ARTICLE 6. DISTRICT DEVELOPMENT STANDARDS

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6.1. Residential district development standards.

A. Single-family residential dimensional standards.

	Single-Family Residential Districts					
	R-40	**R-20**	**R-15**	**R-12**	**R-9**	**RMH**
Lot Dimensions:						
Minimum Lot Area	40,000 sq. ft.	20,000 sq. ft.	15,000 sq. ft.	12,000 sq. ft.	9,000 sq. ft.	5,000 sq. ft.* 70 ft. in Park
Minimum Lot Width	100 ft.	90 ft.	80 ft.	70 ft.	60 ft.	50 ft. in Subdiv.
Minimum Yards:						
Front Yard	35 ft.	35 ft.	30 ft.	30 ft.	25 ft.	25 ft.
Rear Yard	25 ft.	25 ft.	25 ft.	25 ft.	25 ft.	25 ft.
Side Yard	10 ft.	10 ft.	10 ft.	10 ft.	10 ft.	10 ft.
Corner Lot Side Yard	25 ft.	25 ft.	25 ft.	25 ft.	20 ft.	25 ft.
Maximum Height	35 ft.	35 ft.	35 ft.	35 ft.	35 ft.	35 ft.
Maximum Gross DU/Acre (Applies to Cluster Only)	0.8	1.5	2.0	2.5	3.0	—

*** Note: 10,000 square foot minimum required for RMH lots without both public water and sewer. Wake County Health Department may require larger lot sizes.**

B. **Special lot area reduction adjacent to conservation or other designated buffer.** Lots adjacent to a conservation or other officially designated buffer may be reduced by up to 20 percent where the buffer itself would, in theory, make up the remaining lot size. No lots shall extend into the conservation buffer other designated buffer and such buffers shall be protected in perpetuity by a conservation easement.

6.2. Multifamily residential dimensional standards.

Standards	Multifamily Districts	
	MF-1	**MF-2**
Lot Dimensions:		
Lot area, minimum		
Two-family lot	9,000 sq. ft.	8,000 sq. ft.
MF, first unit	6,000 sq. ft.	5,000 sq. ft.
MF, additional units	4,500 sq. ft.	3,000 sq. ft.
Lot width, minimum	60 ft.	60 ft.
Minimum Yards:		
Front yard	35 ft.	35 ft.
Rear yard	25 ft.	25 ft.
Side yard	15 ft.	15 ft.
Corner lot side yard	25 ft.	25 ft.
Maximum Height	See Section 6.10.F	See Section 6.10.F

6.3. Residential cluster development.

A. **Purpose.** The purpose of cluster development regulations is to provide an optional land development procedure which results in the preservation of open space; protection of streams, floodplain areas and significant existing tree cover; promotion of more efficient subdivision street and infrastructure networks; and encouragement of a variety of styles or types of residential dwellings. Cluster development should provide a total living environment for residential purposes that is in compliance with the Comprehensive Growth Plan and other applicable local, state or federal laws or regulations.

B. **General requirements.**

1. Cluster developments shall be developed on tracts of five acres or more.
2. Cluster developments may have as permissible uses: single-family detached, zero lot line and village houses.
3. Public sanitary sewer and water connections shall be required for every lot or dwelling unit in a cluster development, except in the R-40 district, where the Wake County Health Department may approve a shared private sanitary sewer and water system.
4. A master plan shall be required to be submitted if the cluster development is to be the initial phase of a larger project. Final plat approval procedures according to the requirements of the UDO shall apply to all cluster developments.
5. Each individual cluster development lot containing single-family detached or attached units shall have public or private street access according to the criteria listed in applicable sections of this UDO.
6. A homeowner's association shall be established to own and maintain all property or facilities held in common private ownership. Documents

regarding the homeowner's association shall be submitted to the Town for approval with the final plat and shall be duly recorded with the final plat in the Wake County Register of Deeds Office by the applicant.

7. A pre-application conference between the developer or agent and the staff of the Town of Garner shall be required.

C. **Dimensional standards.**

1. The maximum permissible gross density in a cluster development shall be that set forth for the applicable single family zoning district in the Table in Section 6.1. Cluster development in the MF-1 and MF-2 zoning districts shall be limited to a maximum of six dwellings per acre. Land not required for residential lots and associated development shall be maintained as undisturbed permanent open space except for required stormwater management devices provided no more than 25 percent of open spaces areas are devoted to such uses.

2. Cluster developments containing single-family development may use the minimum dimensional standards shown in the table below.

Cluster Development	**R-40, R-20**	**R-15, R-12, R-9**	**MF-1, MF-2**
Lot Dimensions:			
Lot area, minimum	12,000 sq. ft.	6,000 sq. ft.	5,000 sq. ft.
Lot width, minimum	70 ft.	50 ft.	50 ft.
Minimum Yards:			
Front yard	35 ft.	20 ft.	20 ft.
Rear yard	25 ft.	20 ft.	15 ft.*
Side yard	10 ft.	10 ft.	7.5 ft.**
Corner lot side yard	25 ft.	20 ft.	15 ft.***
Maximum Height	35 ft.	35 ft.	35 ft.

* The rear setback for lots that abut open space may be reduced to ten feet with approval of the permit issuing authority.

** The interior side setback may be reduced to a minimum of five feet when individual building footprints are shown on the preliminary subdivision plat and the building to building setbacks and orientation are deemed appropriate by the permit issuing authority. In such cases a five-foot property maintenance easement must be provided on the adjoining property and recorded on the final subdivision plat.

*** The corner side setback may be reduced to a minimum of ten feet when individual building footprints are shown on the preliminary subdivision plat and no garage access is provided on the corner side and the permit issuing authority, upon the recommendation of the Town Engineer, determines there is no sight distance obstruction or public safety concern that results.

3. a. When a cluster development located in the R-40, R-20, R-15, R-12 or R-9 zoning district adjoins a single family residential zoning district or an existing single family development then one of the following shall be required:

   i. if the perimeter row of lots in the cluster development is to be reduced in size below the minimum lot size of the adjoining single family residential zoning district, then a perimeter buffer measuring at least 50 feet in width along the affected perimeter of the said cluster development shall be required. No land disturbing are allowed within this buffer.

   ii. if the perimeter row of lots in the cluster development is not reduced in size below the minimum lot size of the adjoining single family residential zoning district or development, then a 50 foot perimeter buffer is not required.

   b. i. Cluster development in MF-1 and MF-2 zoning districts shall provide a 30 foot perimeter buffer along the entire boundary of the development that adjoins a single family residential zoning district or a single family development. No land disturbing activities are allowed within this buffer except for required landscaping. Such perimeter buffer must have the required mix of plant material that meets 50 percent of the perimeter landscape buffer planting requirements of the Landscape Ordinance and that is designed in a manner that is acceptable to the Planning Director.

   ii. No buffer shall be required where the lots are the same size or larger than those on the adjacent residential parcel.

4. No garage door shall be located closer than the lesser of the minimum setback or 20 feet back from the right-of-way line, or rear edge of the adjacent sidewalk, whichever is greater, in order to ensure that vehicles parked on the driveway do not hinder pedestrian access.

D. **Open space standards.** Open space in cluster development shall be no less than 25 percent of the gross area of the cluster development tract. All open space provided in a cluster development shall meet the following criteria in addition to the requirements of this UDO:

1. Open space shall abut 40 percent of the lots within the subdivision and shall be well distributed throughout the development so as to achieve the requirement herein.

2. All open space areas shall be at least 20 feet in width, except the open space that is provided around the perimeter of a cluster development. Such open space areas shall be undisturbed.

3. All open space shall be linked, either directly or across street rights-of-way.

E. **Parking standards.** All cluster development shall meet the parking requirements of Section 7.4. Off-Street Parking and Loading.

(Ord. No. 3417, § 1, 7-5-06)

6.4. Alternative single-family options.

The following alternative single-family residential options are allowed only in residential cluster developments.

A. **Zero lot line.**

1. **Description.** A zero lot line development is where houses in a development on a common street frontage are shifted to one side of their lot. This provides for greater usable yard space on each lot. These developments require that planning for all of the house locations be done at the same time. Since the exact location of each house is predetermined, greater flexibility in site development standards are possible while assuring that single-dwelling character is maintained.
2. **Setbacks.** The side building setback may be reduced to zero on one side of the house. This reduction does not apply to the street side setback or to the interior side setback adjacent to lots that are not part of the zero lot line project. The reduced setback may be located anywhere between the lot line and the minimum setback required for the district. The remaining side yard setback shall be equal to two times the side yard setback required for the district.
3. **Additional standards.**
   a. **Distance between houses.** The minimum distance between all buildings in the development must be equal to twice the required side setback required by the underlying zoning district. A deed restriction must be recorded on the deed of each applicable lot to ensure continued compliance with this setback.
   b. **Eaves.** The eaves on the side of a house with a reduced setback may project a maximum of 18 inches over the adjacent property line. In this case, an easement for the eave projection must be recorded on the deed for the lot where the projection occurs.
   c. **Maintenance easement.** An easement between the two property owners to allow for maintenance or repair of the house is required when the eaves or side wall of the house are within four feet of the adjacent property line. The easement on the adjacent property must provide at least five feet of unobstructed space between the furthermost project of the structure and the edge of the easement. The easement shall be recorded on the subdivision plat.
   d. **Privacy.** If the side wall of the house is on the property line, or within three feet of the property line, windows or other openings

that allow for visibility into the side yard of the adjacent lot are not allowed. Windows that do not allow visibility into the side yard of the adjacent lot, such as a clerestory window or a translucent window, are allowed. All materials within three feet of the property line shall be fire-rated to meet building code requirements.

B. **Village house.** A village house may be permitted in a cluster development with a reduced front yard setback of 15 feet, provided that no front yard parking is allowed and alley or other rear access is provided for any garage.

6.5. Townhouse and condominium developments.

A. **In general.**

1. Townhouses and townhouse development occur in two different patterns:
   a. Condominium (development with private drives and a homeowner's association); and
   b. Fee simple townhouse (development with public or private streets and a homeowner's association).
2. The standards for each type of townhouse development are listed below.

B. **Condominium.** This form of townhouse development occurs on a unified parcel, where multiple townhouse units may lie on a single tract of land. The units may be made available through sale as condominium, or through lease (rental).

1. **Homeowner's association.**
   a. Homeowner's association declaration and by-law documents shall be submitted to the Town of Garner for acceptance.
   b. Such homeowner's association documents shall have adequate provisions to insure proper maintenance of all privately-owned areas such as, but not limited to, open space, recreational facilities and areas, parking lot areas and private drives.
   c. Applicants are encouraged to submit homeowner's association documents which contain provisions addressing exterior appearance and maintenance standards according to a set of architectural design criteria.
   d. The homeowner's association documents shall clearly state that the Town of Garner shall be held harmless from liability responsibility relative to the delivery of Town services on privately-owned property in the townhouse development.
2. **Interior roads.**
   a. Determination of whether interior roads shall be constructed as public streets or private drives or a combination of public streets and private drives shall be made by the permit-issuing authority based

upon recommendations from the Planning Department and Engineering Department. Consideration shall be given to the adopted major transportation plan, existing and proposed neighborhood streets and circulation needs, to the relationship of the site to adjoining lands, the size and shape of the tract to be developed, to the number of ultimate dwelling units to be constructed on the tract and on adjoining lands and to anticipated traffic volumes.

b. The determination of whether interior roads shall be public or private will consider only the minimum needs of the public for the public streets and will recognize the privacy, security and safety advantages of private drives. Where public streets are required, the permit-issuing authority, upon request of the developer, provide in writing the reason for such requirement. All public streets shall have curb and gutter according to Town standards. Private drives are interior circulation roads designed and constructed to carry vehicular traffic from a public street within or adjoining the site to terminal parking areas and service areas, or back to said public street.

c. The design and arrangement of private streets shall be subject to review and approval by the permit-issuing authority upon recommendation of the Planning Department and Engineering Department.

(1) When there is a distance of 150 feet or more between an existing public street and points of refuse collection, a private drive shall be required.

(2) All portions of such private drives shall not be more than 1,000 feet from their point of public access.

(3) When the development is required to have a private drive, the private drive shall be paved to a minimum width of at least 27 feet, measured from edge of pavement. Concrete curb and gutter sections may be required, if determined necessary by the Planning, Engineering and Public Works Departments.

(4) A private drive may be constructed in the peripheral yard provided it is located a minimum distance of 25 feet off any property line or complies with the provisions of Section 7.1K.3.

(5) A base course shall be applied to the entire required paved width of private drives and parking lots and shall consist of at least eight inches of compacted crushed stone.

(6) A surface course shall be applied to the entire required paved width of private drives and parking lots and shall consist of at least two inches of 1-2 asphalt paved surface.

(7) Culs-de-sac or dead-end streets shall be provided with a vehicular turning circle at least 80 feet in diameter, measured on the center line of the street or other acceptable design criteria for dead-end streets.

(8) Street jogs, intersections block lengths including culs-de-sac, street deflections shall conform to the design criteria set forth in Article 8.

(9) A permanent street address approved by the Planning Department shall be assigned to the private drives.

3. **Maintenance required.** Homeowner's association documents shall include adequate provisions to insure proper maintenance by the homeowner's association of private drives, units, their structural components and exteriors, yard spaces and other commonly owned property and shall be recorded with the final plat.

4. **Minimum lot size.** There is no minimum lot size for individual units; density is controlled by district regulations. However, every individual lot shall meet the following criteria:

   a. The minimum lot width is 16 feet;

   b. The minimum frontage on a public street is 16 feet; and

   c. The minimum front yard setback is 25 feet. (This setback is not in addition to the development-wide standard. However, where a 50 feet setback is required under development-wide standards, each affected lot must maintain the minimum 50-foot setback rather than the 25-foot setback.)

C. **Fee simple townhouse.**

1. **Special provisions.** This form of townhouse development involves attached housing units purchasable on a fee simple basis, on individual lots meeting minimum requirements and fronting on a dedicated public street, with or without provisions for commonly owned property controlled by a homeowner's association. This form of townhouse development differs from other townhouse developments in that no common areas may be required. Developers are encouraged to utilize restrictive covenants for townhouse developments that address architectural standards, exterior maintenance of units and other appropriate matters through homeowner association documents. It is strongly recommended that such agreements be made to insure the proper maintenance of units, their structural components and exteriors, and yard spaces. Where there is the provision of commonly owned land in a fee simple townhouse development a homeowner's association shall be required. Such documents shall be subject to the provisions of Section 6.4.B.1.

2. **Interior roads.**

   a. Determination of whether interior roads shall be construed as public streets or private drives or a combination of public streets and private drives shall be made by the permit-issuing authority with recommendations from the Planning and Engineering Departments.

   b. Consideration shall be given to the adopted major transportation plan, existing and proposed neighborhood streets and circulation

needs, to the relationship of the site to adjoining lands, the size and shape of the tract to be developed, to the number of ultimate dwelling units to be constructed on the tract and on adjoining lands, and to anticipated traffic volumes.

c. The determination of whether interior roads shall be public or private will consider only the minimum needs of the public for the public streets and will recognize the privacy, security and safety advantages of private drives.

d. Where public streets are required, the permit-issuing authority will, upon request of the developer, provide in writing the reason for such requirement; and

e. All public streets shall be constructed according to Town of Garner standards. All private drives shall be constructed according to the provisions of Section 6.5.B.2.(c)(1—9).

f. The issuance of any building permits shall not be permitted until a major subdivision final plat, meeting the appropriate requirements, has been approved by the Planning Director as set out in this UDO.

3. **Minimum lot size.** There is no minimum lot size for individual units; density is controlled by district regulations. However, every individual lot shall meet the following criteria:

a. The minimum lot width is 25 feet;

b. The minimum frontage on a public street is 25 feet; and

c. The minimum front yard setback is 25 feet where garages are accessed from the front. If rear access to garages is provided, the minimum front yard may be reduced to 15 feet.

6.6. Manufactured home parks and subdivisions.

Manufactured home parks and subdivisions shall be subject to all applicable state and local regulations, as well as with the following standards.

A. **Land area.** The minimum land area required for a manufactured housing park is three acres.

B. **Density limitations.** Any lot or tract of land occupied by a manufactured housing park shall have a maximum density of five dwelling units per gross acre.

C. **Lot size standards.** Single-family residential development in the RMH district requires a minimum 5,000 square foot lot for sites with both public water and sewer available, and a 10,000 square foot lot where either a well or septic system is used. Wake County Health Department regulations may require larger lots. Minimum lot widths shall be 50 feet in a manufactured home park and 70 feet in a manufactured home subdivision.

D. **Orientation of manufactured homes.** No manufactured home shall face the narrow end of the manufactured unit to the public street unless the width of the unit is greater than 24 feet.

E. **Separation of service buildings.** Every service building in a manufactured home park shall be at least 25 feet from the boundary of any other property in any residential zoning district.

F. **Accessory structures in manufactured home parks.** No accessory structures, except common park structures, shall be located on manufactured home park spaces.

G. **Required parking.** A minimum of two off-street parking spaces shall be provided for each dwelling within a manufactured housing park.

H. **Street and drives.**

1. No private drives are permitted within a manufactured home subdivision. Public streets must be constructed in accordance with Town of Garner standards.

2. For manufactured home parks, the tract as whole shall have a minimum 20-foot frontage on a public right-of-way. Internal access may be by private drives. All private drives shall have a minimum of 24 feet of pavement. A minimum six-foot wide strip adjoining and parallel to the paved surface of the drive, on both sides, shall be reserved from use except for driveways, walkways and vegetation. The outer edge of the six foot reserved strip is the limit of the reserved area referenced in previous sections of this UDO.

I. **State standards.** All manufactured housing units shall conform to the State of North Carolina Standards for manufactured housing anchorage, tie downs and blocking.

J. **Site plan.** Prior to the development of any new manufactured housing park established after the effective date of this UDO, and prior to the enlargement of any existing manufactured housing park, a site plan conforming to the requirements of this subsection shall be approved by the Planning Director. The required site plan shall be drawn to scale and shall explicitly illustrate at least the following features.

1. Location and dimensions of all park boundaries.

2. Location of pavement on adjoining street rights-of-way.

3. Location and dimensions of any permanent improvements existing or planned within the park, including but not limited to the following:

a. Improved surfaces for common driveways, off-street parking and recreation areas.

b. Buildings for management, maintenance and recreational purposes.

c. Any other recreational facilities.

d. Any fences or walls.

e. The location of pipelines and systems for potable water distribution, sewage collection and fire protection, including location of all fire hydrants.

K. **Subdivision plat required.** A subdivision plat in accordance with Section 3.5 is required for all manufactured home subdivisions.

L. **Phasing.** Phasing of a proposed manufactured home park or subdivision may be allowed, provided the proposed phasing is approved by the Board of Aldermen and will not create undue hardships for the residents of the development or those vehicles that can reasonably be expected to service the development.

6.7. Manufactured homes.

Commentary: An individual manufactured home type A unit is permitted in the R-40 district or through rezoning to the -MH overlay.

A. **Application of standards.** There are three different classes (A, B, and C) of manufactured homes. The main differences are size, roof pitch and siding material.

B. **Manufactured home class A.** A manufactured home constructed after July 1, 1976 and meeting or exceeding the construction standards promulgated by the U.S. Department of Housing and Urban Development that were in effect at the time of construction. Additionally, class A manufactured homes shall meet all of the following requirements:

1. It shall be occupied as a single-family dwelling only;
2. It shall have a minimum of two sections that when combined the total is a minimum of 24 feet in width;
3. It shall have a length not exceeding four times its width, with length measured along the longest axis and width measured at the narrowest part of the shorter axis;
4. The towing apparatus, wheels, axles and transporting lights shall be removed and shall not be included in measurements;
5. The orientation of the structure must be consistent with that of the predominant number of units in the surrounding neighborhood. In special cases, the short axis (width) may face the road if the front door is incorporated in the unit's floor plan to be a part of the short axis;
6. It shall be installed in accordance with the standards established by the North Carolina Department of Insurance. In addition, a continuous, permanent masonry foundation or masonry curtain wall constructed in accordance with the standards of the North Carolina Uniform Residential Building Code for One and Two-Family Dwellings, un-pierced except for required ventilation and access, shall be installed under the perimeter of the manufactured home;

7. The exterior shall consist of one or more of the following:
   a. Vinyl or metal siding (whose reflectivity does not exceed that of flat white paint);
   b. Cedar or other wood siding;
   c. Weather resistant press board siding; or
   d. Stucco siding, brick or stone siding, which shall be comparable in composition, appearance and durability to the exterior siding commonly used in the standard residential construction of the surrounding neighborhood.
8. The pitch of the roof shall have a minimum vertical rise of three and one-half feet for each 12 feet of horizontal run;
9. The roof shall be finished with a roof covering that meets the minimum standards of the federal housing administration;
10. All roof structures shall provide an eave projection of no less than six inches, which may include a gutter;
11. Stairs, porches, entrance platforms, ramps and other means of entrance and exit to and from the manufactured home, shall be installed or constructed in compliance with the standards of the North Carolina Building Code, attached firmly to the primary structure, and anchored securely to the ground. Wood stairs shall only be used in conjunction with a porch or entrance platform with a minimum of 24 square feet. Use of wood stairs without a porch is prohibited at any entrance to a manufactured home;
12. Minimum square footage of the home shall be compatible with the surrounding neighborhood. The length and size shall be no smaller than the average unit in this neighborhood; and
13. For any unit on a lot that is less than 30,000 square feet, a community well or Town water and sewer is required. All units not connected to either a community or Town system shall present proof of utility approval by the Wake County Health Department.

C. **Manufactured home class B.** A manufactured home constructed after July 1, 1976 and meeting or exceeding the construction standards promulgated by the U.S. Department of Housing and Urban Development that were in effect at the time of construction. Additionally, class B manufactured homes shall meet the following requirements:

1. It shall be occupied as a single-family dwelling only;
2. It shall have a minimum of two sections that when combined the total is a minimum of 24 feet in width;
3. There are no length requirements;
4. The towing apparatus, wheels, axles and transporting lights shall be removed and shall not be included in measurements;

5. The orientation of the structure must be consistent with that of the predominant number of units in the surrounding neighborhood. In special cases the short axis (width) may face the road if the front door is incorporated in the unit's floor plan to be a part of the short axis;

6. It shall be installed in accordance with the standards established by the North Carolina Department of Insurance. In addition, a continuous, permanent masonry foundation or masonry curtain wall constructed in accordance with the standards of the North Carolina Uniform Residential Building Code for One and Two-Family Dwellings, un-pierced except for required ventilation and access, shall be installed under the perimeter of the manufactured home;

7. Exterior standards are to be consistent with the industry's standards for class B;

8. The pitch of the roof shall have a minimum vertical rise of two and one-half feet for each 12 feet of horizontal run;

9. The roof shall be finished with a roof covering that meets the minimum standards of the federal housing administration;

10. There are no required eave projections;

11. Stairs, porches, entrance platforms, ramps, and other means of entrance and exit to and from the manufactured home, shall be installed or constructed in compliance with the standards of the North Carolina Building Code, attached firmly to the primary structure, and anchored securely to the ground. Wood stairs shall only be used in conjunction with a porch or entrance platform with a minimum of 24 square feet. Use of wood stairs without a porch is prohibited at any entrance to a manufactured home;

12. Minimum square footage of the home shall be compatible with the surrounding neighborhood. The length and size shall be no smaller than the average unit in this neighborhood; and

13. For any unit on a lot that is less than 30,000 square feet, a community well or Town water and sewer is required. All units not connected to either a community or Town system shall present proof of utility approval by the Wake County Health Department.

D. **Manufactured home class C.** Any single-wide manufactured home constructed after July 1, 1976, and meeting or exceeding the construction standards promulgated by the U.S. Department of Housing and Urban Development that were in effect at the time of construction, shall meet the following requirements:

1. It shall be occupied as a single-family dwelling only;

2. It shall have a minimum width of 14 feet;

3. There are no length requirements;

4. The towing apparatus, wheels, axles and transporting lights shall be removed and shall not be included in measurements;

5. There is no parallel orientation requirement;

6. All units shall be firmly anchored to the ground as required by the North Carolina Building Code and the Town shall designate and enforce a uniform type of foundation enclosure (skirting) for all manufactured home parks and subdivisions;

7. Exterior standards are to be approved by the Planning Director;

8. There are no roof pitch requirements;

9. The roof shall be finished with a roof covering that meets the minimum standards of the federal housing administration;

10. There are no required eave projections;

11. Stairs, porches, entrance platforms, ramps and other means of entrance and exit to and from the manufactured home, shall be installed or constructed in compliance with the standards of the North Carolina Building Code, attached firmly to the primary structure, and anchored securely to the ground. Wood stairs shall only be used in conjunction with a porch or entrance platform with a minimum of 24 square feet. It is the intent of this subsection to prohibit the use of wood stairs only at any entrance to a manufactured home;

12. There is no minimum square footage requirement; and

13. For any unit on a lot that is less than 30,000 square feet, a community well or Town water and sewer is required. All units not connected to either a community or Town system shall present proof of utility approval by the Wake County Health Department.

E. **Manufactured homes not located in RMH district.** The placement of a manufactured home in any R-40 district, or manufactured home floating zone (but not in RMH districts) must meet the following additional requirements. The purpose of these requirements is to protect the character of existing neighborhoods, and to establish new neighborhoods whose character is internally consistent, by achieving compatible exterior appearance between manufactured homes and stick- or modular-built homes on adjacent or nearby lots, or with other manufactured homes in an existing RMH district (appearance criteria). In satisfying this requirement, the applicant must also present illustrative examples of the types and design of structure they propose, plus photographs of at least five residences in the immediate vicinity in order to document that the exterior appearance of the proposed unit will be similar (as determined by the Planning Director) to the other homes that have been or will be constructed.

6.8. Special development standards for single family and modular homes.

A. **General appearance standards for modular and site-built homes.** The following standards shall apply only to new modular homes or single-family detached site-built homes. The provisions of this subsection shall not apply to properties zoned R-40 or additions to existing residential buildings.

1. A continuous permanent masonry foundation shall be required. Material for the foundation must be brick, decorative concrete masonry units, or similar masonry material if approved by the permit issuing authority.
2. The roof pitch shall have a minimum vertical rise of five feet for each 12 of horizontal run.
3. All roof structures shall have a minimum eave overhang of 12 inches excluding gutters.
4. The main front entrance to a new structure shall have a minimum entrance landing area of four feet by four feet.
5. Foundation planting consisting of evergreen shrubs shall be installed along the entire front foundation wall of the building. Plant installation shall be a minimum of two feet in height planted at three- to four-foot intervals.
6. All yard areas, excluding decorative landscaped areas, shall be appropriately graded and seeded up to 35 feet from the dwelling as applicable in order to establish a permanent lawn.
7. A maximum 2.7 to 1 length to width ratio shall be required for new structures. The length shall be measured along the longest axis of the structure and the width shall be measured along the shortest axis of the structure.

6.9. Nonresidential district standards.

A. **Nonresidential development standards.** The following table illustrates the dimensional standards that apply in the Town's commercial, industrial and special purpose districts.

Standard	NO	NC	CBD	OI	CR	SB	I-1	I-2
Lot Dimensions:								
Lot area, minimum	6,000 sq. ft.	6,000 sq. ft.	6,000 sq. ft.	6,000 sq. ft.	6,000 sq. ft.	6,000 sq. ft.	None	None
Lot width, minimum	60 ft.	60 ft.	60 ft.	60 ft.	60 ft.	60 ft.	100 ft.	100 ft.
Lot depth, minimum	None	None	None	None	None	None	None	None
Minimum Yards:*								
Front yard	35 ft.	35 ft.	None	35 ft.	35 ft.	35 ft.	50 ft.	50 ft.
Rear yard	25 ft.	0/25 ft.	0/15 ft.	25 ft.	0/25 ft.	0/25 ft.	0/50 ft.	0/50 ft.
Side yard	0/15 ft.	10/15 ft.	0/15 ft.	10/15 ft.	10/15 ft.	0/25 ft.	0/25 ft.	0/25 ft.
Corner lot side yard	35 ft.	35 ft.	35 ft.	35 ft.	35 ft.	35 ft.	35 ft.	35 ft.
Maximum Height	35 ft.	35 ft.	None	None	None	None	None	None
Maximum Net DU/Acre	6,000 sq. ft. per single family detached dwelling unit	6,000 sq. ft. per unit	6,000 sq. ft. per unit	6,000 sq. ft. per unit	None	None	None	None

*** Note: Where two yard standards are shown in the tables above (0/15 feet, for example), the first standard shall apply if the lot is not adjacent to a residential, NC, NO or OI district. Additional fire-rated wall construction may be required on side and rear facades. There are different setback requirements for Commercial Development within the U.S. 70/401 and Timber Drive Overlay Districts.**

B. **Industrial performance standards.**

1. **In general.**

a. Zoning regulations typically attempt to classify and segregate uses according to their differing impacts. For example, residences are usually allowed in certain zones and manufacturing plants in others

because it is perceived that the impact of the latter would be detrimental to the former. Because the impacts associated with certain types of uses are well recognized, it is possible to regulate impacts indirectly by controlling the types of uses permissible in various zoning districts. Given the wide variety of impacts possible within the industrial use classification, it is not feasible to use an indirect method of controlling impacts. Therefore this part attempts to control impacts of industrial classification uses directly by establishing the performance standards set forth in this part.

b. For the reasons set forth in paragraph above, it is necessary to use performance standards to determine what types of industrial and manufacturing uses (see table 5.1) should be permissible in various zoning districts. However, the use of performance standards involves advance prediction of the extent to which a proposed development will generate negative impacts, and subsequent monitoring to determine the actual extent of such impacts. Because this advance prediction and subsequent verification may be cumbersome, time-consuming, and expensive, performance standards (other than noise standards) are applied only to uses within the industrial use classification.

2. **Smoke.**

a. To determine the density of equivalent opacity of smoke, the Ringlemann Chart, as adopted and published by the United States Department of Interior, Bureau of Mines Info. Circular 8333, May 1967, shall be used. The Ringlemann numbers cited refer to the area of the Ringlemann Chart that coincides most nearly with the visual equivalent opacity of the smoke emission observed.

b. All measurements shall be taken at the point of emission of the smoke.

c. In the OI, NC, CR, CBD, SB, MXD-l and all PUD districts, no industrial use classification use may emit from a vent, stack, chimney, or combustion process any smoke that is visible to the naked eye.

d. In the I-1 district, no industrial use classification use may emit from a vent, stack, chimney, or combustion process any smoke that exceeds a density or equivalent opacity of Ringlemann No. 1, except one emission not exceeding an equivalent of Ringlemann No. 2 is permissible for a duration of not more than four minutes during any eight hour period if the emission source is not within 250 feet of a residential district.

e. In the I-2 district, no industrial use classification use may emit from a vent, stack, chimney, or combustion process any smoke that exceeds a density or equivalent opacity of Ringlemann No. 2, except that an emission not exceeding an equivalent of Ringlemann No. 3 is permis-

sible for a duration not more than four minutes during any eight hour period if the source of emission is not located within 500 feet of a residential district.

3. **Noise.**

a. The following definitions shall apply in this section. All definitions shall be in conformance with those contained in ANSI 5.1.1-1960, R 1971, Acoustical Terminology.

b. With respect to the standards established in the table of maximum permitted sound level (paragraph c., below), dB(A) are expressed in terms of the tenth percentile sound level (L10), which must be calculated by taking 100 instantaneous A-weighted sound levels at ten second intervals and computing the (L10) in accordance with the community noise measurement data sheet set forth in Appendix C.

c. No person may operate or cause or permit the operation of any stationary source of sound that exceeds the limits set forth herein for the following receiving land use districts when measured at the boundary or at any point within the property affected by the noise.

Table of Maximum Permitted Sound Level [dB(A)]		
Receiving Use Districts	**Day (7:00 a.m.—10:00 p.m.)**	**Night (10:00 p.m.—7:00 a.m.)**
Residential	60	55
Commercial	65	60
Industrial	75	75

d. When a noise source can be identified and its noise measured in more than one land use category, the limits of the most restrictive use shall apply at the boundaries between different land use categories.

e. For any stationary source of sound which emits a pure tone, cyclically varying sound or repetitive impulsive sound, the standards defined herein shall be reduced by five dB(A).

f. The standards set forth in this section shall not apply to the following sources:

(1) Emergency warning devices;

(2) Lawn care equipment used during daytime hours;

(3) Equipment being used for construction.

g. Notwithstanding any other provision of Article VIII (Nonconforming situations), any person who operates or permits to be operated any new stationary noise source after the effective date of this section shall comply with the standards defined herein.

h. Measurement techniques to determine compliance with this section are set forth in Appendix C.

4. **Vibration.**

a. No industrial use classification in any commercial district may generate any ground-transmitted vibration perceptible to the human sense of touch measured at (i) the outside boundary of the space leased, rented or occupied by the enterprise generating the vibration if the enterprise is one of several located on a lot, or (ii) the lot line if the enterprise generating the vibration is the only enterprise located on a lot.

b. No industrial use classification use in the MXD-1, I-1 or I-2 district may generate any ground transmitted vibration in excess of the limits set forth in paragraph e below. Vibration shall be measured at any adjacent lot line or residential district line as indicated in the table set forth below in paragraph d.

c. The instrument used to measure vibrations shall be a three component measuring system capable of simultaneous measurement of vibration in three mutually perpendicular directions.

d. The vibration maximum set forth in paragraph e below are stated in terms of particle velocity, which may be measured directly with suitable instrumentation or computed on the basis of displacement and frequency. When computed, the following formula shall be used:

P.V. = 6.28 F × D

P.V. = Particle velocity, inches per second

F = Vibration frequency, cycles per second

D = Single amplitude displacement of the vibration, inches

The maximum velocity shall be the vector sum of the three components recorded.

Table of Maximum Ground Transmitted Vibration		
Zoning District	**Adjacent Lot Lines**	**Residential District**
MXD	0.10	0.02
I-1	0.10	0.02
I-2	0.20	0.02

e. The values stated in paragraph d above may be multiplied by two for impact vibrations, i.e., discrete vibration pulsations not exceeding one second between pulses.

f. Vibrations resulting from temporary construction activity that occurs between 7:00 a.m. and 7:00 p.m. shall be exempt from the requirements of this section

5. **Odors.**

a. For purposes of this section, the odor threshold is defined as the minimum concentration in air of a gas, vapor, or particulate matter than can be detected by the olfactory systems of a panel of healthy observers.

b. No Industrial use classification in any district may generate any odor that reaches the odor threshold, measured at:

(1) The outside boundary of the space leased, rented or occupied by the enterprise generating the odor; or

(2) The lot line if the enterprise generating the odor is the only enterprise located on a lot.

6. **Air pollution.**

a. Any industrial use classification that emits any air contaminant (as defined in G.S. 143-213) shall comply with applicable state standards concerning air pollution, as set forth in Article 21B of Chapter 143 of the North Carolina General Statutes.

b. No site, special use, or conditional use permit may be issued with respect to any development covered by paragraph a above until the state Division of Environmental Management has certified to the permit-issuing authority that the appropriate state permits have been received by the developer (as provided in G.S. 143-215.108) or that the developer will be eligible to receive such permits, and that the development is otherwise in compliance with applicable air pollution laws.

7. **Disposal of liquid wastes.**

a. No industrial use classification in any district may discharge any waste contrary to the provisions of G.S. 143-214.2.

b. No industrial use classification in any district may discharge into the City of Raleigh's sewage treatment facilities any waste that cannot be adequately treated by biological means or otherwise violates applicable City of Raleigh requirements or standards.

8. **Water consumption.** No industrial use classification that requires for its operations a one and one-half-inch or larger meter is permissible in any district unless specifically approved to do so by the Board of Aldermen.

9. Electrical disturbance or interference. No industrial use classification may:

a. Create any electrical disturbance that adversely affects any operations or equipment other than those of the creator of such disturbance; or

b. Otherwise cause, create, or contribute to the interference with electronic signals (including television, and radio broadcasting transmissions) to the extent that the operation of any equipment not owned by the creator of such disturbance is adversely affected.

6.10. Measurement and exceptions.

A. **Density.** Density refers to the number of dwelling units per unit of land area. Density is calculated by dividing the number of dwelling units on a site by the gross area (in acres) of the site on which the dwelling units are located. The

number of dwelling units allowed on a site is based on the presumption that all other applicable standards will be met. The maximum density established for a district is not a guarantee that such densities may be obtained, nor shall the inability of a development to achieve the stated maximum density be considered sufficient justification for varying or otherwise adjusting other density, intensity or dimensional standards.

B. **Lot area.**

1. **Measurement.** Lot area refers to the gross horizontal land area within lot lines, including any wetlands. No conservation buffer or other officially designated buffer area shall be included within the boundaries of any lot.

2. **Exceptions.** No building permit or development approval may be issued for a lot that does not meet the minimum lot area requirements of this UDO except in the following cases:

   a. Nonconforming lots may be used in accordance with the provisions set forth in Section 9.4.

   b. Utilities using land or an unoccupied building covering less than 1,000 square feet of site area shall be exempt from minimum lot area standards.

3. **Absence of sewer or water.** In the absence of public water or public sewer, no building permit shall be issued until the lot meets all applicable requirements of this UDO and Wake County.

C. **Minimum lot widths.**

1. No lot may be created that is so narrow or so irregularly shaped that it would be impracticable to construct on it a building that:

   a. Could be used for purposes permissible in that zoning district;

   b. Could satisfy setback requirements for that district.

2. Lot width.

   a. Without limiting the generality of this standard, the following minimum lot widths are deemed presumptively to satisfy the standard. The lot width shall be a straight line measurement between opposite-side boundaries at the minimum required setback from the street, sufficiently distant from the street to meet the setback requirement and permit compliance with the standard. For instance, a cul-de-sac lot may not be 80 feet wide at the 35 feet front setback, but may be 80 feet wide 45 feet into the lot. Lot width would be measured at the 45 foot line except as provided for under D.3 of this section.

   b. The minimum lot width of any rental space in a manufactured home park shall be 50 feet. The minimum lot width in an RMH zoned manufactured home subdivision shall be 70 feet.

c. No lot created after the effective date of this UDO having less than the recommended width shall be entitled to a variance from any building setback requirement.

d. The minimum lot width in a cluster development shall follow the provisions set forth in Article 6.

D. **Setbacks.** Setbacks refer to the unobstructed, unoccupied open area between the furthermost projection of a structure and the property line of the lot on which the structure is located, except as modified by the standards of this section.

1. **Features allowed within setbacks.** No enclosed usable space of a structure may project into any required yard space, except in the case of permitted rear yard accessory buildings. The following features may be located within a required setback:

a. Trees, shrubbery or other landscape features.

b. Fences and walls that meet the standards in Section 5.4.G.

c. Driveways may be located in any setbacks.

d. Sidewalks may be located within any required setback.

e. Utility lines, wires and associated structures, such as power pole.

f. Uncovered porches, uncovered steps to building entrances, uncovered patio decks and uncovered balconies may extend up to five feet into any required front, rear or street side setback.

g. Openwork fire balconies and fire escapes may extend up to five feet into any required setback.

h. Sills, belt courses, cornices, buttresses, bay windows, eaves and other architectural features may extend up to two feet into any required setback.

i. Chimneys and flues may extend up to two feet into any required setback.

j. Impervious surface associated with parking, driveways, etc. for single family detached dwellings shall occupy no more than 40 percent of the required front yard as established in Article 11.

2. **Measurement of setback distances.** Setback distances shall be measured from the right-of-way line or property line (as applicable) to the nearest extension of any part of the building that is a substantial part of the building itself and not mere appendage to it (such as a flagpole or antenna).

3. **Front setbacks on culs-de-sac.** The Planning Director shall be authorized to approve front setback reductions for lots that front on cul-de-sac streets when the Planning Director determines that such reduction is necessary to allow reasonable development on the subject lot. In no case shall this provision be used to approve front setbacks of less than applicable front yard setback requirement.

4. **Reduction for public purpose.** When an existing setback is reduced because of conveyance to a federal, state or local government for a public purpose and the remaining setback is at least 50 percent of the required minimum setback for the district in which it is located, then that remaining setback will be deemed to satisfy the minimum setback standards of this UDO.

5. **Yard exceptions in all zoning districts.** The following exceptions shall apply in all zoning districts.

   a. Projection of open structures into required yards.

      (1) Porches, canopies, stairways, carports, sundecks and similar structures completely open except for necessary supports, may extend into or over not more than 30 percent of the required rear yard distance or more than 20 percent into a front yard. Open stairways may extend into the front yard setback as required to meet the building code.

      (2) Projections of the above-described open structures beyond the allowable encroachment of 30 percent into a rear yard or more than 20 percent into a front yard will be permitted only if granted by special exception from the Board of Adjustment. In no case shall any projection into a front or rear yard be greater than 45 percent of the required front or rear yard setback distance. At no time shall an exception be granted if it results in interference with a required sight distance triangle, substantial interference with convenient and enjoyable use of adjacent property or substantial danger to the public health or safety.

      (3) Projections of the above-described open structures in any required side yard will be permitted only by special exception from the Board of Adjustment. Such projections shall not extend more than 40 percent into the required side yard distance, including gutters, except in no case shall any projection be closer than five feet to the side property line.

6. **Decorative walls, planting areas and uncovered paved areas,** such as stoops, patios, drives not more than three and one-half feet above surrounding grade level, may project not more than 20 percent into any required yard. If such areas are constructed at surrounding grade, they may extend into any yard spaces; except that at-grade swimming pool surroundings shall be no closer to any property line than five feet.

7. **The Planning Director, or designee,** may grant a deviation of not more than ten percent from any setback or triangulation distance specified in this article when a violation of any such requirements has been created through a good faith error of the property owner or a person acting on his behalf, the error cannot be corrected without substantial hardship or expense, and that granting this relief would not substantially interfere with the convenient and enjoyable use of adjacent property or pose any

substantial danger to the public health or safety. Prior to any decision to grant relief under this section, the owners of the directly adjoining properties shall be given notice by certified mail that a request for this encroachment has been made to the Planning Department. The notice given shall give the adjoining property owners a minimum of seven days from the date of receipt to provide any comments regarding the request to the Planning Department. The decision of the director of planning or designee may be appealed to the Board of Adjustment as provided under Section 3.16.

8. **In NC, CR, SB, I-1 and I-2 districts,** gas pump islands (without pay booths) and all canopies not attached to buildings may be permitted to encroach into the required front and corner side yard setbacks up to 75 percent, so long as a minimum front setback of 25 feet or corner side yard setback of 18 feet remains between the right-of-way line and the closest canopy structure support face or pump island; encroachments of 21 percent to 75 percent may be permitted only by special exception granted by the Board of Adjustment. Approval of the special exception may be granted if all required findings can be made. The Board of Adjustment must be able to find that such projections will not interfere with adequate sight distance or negatively impact traffic circulation patterns.

E. **Minimum building separation.**

1. In MF-1 and MF-2 districts, the minimum building to building separation for multifamily developments, (other than duplexes), shall be determined through the triangulation formula identified in E.2., below.

2. The horizontal length of each exterior wall shall serve as the base of an isosceles triangle, the altitude of which shall be the length of this base line times the appropriate factor from the following table provided no building:

Stories in Dwelling	Factor
1	0.3
2	0.4
3 and above	0.5

3. These isosceles triangles shall not overlap. However, in no case shall the side yard separation between one-story buildings be less than 15 feet or 20 feet for buildings two-story and above.

Commentary: Where individual units within a single building vary significantly in location (five feet or more) and, therefore, do not form a continuous straight building line, the isosceles triangle may be applied to each individual unit.

F. **Building height limitations.** For purposes of this section:

1. The height of a building shall be the vertical distance measured from the mean elevation of the finished grade at the front of the building to the highest point of the building.

2. A point of access to a roof shall be the top of any parapet wall or the lowest point of a roof's surface, whichever is greater. Roofs with slopes greater than 75 percent are regarded as walls.
3. All buildings may exceed the designated height limit for the district, provided the depth of the required front, rear and both side yards shall be increased one foot for each foot or fraction thereof, of building height in excess of 35 feet; and
4. **Exceptions to height limits.** Unless otherwise expressly stated, the height limitations of this UDO shall not apply to any of the following:
   a. Electrical power transmission lines;
   b. Flagpoles, belfries, cupolas, spires, domes, monuments, chimneys, radio/television receiving antennas or chimney flues; or
   c. Bulkhead, elevator, water tank, or any other similar structure or necessary mechanical appurtenance extending above the roof of any building if such structure does not occupy more than 33 percent of the area of the roof.

(Ord. No. 3396, § 12, 4-3-06)

6.11. Planned Unit Development (PUD) standards.

A. **Minimum requirements.** Planned Unit Developments are permissible only on tracts of at least five contiguous acres. The general standards and criteria in Section 4.7 shall also be met.

B. **Required development mix.** All PUD development shall adhere to the following maximum percentages of listed land uses.

Land Use	Maximum Percentage
Single-Family Residential	40 percent
Multifamily Residential	45 percent
Public, Civic and Institutional	15 percent
Commercial, Office and Retail	15 percent

C. **PUD master plan.** The proposed Planned Unit Development master plan shall indicate the particular portions of the lot that the developer intends to develop for each of the elements described above. See Appendix D for the maps, information and analysis required as part of the submittal for PUD approvals. In addition to the requirements in Section 4.7 above, the PUD master plan also illustrates:
   1. Neighborhood character and identity; and
   2. A mixture of land uses, including commercial and residential.

D. **Nonresidential development restrictions.** The nonresidential portions of any Planned Unit Development may not be occupied until all of the residential portions of the development are completed or their completion is guaranteed by any of the mechanisms provided in Section 8.6. The intent of this provision is to ensure that the Planned Unit Development procedure is not used, inten-

tionally or unintentionally, to create nonresidential uses in areas generally zoned for residential uses except as part of an integrated and well-planned, primarily residential, development.

E. **Perimeter setback required.** A minimum 25-foot setback along the entire development perimeter is required, except where single-family residential lots of the standard required square footage of the district in which they are located abut similar single-family development. The setback from any street bordering the PUD tract is 35 feet unless a greater setback is required by this UDO.

F. **Building separation.** A minimum separation between single-family and multifamily buildings of 60 feet is required. Building to building relationships are otherwise specified in Article 6.

G. **Screening and buffering.** No required buffer shall be intruded on by any building, parking area or access drive. Screening and buffering between uses within the PUD shall be in conformance with Section 7.1, Landscaping and tree protection. Reservation of significant natural features shall be documented in the required permit application materials, along with landscaping appropriate to the site, uses and building locations.

H. **Common recreation and open space.** A minimum of 25 percent of the gross land area in the PUD master plan shall be reserved for common recreation and usable open space.

I. **Deviations.** Any requested deviation from the standards otherwise applicable in this UDO shall be set forth in the documentation approved as part of the rezoning and conditional use permit.

6.12. Planned Residential Development (PRD) standards.

A. **Minimum requirements.** Planned Residential Development is an option provided to encourage a mix of housing options within a comprehensively Planned Development, allowing a density bonus in return for provision of substantial landscaping, screening and buffering. Planned Residential Developments are permissible only on tracts of at least 15 contiguous acres. The general standards and criteria in Section 4.7 shall also be met.

Standard	**Requirement**
Maximum Density	7,500 sq. ft. per unit
Minimum Single-Family Requirement (no manufactured homes)	25 percent of total units
Minimum Single-Family Lot Percentages	Of All Single-Family Lots: 60 percent = 12,000 sq. ft. minimum 40 percent = 9,000 sq. ft. minimum
Setbacks Required	See setbacks for R-12 district

B. **PRD master plan.** In addition to the requirements in Section 4.7 above, the PRD master plan also illustrates:

1. Identifiable neighborhoods that have a variety of dwelling types; and
2. A mix of housing types and lot sizes.

C. **Perimeter setback required.** A 25-foot setback along the entire development perimeter is required, except where 12,000 square foot lots abut similar development. Any required screening and buffering, located in Section 7.1, Landscaping and tree protection, shall be within this perimeter setback. Parking and access drives may be permitted within the ten feet farthest from the development perimeter, provided any required buffer is not intruded upon.

D. **Screening and buffering.** The screening requirements that would normally apply where a multifamily development adjoins a single-family development shall not apply within the Planned Residential Development, but all screening requirements shall apply between the development and adjacent lots. Preservation of significant natural features shall be documented in the required permit application materials, along with landscaping appropriate to the site, uses and building locations.

E. **Common recreation and open space.** A minimum of 25 percent of the gross land area in the PRD master plan shall be reserved for common recreation and usable open space.

F. **Minimum building separation.** A minimum separation between single-family and multi-family buildings of 60 feet is required. The building to building separation between multi-family buildings is specified in Section 6.1.

6.13. Traditional Neighborhood Development (TND) standards.

A. **Minimum requirements.** Traditional Neighborhood Development is an option provided to encourage a compact housing within a comprehensively Planned Development that incorporates the principles of new urbanism. Traditional Neighborhood Developments are permissible only on tracts of at least 40 contiguous acres. The general standards and criteria in Section 4.7 shall also be met.

B. **TND master plan.** In addition to the requirements in Section 4.7 above, the TND master plan also illustrates:

1. A Town center which is memorable with a square, green and/or transit stop, with retail and office uses connected to the mix of residential uses in a practical way;
2. Conformance with a general development pattern employing a grid pattern for a majority of development, with back alleys and garages and parking at the rear of buildings;
3. Identifiable neighborhoods that have a variety of dwelling types;
4. Shops and offices located at the edge of the neighborhoods;

5. Interconnection of the Town center and neighborhoods with pedestrian ways and streetscapes;
6. Common areas and meeting places within the general design of development, including churches and schools;
7. Relatively narrow streets, with trees and sidewalks on both sides;
8. A network of open space serving the entire development and providing internal connections within the project;
9. Prominent sites reserved for civic and other important community buildings; and
10. Resulting land use patterns that promote and expand opportunities for pedestrian activity, public transportation and an efficient compact network of streets.

C. **Perimeter setback required.** A 25-foot setback along the entire development perimeter is required, except where 12,000 square foot lots abut similar development. Any required screening and buffering, located in Section 7.1, Landscaping and tree protection, shall be within this perimeter setback. Parking and access drives may be permitted within the ten feet farthest from the development perimeter, provided any required buffer is not intruded upon.

D. **Screening and buffering.** The screening requirements that would normally apply where a multifamily development adjoins a single-family development shall not apply within the Traditional Neighborhood Development, but all screening requirements shall apply between the development and adjacent lots. Preservation of significant natural features shall be documented in the required permit application materials, along with landscaping appropriate to the site, uses and building locations.

E. **Public facilities.**

1. The TND master plan shall establish public squares and meeting places that connect uses.
2. The development may deviate from the City's road width standards, so the development achieves installation consistent with neo-traditional or new urban design principles as deemed appropriate by the Board of Aldermen.

F. **Common recreation and open space.** A minimum of 35 percent of the gross land area in the TND master plan shall be reserved for common recreation and usable open space.

G. **Minimum building separation.** Minimum building separation is specified in Section 6.1.

H. **Traditional Neighborhood Development guidelines.**

1. A central community gathering place, surrounded by civic and nonresidential or mixed uses should be developed as focal point of the development.

2. Residential densities in a Traditional Neighborhood Development should range from five to eight single family units per net acre, and from 15 to 25 multifamily units per net acre.
3. Accessory dwelling units, as defined in Article 11, should make up approximately ten percent of the single-family housing stock of the development.
4. Blocks within the development should range from 200 to 400 feet deep, and 400 to 800 feet long.
5. A hierarchy of streets should be developed that includes collectors with two 12-foot travel lanes, subcollectors with two ten-foot travel lanes, local streets with two ten-foot lanes, and alleys with one 12-foot lane.
6. Shared parking is encouraged, and a base ratio of one space per 500 square feet of Mixed Use Development should be applied.
7. Architectural standards should be incorporated that are responsive to the community's context. The standards should include site design issues such as building orientation and location on the site, location of parking areas, and mixing of uses.

I. **Deviations.** Any requested deviation from the standards otherwise applicable in this UDO shall be set forth in the documentation approved by the Board of Aldermen as part of the rezoning and conditional use permit.

6.14. Mixed Use Development (MXD) standards.

A. **Minimum requirements.** Mixed Use Developments are permissible only on tracts of at least 40 contiguous acres. The general standards and criteria in Section 4.7 shall also be met.

B. **Required development mix.** A minimum of three of the use categories listed below shall be included in any MXD district:

1. Flex space;
2. Office/institutional;
3. Research, technology, and industrial;
4. Commercial;
5. Cultural; and
6. Residential (Maximum of 50 percent of MXD, and then, at no more density than permitted in Article 6 for MF-2. No detached single-family residential is permitted).

C. **MXD master plan.** The proposed Mixed Use Development master plan shall indicate the particular portions of the lot that the developer intends to develop for each of the elements described above. See Appendix D for the maps, information and analysis required as part of the submittal for MXD approvals.

D. **Perimeter setback required.** A minimum 50-foot setback along the entire development perimeter is required. The setback from any street bordering the MXD tract shall be 35 feet unless a greater setback is required by this UDO.

E. **Building separation.** Building to building relationships are otherwise specified in Article 6.

F. **Screening and buffering.** No required buffer shall be intruded on by any building, parking area or access drive. Screening and buffering between uses within the MXD shall be in conformance with Section 7.1, Landscaping and tree protection. Reservation of significant natural features shall be documented in the required permit application materials, along with landscaping appropriate to the site, uses and building locations.

G. **Public facilities.** Where residential uses are proposed, the MXD master plan shall establish public squares and meeting places that connect uses.

H. **Common recreation and open space.** A minimum of five percent of the gross land area in the MXD master plan shall be reserved for common recreation and usable open space.

I. **Mixed use guidelines.**

1. The Mixed Use Development should contain some buildings that are vertically mixed in use.
2. Retail uses should be placed at street level, while office and residential uses should be placed in the rear or on the upper stories.
3. Any limitation on residential density should be a function of parking demands, vehicular traffic generation, adequate utility service, building height, and lot coverage.
4. Streets should interconnect within the development and with adjoining development. Streets should be planned with due regard to the designated corridors shown on the thoroughfare plan.
5. Mid-block and rear alleys should be utilized for access to parking, service and loading areas to minimize the number of driveways along the main pedestrian spaces.
6. To facilitate transit usage and circulation, Mixed Use Development should provide transit stops at key nodes with easy access to the surrounding thoroughfares along routes through the development planned to accommodate the technical requirements of bus operations.
7. Locate buildings close to the street, with parking behind and/or beside buildings. If the building is located at a street intersection, place the main building, or part of the building, at the corner. Parking, loading or service may not be located at an intersection.
8. Pedestrian circulation should be an integral part of the initial site layout. Organize the site so that the buildings frame and reinforce pedestrian circulation, and so that the pedestrians walk along building fronts rather than along or across parking lots and driveways.

J. **Deviations.** Any requested deviation from the standards otherwise applicable in this UDO shall be set forth in the documentation approved by the Board of Aldermen as part of the rezoning and conditional use permit.