signs placed in a line parallel to a public or private street, or a series of 2 or more parallel signs carrying a single commercial message.

(Ord. No. 7287/17-29, § 8, 4-3-2017)

5.7.7. EXEMPT SIGNS

The following signs are exempt from the requirements of this section except that a lighted sign requires an electrical permit:

- A.** A governmental sign.
- B.** A work of art with no commercial message.
- C.** Lights and decorations with no commercial message that are temporarily displayed on traditionally accepted civic, patriotic or religious holidays.
- D.** A hand carried sign.
- E.** A sign located on the interior of a building, court, lobby, athletic field, stadium, or other structure which is not intended to be seen from the exterior of the building or structure.
- F.** A sign located on or affixed to an athletic field scoreboard that is not oriented toward the playing field, unless the sign:
 - 1.** Is an off-site sign or outdoor advertising sign;

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Section 5.7. Signage

Subsection 5.7.8. Signs not Requiring a Sign Permit

- 2. Is larger than, or protrudes from the scoreboard;
- 3. Is a projecting sign; or
- 4. Is illuminated.
- G. A sign affixed to a vehicle or trailer used in the normal transport of goods or persons where the sign is incidental and accessory to the primary use of the vehicle or trailer.
- H. A sign affixed to the window of a vehicle displaying information on the terms of sale for the vehicle.
- I. A sign not legible from a public or private street.
- J. Flags of the United States, North Carolina, local governmental jurisdictions, foreign nations having diplomatic relations with the United States, and any other flags adopted or sanctioned by the local governing body, except they are subject to the laws found in the U.S.C, Title 4, Chapter 1, Title 18, Chapter 33 and Title 36, Chapter 10.
- K. A window sign painted on or attached to a window.
- L. A sign painted on an active public water tower.

(Ord. No. 7266/17-08, § 20, 1-17-2017)

5.7.8. SIGNS NOT REQUIRING A SIGN PERMIT

Signs not requiring a sign permit are allowed only in accordance with the following general and specific standards.

A. General Standards for Signs Not Requiring a Permit

- 1. Except where otherwise specified, all signs shall be restricted to an on-site location.
- 2. Signs that include lighting or are illuminated shall be subject to an approved building permit for electrical service.

B. Specific Standards for Signs Not Requiring a Permit

In addition to the standards in Section 5.7.8 A, General Standards for Signs Not Requiring a Permit, signs not requiring a sign permit shall be subject to the following specific standards.

1. Table of Requirements

Signs subject to the standards in this section shall comply with the applicable provisions in Table 5.7.8.B, Requirements for a Signs Not Requiring a Sign Permit.

TABLE 5.7.8.B: REQUIREMENTS FOR A SIGN NOT REQUIRING A SIGN PERMIT					
SIGN TYPE	NUMBER PERMITTED	AREA (SQ. FT.)	SETBACK (FEET)	MAXIMUM HEIGHT (FEET)	ILLUMINATION
Warning signs in residential districts	n/a	4	n/a	8	Direct
Warning signs in nonresidential districts	n/a	6	n/a	8	Direct
Historical, memorial markers in all districts	1/lot	4	R/W	6	Indirect

TABLE 5.7.8.B: REQUIREMENTS FOR A SIGN NOT REQUIRING A SIGN PERMIT

SIGN TYPE	NUMBER PERMITTED	AREA (SQ. FT.)	SETBACK (FEET)	MAXIMUM HEIGHT (FEET)	ILLUMINATION
Flags, emblems, insignia of corporate, political, professional, fraternal, civic, or educational organization in all districts	1/frontage	60	R/W	6	Indirect
Temporary religious, philosophical, or educational signs in all districts		6	R/W	6	
Temporary real estate, yard sale and construction signs in AGR and R Districts		6	R/W	6	
Temporary real estate and construction signs in RM districts, nonresidential districts, and major subdivisions in R districts		100	R/W	12	
Temporary political signs in all districts	6	6	R/W	6	Not allowed
Identification signs: name and address plates, home occupations, and building markers	1/building	2/unit	R/W	6	
A-Frame in CB and MX districts and MS district (sub-district B)	1/building entrance	6	R/W	3	
Vending machine, gas pump, ice machine, or similar device signs	n/a	n/a	R/W	n/a	

2. Additional Specific Standards

In addition to the standards in Table 5.7.8.B, Requirements for a Sign Not Requiring a Sign Permit, signs subject to the standards in this section shall also comply with the following:

- (a) A warning sign shall not contain a commercial message, but it may contain a business logo or name.
- (b) A temporary real estate or construction sign must be removed within 7 days of the end of the completion of construction, sale, or lease of land.
- (c) A temporary yard sale sign shall be posted for no longer than 3 days per sale.
- (d) A temporary political sign shall be located on private land with the landowner’s permission, and be removed within 7 days after the election.

Subsection 5.7.9. Freestanding Signs Requiring a Sign Permit

- (e) Temporary religious, philosophical, educational, real estate, yard sale, construction, and political off-site signs shall comply with the following standards:
 - (1) Be located outside the street right-of-way, or at least 6 feet from the back of curb or edge of pavement where no curb exists;
 - (2) Not be placed in public street medians or traffic islands;
 - (3) Not interfere with or obstruct pedestrian or vehicular traffic, or obstruct safe sight distances at intersections;
 - (4) Not be placed on private land without the consent of the landowner or occupant; and
 - (5) Be posted only within the hours from noon on a Friday to noon on the following Monday.
- (f) An A-frame sign in the CB district, MX district, and sub-district B of the MS district, if:
 - (1) It is displayed only during operational hours of the use and is removed each day at the close of business;
 - (2) There is 1 sign per building entrance that fronts on the primary street, and only 1 sign per nonresidential use;
 - (3) Windblown devices, including but not limited to balloons and streamers, are not attached or otherwise made part of the sign;
 - (4) It does not interfere with safe sight distances for motorists on the adjacent roadways, does not interfere with or obstruct pedestrian or vehicular traffic, and allows a minimum of 5 feet of clear passage on the sidewalk between the street and the sign;
 - (5) It is not be anchored to the sidewalk or affixed to a pole, vending box, or other structure or appurtenance; and
 - (6) It may be placed on the public sidewalk portion of the public street right-of-way directly in front of the use.
- (g) A vending machine, gas pump, ice machine, or similar device sign shall be:
 - (1) Painted or adhered to the device; and
 - (2) Indicate only the contents of the machine, the name or logo of the supplier, the price, or operating instructions.

(Ord. No. 7363/17-106, § 10, 11-20-2017)

5.7.9. FREESTANDING SIGNS REQUIRING A SIGN PERMIT

A freestanding sign requiring approval of a sign permit in accordance with Section 2.5.13, Sign Permit, shall comply with the following general and specific standards:

- A. General Standards for Freestanding Signs Requiring a Permit**
 - 1. Location Standards**
 - (a) It shall be allowed only as an accessory to an existing principal use.
 - (b) Except where otherwise specified, all signs shall be restricted to an on-site location.

Subsection 5.7.9. Freestanding Signs Requiring a Sign Permit

- (c) If greater than 6 feet in height, it shall not be located within 100 feet of a residential district.
- (d) Where 2 or more establishments at the same location receive approval of directional signs, the signs shall share the same support structure.

2. Illumination Standards**(a) Residential Districts**

- (1) Indirect illumination of a freestanding sign is allowed in all residential districts.
- (2) Direct illumination of a freestanding sign in a residential district requires a special use and is subject to the following standards:
 - (i) It must be for a permitted nonresidential use;
 - (ii) The nonresidential use and sign must front on a thoroughfare; and
 - (iii) Illumination of the sign must be needed for identification of the nonresidential use due to the use's non-daylight activities.

(b) Nonresidential Districts

- (1) Indirect illumination of a freestanding sign is allowed in all nonresidential districts.
- (2) Direct illumination of a freestanding sign is allowed in the AGR, LB, GB, RC, CB, MS, MX, LI, and HI districts.
- (3) In the TO, OI, and EC districts, direct illumination of a freestanding sign is allowed if it is limited to cut-out letter and shielded silhouette lighting.
- (4) Direct illumination of a freestanding sign in the I and PNR district requires a special use. Illumination of the sign must be needed for identification of the use due to the use's non-daylight activities.

B. Specific Standards for Freestanding Signs Requiring a Permit

In addition to the standards in Section 5.7.9 A, General Standards for Freestanding Signs Requiring a Permit, freestanding signs requiring a permit shall be subject to the following specific standards:

1. Table of Requirements

Signs subject to the standards in this section shall comply with the applicable provisions in Table 5.7.9.B, Requirements for a Freestanding Sign Requiring a Sign Permit.

CHAPTER 5: DEVELOPMENT STANDARDS

Section 5.7. Signage

Subsection 5.7.9. Freestanding Signs Requiring a Sign Permit

TABLE 5.7.9.B: REQUIREMENTS FOR A FREESTANDING SIGN REQUIRING A SIGN PERMIT

ZONING DISTRICT OR SIGN TYPE	MAXIMUM NUMBER PER LOT FRONTAGE	AREA (SQ FT)		SETBACK FROM ROW (FEET)	MAX HEIGHT (FEET)	AREA COMPUTATION (SQUARE FEET PER EACH LINEAR FOOT OF LOT FRONTAGE)	
		MAX	MIN [1]				
SIGN STANDARDS BY ZONING DISTRICT							
AGR district (nonresidential uses only)	1	50	n/a	n/a	10	n/a	
All R and RM districts and PNR districts (nonresidential uses only)	1	50	n/a	n/a	6	n/a	
I and TO districts	1	100	12	n/a	6	0.25	
OI, LB, and EC districts	1	100	25	n/a	15	0.25	
MS District	A, C & D sub-districts	1	150	50	n/a	15	1.0
	B sub-district	1	75	50	n/a	6	1.0
MX district	1	40	n/a	n/a	6	n/a	
LI and HI districts	1	200 [2]	75	n/a	30 [3]	1.0	
GB District	outparcel & lease lot	1/parcel	50	n/a	n/a	6	NA
	all other lots	1	200 [2]	75	n/a	30 [3]	1.0
CB district	1	100	50	n/a	6	1.0	
RC District	outparcel & lease lot	1/parcel	50	n/a	n/a	6	n/a
	all other lots	1/lot	100	50	n/a	6	0.5
	development identification sign	1/street frontage	300	200	10	30 [3]	n/a
	playbill sign	1/theater complex	200	n/a	10	30	n/a
SIGN STANDARDS BY SIGN TYPE							
Banners for special events (all districts)	1/500 ft frontage	25	n/a	n/a	20	n/a	
Development entrance signs (all districts)	1 pair/entrance	50/entrance	n/a	n/a	6	n/a	
Identification signs (all districts)	1/building entrance	20	n/a	15	10	n/a	
Instructional signs (all districts)	n/a	6	n/a	n/a	8	n/a	
Off-premise directional signs in the GB, LI, HI districts	1 total	8	n/a	n/a	6	n/a	
Portable signs for special events (all districts)	1/lot	32	n/a	n/a	6	n/a	
Special promotion signs (all districts)	n/a	n/a	n/a	n/a	n/a	n/a	
NOTES:							
[1] "Minimum" sign area refers to the minimum sign size allowed by right, regardless of the size which would be allowed by computation							
[2] The maximum area may be increased by 75 feet if the sign is within 400 feet of an interstate highway ROW							
[3] Maximum sign height may be increased to 50 feet if the sign is within 400 feet of an interstate highway ROW provided there are no government sponsored logo signs installed							

Subsection 5.7.9. Freestanding Signs Requiring a Sign Permit

2. Specific Standards By District**(a) CB District**

- (1) Maximum height may be increased to 15 feet if the sign is a monument sign;
- (2) A maximum of 3 signs per lot shall be permitted;
- (3) The area and height of 1 freestanding sign may be increased provided that:
 - (i) No wall sign shall be permitted or erected on the same side of the building. This is deemed to include all sections of the building wall parallel with or within 45 degrees of parallel with the lot line or street ROW;
 - (ii) The sign face is placed parallel to the building, and is located such that it does not impair vehicular sight distance from driveways or along public streets;
 - (iii) The area of the freestanding sign does not exceed 50 percent or 150 square feet, whichever is smaller, of the area of wall signage that would be permitted on the side of the building where the freestanding sign is to be located. The wall signage calculation shall include all sections of the building wall parallel with or within 45 degrees of parallel with the property line or street right-of-way line; and
 - (iv) The height of the freestanding sign does not exceed 40 feet or the height of the building (or average height where variations in height occur), whichever is less.

(b) GB District

Under no circumstance shall there be more than 1 freestanding sign per principal building.

(c) MS and MX Districts

Freestanding signs must be monument type signs only.

3. Specific Standards By Sign Type**(a) Development Entrance Sign (All Districts)**

- (1) May be erected in the public right-of-way with an encroachment agreement.
- (2) Only permitted in subdivisions, developments of over 15,000 square feet of gross floor area, multi-family developments of more than 8 units in a single building, or developments with more than 40,000 square feet in open air uses of land.
- (3) The entrance sign may identify only the name of the development, management or developer, and/or address or location of development.

(b) Development Identification Sign in the RC District

- (1) Sign may identify only the name of the shopping center and the tenants. Maximum sign height may be increased

Subsection 5.7.9. Freestanding Signs Requiring a Sign Permit

by 5 feet and maximum area may be increased by 50 square feet if a permitted freestanding playbill sign is combined with the development identification sign.

- (2) Up to 1 additional freestanding sign may be allowed provided:
 - (i) The lot frontage exceeds 1,000 linear feet;
 - (ii) The maximum area for either sign does not exceed 200 sf; and
 - (iii) The additional sign is more than 250 feet from any other freestanding sign on the same lot or any freestanding sign on an adjoining lot.
- (3) Sign area shall be allowed as follows:
 - (i) Up to 200 sf for centers with 2 to 15 tenants; and
 - (ii) Up to 300 sf for centers with 16 or more tenants.

(c) Identification Sign (All Districts)

- (1) Includes only directory signs (listing occupants of buildings and their address) in developments with multiple occupants, individual tenant signs, and building name/address signs for buildings with multiple occupants. An individual tenant identification sign may only be erected if there is no wall mounted identification sign present.
- (2) A directory sign or single tenant identification sign shall, at its closest point, be located within 6 feet of the entrance it is intended to identify.

(d) Instructional Sign (All Districts)

Colleges, universities, hospitals, coliseums, and convention centers may have signs exceeding the maximum allowable area subject to approval of a special use that determines that a larger sign is a public necessity in accordance with Section 2.4.11, Special Use.

(e) Off-Site Directional Sign in the GB, LI, and HI Districts

- (1) The number of off-site directional signs allowed shall be determined through review of a special use in accordance with Section 2.4.11, Special Use, and be based on the need for the signs(s) and the difficulty of access to the establishment. The special use shall expire after 2 years unless a different expiration period is approved by City Council. The special use may be re-approved for a subsequent period(s) of time by the City Council upon request.
- (2) Off-site directional signs require the permission and written agreement of the landowner where located.

(f) Special Promotion Sign (All Districts)

Sign shall be limited in duration to a maximum of 30 continuous days and not more than 3 occurrences in a calendar year.

Subsection 5.7.9. Freestanding Signs Requiring a Sign Permit

(g) Electronic Changeable Copy Sign Requiring a Permit**(1) General Standards****(i) Districts Allowed**

Electronic changeable copy signs shall be permitted only in the CB, GB, MS, LB, and RC districts.

(ii) Permit

A sign permit shall be required for all new electronic changeable copy signs, and conversions from static signs to electronic changeable copy signs.

(iii) Location and Type

Electronic changeable copy signs shall be located on-site, as a portion of, and on the same support structure with a legal conforming accessory freestanding sign. Such signs shall not be added to a sign that is nonconforming, nor shall any part of an existing nonconforming sign be converted to an electronic changeable copy sign.

(iv) Size

The area of an electronic changeable copy sign shall not exceed 33 percent of the permitted area of a freestanding sign, and shall be counted toward the maximum allowable signage.

(v) Height

The height maximums shown in Table 5.7.9.B, Requirements for a Freestanding Sign Requiring a Sign Permit, for accessory freestanding signs in the CB, GB, MS, LB, and RC districts shall apply to electronic changeable copy signs.

(vi) Number

Only 1 electronic changeable copy sign may be permitted per lot.

(vii) Brightness

(A) Maximum brightness levels for electronic changeable copy signs shall not exceed 5,000 nits during daylight hours and shall not exceed 500 nits between dusk and dawn, as measured from the sign face.

(B) Prior to the issuance of a sign permit, the applicant shall provide a written certification from the sign manufacturer that the light intensity has been factory pre-set not to exceed 5,000 nits.

(C) All electronic changeable copy signs shall have a light sensing device that will adjust the brightness in real-time as ambient light conditions change, so that the sign does not exceed the maximum brightness levels allowed by this section.

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(2) Personalized Messages

The display of personalized “smart” messages that are triggered or initiated by license plate recognition, facial recognition or by reading or analyzing electronic signals from traffic or an individual vehicle, is prohibited unless used in a public emergency or public service capacity.

(3) Malfunctions

Any electronic changeable copy sign which malfunctions, fails, or ceases to operate in its usual or normal programmed manner, causing therein motion, flashing, movement or an inability to read the text of the message clearly shall be turned off, or shall display a blank screen until repairs can be made.

(4) Additional Standards in the CB District

The following standards shall apply in addition to the standards in Section 5.7.9.B.3(g)(1), General Standards, above:

(i) Location and Type

Electronic changeable copy signs in the CB District may be located on a wall or marquee.

(ii) Size

The area of an electronic changeable copy sign may not exceed 25 percent of the permitted signage area per wall, or 50 percent of the permitted signage area for a marquee.

(iii) Height

The height maximum in Table 5.7.10.B, Requirements for an Attached Sign Requiring a Sign Permit, for wall and marquee signs shall apply to electronic changeable copy signs.

(5) Additional Standards in the GB District

The following standards shall apply in addition to the standards in Section 5.7.9.B.3(g)(1), General Standards, above:

(i) Display

The message displayed shall be static, and complete within itself, with no continuation of content to the next image or message. It shall be no more than four lines of characters or symbols and/or 10 words, to allow passing motorists to read the entire copy with minimal distraction. Changes to the message displayed must be as instantaneous as is technologically feasible, with no flashing, zooming, scrolling, fading in or out, twinkling/sparkling, or other operating mode that imitates movement.

(ii) Rate of Change

The rate of change for each individual message shall not be faster than 8 seconds.

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(iii) Color

The use of color is not limited, however, the entire text of an individual message shall be the same color, and shall not vary in intensity during its display frame.

(h) Video Signs - Freestanding**(1) General Standards****(i) Districts Allowed**

Freestanding video signs shall be permitted only for Market showrooms in the CB district, and shall not be permitted on a zone lot that has a video wall sign. The provisions for freestanding signs in the CB district in Section 5.7.9 B.2 Specific Standards By District, and in Table 5.7.9.B. Requirements For A Freestanding Sign Requiring A Sign Permit shall not apply to video signs, which shall comply with the provisions of this section.

(ii) Duration of Use

Video signs shall be in use only during the period beginning two weeks prior to the official opening of each semi-annual Market and ending two weeks after the official end of each Market. The video unit of such signs shall be removed from the base and stored, or shall be securely covered at other times of the year.

(iii) Location

Video signs shall be located on-site. No part of a freestanding video sign shall be closer than 25 feet from intersecting street rights-of-way. No encroachment by any part of the sign face, its base or support structure into the street right-of-way is permitted. Such signs shall not be incorporated with, or added to, any other freestanding sign, nor shall any other freestanding sign be converted to a video sign.

(iv) Orientation

It is intended that video signs be pedestrian oriented, and positioned in a manner that minimizes direct view from approaching vehicular traffic. All video signs shall be positioned so that the sign face is parallel to a street right-of-way, except if a sign faces inward (away from the street) and is not readily visible from the street right-of-way.

(v) Size

The area of a single video sign shall not exceed 32 square feet.

(vi) Height

Video signs shall be limited to 8 feet in height.

(vii) Number

One sign per street frontage shall be permitted where street frontage along a single street is between 50 and 199 linear feet. Two signs shall be

Subsection 5.7.10. Attached Sign Requiring a Sign Permit

permitted where street frontage along a single street is 200 linear feet or more. No freestanding video sign shall be permitted where street frontage along a single street is less than 50 linear feet. The maximum number of video signs allowable per zone lot shall be 6, and no more than two signs shall be permitted per street frontage.

(viii) Brightness

Maximum brightness levels for video signs shall not exceed 2500 nits during daylight hours and shall not exceed 500 nits between dusk and dawn, as measured from the sign face. Prior to the issuance of a sign permit, the applicant shall submit the manufacturer’s specifications that verify compliance with this section. All freestanding video signs shall have a light sensing device that will adjust brightness in real-time as ambient light conditions change, so that the sign does not exceed the maximum brightness levels allowed by this section.

(2) No Other Freestanding Signage Allowed

The maximum area of a freestanding sign in the CB district in Table 5.7.9.B. Requirements For A Freestanding Sign Requiring A Sign Permit shall not apply to video signs, however, zone lots having freestanding video signs shall not be permitted to have other freestanding signage, and any existing freestanding signs must be removed. However, except for an attached video sign, other attached signage as allowed in the CB district is permitted.

(3) Only On-Site Advertising Permitted

Video signs shall only be used to advertise goods or services available on-site, or to provide information related to on-site businesses, promotions or events.

(Ord. No. 7286/17-28, § 2, 4-3-2017; Ord. No. 7299/17-41, § 1, 5-15-2017)

5.7.10. ATTACHED SIGN REQUIRING A SIGN PERMIT

An attached sign requiring approval of a sign permit in accordance with Section 2.5.13, Sign Permit, shall comply with the following general and specific standards of this subsection:

A. General Standards for Attached Signs Requiring a Permit

1. Maximum Number of Attached Signs

(a) Single-tenant Buildings

- (1)** Except in the CB district, up to 1 attached sign in a single-tenant building is permitted per each building wall that faces a street or parking area. In no instance shall the total number of attached signs on a building exceed four.
- (2)** There are no limits on the total number of attached signs in the CB district.

Subsection 5.7.10. Attached Sign Requiring a Sign Permit

(b) Multi-tenant Buildings

(1) Each Tenant Has Own Entrance

- (i)** In a multi-tenant building, each tenant may have 1 sign, the area of which is based on its proportionate share of the building wall facing a street or parking area.
- (ii)** The total area of all signage shall not exceed the total allowed for the building wall.
- (iii)** A common signage plan shall be prepared in accordance with Section 5.7.13, Common Signage Plan.

(2) Tenant-Shared Entrances

Single- or multi-storied buildings with a shared entrance shall comply with the following standards:

- (i)** A maximum of four wall signs shall be permitted.
- (ii)** The signs may be grouped on a wall(s) oriented to a street or parking area.
- (iii)** When signs are grouped, the maximum area of each sign shall be computed using the formula in Table 5.7.10.A, Grouped Sign Area Computation:

TABLE 5.7.10.A: GROUPED SIGN AREA COMPUTATION	
NUMBER OF GROUPED SIGNS ON A WALL	MAXIMUM AREA AVAILABLE FOR EACH SIGN (SQUARE FEET)
2	$1.5 \times (\text{max. sign area for building wall}) / 2$
3	$2.0 \times (\text{max. sign area for building wall}) / 3$
4	$2.5 \times (\text{max. sign area for building wall}) / 4$

- (iv)** Where signs are grouped, a common signage plan shall be prepared in accordance with Section 5.7.13, Common Signage Plan.

2. Illumination Standards

- (a)** Illuminated attached signs are prohibited in residential districts.
- (b)** In nonresidential districts all signs may be directly or indirectly illuminated.
- (c)** In the TO, OI, I, PNR and EC districts, illumination is limited to cut-out letter and shielded silhouette lighting.
- (d)** Wall signs that face an abutting single-family or duplex use shall be indirectly illuminated only.

B. Specific Standards for Attached Signs Requiring a Sign Permit

In addition to the standards in Section 5.7.10 A, General Standards for Attached Signs Requiring a Permit, all freestanding signs requiring a permit shall be subject to the following specific standards.

1. Table of Requirements

Signs subject to the standards in this section shall comply with the applicable provisions in Table 5.7.10.B, Requirements for an Attached Sign Requiring a Sign Permit.

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TABLE 5.7.10.B: REQUIREMENTS FOR AN ATTACHED SIGN REQUIRING A SIGN PERMIT					
SIGN TYPE	NUMBER	AREA (SQ FT)		HEIGHT (FEET)	COMPUTATION
		MAX	MIN [1]		
WALL SIGNS					
TO, I & PNR districts	See 5.7.10.A.1, Maximum Number of Attached Signs	n/a	25	top of wall	5% of wall area [2]
OI, LB, & EC districts			25		7.5% of wall area [2]
GB, RC, CB, MS, MX, LI, & HI districts			50		10% of wall area [2]
AWNING, CANOPY, AND MARQUEE SIGNS					
All nonresidential districts	1/face	n/a	n/a	top of canopy	10% of the canopy, awning, or marquee face
SUSPENDED SIGNS					
All nonresidential districts	1/entrance	6	n/a	[2]	n/a
BANNERS					
Special events (all districts)	1/500 ft of frontage	25	n/a	Top of wall	n/a
Temporary identification signs for market showrooms (all nonresidential districts)	n/a	n/a	n/a	top of wall	50% of wall area
SPECIAL PROMOTION SIGNS					
All districts	n/a	n/a	n/a	top of wall	n/a
IDENTIFICATION SIGNS					
All nonresidential districts and all nonresidential uses in residential districts	1 when average wall height > 35 feet	75	> 6 feet	top of wall	1% of wall area
NOTES:					
[1] "Minimum" sign area refers to the minimum area allowed by right, regardless of the size which would be allowed by computation					
[2] Based on the first 30 feet in height of the wall on which the sign is attached. Buildings over 30 feet in height may have additional sign area based on 5 percent of the wall area above 30 feet in height, provided the sign is located at or near the top of the building					

2. Awning, Canopy, and Marquee Signs (All Nonresidential Districts)

- (a) Signs shall be located at least 9 feet above pedestrian ways and 15 feet above vehicular drives.
- (b) The sign face shall include the entire area of the canopy, awning, or marquee structure.
- (c) The total area of all attached signs, whether attached to a wall, canopy, awning, or marquee shall not exceed the total allowed for the building wall.

Subsection 5.7.10. Attached Sign Requiring a Sign Permit

- (d) All or any portion of this sign allocation may be affixed to the wall, awning, canopy or marquee, provided that no part of the sign projects above the top of the structure served by the signage.

3. Identification Signs (All Nonresidential Districts)

The area of identification signs shall be subtracted from the allowable square footage of wall signs for the wall upon which it is placed.

4. Multiple Franchised Businesses in a Single Building

- (a) A business which is the sole occupant (as owner or tenant) of a building and which owns or operates multiple franchised businesses at that building shall be allowed 1 overall business name sign and 1 sign for each franchise, which may be located on the same wall.

- (b) The maximum area of business name and franchise signs located on the same wall shall be in accordance with the following:

- (1) Maximum square footage as determined by this Ordinance (as a percent of wall area), plus:

- (i) Up to 15 percent where 2 franchises exist; or

- (ii) Up to 30 percent where 3 franchises exist; or

- (iii) Up to 40 percent where 4 or more franchises exist, provided that these increased maximum permitted areas are applicable to only 1 wall of a building.

- (c) Other signage may be permitted on this wall but the total area of all signage shall not exceed the applicable maximum under this provision.

- (d) Multiple signs may be permitted on other walls of the same building provided that the maximum area of such wall signage, as provided under this Ordinance without regard to this provision, is not exceeded.

- (e) In all cases where more than 1 sign is allowed on the same wall, no single franchise sign shall exceed:

- (1) 60 square feet in area where 2 or 3 franchises exist;

- (2) 50 square feet where four franchises exist; or

- (3) 40 square feet where more than four franchises exist.

- (4) This provision shall not apply to a multiple tenant commercial building.

5. Special Promotion Signs

Signs shall be limited in duration to a maximum of 30 continuous days and not more than 3 occurrences in a calendar year.

6. Temporary Banners Serving Market Showrooms (All Nonresidential Districts)

Banners shall be limited in duration to a maximum of 30 continuous days and not more than 2 occurrences in a calendar year.

7. Attached Video Sign

(a) Where Allowed

Attached video signs shall be permitted only for Market showrooms in the CB district, and shall not be permitted on a zone lot that has a freestanding video sign. The provisions of Section 5.7.10 A.1. Maximum Number of Attached Signs, and Table 5.7.10.B. Requirements For An Attached Sign Requiring A Sign Permit as they relate to the CB district shall not apply to attached video signs, which shall comply with the provisions of this section.

(b) Location

It is intended that attached video signs be pedestrian oriented. An attached video sign shall be located flat against a building wall that is parallel to a street, or that faces the interior of a lot. No part of an attached video sign shall be closer than 25 feet from intersecting street rights-of-way.

(c) Projection and Height

An attached video sign cabinet shall not project from the wall more than 18 inches, and its height shall not be more than 15 feet above ground level. Screens shall not be angled and shall be parallel to the wall.

(d) Size

The area of an attached video sign shall be counted toward the maximum allowable wall signage, and shall not exceed 25 percent of the maximum allowable wall signage or 60 square feet, whichever is less.

(e) Number

No more than 1 attached video sign shall be permitted per zone lot.

(f) Brightness

(1) Maximum brightness levels for attached video signs shall not exceed 2500 nits during daylight hours and shall not exceed 500 nits between dusk and dawn, as measured from the sign face.

(2) Prior to the issuance of a sign permit, the applicant shall submit the manufacturer’s specifications that verify compliance with this section.

(3) All attached video signs shall have a light sensing device that will adjust the brightness in real-time as ambient light conditions change, so that the sign does not exceed the maximum brightness levels allowed by this section.

(Ord. No. 7266/17-08, § 21, 1-17-2017; Ord. No. 7286/17-28, § 3, 4-3-2017; Ord. No. 7365/17-108, § 8, 11-20-2017)

5.7.11. OUTDOOR ADVERTISING SIGN REQUIRING A SIGN PERMIT

A. Districts Allowed

An outdoor advertising sign shall only be allowed in the HI district.

B. Location

An outdoor advertising sign shall be located off-site.

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C. Size

The sign area of an outdoor advertising sign, including any extension(s), shall not exceed 450 square feet.

D. Height

An outdoor advertising sign shall not exceed 30 feet in height. The height may be increased to 50 feet if the sign is within 400 feet of an interstate highway ROW.

E. Spacing Requirements**1. Between Signs**

(a) Except within the U.S. Highway 311 Bypass corridor, an outdoor advertising sign shall not be erected, affixed, or otherwise installed within a 500-foot radius of another outdoor advertising sign.

(b) Within 1,500 feet of the U.S. Highway 311 Bypass corridor ROW, an outdoor advertising sign shall not be within a 2,000-foot radius of another outdoor advertising sign.

2. Adjoining a Residential District or Religious Institution

(a) An outdoor advertising sign shall not be erected, affixed, or otherwise installed closer than 300 feet to a residential district or a lot containing a religious institution.

(b) If a residential zoning district boundary runs along the near edge of a street right-of-way, the width of the right-of-way shall be subtracted from the setback requirement.

F. Relationship to Freestanding Sign**1. Lot with 1 Street Frontage**

An outdoor advertising sign shall not be erected, affixed, or otherwise installed on a lot with 1 street frontage that contains more than 1 freestanding sign.

2. Lot with 2 or More Street Frontages

An outdoor advertising sign shall not be erected, affixed, or otherwise installed on a lot with 2 street frontages that contains more than 2 freestanding signs.

G. Setbacks

The support post(s) of an outdoor advertising sign shall comply with the minimum setbacks of the zoning district in which it is located. In addition, a sign or portion of an outdoor advertising sign shall not project closer than 15 feet to a street right-of-way or closer than 5 feet to another lot line, measured horizontally.

H. Back-to-Back Mounting

An outdoor advertising sign structure may be mounted back-to-back when it shares a common support. The total sign area of any such outdoor advertising structure shall be considered to be 1 sign.

5.7.12. SIGN FOR HISTORIC STRUCTURES OR PROPERTIES

Properties, buildings or other structures that have received Local Historic Landmark status from the Guilford County Historic Preservation Commission (GCHPC) or have an individual

Subsection 5.7.12. Sign for Historic Structures or Properties

listing on the National Register of Historic Places, may be permitted to reconstruct, restore, replicate or replace historic sign structures that otherwise are not permitted by this Ordinance, in accordance with the following.

A. Qualification

The grounds (in the case of a freestanding sign) and/or the exterior of the structure must be an historic element cited by the National Register designation, or by the Local Historic Landmark designation. Such designation may be for a portion of said grounds or structure.

B. Valid Designation

The Local Historic Landmark or National Register designation must be currently valid. There must be no outstanding violations of process, or any proposed changes to the property or structures that would jeopardize the designation.

C. Guilford County Historic Preservation Commission Certificate of Appropriateness Required

If the property is designated as a Local Historic Landmark, the property owner must first obtain a Certificate of Appropriateness (COA) from the GCHPC authorizing, in general, the reconstruction, restoration, replication or replacement of the historic sign, including the type of sign, materials, design and illumination. The GCHPC may make recommendations as to the size and placement of the sign. Any recommended modifications to the requirements of this Ordinance shall be approved by the High Point Historic Preservation Commission (HPHPC).

D. High Point Historic Preservation Commission Review and Approval Required

If the property is individually listed on the National Register of Historic Places, and/or located in a Local Historic District and is not designated as a Local Historic Landmark, the HPHPC shall review and decide an application to reconstruct, restore, replicate or replace an historic sign. Such application shall include the following:

1. Evidence of the existence (past or present) of the sign, and its location on the structure or property.
2. Evidence that the sign was associated with the original or other early use of the structure or property, or that such sign itself has historic significance.
3. If being replicated or replaced, evidence showing how the new sign will imitate the former sign. Consideration shall be given to size, design or shape, coloration, lettering style, graphic art style, illumination, and type (i.e. overhanging, roof mounted, wall, freestanding, etc.). At least 5 of the above elements must be found to be comparable to the former sign. Size will be considered comparable if the new sign has the same or smaller area.
4. Evidence that the sign will not pose a hazard to pedestrian or vehicular movements, and that the erection of such sign will meet applicable building and electrical codes.

E. Conditions of Approval and Modifications

Once the sign has been either issued a COA by the GCHPC, or an approval by the HPHPC, the HPHPC shall rule on the erection of the sign in accordance with the following:

1. Modifications may be made to height, setback and area of the sign, if it can be shown that the original sign exceeded the requirements of this Ordinance. Modifications shall not exceed the extent of nonconformity of the original sign.

Subsection 5.7.14. Encroachment Agreement for Entrance Sign

2. Consideration may be given to locate a sign other than where the original sign was placed, including on non-designated portions of a Landmark or National Register structure. The sign must be erected or attached to the Landmark or National Register structure, or to an historically relevant structure on the same property. No sign may be located where it poses an unnecessary or unreasonable threat to public safety.
3. A sign type not permitted may be approved, but only one such sign shall be allowed, unless it is stipulated that approval is made in place of an otherwise permitted wall or freestanding sign.
4. No modifications to the number of signs, spacing or illumination provisions of this Ordinance may be approved.

5.7.13. COMMON SIGNAGE PLAN

A. In General

1. Common signage plans shall be required for developments with more than 1 business, building, or lot.
2. Common signage plan requirements are set out in the *Development Guide*.

B. Other Provisions

1. A common signage plan shall be a part of the application for a site plan, group development plan, PD master plan and may be processed simultaneously with such plan.
2. A common signage plan shall be approved prior to the issuance of a building permit(s).
3. The Planning and Development Director may approve minor changes to a common signage plan provided such changes comply with all requirements of this section.
4. A common signage plan may be amended by filing a new plan which complies with all requirements of this section and the application requirements in the *Development Guide*.
5. After approval of a common signage plan, no signs shall be erected, affixed, placed, painted or otherwise established except in conformance with the approved plan. The plan may be enforced in the same way as any other provision of this section.

C. Conflict

In case of any conflict between the provisions of such a plan and any other provision of this section, this section shall control.

5.7.14. ENCROACHMENT AGREEMENT FOR ENTRANCE SIGN

A development entrance sign shall be allowed to encroach into a public right-of-way provided an encroachment agreement between the sign owner and the City in a form determined appropriate by the City Attorney, is accepted. The encroachment agreement shall, at a minimum, provide that:

A. Not Compensated for Loss

The sign owner shall not be compensated by the City for any loss of or damage to the sign from any cause;

Subsection 5.9.2. Applicability

B. Removal for Interference

The sign owner shall remove the sign at the sign owner’s expense if the City determines at any time that the sign interferes with the public use of the right-of-way;

C. Maintenance Required

The sign owner shall maintain the sign; and

D. Insurance Required

If the sign projects or is suspended over the public right-of-way, the sign owner agrees to provide insurance or satisfactory indemnification to the City against liability for injury to persons or property from the sign.

5.8. RESERVED

5.9. SIDEWALKS

5.9.1. PURPOSE AND INTENT

The purpose of these standards is to ensure greater pedestrian safety and ease of access for pedestrians in the City in accordance with the City’s adopted policy guidance. More specifically the intent of these standards is to:

A. Establish Locations

Establish the locations where new sidewalks are required to be installed as part of development;

B. Promote Walking

Promote expanded opportunities for recreational walking and running;

C. Meet Daily Needs

Help ensure City residents can meet their daily needs without use of an automobile;

D. Allow Access

Allow easier access to shopping and commercial areas;

E. Clarify Timing

Clarify the timing of sidewalk installation; and

F. Fee In-Lieu

Establish provisions for the payment of a fee in-lieu of sidewalk installation when sidewalk installation would conflict with other infrastructure improvements.

5.9.2. APPLICABILITY

The provisions of this section shall apply to the following, unless exempted in accordance with Section 5.9.3, Exemptions:

A. Subdivisions

Subdivisions, including group developments.

B. New Buildings or Uses

New principal buildings or new open uses of land that are subject to a site plan.

C. Expansions

Individual or collective expansions of existing principal buildings, open uses of land, or off-street parking that are subject to a site plan and that exceed 50 percent.

(Ord. No. 7266/17-08, § 18, 1-17-2017)

5.9.3. EXEMPTIONS

Sidewalks shall not be required in the following instances:

A. Areas Where Sidewalks Do Not Exist

Along local and sub-collector residential streets where the TRC finds the following conditions exist:

1. The proposed development is within an area consisting predominantly of existing single-family detached residential development, where no sidewalks are present; and
2. The character and size of the proposed development will not result in substantial additional pedestrian facility needs; and
3. There are no new pedestrian facilities planned that would provide a pedestrian connection to the proposed development.

B. Industrial Areas

As determined by the Transportation Director, sidewalks are not required along new and existing local and collector streets within industrial areas where all of the following conditions exist:

1. The proposed development is within an area consisting mostly of industrial uses where the majority of developed parcels do not have sidewalks;
2. The character, size, and density of the developments are such that pedestrian demand is expected to be limited; and
3. No transit service or greenway route exists or is planned in that location.

C. Cul-De-Sac and Dead End Streets

Along cul-de-sac streets and permanent dead-end streets of 800 feet or less in length, except when they contain cluster mailbox units.

D. Controlled Access Roads

Along streets that are designated North Carolina Department of Transportation controlled access facilities.

(Ord. No. 7365/17-108, § 9, 11-20-2017)

5.9.4. STANDARDS**A. General**

Sidewalks required by this Ordinance shall be constructed along the full length of street(s) that have frontage within or that abut the development.

B. Thoroughfare Streets

Sidewalks shall be installed along both sides of thoroughfare streets.

C. Collector and Sub-Collector Streets

1. Sidewalks shall be installed on 1 side of collector and sub-collector streets.

Subsection 5.9.7. Fee in-Lieu of Required Sidewalk Installation

2. The TRC may determine, during review of a development application, that a collector or sub-collector street requires sidewalks along both sides of the street if one or more of the following conditions exists:
 - (a) The current or projected average daily traffic volume is greater than 8,000 vehicles per day.
 - (b) The posted speed limit is greater than 35 miles per hour.
 - (c) The street is identified as a pedestrian route on a City sidewalk plan.
 - (d) Other pedestrian safety, access, or circulation needs are identified.

D. Local Streets

Sidewalks shall be installed along 1 side of local streets, unless other pedestrian safety, access, or circulation needs are identified.

E. Side Determination

Where sidewalks are required to be installed on only 1 side of a street, the TRC shall determine which side of the street is most appropriate.

F. Cluster Mailbox Units

Sidewalk access must be provided to all areas that contain cluster mailbox units.

G. Configuration

The configuration of the sidewalk is subject to the approval of TRC.

5.9.5. ADDITIONAL ZONING DISTRICT STANDARDS

In addition to the standards in this section, development subject to these standards shall also address all applicable sidewalk standards in Chapter 3: Zoning Districts.

5.9.6. TIMING OF INSTALLATION

The site plan, subdivision preliminary plat, or group development plan shall address the phasing and timing criteria for the installation of required sidewalks, including a maximum timeframe for completion.

5.9.7. FEE IN-LIEU OF REQUIRED SIDEWALK INSTALLATION

A. Conflict Anticipated

Where the installation of a sidewalk is required, and the Transportation Director determines that installation at the time of development would conflict with a city, state, or federal roadway project or other utility project, the applicant shall be required to submit a fee in-lieu of sidewalks in accordance with the following:

1. Fees shall be in an amount equal to the entire estimated cost of completing the installation, based on current contract unit prices, as approved by the Engineer Services Director.
2. All fees collected by the City pursuant to this section shall be deposited in the City’s sidewalk revolving fund and used only for construction of sidewalks on the site, or in the street right-of-way abutting the site, for which the fee is collected.
3. Use of submitted funds to construct sidewalks shall be coordinated with the appropriate phase of the conflicting roadway project.

B. Conflict Eliminated

In the event that the conflict necessitating the fee in-lieu is eliminated, one of the following shall occur:

1. If the scheduled project is configured with a different alignment, the in-lieu fee shall be refunded to the applicant.
2. If the scheduled project is a widening of an existing roadway, in-lieu fees for sidewalks shall be used by the City to construct the sidewalk after the widening.

5.10. EXTERIOR LIGHTING**5.10.1. PURPOSE AND INTENT**

The purpose of this section is to regulate exterior lighting to ensure the safety of motorists and pedestrians and to minimize adverse effects on adjacent land uses due to excessive light intensity or due to light trespass and glare.

5.10.2. APPLICABILITY

The provisions of this section shall apply to zone lots with the following, unless exempted in accordance with Section 5.10.3, Exemptions.

A. New Buildings or Uses

New principal buildings or new open uses of land.

B. Expansions

In the case of an expansion of an existing building, outdoor use area, or off-street parking lot, the following standards shall apply:

1. For individual or collective expansions of 50 percent or less, the standards in this section shall apply only to the expanded portion; or
2. For individual or collective expansions that exceed 50 percent, the standards in this section shall be applied to the entire zone lot.

(Ord. No. 7266/17-08, § 18, 1-17-2017)

5.10.3. EXEMPTIONS

The following are exempted from the standards of this section:

- A.** Special events, special promotion signage, and holiday displays;
- B.** FAA-required lighting on buildings, towers or other structures;
- C.** Security lighting controlled and activated by motion sensor devices for a duration of 15 minutes or less;
- D.** Outdoor light fixtures producing light directly by the combustion of fossil fuels, such as kerosene lanterns or gas lamps;
- E.** Public street lighting;
- F.** Lighting of official government flags;
- G.** Temporary lighting necessary for construction or emergencies, used by construction workers or emergency personnel; and
- H.** Single-family detached, attached, triplex, quadplex, and duplex dwellings, except that these forms of development shall be subject to Section 5.10.4, Prohibited Lighting.

CHAPTER 5: DEVELOPMENT STANDARDS

Section 5.10. Exterior Lighting

Subsection 5.10.6. General Standards for On-Site Exterior Lighting

5.10.4. PROHIBITED LIGHTING

The following forms of exterior lighting shall be prohibited:

A. Traffic Control Signal

- 1. Lighting that imitates an official highway or traffic control light or sign;
- 2. Lighting in the direct line of sight with any traffic control light or sign;

B. Flashing or Revolving

Flashing, revolving, or intermittent exterior lighting visible from any lot line or public street, except for permitted freestanding or wall signs in accordance with Section 5.7, Signage; and

C. High Intensity Lighting

High intensity light beams, such as searchlights, laser, or strobe lights, except when used by federal, state, or local authorities, or for special events.

5.10.5. LIGHTING PLAN

A. Elements to Include

Site plans, group development plans, and building permit applications, as appropriate, must indicate the following:

- 1. Fixture type;
- 2. Pole height; and
- 3. Fixture shielding.

B. Certification

Certification must be provided by the person preparing any plans that the proposed development complies with the exterior lighting standards of this section.

5.10.6. GENERAL STANDARDS FOR ON-SITE EXTERIOR LIGHTING

A. Maximum Illumination Value at Lot Line

Exterior lighting shall be designed and located such that the maximum illumination measured in footcandles at ground level at any lot line shall not exceed the standards in Table 5.10.6.A, Maximum Illumination Levels.

TABLE 5.10.6.A: MAXIMUM ILLUMINATION LEVELS	
ABUTTING USE [1]	MAXIMUM ILLUMINATION VALUE AT LOT LINE (FOOTCANDLES)
Residential use or vacant land zoned for residential development	1.0
Institutional use	1.5
Commercial use or vacant land zoned for uses other than residential[2]	2.5
Vehicular use area	2.5
NOTES: [1] See Table 4.1.9, Principal Use Table [2] Includes mixed-use development	

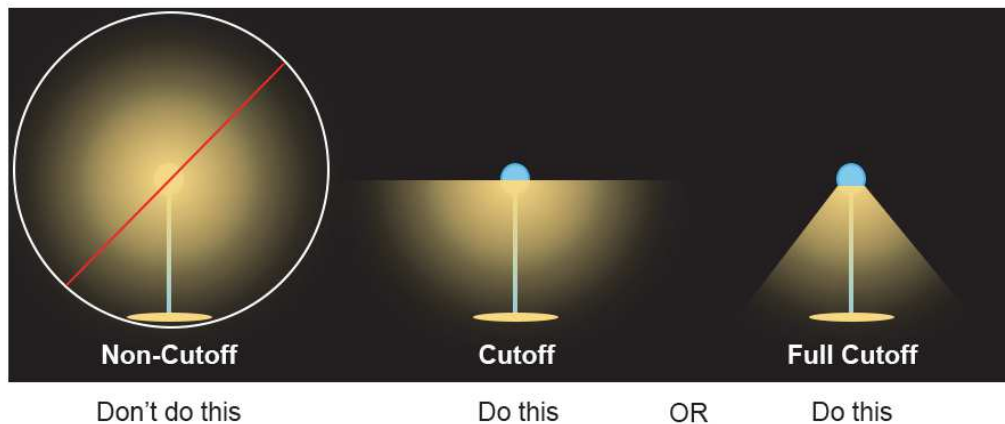
Subsection 5.10.7. Design Standards for Specific Uses and Site Features

B. Maximum Height

Except for outdoor public recreation, outdoor assembly, and similar uses, the height of exterior lighting, whether mounted on poles, walls, or by other means, shall be no greater than 35 feet above grade at the base of the fixture.

C. Light Trespass

1. All outdoor light fixtures that produce more than 4,050 lumens shall be cut-off fixtures that are located, angled, or shielded to focus light on the intended subject or area and prevent light trespass onto adjacent properties or skyward as depicted in Figure 5.8.5.C, Cut-Off Light Fixtures. The lumen output of a lighting fixture is specified by the manufacturer.
2. Exterior lighting devices that produce 4,050 lumens (and need not be cut-off, angled, or shielded) include, but are not limited, to:
 - (a) 200 watt standard incandescent;
 - (b) 150 watt tungsten-halogen (quartz);
 - (c) 50 watt high pressure sodium;
 - (d) 50 watt cool white fluorescent; and
 - (e) 30 watt low pressure sodium.

FIGURE 5.8.5.C, CUT-OFF LIGHT FIXTURES

3. Wall packs shall be cut-off and floodlights shall be shielded (e.g., true cut-off type bulb or light source not visible from off-site) to direct light downward and eliminate light pollution above the facade of a structure.

(Ord. No. 7365/17-108, § 1, 11-20-2017)

5.10.7. DESIGN STANDARDS FOR SPECIFIC USES AND SITE FEATURES

A. Awnings

Awnings used for building accents over doors, windows, etc., shall not be internally illuminated (e.g., from underneath or behind the awning) unless the awning material does not allow light to transmit through it.

Section 5.11. Fences

Subsection 5.11.2. Applicability

B. Canopy Lighting

Lighting under a canopy shall not exceed 30 footcandles and shall be designed to not create glare off-site. This may be accomplished by one or both of the following:

1. Recessed fixture incorporating a lens cover that is either recessed or flush with the bottom of the ceiling of the canopy that provides a full cut-off or fully-shielded light distribution.
2. Surface mounted fixture incorporating a flat glass that provides a full cutoff or fully-shielded light distribution.

C. Outdoor Public Recreation, Outdoor Assembly and Similar Uses

All outdoor public recreation, outdoor assembly, and similar lighting fixtures shall be equipped with louvers, shields, or similar devices, and aimed so that light is contained within the primary playing area or performance area and minimizes adverse impacts on traffic safety and residentially-zoned land.

(Ord. No. 7287/17-29, § 9, 4-3-2017)

5.10.8. MEASUREMENT

Measurement of glare or light trespass shall be accomplished in accordance with the standards in Section 10.2.11, Exterior Lighting.

5.10.9. ALTERNATE LIGHTING PLAN

An alternate lighting plan may be approved by the Planning and Development Director where unreasonable or impractical situations would result from the application of the lighting requirements. Such situations may result from physical constraints, from other constraints, or when federal, state or local law prevents compliance with this Ordinance. Alternate plans or fixtures must provide equal or better performance to meet the purpose and intent of this Ordinance. However, the alternate plan shall meet the requirements of Section 5.10.6 A, Maximum Illumination Value at Lot Line.

5.11. FENCES

5.11.1. PURPOSE AND INTENT

The purpose and intent of this section is to regulate the location, height, and appearance of fences to protect adjacent properties from the indiscriminate placement of fences, ensure the safety, security, and privacy of land, and ensure that fences are subject to timely maintenance, as needed.

5.11.2. APPLICABILITY

The provisions of this section shall apply to all construction or replacement of fences, unless exempted in accordance with Section 5.11.3, Exemptions. A fence may only be erected in accordance with Section 2.5.15, Zoning Compliance Permit.

5.11.3. EXEMPTIONS

The following are exempted from the standards in this section:

- A.** Temporary fences for construction sites, including but not limited to: fencing necessary for soil erosion and sedimentation control and tree protection.
- B.** The fence height limitations in this section shall not apply to fences built in conjunction with the following:
 - 1.** Utility Facilities, Major and Minor;
 - 2.** Landfills, Major and Minor;
 - 3.** Correctional Facilities;
 - 4.** Military facilities; or
 - 5.** Hazardous Waste Disposal Facilities.

(Ord. No. 7266/17-08, § 22, 1-17-2017)

5.11.4. LOCATIONAL REQUIREMENTS

A. General

- 1.** Fences shall be located outside of the public right-of-way.
- 2.** Fences may be located within any required yard or setback.

B. In Utility Easements

Fences located within utility easements shall receive written authorization from the easement holder. The City shall not be responsible for damage to, or the repair or replacement of, fences that must be removed to access such easements.

C. Blocking Natural Drainage Flow

A fence shall not be installed so it blocks or diverts a natural drainage flow onto or off of any other land.

D. Obstructions at Intersections

No fence shall be erected or maintained in a manner that obstructs visibility for motorists at any street intersection in accordance with the standards of Chapter 6 of the City Code, Visibility at Intersections.

E. Within the Local Historic Overlay (LHO)

A fence constructed within an LHO district shall comply with the requirements in Section 2.4.4, Certificate of Appropriateness, and all applicable LHO district standards.

(Ord. No. 7287/17-29, § 10, 4-3-2017)

5.11.5. HEIGHT STANDARDS

A. Measurement

Maximum fence height shall be determined in accordance with Section 10.2.12, Fences.

CHAPTER 5: DEVELOPMENT STANDARDS

Section 5.11. Fences

Subsection 5.11.6. Materials

B. Residential Uses

The maximum fence height for residential uses is as shown in Table 5.11.5.B, Fence Height for Residential Uses.

LOCATION ON A LOT	MAXIMUM HEIGHT (FEET)
Within 15 feet of a thoroughfare or collector street right-of-way	6
Within 15 feet of a local street right-of-way except on corner and double frontage lots	4
On corner lots within 15 feet of any street right-of-way adjacent to the side yard where rear lot lines abut one another [1]	6
On double frontage lots within 15 feet of any street right-of-way along the rear yard as long as the principal structures on both sides of the double frontage lot face the same direction as the double frontage lot principal structure	6
All other locations	8
NOTES:	
[1] A 6-foot fence shall not encroach into the front yard setback area.	

C. Nonresidential and Mixed Uses

No fence may be erected that exceeds 8 feet in height, unless the fence is 15 feet from a lot line, or it complies with the minimum setback requirements as applied to the principal structure, whichever is greater.

D. Athletic Fields

Athletic fields, tennis courts, playgrounds, or similar recreational areas abutting a street may include a non-opaque fence with a maximum height of 15 feet, provided the fence is not located within a required landscape area.

E. Colleges or Universities

College or universities may erect fences with a maximum height of 8 feet in residential districts provided:

1. The land is contiguous to and within 350 feet of a campus area of at least 10 acres in area;
2. The land is owned by the college or university, at which time the fence may be placed on any part of the lot;
3. If the land is not owned by the college or university, a fence easement must be obtained from the landowner. The fence may not be located between the right-of-way and the front of an existing dwelling.

(Ord. No. 7365/17-108, §§ 1, 10, 11-20-2017)

5.11.6. MATERIALS

A. General

The following fencing materials are permitted for fences:

1. Masonry or stone;
2. Ornamental iron, steel, or aluminum;
3. Wood;

4. Composite materials designed to appear as wood, metal, or masonry; or
5. Chain-link, except where prohibited by this Ordinance.

B. Restricted Materials

1. Barbed wire, razor wire, concertina wire, and similar materials may only be used in the following instances:
 - (a) Fences for correctional institutions may use barbed, razor, and concertina wire.
 - (b) Fences enclosing livestock may use barbed wire.
 - (c) Fences for other nonresidential uses may use barbed wire, razor wire, and concertina wire provided all of the following are met:
 - (1) The wire portion of the fence shall be at least six feet above the grade; and
 - (2) The wire shall be included in the overall height determination of the fence.
2. Fences that carry an electrical current are allowed for the purposes of enclosing livestock (nothing shall prohibit below-ground electrical fences intended for the keeping of pets).

C. Prohibited Materials

Fences made of debris, junk, rolled plastic, sheet metal, untreated or unpainted plywood, or waste materials, unless the materials have been recycled and reprocessed, for marketing to the general public, as building materials designed to resemble new building materials (e.g., picket fencing made from recycled plastic and fiber).

5.11.7. FINISHED SIDE

When a fence is primarily parallel to and within 15 feet of a public street, it shall be configured so that the finished side of the fence faces the street right-of-way other than when required by the State Building Code. For the purposes of this section, the finished side does not include any supporting members or bracing.

5.11.8. MAINTENANCE

Fences shall be maintained in a safe manner plumb (vertical) to the ground. Fences not maintained in a safe manner through neglect, lack of repair, manner of construction, method of placement, or otherwise shall be repaired, replaced, or demolished.

5.12. OPEN SPACE

5.12.1. PURPOSE AND INTENT

The purpose of this section is to:

- A. Establish Standards**
Establish the standards under which development shall set aside a portion of the development area as open space;
- B. Distinguish Characteristics**
Distinguish between the characteristics, requirements, and appropriate locations for open space; and

CHAPTER 5: DEVELOPMENT STANDARDS

Section 5.12. Open Space

Subsection 5.12.4. Minimum Open Space Amount

C. Establish Ownership Standards

Establish minimum ownership and maintenance standards related to open space.

5.12.2. APPLICABILITY

The provisions of this section apply to the following developments, unless exempted in accordance with Section 5.12.3, Exemptions:

A. Outside Core City

1. Single-family detached residential subdivisions in the R-7 district greater than 5 acres in area;
2. Single-family attached residential developments greater than 5 acres in area;
3. Multi-family developments; and
4. Development in a PD-P district.

B. Inside Core City

1. Single-family attached residential developments with 30 or more dwelling units;
2. Multi-family developments with 30 or more dwelling units; and
3. Development in a PD-CC district.

5.12.3. EXEMPTIONS

Open space requirements are exempted for development in the CB, MS, and MX districts.

5.12.4. MINIMUM OPEN SPACE AMOUNT

A. General

Table 5.12.4.A, Minimum Open Space Amount, sets out the minimum open space requirements for development subject to the standards in this section.

TYPE OF DEVELOPMENT		MINIMUM OPEN SPACE REQUIREMENT
Single-family detached residential subdivisions of more than 5 acres in area in the R-7 district		850 sf/dwelling unit
Single-family attached residential development of more than 5 acres		435 sf/unit
Multi-family development	Less than 3 acres in area	250 sf/unit
	3 or more acres in area	435 sf/unit
Development in a PD-P district	Residential area with less than 5 units per acre	20% of area
	Residential area units with 5 to 16 units an acre	15% of area
	Residential area with 16 or more units an acre	10% of area
Nonresidential development		10% of gross floor area
Development in a PD-CC district		5% of development area

B. Administrative Adjustment

The Planning and Development Director is authorized to grant a type I administrative adjustment to the minimum required amount of open space in accordance with Section 2.5.2, Administrative Adjustment.

(Ord. No. 7287/17-29, § 2, 4-3-2017; Ord. No. 7365/17-108, § 1, 11-20-2017)

5.12.5. OPEN SPACE STANDARDS

A. Features Counted as Open Space

The following features within a development shall be credited towards the open space requirements:

1. Environmentally-sensitive lands including water features (drainageways, lakes, streams, etc.), wetlands, floodplains, and protected stream buffers, provided no more than 50 percent of a development's total open space may be located in environmentally-sensitive lands;
2. Landscaping areas, including areas containing required landscaping and tree protection areas credited toward landscaping requirements;
3. Pedestrian amenities;
4. Stormwater management lands, including retention and detention ponds, and bio-retention devices that are designed and improved with pedestrian amenities;
5. Farm and forestry lands within the boundary of the development;
6. Park lands, trails, and greenways, both public and private;
7. Active recreation areas;
8. Passive recreation areas; and
9. Urban features including: plazas, fountains, courtyards, roof gardens, pedestrian areas, indoor atriums open to public, and public sidewalks at least 6 feet in width with pedestrian amenities.

B. Not Counted as Open Space

The following areas shall not be counted as open space set-asides:

1. Private yards;
2. Street right-of-way or private street common area;
3. Vehicular use areas, including parking spaces, drive aisles, and private drives;
4. Land covered by buildings not designated for active recreational use; and
5. Outdoor storage areas.

C. Design

Except for environmentally-sensitive lands, landscaping, farmland, forestry lands, and urban features, credited open space shall meet the following design standards:

1. Access

Open space shall be accessible by residents and users of the development by means of a street, private drive, or an all-weather walkway within a common area or easement a minimum of 20 feet in width.

2. Configuration

- (a) Open space shall be at least 24 feet in width and 1,000 square feet in area.

Subsection 5.14.1. General

- (b) Urban features credited towards the requirements in this section shall maintain a minimum width of 24 feet and a minimum area of at least 600 square feet.

D. Multi-family Development

Multi-family developments with 30 or more dwelling units shall provide an active recreational area as a part of the total credited open space, unless a type I administrative adjustment is approved by the Planning and Development Director.

E. Multi-Phase Developments

Open space shall be provided for each phase of a phased development in a cumulative amount sufficient to satisfy the open space requirements for the subject phase of development and all preceding phases of development.

F. Incentives for Active Recreational Features

When provided by the developer, an allowable active recreational feature and the land associated with the feature may be located within an environmentally sensitive area and counted towards the requirements in Table 5.12.4.A, Minimum Open Space Amount, above and beyond the maximum amount allowed in Section 5.12.5 A.1, Features Counted as Open Space.

G. Ownership and Maintenance

Open space areas shall be owned and maintained in accordance with Section 7.3, Homeowners' or Property Owners' Association.

(Ord. No. 7266/17-08, § 23, 1-17-2017; Ord. No. 7365/17-108, § 1, 11-20-2017)

5.13. RESERVED

5.14. DEVELOPMENT TYPES

5.14.1. GENERAL

A. Purpose and Intent

The standards in this section are intended to establish additional design and development standards for certain types of development that pose unique characteristics of use, configuration, or both. More specifically, these standards are intended to:

1. Recognize that some forms of development are unique and require additional standards not typically applied to other forms of development;
2. Promote a strong sense of place and pedestrian-friendly development through visual design interest and human-scale site design;
3. Accommodate greater housing choice and options within infill and redevelopment contexts in the Core City area;
4. Address the impacts and compatibility of large-scale retail developments; and
5. Establish requirements for appropriate retail development in street intersection contexts.

B. Development Types Distinguished

The following development types are hereby established:

1. Conservation subdivision;
2. Corner retail;
3. Large retail;
4. Multiple lot development;
5. Pocket neighborhoods; and
6. Tiny home neighborhood.

C. Applicability

When an applicant indicates, or the Planning and Development Director finds that a proposed development is consistent with one or more of the development types in this section, the standards in this section shall be applied.

D. Time of Review

Review of proposed development to ensure compliance with the standards of this section shall occur during review of a site plan, group development plan, preliminary plat, or building permit, as appropriate.

E. Compliance with This Ordinance

Development types listed in this section shall comply with the appropriate standards in this section as well as all other applicable standards in this Ordinance.

F. Conflict

In the event of a conflict between the applicable standards in this section and other standards in this Ordinance, the standards in this section shall control.

(Ord. No. 7399/18-28, § 1, 3-19-2018)

5.14.2. CONSERVATION SUBDIVISION

A. Purpose and Intent

The purpose and intent of this section is to provide landowners in the AGR and R-3 districts a development option that provides additional development flexibility to build on smaller lots when additional open space set-asides are provided, and the development is designed and located in a way that protects the agricultural activities or natural and historic features on the site. This is done in order to:

1. **Conserve Open Land**
Conserve open land, including those areas containing productive agricultural soils, unique and sensitive natural features such as floodplains, wetlands, river and stream corridors, areas with mature hardwood trees, and watersheds;
2. **Retain and Protect Natural Resources**
Retain and protect existing environmental, natural, and cultural resources;
3. **Link Open Spaces**
Create a linked network of open lands;
4. **Promote Rural Character**
Promote existing rural character within the AGR and R-3 districts; and
5. **Provide Reasonable Use of Land**
Provide reasonable economic use of the land.

B. Applicability

This conservation subdivision option shall be used for single-family detached subdivisions of 4 or more lots in the AGR and R-3 districts.

C. Procedure

Development utilizing the conservation subdivision option shall be approved as a preliminary plat in accordance with the procedures and standards in Section 2.5.11, Preliminary Plat, after approval of a conservation and development plan in accordance with this section.

1. Conservation and Development Plan

Prior to review of an application for preliminary plat for a conservation subdivision, an applicant shall have a conservation and development plan for the land reviewed and approved, or approved with conditions by the Planning and Development Director in accordance with this section and the standards of Section 5.14.2 D, Conservation Subdivision Standards, and Section 5.14.2 E, Delineation of Conservation Areas and Development Areas.

2. Conservation and Development Plan Requirements

(a) Step 1—Site Analysis Map

The applicant shall prepare a site analysis map that provides information about existing site conditions and context, and that comprehensively analyzes existing conditions both on the land proposed for the development site and on land within 500 feet of the site, and submit the site analysis map to the Planning and Development Director. It is the intent of this section that the information required to be presented in the site analysis map be produced primarily from existing sources, maps, and data.

(b) Step 2—Site Inspection

After receipt of the site analysis map, the Planning and Development Director shall schedule a site inspection of the land with the applicant. The applicant or the applicant’s representative shall attend the site inspection with a Planning and Development Department staff member. The purpose of this site visit is to:

- (1)** Familiarize the staff with the existing site conditions and natural and historic features of the site;
- (2)** Identify potential site development issues; and
- (3)** Provide an opportunity to discuss site development concepts, including the general layout of conservation areas and potential locations for proposed structures, utilities, streets, and other development features. Comments made by the staff during the site inspection shall be interpreted as being only suggestive. No official decision on the conservation and development plan shall be made during the site inspection.

(c) Step 3—Conservation and Development Areas Map

Based on the site analysis map and the information obtained during the site inspection, the applicant shall prepare a conservation and development areas map that depicts proposed primary conservation areas, secondary conservation areas, and development areas, in accordance with Section 5.14.2 E, Delineation of Conservation Areas and Development Areas.

(d) Step 4—Conservation and Development Plan

Based on the site analysis map, the information obtained during the site inspection, and the conservation and development areas map, the applicant shall prepare and submit to the Planning and Development Director a conservation and development plan. The conservation and development plan shall include the following:

- (1)** A site analysis map;
- (2)** A conservation and development areas map; and
- (3)** A preliminary site improvements plan, showing proposed site development, including utilities, streets, other development features, buffers (if applicable), and lot lines located in the proposed development area(s).

3. Review of Conservation and Development Plan

The Planning and Development Director shall review the conservation and development plan in accordance with the procedures and requirements of Section 5.14.2 D, Conservation Subdivision Standards, and Section 5.14.2 E, Delineation of Conservation Areas and Development Areas.

4. Review and Approval of Conservation Subdivision

Following review and approval or approval with conditions of the conservation and development plan by the Planning and Development Director, the application for a preliminary plat of the conservation subdivision shall be submitted and reviewed in accordance with Section 2.5.11, Preliminary Plat.

D. Conservation Subdivision Standards

A conservation subdivision shall comply with the following standards:

1. Location

Conservation subdivisions shall be limited to the AGR and R-3 districts.

2. Minimum Project Size

Conservation subdivisions shall be at least 10 acres in area.

3. Required Conservation Area

The amount of the conservation area may vary in the AGR or R-3 districts in accordance with the dimensional standards in Section 3.5.2, Agricultural/Rural (AGR), and Section 3.3.2, Residential Single Family - 3 (R-3) as appropriate, but in no instance shall the conservation area occupy less than 50 percent of the total acreage of the conservation subdivision site.

4. Maximum Residential Density

A conservation subdivision shall be limited to the maximum density for a conservation subdivision in the district in which it is located.

5. Dimensional Requirements

Lots within a conservation subdivision are not required to meet the minimum dimensional requirements for the zoning district where located, but the conservation subdivision, as a whole, shall comply with the requirements in this section.

6. Setbacks

Lots in a conservation subdivision shall not be subject to minimum yard setback standards, except as required from streets, wetlands/surface waters, or other protected natural areas.

7. Maximum Lot Coverage

Conservation subdivisions shall ensure that development on a lot does not exceed a maximum lot coverage of 60 percent.

8. Low Impact Design

Conservation subdivisions shall incorporate low impact design features, in accordance with Section 6.2.10, Low Impact Design, where practicable.

E. Delineation of Conservation Areas and Development Areas

The conservation area and development area on the conservation and development areas map shall comply with the following standards:

1. Primary Conservation Areas

(a) Features to be Preserved

The following features shall be located and delineated on the conservation and development areas map, and shall be preserved in the following priority order as primary conservation areas:

- (1)** Wetlands and wetland buffers;
- (2)** Protected critical watershed areas;
- (3)** Rivers and streams;
- (4)** Riparian buffers;
- (5)** Habitat utilized by endangered or threatened species; and
- (6)** Steep slopes (slopes greater than 25 percent).

(b) Amount to be Preserved

All areas occupied by features comprising a primary conservation area shall be set aside and reserved for conservation purposes in accordance with the following standards:

(1) Primary Conservation Area is Less than Minimum Required

In cases where the geographic area occupied by all features comprising the primary conservation area is less than the minimum required conservation area, then all lands comprising the primary conservation area shall be set aside.

(2) Primary Conservation Area Exceeds the Minimum Required

(i) In the event the geographic area of all features identified and prioritized as the primary conservation area results in a primary conservation area exceeding the conservation area requirement (for example, conservation of the first type of prioritized features constitute 47 percent of a site, and the next prioritized feature consists of 5 percent and the minimum required conservation area is 50 percent of the site area, the applicant may identify which portions of the features exceeding the 50 percent conservation area requirement will be designated for conversion to development area). To the maximum extent practicable, priority for retention shall be given to the highest quality portion of the features to be conserved.

(ii) Development on lands made available for conversion to development area shall be in accordance with the standards in this Ordinance.

(c) Allowable Uses

Uses located within a primary conservation area shall be limited to:

- (1)** Unpaved pedestrian trails, walkways, and boardwalks;

- (2) Above ground and below ground public utilities and associated easements, provided no feasible alternative exists;
- (3) Street or driveway crossings, provided such crossings do not violate this Ordinance, or other State or Federal laws; and
- (4) Stormwater management systems, where no practicable alternative exists.

2. Secondary Conservation Areas

(a) Features to be Preserved

In addition to primary conservation areas, the conservation and development areas map shall also identify secondary conservation areas, which shall be preserved in the following priority order:

- (1) Historic, archeological, and cultural resources;
- (2) Prime agricultural lands, including existing pastures (whether in use or otherwise);
- (3) Existing and mature woodland forests, natural fields, and meadows (especially those greater than 5 acres);
- (4) Scenic corridors and views; and
- (5) Areas that could serve to extend existing greenways, trails, parks, or recreation areas.

(b) Amount to be Preserved

All areas occupied by features comprising a secondary conservation area shall be set aside and reserved as a part of the conservation area in accordance with the following standards:

(1) Primary Conservation Area Occupies More than that Required

In the event that the geographic area set aside as the primary conservation area is more of the required conservation area, no additional lands occupied by secondary conservation features shall be required to be included in the conservation area.

(2) Primary Conservation Area Occupies Less than that Required

In the event the geographic area set aside as the primary conservation area is less than the required conservation area, then lands containing secondary conservation features shall also be set aside as part of the conservation area in priority order.

(c) Allowable Uses

Uses located within a secondary conservation area shall be limited to:

- (1) All uses allowed in a primary conservation area;
- (2) Uses allowed in the Agricultural Use classification in Table 4.1.9, Principal Use Table;
- (3) Individual or community water supply and septic systems;
- (4) Stormwater management systems;
- (5) Required drainage or other utility easements;
- (6) Mitigation of development activities, including restoration of disturbed or degraded areas to enhance habitat and scenic value.

3. Ownership

(a) Landowner or Association

A conservation area shall be owned jointly or in common by the owners of the development or through a recognized homeowners or property owners association, which shall be established in accordance with Section 7.3, Homeowners’ or Property Owners’ Association.

(b) Nonprofit Organization

The landowners may decide to convey a conservation area to a nonprofit organization such as a land trust or land conservancy for management and maintenance if the City is provided adequate assurance the area will be properly managed and maintained.

(c) Dedicated to City or Other Public Agency

In some cases, certain lands designated as conservation areas, such as greenways, may be dedicated to the City, a nonprofit organization, or other public agency during the development review process, at the landowner’s discretion. If offered by the landowner, the City Council shall determine whether that land is appropriate for dedication to the City or other public agency.

4. Development Areas

After identifying the primary and secondary conservation areas, the development area shall be identified. It is the area within which development may occur, and shall include the area within the site where:

- (a)** Any clearing or grading activities will take place;
- (b)** Ingress and egress will be located;
- (c)** Individual or community wells and septic systems may be located (if not located within the secondary conservation area);
- (d)** Streets, utilities, and other similar structures will be located; and
- (e)** All allowable uses may be located.

5.14.3. CORNER RETAIL

A. Purpose and Intent

The corner retail development type is proposed to establish standards to facilitate the placement of small-scale, low-intensity, neighborhood serving retail sales, eating establishments, and personal services uses on corner lots within and adjacent to higher density residential and transitional areas.

B. Applicability

Minor restaurants, minor personal service, and minor retail sales are only permitted in the RM-26 and TO districts as a corner retail development type, provided the proposed development complies with the standards of this section.

C. Standards

1. Corner Lot Required

A corner retail use may only be established on a lot that abuts 2 or more streets, not including alleys.

2. Maximum Building Size

The building housing the corner retail use shall have a maximum gross square footage of 5,000 square feet on the ground floor.

3. Maximum Building Height

The corner retail use shall be limited to a maximum of 50 feet in height.

4. Maximum Street Setbacks

- (a) The corner retail use shall be configured so that structure is located within 5 feet of the street right-of-way abutting the front lot line.
- (b) Street setbacks may be increased up to a maximum of 25 feet when the area between a building facade and the adjacent street is used for outdoor seating or outdoor dining.

5. Site Standards**(a) Drive-Throughs**

Drive-through lanes and windows are prohibited.

(b) Off-Street Parking

In cases where off-street parking areas directly abut a single-family detached dwelling, an opaque fence or wall with a minimum height of 6 feet shall be located between the parking area and the adjacent dwelling.

(c) Bicycle Parking

The corner retail use shall provide a minimum of 2 dedicated bicycle spaces configured in accordance with the requirements in Section 5.4.5, Bicycle Parking Requirements.

(d) Outdoor Storage and Display

(1) Outdoor storage is prohibited.

(2) Outdoor display of goods for sale is permitted in accordance with Section 4.4.5 K, Outdoor Display, except that products displayed must be removed from the outdoor display area at the close of business.

(e) Outdoor Seating Areas

Outdoor seating areas are encouraged to be located between a building facade and an abutting street. They shall not be located along lot lines that are adjacent to a single-family detached dwelling.

(f) Signage

(1) Signs shall comply with the signage standards in Section 5.7, Signage, for the Transitional Office (TO) district.

(2) Free-standing shall comply with the following:

(i) Free-standing signs may only be used if the street setback is more than 5 feet;

(ii) The sign shall be a monument type sign;

(iii) The sign shall be limited to a maximum area of 75 square feet; and

(iv) The sign shall be limited to a maximum height of 6 feet.

6. Building Standards**(a) Facade Transparency**

(1) The front building facades facing a street shall maintain non-reflective, transparent windows on at least 50 percent of the facade area between 2 and 8 feet above average grade.

CHAPTER 5: DEVELOPMENT STANDARDS

Section 5.14. Development Types

Subsection 5.14.4. Large Retail

- (2) Ground level side facades facing a street shall maintain non-reflective, transparent windows on at least 40 percent of the facade area between 2 and 8 feet of the floor.
- (3) Upper stories on front and side facades facing a street shall maintain non-reflective, transparent windows on at least 20 percent of the upper story facade area per floor as measured between 2 and 8 feet.

(b) Awnings or Overhangs

The corner retail use shall incorporate awnings, overhangs, or other forms of suitable weather protection for pedestrians along the front facade of the building.

(Ord. No. 7266/17-08, § 24, 1-17-2017; Ord. No. 7287/17-29, § 5, 4-3-2017; Ord. No. 7415/18-44, § 2.C, 5-21-2018)

5.14.4. LARGE RETAIL

A. Applicability

These standards shall apply outside the Core City to all new commercial uses in the Commercial Use classification in Table 4.1.9, Principal Use Table that are:

1. More than 50,000 square feet gross floor area on the ground floor for a single tenant;
2. More than 150,000 square feet on the ground floor serving multiple tenants, including outparcels.

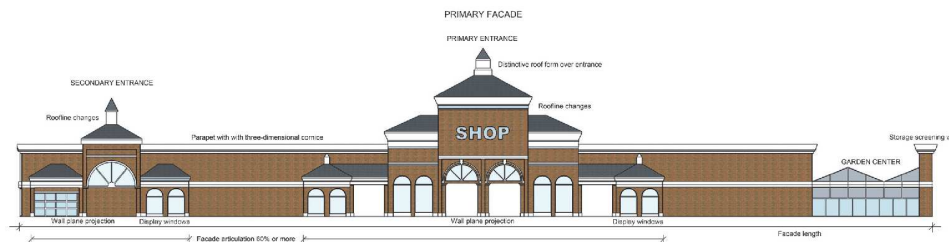
B. Development Standards

Development subject to the requirements of this section shall comply with the following standards:

1. General

- (a) Facades that face a street, parking lots on the interior of the site, or other areas that are interior to the site shall have articulation along at least 60 percent of the ground floor facade, in accordance with Section 5.14.4 B.3(a), Facade Articulation. This requirement includes the facade of the building that functions as the rear, yet faces a street (see Figure 5.14.4.B, Facade Facing a Street).

FIGURE 5.14.4.B, FACADE FACING A STREET



- (b) The building facade containing the primary entrance shall be considered the primary facade.
- (c) Minimum street setbacks may be reduced to 10 feet if the development meets all required and recommended standards of this section.

- (d) Within developments with multiple buildings, building heights shall be varied to avoid the appearance of an elongated building mass. This can be achieved by stair-stepping building heights or by varying roof forms.

2. Site Standards

(a) Compliance with Multiple Lot Development Standards

Large retail development configured as a multiple building development shall comply with the standards in Section 5.14.5, Multiple Lot Development, in addition to the standards for a large retail development type.

(b) Building Location and Orientation

(1) Street Corner Location

Buildings placed at a street corner should be designed to address both street frontages in an "L" configuration.

(2) Multi-building Development

(i) Buildings should be located and configured so as to enclose parking areas.

(ii) Buildings should include a consistent level of architectural styling and facade articulation on facades facing streets, internal drives, parking lots, or pedestrian amenities.

(c) Pedestrian Areas

A portion of the spaces between or along the frontages of the buildings should include pedestrian areas such as small plazas, patios, or central gathering spaces with pedestrian amenities. The pedestrian amenities include but are not limited to: seating, outdoor play areas, bicycle racks, kiosks, water features, public art, freestanding structures such as a clock tower, or similar amenities.

(d) Loading Docks and Loading Bays

Loading docks and loading bays shall:

(1) Be located towards the rear of buildings, or located internally within multi-building developments;

(2) Not face or be adjacent to streets, to the maximum extent practicable; and

(3) Meet the minimum requirements of Section 5.6, Screening.

(e) Accessory Buildings

Accessory buildings shall comply with the standards in Section 4.4, Accessory Structures and Uses, and use the same materials and architectural styling as the principal building they serve.

3. Building Standards

(a) Facade Articulation

Walls requiring articulation must use 2 or more of the following features:

(1) Recessed entryways;

(2) Display windows;

(3) Window indentations (such as but not limited to double-hung, stationary, or casement windows) that are regularly spaced and

Subsection 5.14.4. Large Retail

that incorporate a differing building material, texture, color, awnings, window hoods, or canopies. This shall not include a glass curtain wall or flush mounted glass;

- (4) Offset surfaces, niches, insets, projections, or bas-relief with a minimum depth of 4 inches;
- (5) Columns, pilasters, piers, architectural boxing, or other technique to break the facade into different volumes;
- (6) Textured materials (such as but not limited to brick or stone);
- (7) Roofline changes, coupled with correspondingly aligned wall offset or facade material changes, changes in the roof planes, or changes in the height of a parapet wall; or
- (8) Changes in wall plane (such as projections or recesses) with an offset or depth of at least 1 foot and a width of at least 10 feet, located a minimum of every 30 feet.

(b) Facade Materials

- (1) Where 2 or more materials are proposed to be combined on a facade, the heavier and more massive elements should be located below the lighter elements (e.g., brick shall be located below stucco). Heavier materials may also be placed as a detail on the corner of a building or along cornices or windows.
- (2) Primary facade materials should not change at outside corners, and should continue around the corner to a logical point of conclusion such as a window or change in facade plane.
- (3) Exterior building materials shall be continued to the finished grade on any elevation.
- (4) Building facades utilizing smooth-faced concrete block, or unfinished or untreated tilt-up concrete panels, shall be limited to building facades not visible from public streets as seen from the public right-of-way at a height of 6 feet.
- (5) The use of vinyl siding or corrugated and other vertical metal siding as the sole or primary facade material is prohibited.

(c) Facade Transparency

When provided, ground-level windows shall maintain non-reflective, transparent glass between 3 feet and 8 feet of the floor.

(d) Primary Entrances

The primary entrance shall be clearly defined and incorporate the following features:

(1) Multi-Tenant Buildings

- (i) Overhangs, awnings, canopies, or other projections of at least 8 feet, from the building wall;
- (ii) Windows within or beside entry doors that allow entrants to see into the building.

(2) Single Tenant Buildings

Distinctive roof forms, towers, gables, roof ridges, peaks, or other features that differ in height by 3 feet or more from the balance of the roof. Outparcels are exempt from this standard.

(e) Roof-Mounted Equipment

- (1)** Flat roofs shall incorporate parapet walls designed to screen the roof and roof-mounted equipment from view from the primary street fronting the building and any abutting side street as seen from the public right-of-way at a height of 6 feet. The parapet wall should be finished in the same or similar material and color as the building.
- (2)** For sloped roofs, roof-mounted equipment and other roof penetrations should be located and screened to have a minimal visual impact as seen from the public right-of-way at a height of 6 feet.
- (3)** In cases where complete screening is not practicable, all roof-mounted equipment and other roof penetrations shall be camouflaged through the use of paint or architectural techniques to minimize its appearance.
- (4)** Green roofs, which use vegetation to improve stormwater quality and reduce runoff, are exempt from the screening requirements described in this subsection.

(Ord. No. 7365/17-108, § 1, 11-20-2017; Ord. No. 7415/18-44, § 2.D, 5-21-2018)

5.14.5. MULTIPLE LOT DEVELOPMENT

The purpose of this section is to allow a unified designed and functioning development with multiple lots, pursuant to a preliminary plat approved in accordance with Section 2.5.11, Preliminary Plat, and a final plat in accordance with Section 2.5.7, Final Plat, provided the development complies with the standards of this section.

A. Applicability

To qualify as a multiple lot development, the development must:

- 1.** Contain 2 or more nonresidential uses designed to function as a unified development; and
- 2.** Contain all of the following:
 - (a)** Common private streets or drives;
 - (b)** Common off-street parking;
 - (c)** A common signage plan; and
 - (d)** A common landscape plan.

B. Common Features

- 1.** An approved multiple lot development shall be treated as a single zone lot for the purposes of providing required off-street parking, required landscape yards, required street access, compliance with zoning district dimensional standards, and compliance with signage standards.
- 2.** Compliance with the off-street parking and street access requirements are met by considering the development as a whole and not on an individual lot basis.
- 3.** Compliance with the landscaping standards are met if the required perimeter landscape yards are provided along the multiple lot development perimeter and all parking lot landscaping requirements are met.

C. Establishment

The establishment of a multiple lot development occurs through the approval of a preliminary plat and a final plat.

- 1.** The preliminary plat shall illustrate that the development will have common private streets or drives and common parking.

2. Prior to the approval of a final plat, the proposed development must have approved common signage and common landscape plans.
3. The final plat must be recorded displaying a prominent note identifying it as a multiple lot development and explaining that the property must be developed with common private streets or drives and off-street parking and be subject to a common signage plan and common landscaping plan. The note shall further state that should the property cease to conform to the definition of a multiple lot development, the property will then be in violation of this Ordinance and shall be retrofitted with conventional parking and landscaping, even if doing so requires the removal of previously installed improvements.

5.14.6. POCKET NEIGHBORHOOD

A. Purpose and Intent

The pocket neighborhood development type is proposed to establish standards to facilitate the voluntary development of a group of smaller single-family detached dwellings built in close proximity to one another around a small green or open space with off-street parking areas to the rear or in common areas. This approach is well-suited to small, vacant, infill sites in established neighborhoods.

B. Applicability

The pocket neighborhood development option is applicable only within the Core City area, in zoning districts that permit single-family detached dwellings.

C. Site Configuration

1. Development Size

It shall be located on a parcel of land at least one-third ($\frac{1}{3}$) of an acre and no greater than 4 acres in area, with at least 50 feet of frontage along a public street.

2. Allowable Uses

Only the following uses shall be allowed: single-family detached dwellings and incidental and subordinate accessory uses, along with a building for the purposes of common storage or recreation, and other common elements.

3. Number of Dwellings

It shall include at least 4 dwellings but no more than 12 dwellings. In no instance shall the gross density of the development exceed a 10 percent increase in the density of the underlying base zoning district.

4. Common Elements

(a) It shall include common elements that comprise at least 40 percent of the total site and include open space, improved pedestrian walkways that provide pedestrian access to each dwelling and connect to the public sidewalk network, a shared parking area(s), and a perimeter buffer area that incorporates landscaping materials, existing vegetation, or other features to buffer the pocket neighborhood from adjacent development.

(b) The common open space shall include a central green, lawn, or garden area fronting the dwellings, containing at least 375 square feet of area for each dwelling in the development.

- (c) If a common building is provided, it shall not be larger than 1,500 square feet and shall not be used as a permanent dwelling unit.

5. Perimeter Landscape Yard

- (a) A pocket neighborhood shall incorporate a Type C perimeter landscape yard, in accordance with Section 5.5, Landscaping Standards, where the neighborhood abuts lots with existing single-family detached dwellings. The perimeter landscape yard shall be considered part of the common elements.
- (b) No individual lot or dwelling unit shall encroach into the perimeter landscape yard.

6. Lot Frontage

- (a) The lots in pocket neighborhoods are exempt from the minimum street frontage requirement for platted lots in Section 7.1.6 B.9, Minimum Street Frontage.
- (b) At least 60 percent of the individual building lots shall front the common open space area, not a street or alley.

7. Off-Street Parking

- (a) Pocket neighborhoods are exempt from the parking standards in Table 5.4.4.B, Table of Minimum Parking Standards.
- (b) The pocket neighborhood shall include a shared parking area that accommodates resident and guest parking.
- (c) Off-street parking areas shall include at least 1 parking space for each dwelling unit plus 1 designated guest parking space for every four dwelling units.
- (d) Provision of resident parking spaces within a shared parking area is not required in cases where resident parking is provided through individual driveways or by parking spaces along alleys.
- (e) In no instance shall a parking space be more than 300 linear feet from the dwelling it serves.

8. Private Drives

Vehicular entryways into pocket neighborhoods and accessways serving off-street parking areas and individual dwelling lots shall be configured as private drives.

9. Detached Shared Garages

If provided, detached garages serving more than 1 dwelling shall be accessed via a private drive or alley. A garage shall not exceed 5 car bays or include individual garage doors wider than 12 feet each.

10. Storage Space

Each individual dwelling shall have at least 40 square feet of covered storage space outside the heated floor area. Storage space may be located on an individual lot or on common land adjacent to a common building.

D. Individual Lot Configuration

- 1. Each individual lot in a pocket neighborhood shall contain only 1 dwelling unit. Table 5.14.6.D, Pocket Neighborhood Lots, sets out the dimensional requirements for individual lots.

CHAPTER 5: DEVELOPMENT STANDARDS

Section 5.14. Development Types

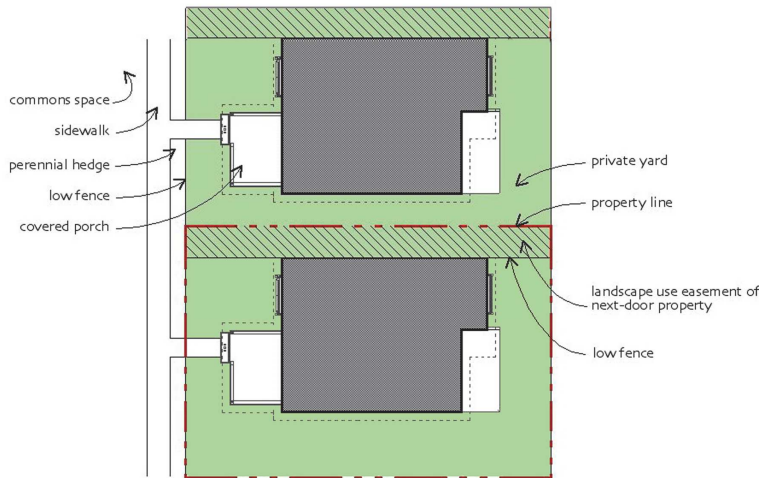
Subsection 5.14.6. Pocket Neighborhood

TABLE 5.14.6.D: POCKET NEIGHBORHOOD LOTS	
FEATURE	REQUIREMENT
Minimum lot size (sq ft)	None
Minimum lot width (ft)	20
Minimum front setback (ft)	10 from common elements; zoning district requirement from street [1]
Minimum side setback (ft)	3 one side; 15 other side [1]
Minimum rear setback (ft)	None [2]
NOTES:	
[1] Porch steps, ramps, fences, and walkways may encroach into the front setback in accordance with Section 10.2, Rules of Measurement, but no other structures shall be permitted to encroach into the required setback.	
[2] When an individual lot includes a driveway, the minimum rear setback shall be 20 feet.	

2. Use Easement

Any lot abutting another lot used for residential purposes in a pocket neighborhood shall be subject to a use easement on one side that extends from the lot line to the exterior wall of the dwelling (see Figure 5.14.6.D1, Use Easement). The purpose for the use easement is to ensure each dwelling has a private outdoor space.

FIGURE 5.14.6.D, USE EASEMENT



E. Dwelling Unit Configuration

1. Maximum Height

A dwelling unit shall not exceed 24 feet above grade.

2. Dwelling Size

(a) A pocket neighborhood dwelling unit shall have at least 600 square feet of gross floor area, but not more than 2,000 square feet of gross floor area.

- (b) At least 2 dwellings in a pocket neighborhood shall maintain a total square footage that differs by at least 200 square feet in floor area from the average square footage of all other dwellings. Nothing shall prohibit a configuration where all dwellings are different sizes.

3. Fences

- (a) Pocket neighborhoods are exempted from the standards in Section 5.11, Fences.
- (b) Fences within front yards or side yards forward of the front facade plane shall not exceed 3 feet in height. Fences in rear yards or side yards behind the front facade plane shall not exceed 6 feet in height.
- (c) In no instance shall a fence be placed within a use or access easement.

FIGURE 5.14.6.E EXAMPLES OF DWELLING UNIT CONFIGURATION



F. Homeowner’s Association

A pocket neighborhood shall have a homeowner’s or property owner’s association that maintains control of all common elements and is responsible for the maintenance of such elements within the neighborhood. Association documents shall be reviewed by the City prior to approval of the development, and recorded with the development.

(Ord. No. 7287/17-29, § 11, 4-3-2017; Ord. No. 7365/17-108, § 1, 11-20-2017; Ord. No. 7399/18-28, §§ 4.A–4.C, 3-19-2018)

5.14.7. TINY HOME NEIGHBORHOOD

A. Purpose and Intent

The tiny home neighborhood development type is proposed to establish standards to facilitate the voluntary development of a group of very small single-family detached dwellings built in close proximity to one another on minimally sized lots and including common open space. This approach is well-suited to small, vacant, infill sites in established neighborhoods.

B. Applicability

The tiny home neighborhood development option is applicable only within the Core City area, in zoning districts that permit single-family detached dwellings.

C. Site Configuration

1. Development Size

It shall be located on a parcel of land at least one-fourth (1/4) of an acre and no greater than 2 acres in area, with at least 50 feet of frontage along a public street.

2. Allowable Uses

Only the following uses shall be allowed: single-family detached dwellings and incidental and subordinate accessory uses, along with a building for the purposes of common storage or recreation, and other common elements.

3. Number of Dwellings

It shall include at least 4 dwellings but no more than 12 dwellings.

4. Common Elements

(a) It shall include common elements that comprise at least 40 percent of the total site area that include open space, improved pedestrian walkways that access each dwelling and connect to the public sidewalk network, and a perimeter landscape yard that incorporates landscaping materials, existing vegetation or other features to buffer the tiny home neighborhood from adjacent development.

(b) It may include a shared parking area, a common building used for recreation and/or storage, a picnic area, community garden space, or other common amenity.

(c) If a common building is provided, it shall not be larger than 1,000 square feet and shall not be used as a permanent dwelling unit.

5. Perimeter Landscape Yard

(a) A tiny home neighborhood shall incorporate a Type C perimeter landscape yard, in accordance with Section 5.5, Landscaping Standards, where the neighborhood abuts lots with existing single-family detached dwellings. The perimeter landscape yard area shall be considered part of the common elements.

(b) No individual lot or dwelling unit shall encroach into the perimeter landscape yard.

6. Lot Frontage

The lots in tiny home neighborhoods are exempt from the minimum street frontage requirement for platted lots in Section 7.1.6 B.9, Minimum Street Frontage.

7. Off-Street Parking

(a) Tiny home neighborhoods are exempt from the parking standards in Table 5.4.4.B, Table of Minimum Parking Standards.

(b) If provided, off-street parking areas shall meet the standards in Table 5.4.7.E, Dimensional Standards for Parking Spaces and Aisles, and shall meet the paving and maintenance requirement for a private drive accessing a public street (Section 5.4.7 K.3).

8. Private Drives

Vehicular entryways into a tiny home neighborhood and accessways serving off-street parking areas shall be configured as private drives.

9. Fences

Fences are permitted only within the perimeter landscape yard and to protect community garden areas, and shall meet the standards of Section 5.11, Fences, except that fences around community garden areas shall be 4 feet or less in height.

D. Individual Lot Configuration

Each individual lot in a tiny home neighborhood shall contain only 1 dwelling unit. Table 5.14.7.D, Tiny Home Neighborhood Lots sets out the dimensional requirements for individual lots.

TABLE 5.14.7.D: TINY HOME NEIGHBORHOOD LOTS	
FEATURE	REQUIREMENT
Minimum lot area (sq. ft.)	None
Minimum lot width (ft)	None
Minimum front setback (ft)	5 from common elements; or zoning district minimum street setback [1]
Minimum side & rear setback (ft)	3
Minimum separation between dwelling units (ft)	10
NOTES: [1] Porch steps, ramps, fences and walkways may encroach into the front setback in accordance with Section 10.2, Rules of Measurement, but no other structures shall be permitted to encroach into the required setback.	

E. Dwelling Unit Configuration

1. Maximum Height

A tiny home dwelling unit shall not exceed 18 feet above grade.

2. Dwelling Size

A tiny home dwelling unit shall have less than 600 square feet of gross floor area.

3. Dwelling Orientation

A tiny home dwelling shall face interior common open space or a street. No dwelling shall face a perimeter landscape yard.

F. Homeowner’s Association

A tiny home neighborhood shall have a homeowner’s or property owner’s association that maintains control of all common elements and is responsible for the maintenance of such elements within the neighborhood. Association documents shall be reviewed by the City prior to approval of the development, and recorded with the development.

(Ord. No. 7399/18-28, § 3, 3-19-2018)

5.15. SUSTAINABILITY INCENTIVES

5.15.1. PURPOSE AND INTENT

The purpose of this section is to promote sustainable development practices as a means of protecting and conserving natural resources and ensuring a high quality of life for residents. More specifically, they are intended to provide incentives for new development to incorporate measures that conserve energy, conserves water, and promotes a healthy landscape.

5.15.2. APPLICABILITY

The incentives included in this section are available to all new development in the City.

5.15.3. PROCEDURE

A. Written Request

Development seeking to use incentives shall include a written request with the development application that demonstrates how compliance with these standards will be achieved.

B. Incentive Amount

Development may include a sufficient number of sustainable development practices to take advantage of more than one type of incentive, but in no instance shall the amount of an incentive be increased or decreased (as appropriate) beyond the maximum listed in this section.

C. Time of Review

Review for compliance with this section, and granting of requests in accordance with this section shall occur during review of a site plan, group development plan, preliminary plat, PD master plan, use permit, or building permit, as appropriate. The decision-making body responsible for review of the development application shall also be responsible for the review of sustainable development incentive request.

D. Earning Incentives

The incentive shall be based on the number of sustainable development practices provided, in accordance with Table 5.15.3.E, Sustainable Development Incentives, and Section 5.15.4, Sustainable Development Features. To earn a particular incentive, development must provide the minimum number of associated sustainable development features from Schedule A and Schedule B in Table 5.15.3.E. An applicant may select the kinds of sustainable development features provided to comply with Table 5.15.3.E.

E. Provide Features from Both Schedules

The ability to take advantage of a sustainable development incentive requires new development to include sustainability features from both Schedule A and Schedule B in Table 5.15.4, Sustainable Development Features. The applicant may choose which features to include as long as the minimum number of features from each of the schedules is provided. Generally, items in Schedule A are typically more expensive than items in Schedule B, though this will depend upon the proposed development, site conditions, type of uses proposed, and many other features.

TABLE 5.15.3.E: SUSTAINABLE DEVELOPMENT INCENTIVES

TYPE OF INCENTIVE	MINIMUM NUMBER OF SUSTAINABLE DEVELOPMENT FEATURES TO BE PROVIDED	
	FROM SCHEDULE A	FROM SCHEDULE B
A density bonus of up to 2 additional dwelling units per acre beyond the maximum allowed in the base zoning district in the Core City or 1 additional dwelling unit per acre outside the Core City	3	4

TABLE 5.15.3.E: SUSTAINABLE DEVELOPMENT INCENTIVES

TYPE OF INCENTIVE	MINIMUM NUMBER OF SUSTAINABLE DEVELOPMENT FEATURES TO BE PROVIDED	
	FROM SCHEDULE A	FROM SCHEDULE B
An increase in the maximum allowable height by up to 30 feet beyond the maximum allowed in the zoning district in the Core City	2	3
An increase in the maximum allowable height by up to 15 feet beyond the maximum allowed in the zoning district outside the Core City	2	3
A reduction from the minimum parking space requirements by 10 percent	2	2
An increase in the maximum allowable sign area or maximum height for wall or freestanding signs by 10 percent	1	3

(Ord. No. 7266/17-08, § 25, 1-17-2017; Ord. No. 7365/17-108, § 1, 11-20-2017)

5.15.4. SUSTAINABLE DEVELOPMENT FEATURES

One or more of the sustainable development features in Table 5.15.4, Sustainable Development Features, may be offered by an applicant for proposed development in accordance with Table 5.15.3.E, Sustainable Development Incentives.

TABLE 5.15.4: SUSTAINABLE DEVELOPMENT FEATURES

SCHEDULE	TYPE OF FEATURE	DOCUMENTATION OF COMPLIANCE
ENERGY CONSERVATION		
A	Use of solar photovoltaic panels, geothermal, or small wind energy facilities to provide up to 50 percent of the development’s energy needs	Indication on site plan and proof from the local energy provider
AA [1]	Use of solar photovoltaic panels, geothermal, or small wind energy facilities to provide up to 75 percent of the development’s energy needs	
AAA [2]	Use of solar photovoltaic panels, geothermal, or small wind energy facilities to provide up to 100 percent of the development’s energy needs	
A	Use of only solar or tankless water heating systems throughout the structure	Inclusion on construction drawings
A	Use of a white roof or roofing materials with minimum reflectivity rating of 60 percent or more	Provision of materials sample and product specification (statement not required for white roofs)
BB [1]	Use of central air conditioners that are Energy Star qualified	Provision of product specification
B	Provision of skylights in an amount necessary to ensure natural lighting is provided to at least 15 percent of the habitable rooms in the structure	Indication on site plans

CHAPTER 5: DEVELOPMENT STANDARDS

Section 5.15. Sustainability Incentives

Subsection 5.15.4. Sustainable Development Features

TABLE 5.15.4: SUSTAINABLE DEVELOPMENT FEATURES		
SCHEDULE	TYPE OF FEATURE	DOCUMENTATION OF COMPLIANCE
B	Roof eaves or overhangs of 3 feet or more on southern or western elevations	
B	Structure design that can accommodate the installation and operation of solar photovoltaic panels or solar thermal heating devices (including appropriate wiring and water transport systems)	Inclusion on construction drawings
B	Inclusion of shade features (e.g., awnings, louvers, shutters, etc.) to shade all windows and doors on the southern building facade	Indication on site plans
B	Configuration of new buildings with 1 axis at least 1.5 times longer than the other, and the long axis oriented in an east-west configuration for solar access	
B	30 percent of the building lots on a plat are oriented for unobstructed solar access	
LEED CERTIFICATION		
AAA [2]	Construction of the principal structure to meet or exceed LEED Platinum certification standards	Provision of Green Building Certification Institute’s verification of project compliance (may be provided within 1 year following occupancy)
AA [1]	Construction of the principal structure to meet or exceed LEED Gold certification standards	
BBB [2]	Construction of the principal structure to meet or exceed LEED Silver certification standards	
BB [1]	Construction of the principal structure to meet or exceed LEED Bronze certification standards	
WATER CONSERVATION AND QUALITY PROTECTION		
AAA [2]	Configuration of the principal structure’s roof so that at least 75 percent of the roof is a “green” roof intended to capture and hold rain water	Indication on site plan
AA [1]	Configuration of the principal structure’s roof so that at least 50 percent of the roof is a “green” roof intended to capture and hold rain water	
A	Inclusion of rain water capture and re-use devices such as cisterns, rain filters, and underground storage basins with a minimum storage capacity of 500 gallons	Inclusion on construction drawings
A	Provision of rain gardens or other appropriate stormwater infiltration system(s) of at least 500 square feet in area	Indication on site plan
A	Provision of open space set-asides at a rate 200 percent or more beyond the minimum required	
B	Provision of rain gardens or other appropriate stormwater infiltration BMP systems of at least 100 square feet in area	
B	Removal of all lawn or turf in favor of living ground cover or mulch	
B	Use of xeriscape landscaping techniques without irrigation	
B	Provision of 150-foot undisturbed buffers adjacent to/surrounding all wetlands or surface waters	
B	Use of permeable surfacing on 50 percent or more of the vehicular use area	

TABLE 5.15.4: SUSTAINABLE DEVELOPMENT FEATURES

SCHEDULE	TYPE OF FEATURE	DOCUMENTATION OF COMPLIANCE
BUILDING CONFIGURATION		
A	Construction of principle structure in accordance with Barrier Free Design Standards (ANSI A1171.1)	Inclusion on construction drawings
A	Up to 50 percent of the residential units are constructed in accordance with universal design principles	
AA [1]	All residential units are constructed in accordance with universal design principles	
A	Construction of the principal structure to a design wind speed standard of 150 mph	Signed attestation from a qualified NC licensed engineer
A	Inclusion of underground parking or parking structures sufficient to accommodate 51 percent or more of the off-street parking requirements	Indication on site plan
B	Provision of on-site transit facilities (e.g., designated park-and-ride parking spaces, bus shelters, or similar features)	
B	Inclusion of showering and dressing facilities in nonresidential developments for employees using alternative forms of transportation	Inclusion on construction drawings
B	Provision of at least 1 enclosed recycling station per building suitable for storage and collection of recyclables generated on-site	Indication on site plan
B	Provision of an indoor atrium with plantings and seating areas that is open to the general public	
SITE CONFIGURATION		
A	Providing double the amount of required open space	Indication on site plan
A	Dedicating the land necessary to provide a greenway link across the development	
AA [1]	Dedicating land and constructing a greenway across the development	
B	Providing space and facilities for a community garden	
B	Providing a public gathering area with a plaza, fountain, and shaded outdoor seating	
NOTES:		
[1] Credited as provision of 2 schedule features		
[2] Credited as provision of 3 schedule features		

(Ord. No. 7365/17-108, § 1, 11-20-2017)

5.15.5. FAILURE TO INSTALL OR MAINTAIN SUSTAINABLE DEVELOPMENT PRACTICES

The failure to install or maintain approved sustainable development features is a violation of this Ordinance, shall render the subject development nonconforming, and may result in revocation of the development permit or approvals.